

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, THURSDAY, DECEMBER 24, 1992

PART I

Acts, Ordinances, President's Orders and Regulations

SENATE SECRETARIAT

Islamabad, the 24th December, 1992.

The following Act of Majlis-e-Shoora (Parliament) received the assent of the President on the 22nd December, 1992 and is hereby published for general information:—

ACT NO. XXVIII OF 1992

An Act further to amend the Pakistan Army Act, 1952

WHEREAS it is expedient further to amend the Pakistan Army Act, 1952 (XXXIX of 1952), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Pakistan Army (Amendment) Act, 1992.

(2) It shall come into force at once.

2. **Amendment of section 133, Act XXXIX of 1952.**—In the Pakistan Army Act, 1952 (XXXIX of 1952), hereinafter referred to as the said Act, in section 133, after the figure and letter "133A" at the end, the words, figure and letter "and section 133B" shall be added.

3. **Amendment of section 133A, Act XXXIX of 1952.**—In the said Act, in section 133A,—

(a) in the marginal heading, after the word "Appeals", the words "for Hadd cases" shall be added;

(653)

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- (b) in sub-section (1), after the words "Court of Appeals", occurring at the end, the words "for Hadd cases" shall be added; and
- (c) in sub-sections (2), (3) and (4), after the words "Court of Appeals", the words "for Hadd cases" shall be added or, as the case may be, inserted.

4. **Insertion of new section 133B, Act XXXIX of 1952.**—In the said Act, after section 133A, the following new section shall be inserted, namely:—

"133B. *Court of Appeals for other cases.*—(1) Any person to whom a court-martial has awarded a sentence of death, imprisonment for life, imprisonment exceeding three months, or dismissal from the service after the commencement of the Pakistan Army (Amendment) Act, 1989, may, within forty days from the date of announcement of finding or sentence or promulgation thereof, whichever is earlier, prefer an appeal against the finding or sentence to a Court of Appeals consisting of the Chief of the Army Staff or one or more officers designated by him in this behalf, presided by an officer not below the rank of Brigadier in the case of General Court-Martial or Field General Court-Martial or District Court-Martial or Summary Court-Martial convened or confirmed or countersigned by an officer of the rank of Brigadier or below as the case may be, and one or more officers, presided by an officer not below the rank of Major General in other cases, hereinafter referred to as the Court of Appeals:

Provided that where the sentence is awarded by the court-martial under an Islamic law, the officer or officers so designated shall be Muslims:

Provided further that every Court of Appeals may be attended by a judge advocate who shall be an officer belonging to the Judge Advocate General's Department, Pakistan Army, or, if no such officer is available, a person appointed by the Chief of the Army Staff.

- (2) A Court of Appeals shall have power to—
- (a) accept or reject the appeal in whole or in part; or
 - (b) substitute a valid finding or sentence for an invalid finding or sentence; or
 - (c) call any witness, in its discretion for the purpose of recording additional evidence in the presence of the parties, who shall be afforded an opportunity to put any question to the witness; or
 - (d) annul the proceedings of the court-martial on the ground that they are illegal or unjust; or

- (e) order retrial of the accused by a fresh court; or
- (f) remit the whole or any part of the punishment or reduce or enhance the punishment or commute the punishment for any less punishment or punishments mentioned in this Act.

(3) The decision of a Court of Appeals shall be final and shall not be called in question before any court or other authority whatsoever.

5. **Amendment of section 154, Act XXXIX of 1952.**—In the said Act, in section 154, for the fullstop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:—

“Provided that when the deceased person was attached to, or formed part of, a force which was not on active service, the commanding officer shall obtain from the representative, widow or next of kin of the deceased to whom the amount as aforesaid is paid an undertaking to the effect that the amount left after payment of debts, if any, shall be distributed amongst the legal heirs of the deceased.”

6. **Amendment of section 160, Act XXXIX of 1952.**—In the said Act, in section 160, for the fullstop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:—

“Provided that when the deceased officer was attached to, or formed part of, a force which was not on active service — the commanding officer shall obtain from the representative, widow or next of kin of the deceased to whom the amount as aforesaid is paid an undertaking to the effect that the amount left after payment of debts, if any, shall be distributed among the legal heirs of the deceased.”

RAHAT ULLAH KHAN JARRAL,
Secretary.