

REGISTERED NO. M-302
L-7646

The  of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, SATURDAY, DECEMBER 26, 1992

PART I

Acts, Ordinances, President's Orders and Regulations

SENATE SECRETARIAT

Islamabad, the 26th December, 1992

The following Acts of Majlis-e-Shoora (Parliament) received the assent of the President on the 23rd December, 1992, and are hereby published for general information :—

ACT No. XXX OF 1992

An Act further to amend the Pakistan Air Force Act, 1953

WHEREAS it is expedient further to amend the Pakistan Air Force Act, 1953 (VI of 1953), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

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

(2) It shall come into force at once.

2. **Amendment of section 162A, Act VI of 1953.**—In the Pakistan Air Force Act, 1953 (VI of 1953), hereinafter referred to as the said Act, in section 162A, in the marginal heading, after the words “Court of Appeals”, the words “for Hadd cases” shall be added.

3. **Insertion of new section 162B, Act VI of 1953.**—In the said Act, after section 162A, amendment as aforesaid, the following new section shall be inserted, namely:—

“162-B. *Court of Appeals for other than Hudood cases.*—(1) Any person to whom a court-martial has awarded any one or more of the following punishments:—

- (a) death,
- (b) imprisonment for a period exceeding three months,
- (c) dismissal from the service,

after the commencement of the Pakistan Air Force (Amendment) Act, 1992, may, within thirty days from the promulgation of the sentence, prefer an appeal against the finding or sentence of the court martial to a Court of Appeals consisting of an officer designated by the Chief of the Air Staff:

Provided that where an accused has pleaded guilty and has been convicted by a court-martial on such plea, there shall be no appeal except as to the extent or legality of the sentence:

Provided further that where the sentence has been awarded by a court-martial under an Islamic law, the officer so designated shall be a Muslim.

(2) The Court of Appeals shall have power to—

- (a) accept or reject the appeal; 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 re-trial of the accused by a fresh court-martial; or
- (f) remit the whole or any part of the punishment or mitigate the punishment or commute the punishment for any less punishment or punishments mentioned in this Act.

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

4. **Amendment of section 190, Act VI of 1953.**—In the said Act, in section 190, for the full-stop 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 to whom the aforesaid amount 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.”

5. **Amendment of section 195, Act VI of 1953.**—In the said Act, in section 195, for the full-stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:—

“Provided that when the deceased officer or warrant 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 to whom the aforesaid amount 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.”

RAHATULLAH KHAN JARRAL

Secretary.