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PART I

Acts, Ordinances, Orders and Regulations

SENATE SECRETARIAT

Islamabad, the 16th June, 1990

The following Act of Majlise-e-Shoora (Parliament) received the assent of the President on the 5th June, 1990, and is hereby published for general information :—

**ACT NO. V OF 1990**

*An Act further to amend the Suppression of Terrorist Activities (Special Courts) Act, 1975*

WHEREAS it is expedient further to amend the Suppression of Terrorist Activities (Special Courts) Act, 1975 (XV of 1975), for the purposes hereinafter appearing :

It is hereby enacted as follows :—

**1. Short title and commencement.**—(1) This Act may be called the Suppression of Terrorist Activities (Special Courts) (Amendment) Act, 1990.

(2) It shall come into force at once.

(17)

Price: Rs. 80

[3618 Ex. Gas.]

**2. Substitution of section 5, Act XV of 1975.**—In the Suppression of Terrorist Activities (Special Courts) Act, 1975 (XV of 1975), hereinafter referred to as the said Act, for section 5 the following shall be substituted and shall be deemed to have been so substituted on the thirteenth day of October, 1988, namely:—

“5. *Taking of cognizance.*—(1) The officer-in-charge of a police station shall complete the investigation and forward directly to the Special Court a report under section 173 of the Code within fourteen days in respect of a case triable by such Court :

Provided that the Special Court may extend the time within which such report is to be forwarded in a case where good reasons are shown for not doing so within the time specified in this sub-section.

- (2) Any default on the part of an officer-in-charge of a police station, an investigating officer or any other person required by law to perform any functions in connection with the investigation, which result in, or has the effect of, delaying the investigation or the submission of the report under sub-section (1), shall be deemed to be a wilful disobedience of the order of the Special Court and dealt with under the law accordingly.
- (3) The Special Court may directly take cognizance of a case triable by such Court without the case being sent to it under section 190 of the Code.
- 5A. *Procedure of Special Court.*—(1) On taking cognizance of a case, the Special Court shall proceed with the trial from day to day and shall decide the case speedily.
- (2) A Special Court shall not adjourn any trial for any purpose, unless such adjournment is, in its opinion, necessary in the interest of justice and no adjournment shall be granted for more than two days.
- (3) A Special Court shall not, merely by reason of a change in its composition or transfer of a case under section 4A, be bound to recall and rehear any witness who has given evidence, and it may act on the evidence already recorded.
- (4) An accused person may be tried in his absence, if the Special Court, after such inquiry as it deem fit, is satisfied that—
- (a) such absence is deliberate and brought about with a view to impeding the course of justice; or
- (b) the behaviour of the accused in court has been such as to impede the course of justice and the Special Court has on that account ordered his removal from the Court :

Provided that, in a case referred to in clause (a), the accused person shall not be tried unless a proclamation in accordance with the provisions of section 87 of the Code has been published in respect of him, which proceedings shall be completed by the Special Court within seven days, and until the proclamation has been published in at least three national daily newspapers out of which two shall be in the Urdu language :

Provided further that the Special Court shall proceed with the trial after taking necessary steps to appoint an advocate to defend the accused person who is not before the Court.

- (5) The advocate appointed under the second proviso to sub-section (4) shall be a person selected by the Special Court for the purpose as far as may be, with the consent of the accused and he shall be engaged at the expense of Government and a notice of his appointment shall be published by the Special Court in the newspapers referred to in the first proviso to the said sub-section.
- (6) An accused who is tried in his absence under sub-section (4) shall be deemed not to have admitted commission of any offence for which he has been charged.
- (7) If, within sixty days from the date of his conviction, any person tried under sub-section (4) appears voluntarily or is apprehended and brought before the Special Court and proves to its satisfaction that he did not abscond or conceal himself for the purpose of avoiding the proceeding against him, the Special Court shall set aside his conviction and proceed to try him for the offence for which he is charged :

Provided that the Special Court may exercise its powers under this sub-section in a case in which a person as aforesaid appears before it after the expiration of the said period and satisfies it that he was prevented from appearing within the said period by circumstances beyond his control.

- (8) An accused person shall not be released on bail by a Special Court or by any other court, if there appear reasonable grounds for believing that he has been guilty of a scheduled offence; nor shall an accused person be so released unless the prosecution has been given notice to show cause why he should not be so released.
- (9) A Special Court shall, in all matters with respect to which no procedure has been prescribed by this Act, follow the procedure prescribed by the Code for the trial of cases by Magistrates."

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3. **Amendment of section 7, Act XV of 1975.**—In the said Act, in section 7, in sub-section (2), after the words "High Court" at the end, the words "within three months" shall be added and shall be deemed to have been so added on the thirteenth day of October, 1988.

4. **Amendment of Schedule, Act XV of 1975.**—In the said Act, in the Schedule, in paragraph (c), for the words "or rocket" the commas, words, letter and figure "rocket or a light or heavy automatic or semi-automatic weapon, such as a klashinkov, a G-III rifle or any other type of assault rifle" shall be substituted and shall be deemed to have been so substituted on the second day of November, 1988.

**AZIZ AHMED QURESHI,**  
*Secretary.*