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PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT

*Islamabad, the 29th April, 1977*

The following Acts of Parliament received the assent of the President on the 30th April, 1977, and are hereby published for general information:—

ACT No. N of 1977

*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 purpose hereinafter appearing:

It is hereby enacted as follows:—

**1. Short title, extent, commencement and duration.** (1) This Act may be called the Pakistan Army (Amendment) Act, 1977.

(2) It extends to the areas in which the Armed Forces of Pakistan are for the time being acting in aid of civil power in pursuance of Article 245 of the Constitution, except clause (b) of section 2, which extends to the whole of Pakistan.

(3) It shall come into force at once and shall be deemed to have taken effect on the twenty-first day of April, 1977.

(4) It shall remain in force in an area referred to in sub-section (2) until the Armed Forces of Pakistan are acting therein in aid of civil power in pursuance of Article 245 of the Constitution.

(203)

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**2. Amendment of section 2, Act XXXIX of 1952.**—In the Pakistan Army Act, 1952 (XXXIX of 1952), hereinafter referred to as the said Act, in section 2, in sub-section (1),—

(a) in clause (d), in paragraph (ii), after the semi-colon at the end, the word “or” shall be added and thereafter the following new paragraph shall be added, namely:—

“(iii) an offence punishable under section 123, 123A, 124A, 143, 144, 147, 148, 152, 153A, 188, 193, 224, 225, 283, 302, 304, 307, 325, 326, 332, 342, 353, 364, 366, 376, 392, 395, 396, 397, 431, 435 or 436 of the Pakistan Penal Code (Act XLV of 1860), or the Pakistan Arms Ordinance, 1965 (W. P. Ordinance XX of 1965), or the Explosive Substances Act, 1908 (VI of 1908), or the Defence of Pakistan Ordinance, 1971 (XXX of 1971), or any rule made thereunder or the High Treason (Punishment) Act, 1973 (LXVIII of 1973), or the Prevention of Anti-National Activities Act, 1974 (VII of 1974), or an attempt or conspiracy to commit, or an abetment of, any of the said offences;” and

(b) after clause (d), amended as aforesaid, the following new clause shall be inserted, namely:

“(dd) persons not otherwise subject to this Act who are accused of having done any act with intent to impair the efficiency or impede the working of, or to cause damage to,—

- (i) any building, vehicle, machinery apparatus or other property used, or intended to be used, for the purposes of the State or any local authority;
- (ii) any railway as defined in the Railways Act, 1890 (IX of 1890), tramway, road, canal, bridge, culvert, causeway, port dockyard, lighthouse, aerodrome, or any telegraph, telegraph line or post, as defined in the Telegraph Act, 1885 (XIII of 1885), or any wireless installation;
- (iii) any vessel or aircraft or rolling stock of a railway or tramway;
- (iv) any building or other property used in connection with the production, distribution or supply of any essential commodity, any sewage works, mine or factory;
- (v) any prohibited place or protected place; that is punishable under any rules made under the Defence of Pakistan Ordinance, 1971 (XXX of 1971), or an attempt or conspiracy to do, or an abetment of any such act.”.

**3. Amendment of section 88, Act XXXIX of 1952.**—In the said Act, in section 88,—

(a) in sub-section (1), for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:

‘Provided that, for the trial of an offence mentioned in paragraph (iii) of clause (d) or clause (dd) of sub-section (1) of section 2, a summary court martial may be held by an officer, not below the rank of Captain, empowered in this behalf by an officer holding warrant ‘B’ within the area of his command.’; and

(b) in sub-section (2), after the word 'but', the commas, words, brackets and figure "1" except in the case of an offence referred to in the proviso to sub-section (1), shall be inserted."

4. **Certain offences exclusively triable by a court martial.**—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (V of 1898), the Pakistan Army Act, 1952 (XXXIX of 1952), or any other law for the time being in force, the offences mentioned in paragraph (iii) of clause (d) and clause (dd) of sub-section (1) of section 2 of the said Act shall be triable exclusively by a court martial held thereunder:

Provided that an officer authorised in this behalf by the Chief of the Army Staff may, by order in writing, transfer any such case for trial to any court or tribunal of competent jurisdiction."

5. **Saving.**—Nothing in this Act shall be deemed to require the transfer to a court martial held under the Pakistan Army Act, 1952 (XXXIX of 1952), of any case or proceedings pending, immediately before the commencement of this Act, before any court or tribunal.

6. **Repeal.**—The Pakistan Army (Amendment) Ordinance, 1977 (XVIII of 1977), is hereby repealed.