

**GOVERNMENT OF PAKISTAN**  
**MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS**  
**(Law Division)**



**A**

**COLLECTION OF THE**  
**FEDERAL ACTS, ORDINANCES, PRESI-**  
**DENT'S ORDERS AND REGULATIONS**  
**FOR THE YEAR 1982**

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**PUBLISHED BY THE MANAGER OF PUBLICATIONS, GOVERNMENT OF PAKISTAN,**  
**KARACHI**

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# The Gazette of Pakistan

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

ISLAMABAD, THURSDAY, MARCH 18, 1982

## PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law  
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

*Islamabad, the 18th March, 1982*

**No. F. 17 (1)82-Pub.**—The following Ordinance made by the President on 17th March, 1982 is hereby published for general information :—

ORDINANCE NO. 1 OF 1982

AN

ORDINANCE

*further to amend the Pakistan Penal Code*

WHEREAS it is expedient further to amend the Pakistan Penal Code (Act XLV of 1860), for the purpose hereinafter appearing ;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action ;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. **Short title, extent and commencement.**—(1) This Ordinance may be called the Pakistan Penal Code (Amendment) Ordinance, 1982.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

(7)

Price : Ps. 9



2. **Insertion of new section 295B, Act XLV of 1860.**—In the Pakistan Penal Code (Act XLV of 1860), after section 295A, the following new section shall be inserted, namely :—

“295B. *Defiling, etc., of copy of Holy Quran.*—Whoever wilfully defiles, damages or desecrates a copy of the Holy Quran or of an extract therefrom or uses it in any derogatory manner or for any unlawful purpose shall be punishable with imprisonment for life.”

GENERAL

M. ZIA-UL-HAQ

*President.*

C. A. RAHMAN,

*Secretary.*

# The Gazette of Pakistan

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

ISLAMABAD, THURSDAY, MARCH 25, 1982

## PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law  
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

Islamabad, the 25th March, 1982

**No. F. 17 (1)82-Pub.**—The following Ordinance made by the President on 22nd March, 1982 is hereby published for general information :—

ORDINANCE NO. II OF 1982

AN

### ORDINANCE

*further to amend the Offences Against Property (Enforcement of Hudood) Ordinance, 1979.*

WHEREAS it is expedient further to amend the Offences Against Property (Enforcement of Hudood) Ordinance, 1979 (VI of 1979), for the purpose hereinafter appearing :

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action :

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. **Short title and commencement.**—(1) This Ordinance may be called the Offences Against Property (Enforcement of Hudood) (Amendment) Ordinance, 1982.

(17)

Price : Ps. 9



(2) It shall come into force at once.

2. Amendment of section 24, Ordinance VI of 1979.—In the Offences Against Property (Enforcement of *Hudood*) Ordinance, 1979 (VI of 1979), in section 24, in sub-section (1), in the second proviso, after the words "the said sections", the commas and words "or from an order under any other provision of this Ordinance which imposes a sentence of imprisonment for a term exceeding two years," shall be inserted.

GENERAL

M. ZIA-UL-HAQ,

*President.*

C. A. RAHMAN,

*Secretary.*

# The Gazette of Pakistan

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

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ISLAMABAD, SUNDAY, APRIL 4, 1982

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## PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law  
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

*Islamabad, the 4th April, 1982*

**No. F. 17 (1)82-Pun.**—The following Ordinances made by the President on 31st March, 1982 are hereby published for general information :—

ORDINANCE No. III OF 1982

AN

## ORDINANCE

*further to amend the Pakistan Insurance Corporation Act, 1952*

WHEREAS it is expedient further to amend the Pakistan Insurance Corporation Act, 1952 (XXXVIII of 1952), for the purposes hereinafter appearing :

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action ;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

**1. Short title and commencement.**—(1) This Ordinance may be called the Pakistan Insurance Corporation (Amendment) Ordinance, 1982.

(2) It shall come into force at once.

(29)

Price : Ps. 9



2. **Amendment of section 18, Act XXXVIII of 1952.**—In the Pakistan Insurance Corporation Act, 1952 (XXXVIII of 1952), hereinafter referred to as the said Act, in section 18, the words "and an office at Lahore" shall be omitted.

3. **Amendment of section 22, Act XXXVIII of 1952.**—In the said Act, in section 22, clause (i) shall be omitted.

4. **Amendment of section 29, Act XXXVIII of 1952.**—In the said Act, in section 29, in sub-section (3), after the brackets and figure "(1)", the words, brackets and figures "or sub-section (2) of section 26" shall be inserted.

5. **Amendment of section 33, Act XXXVIII of 1952.**—In the said Act, in section 33, in sub-section (1), for the word "six" the word "nine" shall be substituted.

6. **Amendment of section 37, Act XXXVIII of 1952.**—In the said Act, in section 37, in sub-section (2), for the word "six" the word "nine" shall be substituted.

## ORDINANCE No. IV OF 1982

AN

## ORDINANCE

*further to amend the Ports Act, 1908*

WHEREAS it is expedient further to amend the Ports Act, 1908 (XV of 1908), for the purpose hereinafter appearing:

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action:

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. **Short title and commencement.**—(1) This Ordinance may be called the Ports (Amendment) Ordinance, 1982.

(2) It shall come into force at once.

2. **Amendment of section 6, Act XV of 1908.**—In the Ports Act, 1908 (XV of 1908), in section 6, in sub-section (3), for the words "one thousand rupees" the words "fifty thousand rupees" shall be substituted.

GENERAL  
M. ZIA-UL-HAQ.  
President.

C. A. RAHMAN.  
Secretary.

# The Gazette of Pakistan



EXTRAORDINARY  
PUBLISHED BY AUTHORITY

ISLAMABAD, SATURDAY, APRIL 10, 1982

## PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law  
Orders and Regulations

GOVERNMENT OF PAKISTAN

### MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS (Law Division)

*Islamabad, the 10th April, 1982*

**No. F. 17 (1)82-Pub.**—The following Ordinances made by the President on 7th April, 1982 are hereby published for general information:—

ORDINANCE NO. V OF 1982

AN

### ORDINANCE

*further to amend the Pakistan Standards Institution (Certification Marks)  
Ordinance, 1961*

WHEREAS it is expedient further to amend the Pakistan Standards Institution (Certification Marks) Ordinance, 1961 (XLVIII of 1961), for the purposes hereinafter appearing:

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action:

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

**1. Short title and commencement.**—(1) This Ordinance may be called the Pakistan Standards Institution (Certification Marks) (Amendment) Ordinance, 1982.

(2) It shall come into force at once.

**2. Amendment of section 9, Ordinance XLVIII of 1961.**—In the Pakistan Standards Institution (Certification Marks) Ordinance, 1961 (XLVIII of 1961), hereinafter referred to as the said Ordinance, in section 9, in sub-section (1), for the word "sale" the words and comma "manufacture, keeping in stock and sale" shall be substituted.

**3. Amendment of section 16, Ordinance XLVIII of 1961.**—In the said Ordinance, in section 16, after the word "fine", the words "which shall not be less than twenty-five thousand rupees" shall be inserted.

**4. Amendment of section 17, Ordinance XLVIII of 1961.**—In the said Ordinance, in section 17, for the words "may extend to five thousand rupees" the words "shall not be less than twenty thousand rupees" shall be substituted.

(35)



ORDINANCE NO. VI OF 1982

AN

ORDINANCE

*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 purpose hereinafter appearing ;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action ;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. **Short title, extent and commencement.**—(1) This Ordinance may be called the Suppression of Terrorist Activities (Special Courts) (Amendment) Ordinance, 1982.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. **Amendment of Schedule, Act XV of 1975.**—In the Suppression of Terrorist Activities (Special Courts) Act, 1975 (XV of 1975), in the Schedule, in paragraph (a), in sub-paragraph (i), after the figure, letter and comma "123A.", the figure, letter and comma "124A." shall be inserted.

GENERAL

M. ZIA-UL-HAQ.

President.

C. A. RAHMAN.

Secretary.

# The Gazette of Pakistan



EXTRAORDINARY  
PUBLISHED BY AUTHORITY

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ISLAMABAD, TUESDAY, APRIL 20, 1982

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## PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law  
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

*Islamabad, the 20th April, 1982*

No. F. 17 (1) 82-Pub.—The following Ordinance made by the President on 18th April, 1982 is hereby published for general information :—

ORDINANCE No. VII OF 1982

AN

ORDINANCE

*to amend the Motion Pictures Ordinance, 1979*

WHEREAS it is expedient to amend the Motion Pictures Ordinance, 1979 (XLIII of 1979), for the purposes hereinafter appearing ;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action ;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title, extent and commencement.—(1) This Ordinance may be called the Motion Pictures (Amendment) Ordinance, 1982.

(41)

Price : Ps. 9



(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Amendment of section 13, Ordinance XLIII of 1979.—In the Motion Pictures Ordinance, 1979 (XLIII of 1979), hereinafter referred to as the said Ordinance, in section 13, in sub-section (4), after the word "determine" at the end, the comma and words ", including the maximum charges for the admission of persons to the exhibition of a film in a place in respect of which such licence is granted" shall be added.

3. Amendment of section 18, Ordinance XLIII of 1979.—In the said Ordinance, in section 18, after sub-section (3), the following new sub-section shall be inserted, namely :—

"(3A) Whoever charges for the admission of any person to the exhibition of a film in a place licenced under this Ordinance any amount in excess of the maximum charges fixed under sub-section (4) of section 13, or sells to any person a ticket for such admission at a cost higher than the maximum charges so fixed, shall be punished with the punishment provided for in sub-section (2)."

GENERAL  
M. ZIA-UL-HAQ,  
*President.*

C. A. RAHMAN,  
*Secretary.*

### CORRIGENDA

[to the Gazette of Pakistan, Extraordinary, Part I, dated the 12th April, 1982, containing P. O. No. 8 of 1982.]

Page 40 : In the last but one line, for "C. A. REHMAN" read "C. A. RAHMAN".

" : In line 20 from the bottom for "reafirm" read "reaffirm".

# The Gazette of Pakistan



EXTRAORDINARY  
PUBLISHED BY AUTHORITY

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ISLAMABAD, SUNDAY, APRIL 25, 1982

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## PART I

**Acts, Ordinances, President's Orders and Regulations including Martial Law  
Orders and Regulations**

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

*Islamabad, the 25th April, 1982*

**No. F. 17 (1) 82-Pub.**—The following Ordinance made by the President on 22nd April, 1982 is hereby published for general information :—

**ORDINANCE No. VIII of 1982**

**AN**

## **ORDINANCE**

*further to amend the Small Business Finance Corporation Act, 1972*

**WHEREAS** it is expedient further to amend the Small Business Finance Corporation Act, 1972 (XXIX of 1972), for the purpose hereinafter appearing ;

**AND WHEREAS** the President is satisfied that circumstances exist which render it necessary to take immediate action ;

**NOW, THEREFORE**, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

**1. Short title and commencement.**—(1) This Ordinance may be called the Small Business Finance Corporation (Amendment) Ordinance, 1982.

(2) It shall come into force at once.

(43)

Price : Ps. 9



2. **Amendment of section 16, Act XXIX of 1972.**—In the Small Business Finance Corporation Act, 1972 (XXIX of 1972), in section 16, after clause (j), the following new clauses shall be inserted, namely :—

- “(ja) To raise, with the approval of the Federal Government, foreign currency credits or loans from banks or lending agencies outside Pakistan ;
- (jb) To open letters of credit and establish correspondent relationship abroad for import of machinery or equipment against foreign currency credits or loans and cash foreign exchange allocation which may be made available by the Federal Government ;”.

GENERAL  
M. ZIA-UL-HAQ,  
*President.*

C. A. RAHMAN,  
*Secretary.*

# The Gazette of Pakistan

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

ISLAMABAD, TUESDAY, MAY 18, 1982

## PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law  
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

Islamabad, the 18th May, 1982

No. F. 17 (1)/82-Pub.—The following Ordinance made by the President is hereby published for general information :—

ORDINANCE No. IX OF 1982

AN

## ORDINANCE

*further to amend the House Building Finance Corporation Act, 1952*

WHEREAS it is expedient further to amend the House Building Finance Corporation Act, 1952 (XVIII of 1952), for the purpose hereinafter appearing :

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action :

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. **Short title and commencement.**—(1) This Ordinance may be called the House Building Finance Corporation (Amendment) Ordinance, 1982.

(2) It shall come into force at once.

2. **Amendment of section 23, Act XVIII of 1952.**—In the House Building Finance Corporation Act, 1952 (XVIII of 1952), in section 23, in clause (a), after the word "by" occurring for the second time, the words "usage or by" shall be inserted.

GENERAL  
M. ZIA-UL-HAQ,  
President.

C. A. RAHMAN,  
Secretary.

(49)

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# The Gazette of Pakistan

EXTRAORDINARY  
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ISLAMABAD, TUESDAY, MAY 18, 1982

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## PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law  
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS  
(Law Division)

Islamabad, the 18th May, 1982

**No. F. 17 (1) 82-Pub.**—The following Ordinance made by the President is hereby published for general information:—

ORDINANCE No. X OF 1982

AN

## ORDINANCE

*further to amend certain Acts relating to levy of cesses on agricultural products*

WHEREAS it is expedient further to amend certain Acts relating to the levy of cesses on agricultural products;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

**1. Short title and commencement.**—(1) This Ordinance may be called the Acts relating to Cesses on Agricultural Products (Amendment) Ordinance, 1982.

(2) It shall come into force at once.

**2. Amendment of certain Acts.**—The Acts specified in the Schedule are hereby amended to the extent and in the manner specified in the fourth column thereof.

(51)

Price : Ps. 19

## THE SCHEDULE

[See Section 2]

Sl. No.	Number and year of the Act.	Short title of the Act	Amendments made
1	2	3	4
1.	XXIV of 1930	The Lac Cess Act, 1930.	<p>1. For the long title the following shall be substituted, namely :—</p> <p>“An Act to provide for the levy and collection of a cess on lac and refuse lac exported from Pakistan”.</p> <p>2. For the Preamble the following shall be substituted, namely :—</p> <p>“Whereas it is expedient to provide for the levy and collection of a cess on lac and refuse lac exported from Pakistan ;”.</p> <p>3. In section 2, clauses (a) and (b) shall be omitted.</p> <p>4. Section 6 shall be omitted.</p>
2.	XXVII of 1940	The Agricultural Produce Cess Act, 1940	<p>1. For the long title the following shall be substituted, namely :—</p> <p>“An Act to provide for the levy and collection of a cess on certain agricultural products exported from Pakistan”.</p> <p>2. For the Preamble the following shall be substituted, namely :—</p> <p>“Whereas it is expedient to provide for the levy of a cess on certain agricultural products exported from Pakistan ;”.</p> <p>3. Section 2 shall be omitted.</p>



4. Sections 5A, 5B, 5C, 6, 6A, 6B, 6C and 6D shall be omitted.
  5. In section 10, in sub-section (2), clauses (a) to (s) shall be omitted.
  6. Section 11 shall be omitted.
  7. In section 12, the words and figure "and all regulations made under section 11" shall be omitted.
3. X of 1944      ..      The Coconut Committee 1944.
1. For the long title the following shall be substituted, namely :—  

"An Act to provide for the levy and collection of a cess on copra consumed in mills".
  2. For the Preamble the following shall be substituted, namely :—  

"Whereas it is expedient to provide for the levy and collection of a cess on copra consumed in mills ;".
  3. In section 1, for sub-section (1) the following shall be substituted, namely :—  

"(1) This Act may be called the Coconut Cess Act, 1944."
  4. In section 2, clause (b) shall be omitted.
  5. In section 3, sub-section (2) shall be omitted.
  6. Section 9 shall be omitted.
4. IX of 1946      ..      The Oilseeds Committee Act, 1946.
1. For the long title the following shall be substituted, namely :—  

"An Act to provide for the levy and collection of cesses on oils extracted from oilseeds and oilseeds exported from Pakistan".

2. For the Preamble the following shall be substituted, namely :—

“Whereas it is expedient to provide for the levy and collection of cesses on oils extracted from oilseeds and oilseeds exported from Pakistan ;”.

3. In section 1, for sub-section (1) the following shall be substituted, namely :—

“(1) This Act may be called the Oilseeds Cesses Act, 1946.”.

4. In section 2, clause (b) shall be omitted .
5. In section 3, sub-section (2) shall be omitted.
6. Section 9 shall be omitted.

GENERAL

M. ZIA-UL-HAQ,

*President.*

C. A. RAHMAN,

*Secretary.*



# The Gazette of Pakistan

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

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ISLAMABAD, TUESDAY, MAY 18, 1982

---

## PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law  
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

*Islamabad, the 18th May, 1982*

**No. F. 17 (1)82-Pub.**—The following Ordinance made by the President is hereby published for general information :—

ORDINANCE No. XI OF 1982

AN

## ORDINANCE

*to amend the Ex-Government Servants (Employment with Foreign Governments)  
(Prohibition) Act, 1966*

WHEREAS it is expedient to amend the *Ex-Government Servants (Employment with Foreign Governments) (Prohibition) Act, 1966 (XII of 1966)*, for the purpose hereinafter appearing ;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action ;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

**1. Short title and commencement.**—(1) This Ordinance may be called the *Ex-Government Servants (Employment with Foreign Governments) (Prohibition) (Amendment) Ordinance, 1982*.

(2) It shall come into force at once.

(55)

Price : Ps. 9

2. **Substitution of section 4, Act XII of 1966.**—In the *Ex-Government Servants (Employment with Foreign Governments) (Prohibition) Act, 1966 (XII of 1966)*, for section 4 the following shall be substituted, namely :—

“4. *Penalty.*—Whoever contravenes the provisions of section 3 shall be punishable with imprisonment for a term which may extend to seven years, or with fine which may extend to fifty thousand rupees, or with forfeiture of property, or with any two or more of the said punishments.”

GENERAL

M. ZIA-UL-HAQ,

*President.*

C. A. RAHMAN,

*Secretary.*



# The Gazette of Pakistan

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

ISLAMABAD, THURSDAY, JUNE 17, 1982

## PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law  
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

*Islamabad, the 14th June, 1982*

**No. F. 17 (1)82-Pub.**—The following Ordinance made by the President on the 14th June, is hereby published for general information :—

**ORDINANCE No. XII of 1982**

**AN**

## ORDINANCE

*to give effect to the financial proposals of the Federal Government for the year beginning on the first day of July, 1982, and to amend certain laws.*

WHEREAS it is expedient to make provisions to give effect to the financial proposals of the Federal Government for the year beginning on the first day of July, 1982, and to amend certain laws for the purposes hereinafter appearing :

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action ;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance, namely :—

**1. Short title, extent and commencement.**—(1) This Ordinance may be called Finance Ordinance, 1982.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

(57)

Price : Ps. 62

**2. Surcharge on imported goods.**—(1) There shall be levied and collected an additional customs duty as surcharge on the importation of the goods specified in the First Schedule to the Customs Act, 1969 (IV of 1969), at the rate of five per cent of the value of the said goods as determined under section 25 of the said Act:

Provided that for the purposes of the Sales Tax Act, 1951 (III of 1951), the additional customs duty shall not constitute a part of the duty-paid value.

(2) The Federal Government, subject to such conditions, limitations and restrictions, if any, as it thinks fit to impose, may, by notification in the official Gazette, exempt any goods imported into Pakistan, from the whole or any part of the additional customs duty leviable under sub-section (1).

**3. Amendment of Act I of 1944.**—The following amendments shall be made in the Central Excises and Salt Act, 1944 (I of 1944), namely:—

- (1) in section 4, in sub-section (2), after the words and comma "charges and taxes," the words and comma "other than octroi," shall be inserted; and
- (2) the First Schedule shall be amended in the manner specified in the First Schedule to this Ordinance.

**4. Amendment of Act III of 1951.**—The following amendment shall be made in the Sales Tax Act, 1951 (III of 1951), namely:—

In Section 3, in sub-section (4) for the proviso the following shall be substituted, namely:—

"Provided that, in case of goods mentioned in clause (a) of sub-section (1), the tax shall, where the Board so directs, be levied and collected as if it were a duty of excise leviable under section 3 of the Central Excises and Salt Act, 1944 (I of 1944), and all the provisions of the said Act and the rules made thereunder shall, so far as may be and with the necessary modifications, apply notwithstanding the provisions of this Act."

**5. Amendment of Act XV of 1963.**—The following amendments shall be made in the Wealth-tax Act, 1963 (XV of 1963), namely:—

- (1) in section 2, in clause (r), after the figure "9", the words "and includes a Special Officer and a Tax Recovery Officer" shall be inserted;
- (2) in section 14, in sub-section (1), for the word "before" the words "on or before" shall be substituted; and
- (3) in section 17, in sub-section (1), for the full stop at the end of colon shall be substituted and thereafter the following proviso shall be added, namely:—

"Provided that no proceedings under this sub-section shall be initiated unless definite information has come into the possession of the Wealth-tax Officer or he has obtained the previous approval of the Inspecting Assistant Commissioner of Wealth-tax in writing to do so."



6. **Amendment of Act IV of 1969.**—The following further amendments shall be made in the Customs Act, 1969 (IV of 1969), namely :—

- (1) in section 2, in clause (s), for sub-clauses (a) and (b) the following shall be substituted, namely :—
  - “(i) gold bullion, silver bullion, platinum, palladium, radium, precious stones, antiques, currency, narcotics and narcotic and psychotropic substances ; or
  - (ii) manufactures of gold or silver or platinum or palladium or radium or precious stones, and any other goods notified by the Federal Government in the official Gazette, which, in each case, exceed five thousand rupees in value ; or
  - (iii) any goods by any route other than a route declared under section 9 or 10 or from any place other than a customs-station.” ;
- (2) in section 25A, for the words “Collector of Customs” the words “appropriate officer” shall be substituted ;
- (3) in section 32, in sub-section (3), for the words “four months” the words “six months” shall be substituted ;
- (4) in section 33, in sub-sections (1) and (2), for the words “four months” the words “six months” shall be substituted ;
- (5) in section 79,—
  - (a) in sub-section (2), in the proviso, for the words “Collector of Customs” the words “appropriate officer” shall be substituted ; and
  - (b) in sub-section (3), for the words “the Collector of Customs” the words “an officer not below the rank of Deputy Collector of Customs” shall be substituted ;
- (6) in section 98, in the proviso, for clause (i) the following shall be substituted, namely :—
  - “(i) the following shall be substituted, namely :—
  - “(i) the said period may, in case of non-perishable goods, be extended, on sufficient cause being shown by the owner of the warehoused goods and subject to the condition that he pays in advance interest on the duty involved at two per cent per month for the extended period,—
  - (a) by the Collector of Customs—for a period not exceeding one year ; and
  - (b) by the Board—for such period as it may deem fit :

Provided further that in circumstances of exceptional nature, the Board may, subject to such conditions, limitations or restrictions, if any, as it may think fit to impose, by a special order in each case recording such circumstances, remit the whole or a part of the interest ;” ;



- (7) in section 140, for the full stop at the end of colon shall be substituted, and thereafter the following proviso shall be added, namely :—

“ Provided that in the case of goods cleared as mis-handled baggage or un-accompanied baggage, the rate of duty shall be the rate in force on the date on which a declaration for clearance of such goods is presented before the appropriate officer after landing of the goods.”;

- (8) In section 142, for the comma and words, “ the appropriate officer ” the words and comma “ and about which the appropriate officer is satisfied that these were not imported with the intention of consumption in Pakistan, he ” shall be substituted ;

- (9) in section 156,—

(a) in sub-section (1), in the Table,—

- (i) in column 2, for the words “ two hundred and fifty rupees ”, “ five hundred rupees ”, “ two thousand rupees ”, “ two thousand five hundred rupees ”, “ five thousand rupees ” and “ ten thousand rupees ” wherever occurring the words “ one thousand rupees ”, “ two thousand rupees ”, “ ten thousand rupees ”, “ fifteen thousand rupees ”, “ twenty-five thousand rupees ” and “ fifty thousand rupees ”, respectively, shall be substituted ;

- (ii) against serial No. 17 in column 1, for the entries in column 2, the following shall be substituted, namely :—

“ such person shall be liable to a penalty now exceeding twenty-five thousand rupees ; and such goods shall also be liable to confiscation.”;

- (iii) in serial No. 48 in column 1, after the word “ prohibited ”, the comma and word “ , restricted ” shall be inserted ;

- (iv) against serial No. 89 in column 1, for the entry in column 2 the following shall be substituted, namely :—

“ such goods shall be liable to confiscation and any person concerned in the offence shall be liable to a penalty not exceeding ten times the value of the goods ; and, where the value of such goods exceeds ten thousand rupees, he shall further be liable, upon conviction by a Special Judge, to imprisonment for a term not exceeding six years and to a fine not exceeding ten times the value of such goods and if the Special Judge in his discretion so orders also to whipping.”;

- (v) against serial No. 91 in column 1, for the entry in column 2, the following shall be substituted, namely :—

“ such goods shall be liable to confiscation and any person concerned in the offence shall be liable to a penalty not exceeding twenty-five thousand rupees ; and, upon conviction by a Special Judge, he shall further be liable to imprisonment for a term not exceeding one year, or to a fine not exceeding twenty-five thousand rupees, or to both.”; and



- (vi) in the 'Explanation', for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added namely:—

"Provided that in the case of accompanied baggage or any un-manifested goods meant for export, the offence shall be deemed to have been committed when such baggage or goods enter the customs-area or are delivered to the carrier of the conveyance."; and

- (b) in sub-section (2), for the words and commas "currency, gold, silver, precious stones, ornaments or other manufactures of gold, silver or precious stones which the Federal Government may, by notification in the official Gazette, specify" the words, brackets, letter and figure "any goods specified in clause (s) of section 2 or in a notification issued thereunder" shall be substituted;
- (10) in section 157, in sub-section (2), in the proviso, for the words "Collector of Customs" twice occurring the words "appropriate officer" shall be substituted;
- (11) in section 185F, in sub-section (1), for the words "thirty days" the words "sixty days" shall be substituted;
- (12) in section 215, in clause (a), the words "acknowledgement due" shall be omitted; and
- (13) the First Schedule shall be amended in the manner specified in the Second Schedule to this Ordinance.

**7. Amendment of Ordinance XXXI of 1979.**—(1) The following amendments shall be made in the Income-Tax Ordinance, 1979 (XXXI of 1979), namely:—

- (1) in section 20, in sub-section (1), after clause (e), the following new clause shall be inserted, namely:—

"(ee) where the property has been acquired, constructed, renovated, extended or reconstructed with capital contributed by the House Building Finance Corporation constituted under the House Building Finance Corporation Act, 1952 (XVIII of 1952), or a scheduled bank, under a scheme of investment in property on the basis of sharing the rental income made by the said Corporation or the bank, the amount representing share in rental income (excluding return of capital, if any) from the said property paid to the said Corporation or the bank:";

- (2) in section 23, in sub-section (1), after clause (viib), the following new clause shall be inserted, namely:—

"(viic) any sum paid by the House Building Finance Corporation constituted under the House Building Finance Corporation Act, 1952 (XVIII of 1952), to the State Bank of Pakistan (hereinafter referred to as the 'Bank') as the share of the Bank in the profits earned by the said Corporation on its investment in the property made under a Scheme of investment in property on partnership in profit and loss, where such investment is provided by the Bank under the House Building Finance Corporation (Issue and Redemption of Certificates) Regulations, 1982:";



- (3) in section 32, in sub-section (1), after the word "gains", the commas and words "except income from dividends," shall be inserted;
- (4) in section 35, for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:—

" Provided that, where the said loss relates to an assessment year commencing on or after the first day of July, 1976, and is sustained by any such assessee, being the owner of an industrial unit which is declared sick and is being rehabilitated under a scheme approved by the Federal Government, as may be notified by the Central Board of Revenue in the official Gazette, this section shall have effect as if for the words "six assessment years" the words "ten assessment years" were substituted. ";

- (5) in section 45, for the word "forty-five" the word "fifty" shall be substituted;
- (6) in section 50,—
- (a) in sub-section (2), in the proviso, for the full stop at the end a colon shall be substituted and thereafter the following new proviso shall be added, namely:—

" Provided further that, where the Income Tax Officer gives a certificate in writing (which certificate he shall give in every proper case on the application of the assessee) that to the best of his belief the assessee shall not be liable to pay any tax under this Ordinance or shall be liable to pay tax at a rate which is less than the rate specified in the First Schedule, the person responsible for paying any income referred to in this sub-section shall, until such certificate is cancelled by the Income Tax Officer, pay the amount involved without deduction or deduct the tax at such less rate, as the case may be. "; and

- (b) in sub-section (3), in the proviso, the words, brackets and figures "and sub-section (2)" shall be omitted;
- (7) in section 53,—
- (a) in sub-section (1),—
- (i) for the words, brackets and figure "sub-section (1)" the words, brackets and figures "sub-sections (1) and (2)" shall be substituted; and
- (ii) for the words "is not less than twenty five thousand rupees" the words and commas "is, in the case of a company not less than twenty-five thousand rupees, and in other cases not less than fifty thousand rupees" shall be substituted; and
- (b) after sub-section (1), amended as aforesaid, the following new sub-section shall be inserted, namely:—

"(1A) In the case of non-resident assessee, divided income shall be excluded from the total income for the purposes of sub-section (1).";



(8) for section 64 the following shall be substituted namely :—

“64. *Limitation for assessment.*—(1) No assessment under section 62 or section 63 shall be made after the expiration of two years from the end of the assessment year in which the total income was first assessable.

(2) Notwithstanding anything contained in sub-section (1), where a return of total income under section 55 has been filed after the end of the financial year in which the last date of filing of such return specified in that section falls, no assessment under section 62 or section 63 shall be made after the expiration of two years from the end of the financial year in which the said return is filed.

(3) Notwithstanding anything contained in sub-section (1), where, for any income year, as assessee has failed to furnish the return of total income, no assessment under section 62 or section 63 shall be made after the expiration of two years from the end of the financial year in which notice under section 56, sub-section (3) of section 72 or sub-section (3) of section 81, as the case may be, was served.”;

(9) in section 65,—

(a) for sub-section (3) the following shall be substituted, namely :—

“(3) Notice under sub-section (1), in respect of any income year, may be issued within ten years from the end of the assessment year in which the total income of the said income year was first assessable.”; and

(b) after sub-section (3), substituted as aforesaid, the following new sub-section shall be inserted, namely :—

“(3A) Where a notice under sub-section (1) has been issued, no order under the said sub-section shall be made after the expiration of one year from the end of the financial year in which such notice was served.”;

(10) in section 106,—

(a) for sub-section (6) the following shall be substituted, namely :—

“(6) Where any credit is allowed under this section and it is subsequently discovered by the Income Tax Officer that—

(a) any shares, investment in which has resulted in the said credit, are sold, transferred or otherwise disposed of within five years of the date of their purchase; or

(b) the approved industrial undertaking referred to in sub-section (7)—

(i) was not up within the period specified in the order of approval; or

- (ii) was set up in an area other than that specified in the order of approval and in consequence of that the assessee was not entitled to any credit ; or
- (iii) was set up in an area other than that specified in the order of approval and in consequence of that the assessee was entitled to an amount of credit which is less than the amount actually allowed ; or
- (iv) has not started commercial production within the period specified in the order of approval,

the assessee shall, notwithstanding anything contained in this Ordinance, be liable to pay, in addition to any tax otherwise payable by it in respect of the income year in which such infringement was discovered, additional tax equal to,—

- (i) in the case referred to in sub-section (iii) of clause (b), the difference in the amount actually allowed and the amount of credit allowable ; and
- (ii) in other cases, the full amount of credit actually allowed, and

where no such tax is otherwise payable by the assessee in respect of the said income year, the said additional tax shall be deemed to be the tax payable by it in respect of the said income year.” ; and

- (b) after sub-section (7), the following new sub-section shall be inserted, namely :—

“(7A) Notwithstanding anything contained in this section, the Central Board of Revenue may, in the case of any company applying for approval of an industrial undertaking owned by it, grant approval under this section before the said undertaking is set up or has commenced commercial production.” ;

- (11) in section 108, in clause (b), after the figure “143”, the comma, figure and letter “, 143A” shall be inserted ;
- (12) in section 129, in sub-section (1), the word and figure “or 115” shall be omitted ;
- (13) in section 133, in sub-sections (4), (5) and (7), for the word “President” the word “Chairman” shall be substituted ,
- (14) in section 138, in sub-section (5),—
  - (a) in clause (b), the word “and” at the end shall be omitted ;
  - (b) in clause (c), for the full stop at the end the semicolon and word “; and” shall be substituted ; and



- (c) after clause (c), amended as aforesaid, the following new clause shall be added, namely :—

“(d) where an order is passed under section 115, references to “Commissioner” shall be deemed to be references to “Regional Commissioner.”;

- (15) in section 141.—

(a) for the words “public company” and the word “company” shall be substituted; and

(b) in the *Explanation*, clause (1) shall be omitted;

- (16) after section 143, the following new section shall be inserted, namely :—

“143A. *Statement regarding certain properties.*—(1) Every Registering Officer, Revenue Officer or other officer appointed to register any documents relating to property, other than agricultural land, under the Registration Act, 1908 (XVI of 1908), shall, on or before the first day of September in each year, furnish to the Income Tax Officer or any other officer authorised in this behalf by the Central Board of Revenue, a statement regarding the properties the value of which is not less than fifty thousand rupees, registered with him during the preceding financial year, in the prescribed form and verified in the prescribed manner, showing—

- (a) the names and addresses of the buyer and the seller;
- (b) the registered value of the property;
- (c) the address of the property;
- (d) the date of registration; and
- (e) such other particulars as may be prescribed.

- (2) Every person responsible for the assessment of capital gains tax arising from the sale, exchange or transfer of immovable property situated within the urban areas specified by the Government under the West Pakistan Urban Immovable Property Tax Act, 1958 (West Pakistan Act No. V of 1958), shall, on or before the first day of September in each year, furnish to the Income Tax Officer or any other officer authorised in this behalf by the Central Board of Revenue, a statement regarding the properties assessed to capital gains tax by him during the preceding financial year, in the prescribed form and verified in the prescribed manner, showing—

- (a) the names and address of the buyer and the seller;
- (b) the assessed value of the property;
- (c) the address of the property;
- (d) the date of assessment; and
- (e) such other particulars as may be prescribed.”;

(17) in the First Schedule,—

(a) in Part II, in paragraph A, in sub-paragraph (2),—

- (i) in clause (a), for the figure "10" the figure "5" shall be substituted; and
- (ii) in clause (c), for the figure "30" the figure "20" shall be substituted; and

(b) in Part III,—

- (i) in paragraph A, in sub-paragraph (i), in clause (a), for the words "one and one-half" the word "two" shall be substituted; and
- (ii) in paragraph B, in the proviso, for the figure "50,000" the figure "100,000" shall be substituted;

(18) in the Second Schedule,—

(a) in Part I,—

- (i) in clause (20), the words "proceeding on leave for that purpose" shall be omitted;
- (ii) in clause (21A), for the words "officer" the word "assessee" shall be substituted;
- (iii) after clause (41), the following new clause shall be inserted, namely :—

"(41A) Any income of a person, being an employee of the Federal Government or a Provincial Government, representing honorarium paid to him in pursuance of any rules made for the grant and regulation of such honorarium."

(iv) in clause (80),

(a) after sub-clause (a), the following new sub-clause shall be inserted, namely :—

"(aa) in respect of dividend income received from a company not listed on a stock exchange in Pakistan.

- |  |                           |
|--|---------------------------|
| (i) where such dividend income does not exceed five thousand rupees. | The whole of such income. |
| (ii) where such dividend income exceeds five thousand rupees.        | Five thousand rupees :    |

Provided that the aggregate of sums exempted under this sub-clause and sub-clause (a) shall not exceed fifteen thousand rupees ; " ;



(b) in sub-clause (c), for the figure "1982" the figure "1983" shall be substituted; and

(c) in sub-clause (e),—

(i) for the colon at the end a semicolon shall be substituted; and

(ii) after sub-clause (e), amended as aforesaid, the following new sub-clause shall be added, namely:—

“(f) in respect of dividend income received from open and close ended Mutual Funds, or any investment Company registered under the Investment Companies and Investment Advisers Rules, 1971, and listed on a stock exchange, out of capital gains. The whole of such income.”;

(v) in clause (99), for the figure "1983" the figure "1985" shall be substituted;

(vi) in clause (100), for the figures "1983" the figure "1985" shall be substituted;

(vii) in clause (101), for the figure "1983" the figure "1985" shall be substituted;

(viii) in clause (102), for the figure "1982" the figure "1985" shall be substituted; and

(ix) in clause (108), for the figure "1982" the figure "1985" shall be substituted; and

(b) in Part IV, in clause (2), after the words "a company", the words "with a paid up capital of less than rupees three million and" shall be inserted; and

(19) in the Third Schedule, in rule 5, in sub-rule, after clause (c), the following new clause shall be inserted, namely:—

“(cc) in the case of machinery or plant (other than ships or motor vehicles not plying for hire), given on lease by the assessee, being a scheduled bank or a financial institution, on or after the first day of July, 1982. Forty per cent of the written down value.”

(2) The following provisions of sub-section (1) shall have effect in respect of the income years or the assessment years mentioned against the said provision, namely:—

(a) Amendment in section 45

Income year relevant to the assessment year commencing on or after the first day of July, 1983.

## (b) Addition of—

- (i) sub-clause (aa) and sub-clause (f) to clause (80) of Part I of the Second Schedule, and

Income year relevant to the assessment year commencing on or after the first day of July, 1983.

- (ii) clause (cc) to sub-rule (1) of rule 5 of the Third Schedule.

8. **Amendment of Finance Ordinance, 1979 (XXX of 1979).**—In the Finance Ordinance, 1979 (XXX of 1979), for section 3 the following shall be substituted and shall be deemed to have been so substituted on the twenty-eight day of June, 1979, namely :—

“3. **Repeal of Act X of 1950.**—(1) The Estate Duty Act 1950 (X of 1950), is hereby repealed.

(2) Upon the repeal of the aforesaid Act,—

- (a) all proceedings which, immediately before such repeal, may be pending before the authorities appointed thereunder shall stand transferred for final disposal to such officers as the Central Board of Revenue may, by notification in the official Gazette, designate; and

- (5) all proceedings which could have been initiated under the aforesaid Act had it not been repealed in the case of any person who died before such repeal shall be initiated and finally disposed of by such officers as the Central Board of Revenue may, by notification in the official Gazette, designate.

- (3) Any proceedings transferred or remanded to an officer in pursuance of sub-section (2) shall be disposed of by him in accordance with the provisions of the aforesaid Act.”

9. **Validation of actions taken by any authority specified in section 3A of the Estate Duty Act, 1950 (X of 1950).**—Anything done, action taken or order passed, or purported to have been done, taken or passed, on or after the twenty-eighth day of June, 1979, and before the commencement of this Ordinance, by, or under the authorisation of, any authority specified in section 3A of the Estate Duty Act, 1950 (X of 1950) shall be deemed to have been validly done, taken or passed and shall have and shall be deemed always to have effect accordingly.

### THE FIRST SCHEDULE

(See section 3)

#### IN PART I

(1) In section II, in item No. 02.01 in column 1, in sub-item A, for clauses (i) and (ii) in column 2 and the entries relating thereto in columns 2 and 3 the following shall be substituted, namely:—

“(i) Aerated waters marketed under foreign brand names :—

- (a) if filled in containers containing less than 260 millilitres. Seventy five paise per unit container.



(b) if filled in containers containing 260 millilitres or more. Rs. 3.00 per litre or fraction thereof.

(ii) Others :—

(a) if filled in containers containing less than 260 millilitres. Fifty paise per unit container.

(b) if filled in containers containing 260 millilitres or more, Rs. 2.00 per litre or fraction thereof.

(2) In section II, in item No. 02.03 in column 1, in sub-item II A (i), for clauses (a) and (b) in column 2, and the entries relating to clause (a) in column 3, the following shall be substituted namely:—

“(a) not more than seventy paise” and “Fifty per cent of the retail price.”

(b) more than seventy paise.

(3) In section III, in item No. 03.03 in column I, for the words “Three rupees and ninety-five paise per tonne” in column 3 the words “Five per cent *ad valorem*” shall be substituted.

## THE SECOND SCHEDULE

(See section 6)

### AMENDMENT IN THE CUSTOMS ACT, 1969 (IV OF 1969)

In the Customs Act, 1969 (IV of 1969), in the First Schedule, against the heading numbers specified in the first column of the table below, for the entries relating to the “Description of goods” and “Rate of duty” the corresponding entries in the second and third columns of the table shall be substituted.

TABLE

Heading No.	Description of goods	Rate of duty
1	2	3
25.04	Natural graphite .. .. .	40% <i>ad val.</i>
28.17	Sodium hydroxide (caustic soda) ; potassium hydroxide (caustic potash); peroxides of sodium or potassium.	
	A. Sodium hydroxide (caustic soda), solid .. .. .	85% <i>ad val.</i>
	B. Sodium hydroxide in aqueous solution .. .. .	40% <i>ad val.</i>
	C. Potassium hydroxide (caustic potash); peroxides of sodium or potassium .. .. .	40% <i>ad val.</i>
28.42	Carbonates and percarbonates ; commercial ammonium carbonate containing ammonium carbamate.	
	A. Neutral sodium carbonate (Soda-ash) .. .. .	85% <i>ad val.</i>

1	2	3
	B. carbonates (other than neutral sodium carbonate) and per-carbonates ; commercial ammonium carbonate containing ammonium carbonate	
	01 Sodium bicarbonate .. .. .	85% <i>ad val.</i>
	02 Nickel carbonate powder .. .. .	40% <i>ad val.</i>
	03 Other .. .. .	40% <i>ad val.</i>
29.04	Acyclic alcohols and their halogenated, sulphonated, nitrated or nitrosated derivatives	
	A. Methyl alcohol (methanol) .. .. .	40% <i>ad val.</i>
	B. Propyl or isopropyl alcohols (propanols) .. .. .	40% <i>ad val.</i>
	C. Butyl alcohols (butanols) .. .. .	40% <i>ad val.</i>
	D. Octyl alcohols (octanols) .. .. .	40% <i>ad val.</i>
	E. Ethylene glycol (ethanediol) .. .. .	40% <i>ad val.</i>
	F. Other .. .. .	40% <i>ad val.</i>
38.11	Disinfectants, insecticides, fungicides, rat poisons, herbicides, anti-sprouting products, plant-growth regulators and similar products, put up in forms or packings for sale by retail or as preparations or articles (for example, sulphur-treated bands, wicks and candles, fly papers)	
	A. Disinfectants .. .. .	
	01 Put up in packing for sale .. .. .	120% <i>ad val.</i>
	02 Otherwise packed .. .. .	Free.
	B. Insecticides .. .. .	Free.
	C. Fungicides .. .. .	Free.
	D. Weed-killers (herbicides) .. .. .	Free.
	E. Others .. .. .	
	01 Mosquito coils, mats and the like .. .. .	40% <i>ad val.</i>
	02 Other .. .. .	Free.
44.15	Plywood, blockboard, laminboard, battenboard and similar laminated wood products (including veneered panels and sheets); inlaid wood and wood marquetry.	
	A. Plywood consisting solely of sheets of wood .. .. .	250% <i>ad val.</i>
	B. Blockboard, laminboard, battenboard and similar laminated wood products	
	01 Insulating board .. .. .	250% <i>ad val.</i>
	02 Others .. .. .	250% <i>ad val.</i>
	C. Other .. .. .	250% <i>ad val.</i>
44.18	Reconstituted wood, being wood shavings, wood chips, sawdust, wood flour or other ligneous waste agglomerated with natural or artificial resins or other organic binding substances, in sheets, blocks or the like .. .. .	
		250% <i>ad val.</i>



1	2	3
48.01	Paper and paperboard (including cellulose wadding), in rolls or sheets.	
A.	Newsprint, that is to say, paper in rolls or sheets, having a water absorbency when tested by the one-minute Cobb method of not less than 45 grammes per square metre containing not less than 70 per cent of mechanical wood pulp and of weight not less than 48 nor more than 63 grammes per square metre	Rs. 4000.00 per metric ton.
B.	Printing paper (other than newsprint) and writing paper	Rs. 4000.00 per metric ton.
C.	Kraft liner	Rs. 4000.00 per metric ton.
D.	Sack kraft paper	Rs. 4000.00 per metric ton.
E.	Other kraft paper and paperboard	Rs. 4,000.00 per metric ton.
F.	Semi-chemical fluting paper	Rs. 4,000.00 per metric ton.
G.	Sulphite wrapping paper	Rs. 4,000.00 per metric ton.
G.	Other paper and paperboard :	
01	Starch paper and paperboard for the manufacture of torch cells	50 % ad val.
02	Cigarette paper	50 % ad val.
03	Manifold paper	50 % ad val.
04	Carbon tissue	50 % ad val.
05	Duplex, triplex and multiplex paper and paperboard	Rs. 4,000.00 per metric ton.
06	Paper for the manufacture of sensitized paper	50 % ad val.
07	Filter paper and paperboard and absorbent paper and paperboard	50 % ad val.
08	Condenser paper and cable paper	50 % ad val.
09	Paper and paperboard for the manufacture of punched cards	50 % ad val.
10	Stencil paper	50 % ad val.
11	Other	Rs. 4,000.00 per metric ton.
48.07	Paper and paperboard, impregnated, coated, surface-coloured, surface-decorated or printed (not constituting printed matter within Chapter 49), in rolls or sheets :	
A.	Printing or writing paper	Rs. 4,000.00 per metric ton.
B.	Paper and paperboard (other than printing or writing paper), coated or impregnated with artificial or synthetic resins (excluding adhesives)	Rs. 4,000.00 per metric ton.

C. Tarred, bituminised or asphalted paper and paperboard .. Rs. 4,000.00 per metric ton.

D. Others :

01 Carbon paper and graphite paper .. 70% *ad val.*  
 02 Coated tissue paper for the manufacture of stencils .. 50% *ad val.*  
 03 Coated duplex, triplex and multiples paper and paperboard. Rs. 4,000.00 per metric ton.  
 04 Filter paper and paperboard .. 50% *ad val.*  
 05 Lithographic and micro-tinted cheque paper .. 50% *ad val.*  
 06 Insulating paper and paperboard .. 50% *ad val.*  
 07 Other .. Rs. 4,000.00 per metric ton.

59.04 Twine, cordage, ropes and cables, plated or not :

A. Of cotton .. 85% *ad val.*  
 B. Of coir .. 85% *ad val.*  
 C. Of sisal .. 85% *ad val.*  
 D. Of manila hemp .. 85% *ad val.*  
 E. Of jute .. 85% *ad val.*  
 F. Of true hemp .. 85% *ad val.*  
 G. Of polyamide (nylon and similar products) .. 150% *ad val.*  
 H. Other .. 150% *ad val.*

68.04 Hand polishing stones, whetstones, oilstones, hones and the like, and millstones, grindstones, grinding wheels and the like (including grinding, Sharpening, polishing, truing and cutting wheels, heads, discs and points), of natural stone (agglomerated or not), of agglomerated natural or artificial abrasives, or of pottery, with or without cores, shanks, sockets, axles and the like of other materials, but without frameworks ; segments and other finished parts of such stones and wheels, of natural stone (agglomerated or not) of agglomerated natural or artificial abrasives, or of pottery.

A. Grinding wheels :

01 Of 24-inch. or less in diameter .. 100% *ad val.*  
 02 Other .. 40% *ad val.*

B. Polishing stones, whetstones, oil stones, hones and the like .. 85% *ad val.*

C. Millstones and grindstones .. 50% *ad val.*

D. Heads, discs, points and the like .. 50% *ad val.*

E. Other .. 85% *ad val.*

73.24 Containers, of iron or steel, for compressed or liquefied gas :

A. Gas Cylinders .. 20% *ad val.*

B. Other .. 20% *ad val.*



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84.11	Air pumps, vacuum pumps and air or gas compressors (including motor and turbo pumps and compressors, and free-piston generators for gas turbines); fans, blowers and the like :	
	A. Pumps and compressors :	
	01 For airconditioners and refrigerators .. .. .	40 % <i>ad val.</i>
	02 For auto repair workshops and garages .. .. .	40 % <i>ad val.</i>
	03 For aircraft .. .. .	40 % <i>ad val.</i>
	04 For motor vehicles and cycles :	
	(a) Foot pumps and hand pumps .. .. .	85 % <i>ad val.</i>
	(b) Other .. .. .	40 % <i>ad val.</i>
	05 For agricultural machinery and tractors .. .. .	40 % <i>ad val.</i>
	06 For marine and outboard engines .. .. .	40 % <i>ad val.</i>
	07 For other machinery .. .. .	40 % <i>ad val.</i>
	08 Others .. .. .	40 % <i>ad val.</i>
	B. Parts of pumps or compressors .. .. .	40 % <i>ad val.</i>
	C. Free-piston generators for gas turbines and parts thereof .. .. .	40 % <i>ad val.</i>
	D. Fans, blowers and the like, and parts thereof .. .. .	40 % <i>ad val.</i>
84.17	Machinery, plant and similar laboratory equipment, whether or not electrically heated, for the treatment of materials by a process involving a change of temperature such as heating, cooking, roasting, distilling, rectifying, sterilising, pasteurising, steaming, drying, evaporating, vapourising, condensing or cooling, not being machinery or plant of a kind used for domestic purposes; instantaneous or storage water heaters, non-electrical :	
	A. Domestic instantaneous or storage water heaters, non-electrical, and parts thereof .. .. .	160 % <i>ad val.</i>
	B. Other machinery, plant and equipment, and parts thereof .. .. .	
	01 Asphalt heating machines .. .. .	85 % <i>ad val.</i>
	02 Paddy driers .. .. .	Free.
	03 Other .. .. .	40 % <i>ad val.</i>
84.24	Agricultural and horticultural machinery for soil preparation or cultivation (for example, ploughs, harrows, cultivators, seed and fertilizer distributors); laws and sports ground rollers :	
	A. Ploughs .. .. .	Free.
	B. Seeders, planters and transplanters, fertilizer distributors and manure spreaders .. .. .	Free.
	C. Scarifiers, cultivators, weeders, hoes and harrows .. .. .	Free.
	D. Other machinery :	
	01 Lawn and sports ground rollers .. .. .	Free.
	02 Other .. .. .	Free.
	E. Parts .. .. .	Free.

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84.28	Other agricultural, horticultural, poultry-keeping and bee-keeping machinery, germination plant fitted with mechanical or thermal equipment ; poultry incubators and brooders :	
	A. Machinery :	
	01 Chaff cutters, fodder choppers and the like .. .. .	85% <i>ad val.</i>
	02 Other .. .. .	<i>Free.</i>
	B. Parts .. .. .	<i>Free.</i>
84.45	Machine-tools for working metal or metal carbides, not being machines falling within heading No. 84.49 or 84.50 :	
	A. Machine-tools operating by electric-erosion or other electric or electronic processes ; ultrasonic machine-tools .. .. .	40% <i>ad val.</i>
	B. Gear-cutting machines .. .. .	40% <i>ad val.</i>
	C. Lathes :	
	01 Turret lathes of spindle upto and including bar size one inch, centre height 4-1/2" and thread cutting and tapping capacity upto and including 1/2" .. .. .	85% <i>ad val.</i>
	02 Capstan lathes, automatic of 3 ft to 15 ft. bed length and height from 4" to 14" .. .. .	85% <i>ad val.</i>
	03 Other .. .. .	40% <i>ad val.</i>
	D. Reaming or milling machines .. .. .	85% <i>ad val.</i>
	E. Drilling or boring machines :	
	01 Bench type machines having multiple speeds and reversible motors .. .. .	85% <i>ad val.</i>
	02 Pillar type machines upto 1.98 cm drilling capacity .. .. .	85% <i>ad val.</i>
	03 Upright type upto 5.08 cm drilling capacity .. .. .	85% <i>ad val.</i>
	04 Other .. .. .	85% <i>ad val.</i>
	F. Sawing (including friction or abrasive cutting off machines :	
	01 High speed hach-saw machines of cutting diameter not exceeding 7" or blades of length 18" .. .. .	85% <i>ad val.</i>
	02 Other .. .. .	40% <i>ad val.</i>
	G. Planing machines .. .. .	340% <i>ad val.</i>
	H. Tapping or screw-cutting machines :	
	01 Having multiple speeds and reversible motors .. .. .	40% <i>ad val.</i>
	02 Other .. .. .	85% <i>ad val.</i>
	I. Sharpening, trimming, trueing, grinding, polishing, lapping, dressing or surfacing machines and similar machines operating by means of grinding wheels, abrasives or polishing products :	
	01 Grinding machines :	
	(a) Bench type machines fitted with motors of 50 cycles having rpm over 3,000. .. .. .	85% <i>ad val.</i>



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	(b) Other bench type grinding machines .. ..	40% <i>ad val.</i>
	(c) Other grinding machines .. ..	40% <i>ad val.</i>
02	Honing machines :	
	(a) Bench type honing machines, having multiple speeds and reversible motors .. ..	40% <i>ad val.</i>
	(b) Other bench type honing machines .. ..	85% <i>ad val.</i>
	(c) Other honing machines .. ..	85% <i>ad val.</i>
03	Polishing machines :	
	(a) Bench type polishing machines, having multiple speeds and reversible motors .. ..	40% <i>ad val.</i>
	(b) Other bench type polishing machines .. ..	85% <i>ad val.</i>
	(c) Other polishing machines, having multiple speeds and reversible motors .. ..	40% <i>ad val.</i>
	(d) Other polishing machines .. ..	85% <i>ad val.</i>
04	Lapping machines .. ..	40% <i>ad val.</i>
05	Other .. ..	40% <i>ad val.</i>
J.	Presses, other than those of sub-headings K., L and M :	
01	Not exceeding 60.963 metric tons (60 tons) pressure .. ..	85% <i>ad val.</i>
02	Other .. ..	40% <i>ad val.</i>
K.	Forging machines and stamping machines :	
01	Forging machines .. ..	40% <i>ad val.</i>
02	Stamping machines .. ..	40% <i>ad val.</i>
L.	Bending, forming, folding or flattening machines .. ..	40% <i>ad val.</i>
M.	Shearing, punching or notching machines :	
01	Punching machines :	
	(a) Bench type punching machines with multiple speeds and reversible motors .. ..	40% <i>ad val.</i>
	(b) Other bench type punching machines .. ..	85% <i>ad val.</i>
	(c) Other punching machines .. ..	85% <i>ad val.</i>
02	Other .. ..	40% <i>ad val.</i>
N.	Other machine-tools for working metal or metal carbides :	
01	Shaping machines :	
	(a) Having stroke not exceeding 45.7 cm (18") .. ..	85% <i>ad val.</i>
	(b) Other shaping machines .. ..	40% <i>ad val.</i>
02	Slotting machines .. ..	40% <i>ad val.</i>
03	Broaching machines .. ..	40% <i>ad val.</i>
04	Engraving machines .. ..	40% <i>ad val.</i>

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05	Gear grinding machines .. .. .	40 % <i>ad val.</i>
06	Turning machines .. .. .	40 % <i>ad val.</i>
07	Wire drawing machines .. .. .	40 % <i>ad val.</i>
08	Wire nail making machines .. .. .	40 % <i>ad val.</i>
09	Shoe tack making machines .. .. .	40 % <i>ad val.</i>
10	Heading machines .. .. .	40 % <i>ad val.</i>
11	Other .. .. .	40 % <i>ad val.</i>

85.19 Electrical apparatus for making and breaking electrical circuits, for the protection of electrical circuits, or for making connections to or in electrical circuits (for example, switches, relays, fuses, lightning arresters, surge suppressors, plugs, lampholders and junction boxes); resistors, fixed or variable (including potentiometers), other than heating resistors; printed circuits, switchboards (other than telephone switch boards) and control panels:

A. Electrical apparatus and parts thereof for making and breaking, for protecting or for making connection to or in electrical, switchboards and control panels and parts thereof

01 Switches and fuses

(a) For pressure not exceeding 999 volts

- (i) For motor vehicles including tractors .. 85 % *ad val.*  
(ii) Other .. .. . 85 % *ad val.*

(b) Other switches and fuses .. .. . 40 % *ad val.*

02 Switchgear, being switches incorporating protective devices

- (a) For pressure not exceeding 11,000 volts .. .. 85 % *ad val.*  
(b) For pressure exceeding 11,000 volts .. .. 40 % *ad val.*

03 Switchboards and control panels .. .. . 85 % *ad val.*

04 Other .. .. . 40 % *ad val.*

B. Printed circuits and parts thereof .. .. . 85 % *ad val.*

C. Resistors, fixed or variable (including potentiometers), other than heating resistors and parts thereof .. .. . 40 % *ad val.*



1	2	3
89.04	Ships, boats and other vessels for breaking up .. .. .	50% <i>ad val.</i>
90.14	Surveying (including photogrammetrical surveying), hydrographic, navigational, meteorological, hydrological and geophysical instruments ; compasses ; rangefinders	
	A. Navigational instruments : compasses .. .. .	<i>Free</i>
	B. Other	
	01 Theodolites and levels .. .. .	40% <i>ad val.</i>
	02 Other	<i>Free</i>
91.08	Clock movements, assembled .. .. .	
	A. Movements suitable for articles capable of indicating the time of day .. .. .	40% <i>ad val.</i>
	B. Other movements .. .. .	40% <i>ad val.</i>
92.12	Gramophone records and other sound or similar recordings ; matrices for the production of records, prepared record blanks, film for mechanical sound recording, prepared tapes, wires, strips and like articles of a kind commonly used for sound or similar recording.	
	A. Prepared media for sound or similar recording	
	01 Lacquered discs .. .. .	60% <i>ad val.</i>
	02 Matrices .. .. .	60% <i>ad val.</i>
	03 Other media for magnetic recording	
	(a) Magnetic film used in the film industry .. .. .	25 <i>paisa per meter.</i>
	(b) Diskettes .. .. .	60% <i>ad val.</i>
	(c) Cassettes or tapes for video recorders .. .. .	60% <i>ad val.</i>
	(d) Cassettes for sound recorders .. .. .	Rs. 10.00 <i>per piece.</i>
	(e) Other.. .. .	120% <i>ad val.</i>
	B. Gramophone records, recorded tapes and other sound (or similar) recorded media	
	01 Recorded cassettes for sound recorders .. .. .	Rs. 10.00 <i>per piece.</i>
	02 Other recordings .. .. .	120% <i>ad val.</i>

*Islamabad, the 17th June, 1982*

**No. F. 17 (1)/82-Pub.**—The following Ordinance made by the President is hereby published for general information:—

ORDINANCE NO. XIII OF 1982

AN

# ORDINANCE

*further to amend the Small Business Finance Corporation Act, 1972.*

WHEREAS it is expedient further to amend the small Business Finance Corporation Act, 1972 (XXIX of 1972), for the purpose hereinafter appearing :

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action :

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

**1. Short title and commencement.**—(1) This Ordinance may be called the Small Business Finance Corporation (Amendment) Ordinance, 1982.

(2) It shall come into force at once.

**2. Amendment of section 2, Act XXIX of 1972.**—In the Small Business Finance Corporation Act, 1972 (XXIX of 1972), hereinafter referred to as the said Act, in section 2, in clause (cc), for the words “three hundred thousand rupees” the words “one million and five hundred thousand rupees” shall be substituted.

**3. Amendment of section 18, Act XXIX of 1972.**—In the said Act, in section 18, in sub-section (2),—

(a) In the proviso,—

(i) the words “a cottage industry and” shall be omitted ; and

(ii) for the full stop at the end a colon shall be substituted ; and

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

“Provided further that, in the case of a cottage industry, this sub-section shall have effect as if for the words “fifty thousand rupees” the words “five hundred thousand rupees” were substituted.

GENERAL

M. ZIA-UL-HAQ,

*President.*

C. A. RAHMAN,

*Secretary.*



# The Gazette of Pakistan

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

ISLAMABAD, SUNDAY, JUNE 27, 1982

[PART I

Acts, Ordinances, President's Orders and Regulations including  
Martial Law Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

*Islamabad, the 27th June, 1982*

No. F. 17 (1)82-Pub.—The following Ordinance made by the President is hereby published for general information:—

ORDINANCE No. XIV of 1982

AN

ORDINANCE

*further to amend the Monopolies and Restrictive Trade Practices  
(Control and Prevention) Ordinance, 1970.*

WHEREAS it is expedient further to amend the Monopolies and Restrictive Trade Practices (Control and Prevention) Ordinance, 1970 (V of 1970), for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. **Short title and commencement.**—(1) This Ordinance may be called the Monopolies and Restrictive Trade Practices (Control and Prevention) (Amendment) Ordinance, 1982.

(2) It shall come into force on the first day of July, 1982.

(81)

Price : Ps. 9

[2652 Ex. Gaz.]

2. **Amendment of section 4, Ordinance V of 1970.**—In the Monopolies and Restrictive Trade Practices (Control and Prevention) Ordinance, 1970 (V of 1970), hereinafter referred to as the said Ordinance, in section 4, in clause (a), for the words “thirty million” the words “fifty million” shall be substituted.

3. **Amendment of section 16, Ordinance V of 1970.**—In the said Ordinance, in section 16, in sub-section (1),

- (a) in clause (d), for the words “thirty million” the words “fifty million” shall be substituted ; and,
- (b) in clause (h), for the words “thirty million” the words “fifty million” shall be substituted.

GENERAL,  
M. ZIA-UL-HAQ,  
*President.*

C. A. RAHMAN,  
*Secretary.*



# The Gazette of Pakistan



EXTRAORDINARY  
PUBLISHED BY AUTHORITY

ISLAMABAD, SUNDAY, JUNE 27, 1982

## PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law  
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

*Islamabad, the 27th June, 1982*

**No. F. 17 (I)/82-Pub.**—The following Ordinance made by the President is hereby published for general information:—

**ORDINANCE No. XV of 1982**

AN

## ORDINANCE

*further to amend the House Building Finance Corporation Act, 1952*

WHEREAS it is expedient further to amend the House Building Finance Corporation Act, 1952 (XVIII of 1952), for the purpose hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. **Short title and commencement.**—(1) This Ordinance may be called the House Building Finance Corporation (Second Amendment) Ordinance, 1982.

(2) It shall come into force at once.

(83)

Price : Ps. 9

[2651 Ex. Gaz.]

2. **Amendment of section 24, Act XVIII of 1952.**—In the House Building Finance Corporation Act, 1952 (XVIII of 1952), in section 24, in sub-section (2), for the proviso the following shall be substituted, namely:—

“Provided that the Corporation may, subject to the maximum limit provided in section 25,—

- (a) make additional investment on the security of any property already assigned or mortgaged to the Corporation;
- (b) make investment on the security of any property already assigned or mortgaged to the Federal Government, a Provincial Government, or a bank, a banking company or any other financial institution established by or under any law and controlled, directly or indirectly, by the Federal Government or Provincial Government or by a Corporation set up or controlled by any of them.”

GENERAL,  
M. ZIA-UL-HAQ,  
*President.*

C. A. RAHMAN,  
*Secretary.*



# The Gazette of Pakistan

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

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ISLAMABAD, MONDAY, JULY 12, 1982

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## PART I

Acts, Ordinances, President's Orders and Regulations including Maritail Law  
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

*Islamabad, the 12th July, 1982*

**No. F. 17 (1) 82-Pub.**—The following Ordinance made by the President is hereby published for general information :—

ORDINANCE No. XVI OF 1982

AN

ORDINANCE

*to provide for the establishment of Korangi Fisheries Harbour Authority*

WHEREAS it is expedient to provide for the establishment of an Authority within the limits of Port Qasim for making all arrangements for the planning, construction, operation, management and maintenance of Korangi Fisheries Harbour for exploiting fisheries resources beyond territorial waters ;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action ;

( 87 )

Price : Rs. 1.10

[2702 Ex. Gaz.]

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

## CHAPTER I

### PRELIMINARY

**1. Short title, extent and commencement.**—(1) This Ordinance may be called the Korangi Fisheries Harbour Authority Ordinance, 1982.

(2) It extends to the whole of the Korangi Fisheries Harbour.

(3) It shall come into force at once.

**2. Definitions.**—In this Ordinance, unless there is anything repugnant in the subject or context,—

- (a) “agency” means any department or organisation of the Federal Government or a Provincial Government and includes a corporation or other body set up or controlled by such Government ;
- (b) “Authority” means the Korangi Fisheries Harbour Authority established under section 4 ;
- (c) “Board” means the Board of Directors constituted under section 6 ;
- (d) “building” includes any factory, industrial or business establishment, shop, godown, warehouse, house, outhouse, hut, hutment, shed, garage, stable, well or platform and any other structure, whether meant for residential or business purposes or not, made of masonry, bricks, wood, mud, thatch, metal or any other material, but does not include a temporary structure made for purposes connected with agriculture ;
- (e) “Chairman” means the Chairman of the Board ;
- (f) “fish” means any species of fish or aquatic animal including whales, seals, porpoises, turtles, shell-fish, oyster, crustaceans, ascidians and spawn and eggs of such animals ;
- (g) “Harbour area” means the area falling within the limits of Korangi Fisheries Harbour as may be defined for the purposes of this Ordinance ;
- (h) “land” includes buildings and benefits arising out of land and things attached to the earth or permanently fastened to anything attached to the earth and the foreshore and the bed of sea ;
- (i) “local body” means a local council or council constituted under a law relating to local government ;
- (j) “member” means a member of the Board ;
- (k) “regulations” means regulations made under this Ordinance ;
- (l) “rules” means rules made under this Ordinance ; and
- (m) “vessel” includes any fishing boat and fishing craft of whatever size and in whatever way propelled which is for the time being employed in fishing.



**3. Declaration of Harbour area.**—(1) The Federal Government may, by notification in the official Gazette, within the limits of Port Qasim, define the limits of Korangi Fisheries Harbour for the purposes of this Ordinance; and may, from time to time, by a like notification, alter such limits.

(2) The limits defined under clause (1) may include any wharves, buildings and other works made on behalf of the public for convenience of traffic, for safety of vessels, or for the improvement, maintenance and good government of the Harbour.

## CHAPTER II

### ESTABLISHMENT OF THE AUTHORITY

**4. Establishment of the Authority.**—(1) There shall be established an Authority to be known as the Korangi Fisheries Harbour Authority for carrying out the purposes of this Ordinance.

(2) The Authority shall be a body corporate, having perpetual succession and a common seal, with power, subject to the provisions of this Ordinance, to acquire and hold property, both movable and immovable, and shall by its name sue and be sued.

**5. Management.**—(1) The general direction and administration of the Authority and its affairs shall vest in the Board, which may exercise all powers and do all acts and things which may be exercised or done by the Authority.

(2) The Board in discharging its functions shall act on sound principles of fisheries harbour planning, construction, operation, management and maintenance and shall be guided on questions of policy by such directions as the Federal Government may, from time to time, give.

(3) If any question arises as to whether any matter is a matter of policy or not, the decision of the Federal Government shall be final.

**6. Constitution of the Board.**—(1) The Board shall consist of not less than seven and not more than eleven members, including the Chairman, consisting of—

- (a) the Chairman, to be appointed by the Federal Government;
- (b) the Managing Director of the Authority;
- (c) a Representative of the Government of Sind;
- (d) the Director, Marine Fisheries Department;
- (e) the Director, Fisheries Department, Government of Sind;
- (f) a nominee of the Fish Processors' Association;
- (g) a nominee of local fishermen's association; and
- (h) such other members as the Federal Government may appoint.

(2) The Chairman and members, other than *ex-officio* members, shall, unless the Federal Government otherwise directs, hold office for a period of three years.

(3) Any person ceasing to be Chairman or a member of the Board by reason of the expiry of the term of his office shall be eligible for re-appointment for another term of three years or for such shorter term as the Federal Government may decide.

(4) No act or proceeding of the Board shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the Board.

(5) The Chairman and any member may, by writing under his hand addressed to the Federal Government, resign his office :

Provided that his resignation shall not take effect until accepted by the Federal Government.

**7. Duties and functions of Chairman and members.**—(1) The Chairman and members shall discharge such duties and perform such functions as are assigned to them by or under this Ordinance.

(2) Until the Board is duly constituted, the Chairman shall, subject to such directions as the Federal Government may, from time to time give, exercise the powers, discharge the duties and perform the functions of the Board.

**8. Headquarters of the Authority and meetings of the Board.**—(1) Until the Authority establishes its headquarters elsewhere within the Harbour area, its headquarters shall be situated at Karachi.

(2) The meetings of the Board shall be held at such times and places and in such manner as the regulations may provide :

Provided that, until regulations are made in this behalf, the meetings of the Board shall be held as and when convened by the Chairman.

### CHAPTER III

#### POWERS AND DUTIES OF THE AUTHORITY

**9. Powers of the Authority.**—(1) Subject to the other provisions of this Ordinance, the Authority may take such measures and exercise such powers as may be necessary for the carrying out of the purposes of this Ordinance.

(2) Without prejudice to the generality of the powers conferred by subsection (1), the Authority may—

- (a) incur any expenditure approved in the budget necessary for carrying out the purposes of this Ordinance ;
- (b) acquire any land in the Harbour area ;
- (c) hold, control and administer the property and the funds of the Authority including funds for specific purposes ;



- (d) enter into and perform all such contracts as it may consider necessary ;
- (e) cause removal of any works obstructing the execution of any of its schemes ;
- (f) seek and obtain advice and assistance for the preparation of any planning scheme or for the execution of any schemes from any local body or agency and such local body or agency shall give the advice and assistance sought by the Authority to the best of its ability, knowledge and judgement, and additional expenditure, if any, involved in giving such advice or assistance shall be borne by the Authority ;
- (g) undertake the planning, detailed designing and supervision of the construction work required for the Harbour area ;
- (h) select and engage consultants to assist in the planning, detailed designing and supervision of the construction work required for the Harbour area ;
- (i) procure all goods and services necessary for construction of the Harbour area, and execute such construction work ;
- (j) undertake the efficient operation of Harbour facilities and carry out maintenance and repairs of Harbour structures, buildings, installations, internal roads and equipment and undertake periodic inspection of all facilities to ensure that they meet statutory standards of safety and hygiene ;
- (k) ensure that essential utilities are provided and are maintained to a high standard ;
- (l) regulate traffic within the Harbour area and make necessary security arrangements ;
- (m) acquire, hold and dispose of property, both movable and immovable, provided that the Board shall not be competent to acquire or dispose of any immovable property without the previous approval of the Federal Government ;
- (n) regulate, determine and administer all matters concerning the Authority and do all such acts and things as are necessary for the purpose ;
- (o) submit the budget of the Authority to the Federal Government for approval ;
- (p) arrange for the Audit of the accounts of the Authority ;
- (q) with the previous approval in writing of the Federal Government, raise funds and borrow money on such terms as may be approved by the Federal Government ; and
- (r) carry out any other important work not specified in this section, if necessary and appropriate for carrying out the purposes of the Authority.

## (3) The Authority shall frame—

- (a) a scale of charges to be levied for the use of utility services, for registration of fishermen, producers, buyers, retailers, wholesalers, processors, ship-chandlers, exporters of fish and fish products, users of all types of vehicles and transport and hotel management, hawkers, shopkeepers, who may use the premises of the Harbour area, and also such other charges which the Board may deem fit and necessary to generate funds for the operation, repairs, maintenance, up-keep and effective management and control of the Harbour area ;
- (b) rules for appropriate arrangements for a wholesale auction of fish on the premises of the Harbour area, and cause the auction fees to be received therefrom to be credited to the account of the Authority for the purpose of funding of the operation, maintenance, repair and up-keep of the Harbour area ; and
- (c) regulations for the recovery of charges, fees or levies which may be due to the Authority for the use of its facilities and services.

**10. Managing Director.**—(1) The Federal Government shall select and appoint a whole-time Managing Director, to serve as a member of the Board, and to exercise effective control over, and make all decisions necessary for, the smooth functioning of the day to day affairs of the Authority, under the general supervision of the Board.

(2) In particular and without prejudice to the generality of the foregoing power, the Managing Director shall—

- (a) be responsible for, and have the authority necessary for overseeing and implementing in an expeditious and efficient manner, the construction of the Harbour area ;
- (b) have effective control of the Harbour area as a wholesale fish market and all other water front installations and establishments to be built by the Authority ;
- (c) subject to the concurrence of the Federal Government and the Board, have the power to frame rules and regulations for the effective planning, construction, operation, management and maintenance of the Harbour area ;
- (d) subject to the rules, allot or lease suitable plots of land to private individuals or firms for the establishment of boat building yards, fish processing industries, ice plants, cold storage facilities and related ancillary activities ;
- (e) have the power and responsibility to—
  - (i) exercise administrative control over the personnel of the Authority ;
  - (ii) exercise, in respect of the Authority, such other management, administrative and financial powers as deemed appropriate by the Authority ;



- (iii) submit the annual budget proposals of the Authority to the Board ;
- (iv) maintain the accounts of the Authority ;
- (v) prepare the annual report of the Authority for the Board and the Federal Government ;
- (vi) exercise such powers as the Board may delegate to him ; and
- (vii) act on behalf of the Authority, in any emergency, subject to the obligation to report such action to the Board at its next meeting and to seek the Board's ratification of any action so taken.

## CHAPTER IV

### ESTABLISHMENT

**11. Appointment and functions of Directors, etc.**—(1) The Board shall appoint a Director of Administration, a Director of Operations, a Harbour Master and an Engineer having such qualifications and on such terms and conditions as may be prescribed by regulations.

(2) The Director of Administration shall supervise the personnel, accounts, public relations and general administration and shall also keep records and statistics.

(3) The Director of Operations shall supervise management of market, control maintenance of on-shore transport within the Harbour area and be responsible for general harbour management, including docking and quaywall activities, maintenance of navigational aids, operation of stores within the Harbour and supervision of the Harbour.

(4) The Harbour Master shall supervise the security services for on-shore facilities and shall assist the Director of Operations in the supervision of the Harbour.

(5) The Engineer shall assist the Managing Director during the period of construction work in the Harbour area in overseeing and monitoring the planning, designing and construction of the Harbour facilities.

**12. Recruitment, conditions of service for officers, servants, etc.**—The Authority shall, by regulations made with the prior approval of the Federal Government, lay down the procedure for the appointment of its officers and servants, and the terms and conditions of their service, including the constitution and management of a provident fund for them, and shall be competent to take disciplinary action against them.

**13. Members and officers to be public servants.**—The Chairman, members, officers and servants of the Authority shall, when acting or purporting to act in pursuance of any of the provisions of this Ordinance, be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

14. **Indemnity.**—No suit, prosecution or other legal proceedings shall lie against the Authority, the Board, the Chairman, or any member, officer or servant of the Authority in respect of anything in good faith done or intended to be done under this Ordinance.

15. **Delegation of powers to Chairman, etc.**—The Authority may by general or special order, delegate to the Chairman or a member or an officer of the Authority any of its powers, duties or functions under this Ordinance, subject to such conditions or limitations as may be specified in the order.

## CHAPTER V

### FINANCE

16. **Korangi Fisheries Harbour Authority Fund.**—(1) There shall be formed a fund to be known as the "Korangi Fisheries Harbour Authority Fund" which shall vest in the Authority and shall be utilized by the Authority to meet the charges in connection with its functions under this Ordinance.

(2) To the credit of the Korangi Fisheries Harbour Authority Fund shall be placed—

- (a) grants made by the Federal Government ;
- (b) loans obtained from the Federal Government ;
- (c) grants made by local bodies ;
- (d) sale proceeds of movable and immovable property and receipts for services rendered ;
- (e) loans obtained by the Authority with the special or general sanction of the Federal Government ;
- (f) foreign aid and loans obtained from any source outside Pakistan with the sanction of, and on such terms as may be approved by, the Federal Government ;
- (g) proceeds of all charges and recoveries made under this Ordinance ;  
and
- (h) all other sums receivable by the Authority.

17. **Budget.**—(1) In the month of November each year, the Authority shall submit to the Federal Government for approval a statement of the estimated receipts and expenditure in rupees in respect of the next financial year.

(2) In the manner prescribed by the Federal Government, the Authority shall also submit to the Federal Government for approval a statement of the estimated receipts and expenditure in foreign exchange in respect of the next financial year.



(3) The Authority shall obtain specific sanction of the Federal Government in respect of each individual scheme costing two million and five hundred thousand rupees non-recurring or five hundred thousand rupees recurring or more to be financed out of the Korangi Fisheries Harbour Authority Fund.

**18. Audit and accounts.**—(1) The accounts of the Authority shall be maintained by the Authority in such forms as may be prescribed by the Auditor-General of Pakistan consistent with the requirements of this Ordinance.

(2) The accounts of the Authority shall be audited by not less than two auditors who are chartered accountants within the meaning of the Chartered Accountants Ordinance, 1961 (X of 1961), appointed by the Federal Government in consultation with the Auditor-General of Pakistan, on such remuneration, to be paid by the Authority, as the Federal Government may fix.

(3) Notwithstanding the provisions of sub-section (2), the Auditor-General of Pakistan may, either of his own motion or upon request received in this behalf from the Federal Government, undertake such audit of the accounts of the Authority at such time as may be considered necessary, and the Authority shall, at the time of such audit, produce the account books and connected documents at such place or places as the Auditor-General may fix, and furnish such explanations and information as the Auditor-General or an officer authorized by him in this behalf may ask for.

(4) Every auditor appointed under sub-section (2) shall be given a copy of the annual balance sheet of the Authority, and shall examine it together with the accounts and vouchers relating thereto and shall have a list delivered to him of all books kept by the Authority; and shall at all reasonable times have access to the books, accounts and other documents of the Authority, and may in relation to such accounts examine any officer of the Authority.

(5) The auditors shall report to the Federal Government upon the annual balance sheet and accounts and in their report state whether in their opinion the balance sheet is a full and fair balance sheet containing all necessary particulars and properly drawn up so as to exhibit a true and correct view of the state of the Authority's affairs, and, in case they have called for any explanation or information from the Board, whether it has been given and whether it is satisfactory.

(6) The Federal Government may at any time issue directions to the auditors requiring them to report to it upon the adequacy of measures taken by the Authority for the protection of the interests of the Federal Government and of the creditors of the Authority or upon the sufficiency of their procedure in auditing the accounts of the Authority, and may at any time enlarge or extend the scope of the audit or direct that a different procedure in audit be adopted or that any other examination be made by the auditors if in its opinion the public interest so requires.

(7) The Authority shall comply with every direction issued by the Federal Government for the rectification of matters objected to in audit.

**19. Account.**—The Authority shall, with the prior approval of the Federal Government, open an account in any scheduled Bank in Pakistan.



## CHAPTER VI

## PENALTY AND PROCEDURE

**20. Penalty.**—Whoever contravenes any provision of this Ordinance or any rule or regulation made or scheme sanctioned thereunder shall, if no other penalty is provided for such contravention, be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

**21. Penalty for evading rates, etc.**—Any person who removes or attempts to remove, or abets within the meaning of the Pakistan Penal Code (Act XLV of 1860), the removal of goods, vessel, animal or vehicle with the intention of evading payment of tolls, dues, rates or charges lawfully payable in respect thereof shall be punishable with fine which may extend to two thousand rupees.

**22. Compensation for damage to property of Board.**—(1) In case damage or mischief is done to any wharf, dock, quay, jetty, pier or work constructed or acquired by the Authority under this Ordinance by any vessel through the negligence of the master thereof or of any of the mariners or persons employed therein, not being in the service of the Authority, any Magistrate of the first class having jurisdiction in the Harbour area may, on the application of the Board and on declaration by it that payment for such damage or mischief has been refused or has not been made on demand, issue a summons to the master or owners of such vessel, requiring him to attend on a day and at an hour named in the summons to answer questions touching such damage or mischief.

(2) If, at the time appointed in the summons, and whether the persons summoned appear or not, it is proved that the alleged damage was done through such negligence as aforesaid, and that the pecuniary amount of the same does not exceed two thousand rupees, the Magistrates may issue warrant of distress, under which a sufficient portion of the boats, masts, ropes, cables, anchors or stores of the vessel may be seized and sold to cover the expenses of and attending the execution of the distress, and the pecuniary amount of damage as aforesaid, and such amount shall be paid to the Authority out of the proceeds of the distress.

**23. Cognizance of offences.**—No court shall take cognizance of any offence punishable under this Ordinance except on a complaint in writing made by the Authority or an officer authorized for the purpose by the Authority.

**24. Recovery of dues as arrears of land revenue.**—All fees and sums due on account of property for the time being vested in the Authority and all arrears of tolls, charges, rates and dues imposed under this Ordinance or any rules or regulations may be recovered as arrears of land revenue, in addition to the other modes provided by this Ordinance.

## CHAPTER VII

## MISCELLANEOUS

**25. Submission of yearly reports and returns.**—(1) The Authority shall submit to the Federal Government, as soon as possible after the end of every financial year but before the last day of December next following, a report on the conduct of its affairs for that year.



(2) The Federal Government may, after giving sufficient notice to the Authority, require it to furnish the Government with—

- (i) any return, statement, estimates, statistics, or other information regarding any matter under the control of the Authority; or
- (ii) a report on any subject with which the Authority is concerned; or
- (iii) a copy of any document in the charge of the Authority; and the Authority shall comply with every such requisition.

**26. Members not personally liable.**—No member shall be liable for any contract made or expense incurred by or on behalf of the Board; but the funds from time to time in the hands of the Board shall be liable for and chargeable with all contracts made in the manner provided in this Ordinance.

**27. Limitation of suits, etc.**—(1) No suit shall be commenced against any member, officer or servant of the Authority for anything done or purporting to have been done in pursuance of this Ordinance without giving to such person one month's previous notice in writing of the intended suit and of the cause thereof, nor after six months from the accrual of the cause of such suit.

(2) In the case of a suit for damages, if tender of sufficient amends shall have been made before the suit was brought, the plaintiff shall not recover more than the amount so tendered and shall pay all costs incurred by the defendant after such tender.

**28. Board not responsible for certain acts of its officers and servants.**—The Board shall not be responsible for any disfeasance, malfeasance or non-feasance of any officer or servant appointed under this Ordinance or of any assistant or deputy of any such officer or of any person acting under the authority or direction of or in subordination to any such officer, assistant or deputy, nor for any damage sustained by any vessel in consequence of any defect in any of the moorings, hawsers or other things belonging to the Authority which may be used by such vessel:

Provided that nothing in this section shall protect the Board from a suit in respect of damages to or loss of goods landed or shipped by them or retained in their custody.

**29. Power to dispose of land.**—The Authority may retain, or may lease, sell, exchange, rent or otherwise dispose of any land vested in it.

**30. Power of Authority to make rules and regulations.**—The Authority may, with the prior sanction of the Federal Government, make rules and regulations for carrying out the purposes of this Ordinance.

**31. Control of Federal Government over acts and proceedings of Board.**—All acts and proceedings of the Board shall be subject to the control of the Federal Government, and the Federal Government may suspend or modify any such acts or proceedings.

**32. Dissolution of Authority and transfer of its assets and liabilities.**—(1) The Federal Government may, by notification in the official Gazette, declare that the Authority shall be dissolved on such date as may be specified in such notification, and the Authority shall stand dissolved accordingly.



(2) On and from the said date—

- (a) (i) all properties, funds and dues placed at the disposal of the Authority by the Federal Government; and
- (ii) all properties, funds and dues exchanged for, derived from, or otherwise attributable to, the properties, funds and dues referred to in sub-clause (i), which immediately before the said date, were held by or were realisable by the Authority.

shall vest in, and be realisable by the Federal Government.

- (b) all properties, funds and dues, other than those referred to in clause (a), which, immediately before the said date, were vested in or were realisable by the Authority shall vest in and be realisable by the Federal Government or such agency as the Federal Government may determine, and its decision thereon shall be final;
- (c) all liabilities which immediately before the said date, were enforceable against the Authority shall be assumed by and be enforceable against the Federal Government or such agency as the Federal Government determines under clause (b), as the case may be;
- (d) for the purpose of completing the execution of any scheme which has not been fully executed by the Authority and of realising properties, funds and dues referred to in clauses (a) and (b), the functions of the Authority under this Ordinance shall be discharged by the Federal Government or by the agency determined by the Federal Government under clause (b), as the case may be;
- (e) the agency referred to in clauses (b), (c) and (d) shall keep such accounts of all moneys respectively received and expended by it under this Ordinance as the Federal Government may prescribe.

**33. Removal of difficulties.**—If any difficulty arises in giving effect to any of the provisions of this Ordinance, especially in respect of the adjustment of the powers, functions and jurisdiction of the Authority under this Ordinance and those of the Port Qasim Authority under the Port Qasim Authority Act, 1973 (XLIII of 1973), the Federal Government may make such order as may appear to it to be necessary or expedient for the purpose of removing the difficulty.

GENERAL,

M. ZIA-UL-HAQ,

*President.*

C. A. RAHMAN,

*Secretary.*



# The Gazette of Pakistan



EXTRAORDINARY  
PUBLISHED BY AUTHORITY

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ISLAMABAD, THURSDAY, JULY 15, 1982

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## PART I

Acts, Ordinances, President's Orders, and Regulations including Martial Law  
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

*Islamabad, the 15th July, 1982*

**No. F. 17 (1) 82-Pub.**—The following Ordinance made by the President is hereby published for general information :—

ORDINANCE No. XVII of 1982

AN

ORDINANCE

*further to amend the Legal Practitioners and Bar Councils Act, 1973*

WHEREAS it is expedient further to amend the Legal Practitioners and Bar Councils Act, 1973 (XXXV of 1973), for the purposes hereinafter appearing :

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action ;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

**1. Short title and commencement.**—(1) This Ordinance may be called the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1982.

(2) It shall come into force at once.

(101)

Price : Ps. 60

2. **Amendment of section 4, Act XXXV of 1973.**—In the said Act, in section 4,—

- (a) for the words, figure and comma "Save as provided in section 65 in respect of the existing Bar Councils, the" the word "The" shall be substituted; and
- (b) for the word "four" the word "five" shall be substituted.

3. **Amendment of section 5, Act XXXV of 1973.**—In the said Act, in section 5,—

- (a) in sub-section (3),—
  - (i) the word "first" shall be omitted; and
  - (ii) after the words "consist of", the words "not less than" shall be inserted;
- (b) in sub-section (4), after the word "elected" at the end, the words "from the Division concerned" shall be added; and
- (c) sub-section (6) shall be omitted.

4. **Insertion of new sections 5A, 5B and 5C, Act XXXV of 1973.**—In the said Act, after section 5, amended as aforesaid, the following new sections shall be inserted, namely:—

"5A. *Qualifications for membership of a Provincial Bar Council.*—A person shall be qualified to be elected as a member of a Provincial Bar Council if he—

- (a) is on the roll maintained by the Provincial Bar Council;
- (b) has, on the day of filing of the nomination paper, been an advocate for not less than seven years; and
- (c) has cleared all the dues payable by him to the Provincial Bar Council.

5B. *Disqualifications for membership of a Provincial Bar Council.*—A person shall be disqualified to be elected as a member of a Provincial Bar Council if he—

- (a) was dismissed or removed from the service of Government or of a public statutory corporation; or
- (b) has been convicted for an offence involving moral turpitude; or
- (c) has been found guilty of professional misconduct; or
- (d) has been declared a tout; or
- (e) is an undischarged insolvent.

5C. *Cessation of membership of Provincial Bar Council.*—A member of a Provincial Bar Council shall cease to be such member if he—

- (a) is appointed to an office of profit in the service of Pakistan; or
- (b) is suspended or removed from practice under the provisions of Chapter VII; or
- (c) incurs any of the disqualifications specified in section 5B."



5. **Amendment of section 6, Act XXXV of 1973.**—In the said Act, in section 6, in sub-section (5), for the words “till the thirty-first day of December in the year in which he assumes office” the words “until his successor enters upon his office” shall be substituted.

6. **Amendment of section 9, Act XXXV of 1973.**—In the said Act, in section 9, in sub-section (1),—

(a) for clause (h) the following shall be substituted, namely :—

“(h) to prescribe conditions for the recognition and functioning of, and to recognise and derecognise, Bar Associations;”; and

(b) in clause (i), after the word “Act”, the words “and to comply with the directions given to it by the Pakistan Bar Council from time to time” shall be inserted.

7. **Amendment of section 10, Act XXXV of 1973.**—In the said Act, in section 10, in sub-section (1),—

(a) in clause (a), the word “and” at the end shall be omitted.

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

“(aa) a disciplinary committee consisting of not more than five members to be elected by the Council from amongst its members; and”; and

(c) in clause (b), the words and commas “or Provinces, as the case may be,” shall be omitted.

8. **Amendment of section 11, Act XXXV of 1973.**—In the said Act, in section 11,—

(a) for sub-section (1) the following shall be substituted, namely :—

“(1) The Pakistan Bar Council shall consist of the Attorney General for Pakistan, *ex-officio* and twenty members, who shall be elected on the basis of a single transferable vote by the members of the Provincial Bar Councils as hereinafter specified—

Baluchistan	...	...	...	...	1
The North-West Frontier Province	...	...	...	...	2
The Punjab	...	...	...	...	11
Sind	...	...	...	...	6

(1A) In addition to the members referred to in sub-section (1), there shall be in the Pakistan Bar Council two members to be co-opted by the Council from amongst persons who have been advocates of the Supreme Court for a period of not less than fifteen years and are qualified to be members of the Council.”; and

(b) sub-section (5) shall be omitted.

**9. Insertion of new sections 11A, 11B and 11C, Act XXXV of 1973.**—In the said Act, after section 11, amended as aforesaid, the following new sections shall be inserted, namely :—

“11A. *Qualifications for membership of Pakistan Bar Council.*—A person shall be qualified to be elected as a member of the Pakistan Bar Council if he—

- (a) is on the roll of advocates of the Supreme Court maintained by the Pakistan Bar Council ;
- (b) has, on the day of the filing of the nomination paper, been an advocate for not less than ten years ; and
- (c) has cleared all the dues payable by him to the Pakistan Bar Council.

11B. *Disqualifications for membership of Pakistan Bar Council.*—A person shall be disqualified to be elected as a member of the Pakistan Bar Council if he—

- (a) was dismissed or removed from the service of Government or of a public statutory corporation ; or
- (b) has been convicted for an offence involving moral turpitude ; or
- (c) has been found guilty of professional misconduct ; or
- (d) has been declared a tout ; or
- (e) is an undischarged insolvent.

11C. *Cessation of membership of Pakistan Bar Council.*—A member of the Pakistan Bar Council shall cease to be such member if he—

- (a) is appointed to an office of profit in the service of Pakistan ; or
- (b) is suspended or removed from practice under the provisions of Chapter VII ; or
- (c) incurs any of the disqualifications specified in section 11B.”.

**10. Amendment of section 12, Act XXXV of 1973.**—In the said Act, in section 12, in sub-section (4), for the words “till the thirty-first day of December in the year in which he assumes office” the words “until his successor enters upon his office” shall be substituted.

**11. Amendment of section 13, Act XXXV of 1973.**—In the said Act, section 13 shall be re-numbered as sub-section (1) of that section and—

- (a) in sub-section (1), re-numbered as aforesaid,—
  - (i) in clause (i), after the word “Councils” at the end, the words “and to issue directions to them from time to time” shall be added ; and
  - (ii) after clause (1), the following new clauses shall be inserted, namely :—

“(1a) to provide free legal aid ;



- (1b) to hold conferences, seminars, moots, lectures, jurists' conferences and other meetings for promoting legal knowledge and learning in the legal profession ;
- (1c) to prescribe conditions for the recognition and functioning of, and to recognise and derecognise, the Supreme Court Bar Association or any Bar Association at the national level ;
- (1d) to give directions in accordance with the provisions of this Act to the Provincial Bar Councils in respect of the recognition, derecognition and functioning of Bar Association." ;  
and
- (b) after sub-section (1), re-numbered and amended as aforesaid, the following new sub-sections shall be added, namely :—

"(2) Any person aggrieved by an order or decision of a Provincial Bar Council may, within thirty days of such order or decision, prefer an appeal to the Pakistan Bar Council, whose decision in such appeal shall be final.

(3) The Pakistan Bar Council may at any time, of its own motion or otherwise, call for the record of any proceeding which is pending before, or of any meeting which has been held by, a Provincial Bar Council or Bar Associations, for the purpose of satisfying itself as to the correctness, legality or propriety of anything done therein, and may give such directions in relation thereto as the Pakistan Bar Council may think fit ; and such directions shall be binding both on the Provincial Bar Council or Bar Association concerned and the person to whom it relates."

**12. Amendment of section 16, Act XXXV of 1973.**—In the said Act, in section 16, for clauses (a) and (b) the following shall be substituted, namely :—

- "(a) in the case of the Pakistan Bar Council, the vacancy shall be filled by a person who is co-opted by the Pakistan Bar Council from amongst persons belonging to the same Province to which the vacancy relates who are qualified to be members of the Pakistan Bar Council ; and
- (b) in the case of a Provincial Bar Council, the vacancy shall be filled by a person who is co-opted by the Provincial Bar Council from amongst persons belonging to the district or districts to which the vacancy relates who are qualified to be members of the Provincial Bar Council."

**13. Amendment of section 17, Act XXXV of 1973.**—In the said Act, in section 17, for sub-section (2) the following shall be substituted, namely :—

"(2) Every person applying for enrolment as an advocate or an advocate of the High Court shall pay one-third of the prescribed fee to the Pakistan Bar Council and the balance to the Provincial Bar Council concerned, in such manner as may be prescribed by the Pakistan Bar Council."

**14. Amendment of section 34, Act XXXV of 1973.**—In the said Act, in section 34, in sub-section (1), in clause (a), after the word "Council" at the end, the words, brackets and figures " and the Pakistan Bar Council in accordance with sub-section (2) of section 17 " shall be added.



**15. Amendment of section 41, Act XXXV of 1973.**—In the said Act, in section 41, for sub-sections (4), (5), (6), (7), (8) and (9) the following shall be substituted, namely :—

“(4) Upon receipt of a complaint under sub-section (2) against any advocate, the disciplinary committee of the Bar Council may, unless it summarily rejects the complaint, after making such enquiry and giving the parties such opportunity of being heard as it may consider necessary, either reject the complaint or refer the case to a Tribunal for decision :

Provided that the disciplinary committee shall not summarily reject a complaint made by the Supreme Court or a High Court.

(5) Any person whose complaint is rejected by the disciplinary committee under sub-section (4) may, within thirty days of the day on which the order of the committee is communicated to him, prefer an appeal to the Tribunal, whose decision in such appeal shall be final.”.

**16. Amendment of section 43, Act XXXV of 1973.**—In the said Act, in section 43, in sub-section (5), for the words “reference to the Inquiry Committee on whose report the matter has come before” the words “the complaint referred to” shall be substituted.

**17. Amendment of section 44, Act XXXV of 1973.**—In the said Act, in section 44,—

- (a) in sub-section (1), for the words “An Inquiry Committee” the words “A disciplinary committee” shall be substituted ;
- (b) in sub-section (2), for the words “an Inquiry Committee” the words “a disciplinary committee” shall be substituted ; and
- (c) in sub-section (3), for the words “Inquiry Committee” the words “disciplinary committee” shall be substituted.

**18. Amendment of section 45, Act XXXV of 1973.**—In the said Act, in section 45,—

- (a) in sub-section (1),—
  - (i) for the words “an Inquiry Committee” the words “a disciplinary committee” shall be substituted ; and
  - (ii) in the proviso, for the words “Inquiry Committee” the words “disciplinary committee” shall be substituted ; and
- (b) in sub-sections (2), (3) and (4), for the words “an Inquiry Committee”, wherever occurring, the words “a disciplinary committee” shall be substituted.

**19. Amendment of section 46, Act XXXV of 1973.**—In the said Act, in section 46, in sub-section (1), for the words “any Conciliation Committee or Inquiry Committee appointed by it” the words “the disciplinary committee thereof” shall be substituted.



20. **Amendment of section 54, Act XXXV of 1973.**—In the said Act, in section 54, sub-section (3) shall be omitted.

21. **Insertion of new section 54A, Act XXXV of 1973.**—In the said Act, in Chapter VII, after section 54, amended as aforesaid, the following new section shall be added, namely :—

“54A. *Time for disposal of disciplinary matters.*—The disciplinary committee and a Tribunal shall dispose of a complaint against an advocate within three months of the day on which the complaint is received by it; and, if the complaint is not disposed of within that period, the order under sub-section (1) or sub-section (2) of section 54 for the suspension of the advocate from practice, if any, shall stand vacated on the expiration of that period, unless on review the Court making the order, for reasons to be recorded, vacates it earlier.”

22. **Amendment of section 55, Act XXXV of 1973.**—In the said Act, in section 55, for clause (u) the following shall be substituted, namely :—

“(u) the forming, recognition, derecognition and functioning of a Supreme Court Bar Association or any Bar Association at the national level.”

23. **Amendment of section 56, Act XXXV of 1973.**—In the said Act, in section 56,—

(a) for the word “A” the words and comma “Subject to the previous approval of the Pakistan Bar Council, a” shall be substituted; and

(b) in clause (n), after the word “recognition”, the comma and word “, derecognition” shall be inserted.

24. **Amendment of section 59, Act XXXV of 1973.**—In the said Act, in section 59, in sub-section (8), the proviso shall be omitted.

25. **Insertion of new sections 59A and 59B, Act XXXV of 1973.**—In the said Act, after section 59, amended as aforesaid, the following new sections shall be inserted, namely :—

“59A. *Bar Council or Bar Association not to indulge in political activity.*—A Bar Council and a Bar Association shall perform such functions as are conferred on it by this Act or the rules made thereunder and shall not indulge in any political activity, directly or indirectly.

59B. *Removal from Bar Association.*—(1) An advocate who has once been admitted as a member of a Bar Association shall not be removed from such membership except on the ground that he has either incurred any of the disqualifications for the membership of a Bar

Council under this Act or been in default in paying the fees of the Bar Association for a period of not less than twelve months.

Provided that the membership of an advocate who is removed on the ground of his having been in such default shall stand restored if he pays up the fees due within sixty days of such removal.

(2) Notwithstanding anything contained in any law or rule, the right of an advocate to practise as such shall not be dependent upon his being a member of a Bar Association or be affected in any manner by reason only of his not being, or having ceased to be, a member, or of his having been removed from the membership, of a Bar Association."

GENERAL.

M. ZIA-UL-HAQ,

*President.*

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C. A. RAHMAN,

*Secretary.*



# The Gazette of Pakistan

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

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ISLAMABAD, SUNDAY, JULY 18, 1982

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## PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law  
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

*Islamabad, the 18th July, 1982*

**No. F. 17 (1) 82-Pub.**—The following Ordinances made by the President on 18th July, 1982 are hereby published for general information:—

ORDINANCE No. XVIII of 1982

AN

## ORDINANCE

*further to amend the Conciliation Courts Ordinance, 1961*

WHEREAS it is expedient further to amend the Conciliation Courts Ordinance, 1961 (XLIV of 1961), for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

**1. Short title, extent and commencement.**—(1) This Ordinance may be called the Conciliation Courts (Amendment) Ordinance, 1982.

( 109 )

Price : Ps. 60

(2) It extends to the whole of Pakistan, except the urban area of the Islamabad Capital Territory.

(3) It shall come into force at once.

**2. Amendment of section 2, Ordinance XLIV of 1961.**—In the Conciliation Courts Ordinance, 1961 (XLIV of 1961), hereinafter referred to as the said Ordinance, in section 2,—

(a) in clause (c), for the words “the Deputy Commissioner” the words “an officer appointed by Government to be the Controlling Authority for the purposes of this Ordinance” shall be substituted.

(b) after clause (f), the following new clause shall be inserted, namely :—

“(ff) “law relating to local government” means the Punjab Local Government Ordinance, 1979 (Punjab Ordinance No. VI of 1979), the Sind Local Government Ordinance, 1979 (Sind Ordinance No. XII of 1979), the North-West Frontier Province Local Government Ordinance, 1979 (N.W.F.P. Ordinance No. IV of 1979), the Baluchistan Local Government Ordinance, 1980 (Baluchistan Ordinance No. II of 1980), the Capital Territory Local Government Ordinance, 1979 (XXXIX of 1979), or, as the case may be, the Cantonments Act, 1924 (II of 1924);” ; and

(c) for clauses (h) and (i) the following shall be substituted, namely :—

“(h) “prescribed” means prescribed by rules made under this Ordinance ;

(i) “Union Council” means a Union Council constituted under a law relating to local government and, except in the Schedule, includes a Town Committee so constituted ;

(j) “ward” means a ward, an electoral unit or an electoral ward of a city, municipality or cantonment constituted under a law relating to local government.”.

**3. Amendment of section 3, Ordinance XLIV of 1961.**—In the said Ordinance, in section 3, for sub-section (3) the following shall be substituted, namely :—

“(3) Government may, by notification in the official Gazette, amend the Schedule so as to—

(a) add thereto any class of cases relating to such disputes between private parties as are of a local nature and are capable of settlement by compromise ;

(b) omit any entry therefrom ; or

(c) alter or modify any entry therein.”.

**4. Amendment of section 4, Ordinance XLIV of 1961.**—In the said Ordinance, in section 4, in sub-section (1).—

(a) after the word “concerned”, the words and commas “or, as the case may be, to the member representing the ward or, in the case of a ward which has more members than one, to such one of them as may be determined in the prescribed manner.” ; and



- (b) after the word, "Chairman", the words and commas "or, as the case may be, the member" shall be inserted.

**5. Amendment of section 5, Ordinance XLIV of 1961.**—In the said Ordinance, in section 5,—

- (a) in sub-section (2), after the words "Union Council", the words and commas "or, as the case may be, the member representing the ward, or, in the case of a ward which has more members than one, such one of them as may be determined in the prescribed manner," shall be inserted; and
- (b) in sub-section (4), in clause (b), for the word "Chairman" the word "Court" shall be substituted.

**6. Amendment of section 6, Ordinance XLIV of 1961.**—In the said Ordinance, in section 6,—

- (a) in sub-section (1), for the words "limits of the Union" the words "jurisdiction of the same Union Council" shall be substituted; and
- (b) for sub-section (2) the following shall be substituted, namely :—

"(2) Where one of the parties to a dispute ordinarily resides, and the offence has been committed or the cause of action has arisen, in one ward of a city, municipality or cantonment, and the other party ordinarily resides in another ward of the same city, municipality or cantonment, then, a Conciliation Court may be constituted in the ward in which the offence has been committed or, as the case may be, the cause of action has arisen."

**7. Amendment of section 7, Ordinance XLIV of 1961.**—In the said Ordinance, in section 7, in sub-section (1), for the words "two hundred and fifty", twice occurring, the words "five hundred" and for the words "five hundred" the words "one thousand" shall be substituted.

**8. Amendment of section 13, Ordinance XLIV of 1961.**—In the said Ordinance, in section 13, in sub-section (2),—

- (a) for the words "Union Council" the words "local council" shall be substituted; and
- (b) the following explanation shall be added at the end, namely :—

"*Explanation.*—In this sub-section, "local council" means a Union Council, Town Committee, Municipal Corporation, Municipal Committee, Metropolitan Corporation or, as the case may be, Cantonment Board constituted under a law relating to local government."

**9. Amendment of the Schedule, Ordinance XLIV of 1961.**—In the said Ordinance, in the Schedule,—

- (a) in Part I, in Section B,—
- (i) for the words "five hundred" the words "one thousand" and for the words "one thousand" the words "ten thousand" shall be substituted; and

(ii) for the words "Union and Town Committees" the words and commas "Town Committees, Municipal Corporations, Municipal Committees, Metropolitan Corporations and Cantonment Boards" shall be substituted; and

(b) in Part II, in section B, for the words "ten thousand" the words "twenty-five thousand" shall be substituted.

10. **Pending cases.**—The Conciliation Courts Ordinance, 1961 (XLIV of 1961), shall not apply to cases referable under the said Ordinance to conciliation which, immediately before the commencement of this Ordinance, are pending in any civil or criminal court, and such cases shall be disposed of by those courts as if this Ordinance had not been promulgated :

Provided that, if all the parties to any such case agree to have the same decided by a Conciliation Court, the proceedings thereof shall terminate, and the case shall be referred to conciliation in accordance with the provisions of the said Ordinance.

## ORDINANCE No. XIX OF 1982

AN

### ORDINANCE

*further to amend the Capital Territory Local Government Ordinance, 1979*

WHEREAS it is expedient further to amend the Capital Territory Local Government Ordinance, 1979 (XXXIX of 1979), for the purpose hereinafter appearing :

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action :

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. **Short title, extent and commencement.**—(1) This Ordinance may be called the Capital Territory Local Government (Amendment) Ordinance, 1982.

(2) It extends to the rural areas of the Capital Territory.

(3) It shall come into force at once.



2. **Amendment of section 4, Ordinance XXXIX of 1979.**—In the Capital Territory Local Government Ordinance, 1979 (XXXIX of 1979), in section 4, in subsection (1), the words, commas, figures and brackets “and the Conciliation Courts Ordinance, 1961 (XLIV of 1961),” shall be omitted.

3. **Ordinance XLIV of 1961 to stand revived.**—The Conciliation Courts Ordinance, 1961 (XLIV of 1961), shall stand revived in the form in which it was in force in the rural areas of the Capital Territory immediately before the commencement of the Capital Territory Local Government Ordinance, 1979 (XXXIX of 1979).

4. **Pending cases.**—The Conciliation Courts Ordinance, 1961 (XLIV of 1961), as revived by section 3, shall not apply to cases referable under the said Ordinance to conciliation which, immediately before the commencement of this Ordinance, are pending in any civil or criminal court, and such cases shall be disposed of by those courts as if this Ordinance had not been promulgated :

Provided that, if all the parties to any such case agree to the same being decided by a Conciliation Court, the proceedings thereof shall terminate, and the case shall be referred to conciliation in accordance with the provisions of the said Ordinance.

GENERAL,  
M. ZIA-UL-HAQ,  
*President.*

C. A. RAHMAN,  
*Secretary.*

# The Gazette of Pakistan

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

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ISLAMABAD, THURSDAY, SEPTEMBER 2, 1982

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## PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law  
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

*Islamabad, the 2nd September, 1982*

**No. F. 17 (1)/82-Pub.**—The following Ordinance made by the President is/are hereby published for general information:—

ORDINANCE No. XX OF 1982

AN

ORDINANCE

*further to amend the Electoral Rolls Act, 1974*

WHEREAS it is expedient further to amend the Electoral Rolls Act, 1974 (XXI of 1974), for the purpose hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. **Short title and commencement.**—(1) This Ordinance may be called the Electoral Rolls (Amendment) Ordinance, 1982.

(2) It shall come into force at once.

(127)

Price: Ps. 20



2. **Amendment of section 18, Act XXI of 1974.**—In the Electoral Rolls Act, 1974 (XXI of 1974), in section 18, in sub-section (1), after the words "Registration Officer", occurring for the first time, the commas, words, figures and brackets ", alongwith a photo-stat copy of the identity card issued to him under the National Registration Act, 1973 (LVI of 1973)," shall be inserted.

GENERAL,  
M. ZIA-UL-HAQ,  
*President.*

C. A. RAHMAN,  
*Secretary.*

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**CORRIGENDA**

[to the Gazette of Pakistan, 1982 Extraordinary, Part II, dated 30th August, 1982 containing CMLA Order No. 3 of 1982.]

Page 123 : In line 7 from the bottom for "209" read "269".

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# The Gazette of Pakistan

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

ISLAMABAD, TUESDAY, SEPTEMBER 7, 1982

## PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law  
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

Islamabad, the 7th September, 1982

**No. F. 17 (I) 82-Pub.**—The following Ordinance made by the President is hereby published for general information :—

ORDINANCE NO. XXI OF 1982

AN

### ORDINANCE

*further to amend the Pakistan Tobacco Board Ordinance, 1968*

WHEREAS it is expedient further to amend the Pakistan Tobacco Board Ordinance, 1968 (I of 1968), for the purpose hereinafter appearing :

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action :

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977 and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. **Short title and commencement.**—(1) This Ordinance may be called the Pakistan Tobacco Board (Amendment) Ordinance, 1982.

(2) It shall come into force at once.

2. **Amendment of section 3, Ordinance I of 1968.**—In the Pakistan Tobacco Board Ordinance, 1968 (I of 1968), in section 3, in sub-section (1),—

(a) in clause (g), for the full stop at the end a semicolon shall be substituted ; and

(b) after clause (g), amended as aforesaid, the following new clause shall be added, namely :—

“(h) such other members as the Federal Government may nominate.”.

GENERAL,

M. ZIA-UL-HAQ,

President.

C. A. RAHMAN,

Secretary.

(129)

PRINTED BY THE MANAGER, PRINTING CORPORATION OF PAKISTAN PRESS, ISLAMABAD  
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Price : Ps. 20



# The Gazette of Pakistan

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

ISLAMABAD, SATURDAY, SEPTEMBER 18, 1982

## PART I

Acts, Ordinances, President's Order and Regulations including Martial Law  
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

*Islamabad, the 18th September, 1982*

**No. F. 17 (1)/82-Pun.**—The following Ordinance/made by the President  
Ordinance is hereby published for general information :—

ORDINANCE NO. XXII OF 1982

AN

## ORDINANCE

*to amend the Managed Cement Establishments (Payment to Corporation)  
Ordinance, 1979.*

WHEREAS it is expedient to amend the Managed Cement Establishments  
(Payment to Corporation) Ordinance, 1979 (II of 1979), for the purpose hereinafter  
appearing ;

AND WHEREAS the President is satisfied that circumstances exist which render  
it necessary to take immediate action ;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July,  
1977, and in exercise of all powers enabling him in that behalf, the President  
is pleased to make and promulgate the following Ordinance :—

**1. Short title and commencement.**—(1) This Ordinance may be called the  
Managed Cement Establishments (Payment to Corporation) (Amendment) Ordinance, 1982.

(2) It shall come into force at once.

**2. Amendment of section 5, Ordinance II of 1979.**—In the Managed Cement  
Establishments (Payment to Corporation) Ordinance, 1979 (II of 1979), in

(131)

section 5, after the word "schemes", the words and commas "or other purposes, including payment of a subsidy to a unit, that may be in the interest of the cement industry owned by the State" shall be inserted.

GENERAL

M. ZIA-UL-HAQ,  
*President.*

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C. A. RAHMAN,  
*Secretary.*



# The Gazette of Pakistan

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

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ISLAMABAD, MONDAY, SEPTEMBER 20, 1982

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## PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law  
Orders and Regulations

GOVERNMENT OF PAKISTAN

### MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS (Law Division)

*Islamabad, the 20th September, 1982*

**No. F. 17 (1)/82-Pub.**—The following Ordinance made by the President is hereby published for general information :—

**ORDINANCE NO. XXIII OF 1982**

AN

### ORDINANCE

*further to amend the Securities and Exchange Ordinance, 1969*

WHEREAS it is expedient further to amend the Securities and Exchange Ordinance, 1969 (XVII of 1969), for the purposes hereinafter appearing :

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action ;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. **Short title and commencement.**—(1) This Ordinance may be called the Securities and Exchange (Amendment) Ordinance, 1982.

(2) It shall come into force at once.

2. **Amendment of section 2, Ordinance XVII of 1969.**—In the Securities and Exchange Ordinance, 1969 (XVII of 1969), in section 2, in clause (1),—

(a) in sub-clause (i),—

(i) after the word and comma “scrip,” the words and comma “Modaraba Certificate,” shall be inserted ; and

(133)

Price : Ps. 20

- (ii) after the words and comma "debenture stock," the words and comma "participation term certificate," shall be inserted; and
- (b) after clause (m), the following explanation shall be added, namely :—

"*Explanation.*—In clause (1), "Modaraba Certificate" has the same meaning as in the Modaraba Companies and Modaraba (Floatation and Control) Ordinance, 1980 (XXXI of 1980).".

GENERAL

M. ZIA-UL-HAQ,  
*President.*

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C. A. RAHMAN,  
*Secretary.*



# The Gazette of Pakistan



EXTRAORDINARY  
PUBLISHED BY AUTHORITY

ISLAMABAD, SUNDAY, OCTOBER 10, 1982

## PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law  
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS  
(Law Division)

*Islamabad, the 10th October, 1982*

**No. F. 17 (1)82-Pub.**—The following Ordinance made by the President is hereby published for general information :—

ORDINANCE NO. XXIV OF 1982

AN

### ORDINANCE

*to amend the Traffic Offences (Special Courts) Ordinance, 1981*

WHEREAS it is expedient to amend the Traffic Offences (Special Courts) Ordinance, 1981 (XXXIX of 1981), for the purposes hereinafter appearing ;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action ;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. **Short title and commencement.**—(1) This Ordinance may be called the Traffic Offences (Special Courts) (Amendment) Ordinance, 1982.

(2) It shall come into force at once.

(141)

Price : Ps. 20

2. **Amendment of section 3, Ordinance XXXIX of 1981.**—In the Traffic Offences (Special Courts) Ordinance, 1981 (XXXIX of 1981), hereinafter referred to as the said Ordinance, in section 3, after sub-section (5), the following new sub-section shall be inserted, namely :—

“(5A) A Special Court may, if it thinks fit, try a traffic offence in a summary way in accordance with the provisions contained in sections 262 to 265 of the Code of Criminal Procedure, 1898 (Act V of 1898).”.

3. **Amendment of section 6, Ordinance XXXIX of 1981.**—In the said Ordinance, in section 6, after the words “Court of Session” at the end, the comma and words “, except in a case tried summarily in which a Special Court passes a sentence of fine not exceeding two thousand rupees only” shall be inserted.

GENERAL

M. ZIA-UL-HAQ.

*President.*

C. A. RAHMAN,

*Secretary.*



# The Gazette of Pakistan

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

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ISLAMABAD, TUESDAY, OCTOBER 12, 1982

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## PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law  
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

*Islamabad, the 12th October, 1982*

**No. F. 17 (1)82-Pub.**—The following Ordinance made by the President is hereby published for general information:—

ORDINANCE No. XXV OF 1982

AN

### ORDINANCE

*further to amend the Code of Criminal Procedure, 1898*

WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1898 (Act V of 1898), for the purpose hereinafter appearing:

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action:

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

**1. Short title and commencement.**—(1) This Ordinance may be called the Code of Criminal Procedure (Amendment) Ordinance, 1982.

(2) It shall come into force at once.

(143)

Price : Ps. 20

2. Amendment of section 32, Act V of 1898.—In the Code of Criminal Procedure, 1898 (Act V of 1898), in section 32, in sub-section (1), for the words "five thousand" the words "fifteen thousand", for the words "one thousand" the words "five thousand" and for the word "fifty" the words "one thousand" shall respectively be substituted.

GENERAL

M. ZIA-UL-HAQ.

*President.*

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C. A. RAHMAN,

*Secretary.*



# The Gazette of Pakistan

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

ISLAMABAD, WEDNESDAY, DECEMBER 1, 1982

## PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law  
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

Islamabad, the 1st December, 1982

**No. F. 17 (1)82-Pub.**—The following Ordinance made by the President is hereby published for general information:—

ORDINANCE No. XXIX OF 1982

### AN ORDINANCE

*to amend the Inspection Agencies (Registration and Regulation) Ordinance, 1981*

WHEREAS it is expedient to amend the Inspection Agencies (Registration and Regulation) Ordinance, 1981 (XXXVII of 1981), for the purpose hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

**1. Short title and commencement.**—(1) This Ordinance may be called the Inspection Agencies (Registration and Regulation) (Amendment) Ordinance, 1982.

(2) It shall come into force at once.

**2. Amendment of section 6, Ordinance XXXVII of 1981.**—In the Inspection Agencies (Registration and Regulation) Ordinance, 1981 (XXXVII of 1981), in section 6, in sub-section (1), after the word "commencement" occurring for the second time, the words "or within such further time as the Authority may allow" shall be inserted.

GENERAL,  
M. ZIA-UL-HAQ,  
President.

MIR MUHAMMAD ALI,  
Draftsman/Additional Secretary.

(157)

PRINTED BY THE MANAGER, PRINTING CORPORATION OF PAKISTAN PRESS, ISLAMABAD  
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Price : Ps. 20

[3223 Ex. Gaz.]

# The Gazette of Pakistan

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

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ISLAMABAD, SATURDAY, DECEMBER 4, 1982

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## PART I

**Acts, Ordinances, President's Orders and Regulations including Martial Law  
Orders and Regulations**

GOVERNMENT OF PAKISTAN

**MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS**

**(Law Division)**

*Islamabad, the 4th December, 1982*

**No. F. 17 (1)82-Pub.**—The following Ordinance made by the President on the 2nd December, 1982, is hereby published for general information :—

**ORDINANCE No. XXX OF 1982**

**AN**

**ORDINANCE**

*to establish a Civil Aviation Authority*

WHEREAS it is expedient to establish a Civil Aviation Authority to provide for the promotion and regulation of civil aviation activities and to develop an infrastructure for safe, efficient, adequate, economical and properly coordinated civil air transport service in Pakistan ;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action ;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. **Short title, extent and commencement.**—(1) This Ordinance may be called the Pakistan Civil Aviation Authority Ordinance, 1982.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

(159)

Price : Ps. 1.10



**2. Definitions.**—In this Ordinance, unless there is anything repugnant in the subject or context,—

- (i) "aerodrome" means any area of land or water designed, equipped, set apart or commonly used or intended to be used, either wholly or in part, for affording facilities for the landing and departure of aircraft, and includes all buildings, sheds, vessels and other structures and roads thereon or appertaining thereto;
- (ii) "airport" means an aerodrome at which facilities have, in the opinion of the Federal Government, been sufficiently developed to be of importance to civil aviation;
- (iii) "Authority" means the Civil Aviation Authority established under section 3;
- (iv) "Board" means the Board referred to in section 7;
- (v) "Chairman" means the Chairman of the Board;
- (vi) "Director-General" means the Director-General of the Authority;
- (vii) "licence" means the certificate of competency which a licence holder is required by the law of the country granting the licence to hold in connection with his licence; and
- (viii) "member" means a member of the Board.

**3. Establishment of the Authority.**—(1) As soon as may be after the commencement of this Ordinance, the Federal Government shall, by notification in the official Gazette, establish an authority to be known as the Civil Aviation Authority for carrying out the purposes of this Ordinance.

(2) The Authority shall be a body corporate, having perpetual succession and a common seal with power, subject to the provisions of this Ordinance, to acquire and hold property, both movable and immovable, and shall sue and be sued by the name assigned to it by sub-section (1).

**4. Power of the Federal Government to issue directives.**—The Federal Government may, as and when it considers necessary, issue directives to the Authority on matters of policy, and such directives shall be binding on the Authority, and if a question arises whether any matter is a matter of policy or not, the decision of the Federal Government shall be final.

**5. Powers and functions of the Authority.**—(1) The Authority shall be responsible for the regulation and control of civil aviation activities in the country.

(2) The Authority shall from time to time prepare for the approval of the Federal Government five-year plans for the development of infrastructure for the promotion of safe, efficient, adequate, economical and properly coordinated civil air transport service and control and regulate civil aviation activities in Pakistan.

(3) The Authority shall frame schemes in respect of—

- (i) provision of civil airports and aerodromes in the country ;
- (ii) provision of air traffic services to aircraft ;
- (iii) provision of navigational services to aircraft ;
- (iv) provision of communication services at the civil airports and aerodromes in the country ;
- (v) provision of aeronautical and flight inspection services to all aircraft registered in Pakistan ;
- (vi) provision of search and rescue services ;
- (vii) provision of crash, fire and rescue services at all airports and aerodromes to aircraft in need ;
- (viii) management of estates at airports and aerodromes ; and
- (ix) any other matter facilitating the achievement of the objects of this Ordinance.

(4) The Authority may, if it considers necessary,—

- (i) cause studies, surveys, experiments or technical research to be made or contribute towards the cost of any such studies, surveys, experiments or technical research made by any other agency at the request of the Authority ;
- (ii) approve development schemes costing not more than ten million rupees non-recurring or two million rupees recurring and shall submit to the Federal Government for approval schemes the cost of which exceeds these limits ;
- (iii) subject to clause (ii), undertake any approved works, incur any expenditure, procure vehicles, plants, machinery and material, required for its use and enter into and perform all such contracts as it may consider necessary or expedient ;
- (iv) acquire by purchase, lease, exchange or otherwise any land or immovable property or any interest in such land or property ;
- (v) subject to sub-section (4) of section 11, pledge any property vested in it, including the immovable assets transferred to it under section 11, to raise finances for the development projects to be undertaken by it ; and
- (vi) seek and obtain advice and assistance in the preparation or execution of a scheme from any local body or agency of the Government and such local body or agency shall give the advice and assistance sought by the Authority to the best of its ability, and additional expenditure, if any, involved in such advice or assistance shall be borne by the Authority.



(5) A scheme sanctioned by the Federal Government may be amended or modified by the Authority at any time :

Provided that if the sanctioned cost of the scheme increases by more than fifteen per cent or if the scope or objective is changed to an extent which according to the instructions of the Federal Government is material, previous sanction of the Federal Government shall be obtained.

(6) Notwithstanding anything contained in this Ordinance, the Authority may undertake the execution of any scheme relating to civil aviation activity as framed or sponsored by any local body or agency or exercise technical supervision and administrative and financial control over the execution thereof on such terms and conditions as may be agreed to between the Authority and the local body or agency.

(7) The Authority and the Director-General may exercise such powers under the Civil Aviation Rules, 1978, and the Schedule to the Aircraft Rules, 1937, as the Federal Government may, by notification in the official Gazette, specify.

(8) The acquisition of any land or any interest in land for the Authority or for any scheme under this Ordinance shall be deemed to be an acquisition for a public purpose within the meaning of the Land Acquisition Act, 1894 (I of 1894), and the provisions of the said Act shall apply to all such proceedings.

(9) The Director-General or any person authorised by him in writing may enter upon and survey and land, erect pillars for the determination of intended lines of works, make borings and excavations and do all other acts which may be necessary for the preparation of any scheme, provided that, when the affected land does not vest in the Authority, the power conferred by this sub-section shall be exercise in such manner as to cause the least interference with and the least damage to the rights of the owner thereof.

(10) When any person enters into or upon any land in pursuance of sub-section (9), he shall at the time of entering or as soon thereafter as may be practicable pay or tender payment for all necessary damage to be done as aforesaid and in case of dispute as to the sufficiency of the amount so paid or tendered the dispute shall be referred to the Deputy Commissioner of the District whose decision shall be final.

**6. Control of air transport and aviation services.**—(1) Subject to the provisions of any other law for the time being in force, the Authority shall have control over—

- (i) all the civil airports and aerodromes in the country including their planning, construction, operation and maintenance ;
- (ii) air routes in Pakistan, in consultation with the Federal Government ;
- (iii) airspace management of civil airports and aerodromes ; and
- (iv) collection of revenues at airports and aerodromes and at various offices of the Authority.

(2) The Authority may, with the approval of the Federal Government, hold negotiations with foreign countries to settle technical matters arising out of bilateral air transport agreements.

(3) Nothing in this section shall entitle the Authority to exercise any power in respect of such works, airports, aerodromes, airfields and things connected therewith as are owned by the Federal Government and established for the exclusive use of Defence Services.

**7. Management.**—(1) The general direction and administration of the Authority and its affairs shall vest in a Board which may exercise all powers, perform all functions and do all acts and things which may be exercised, performed or done by the Authority.

(2) The Board shall consist of the following members, namely :—

- (i) Secretary General, Ministry of Defence, Government of Pakistan.
- (ii) Vice-Chief of Air Staff, Pakistan Air Force.
- (iii) Secretary, Ministry of Finance, Government of Pakistan.
- (iv) Secretary, Planning Division, Government of Pakistan.
- (v) Secretary, Aviation Division, Government of Pakistan.
- (vi) Managing Director, Pakistan International Airlines Corporation.
- (vii) Chairman, Pakistan Banking Council.
- (viii) Director-General.

(3) The Secretary General, Ministry of Defence, shall be the Chairman of the Board.

(4) The Federal Government may appoint not more than three additional members on such terms and conditions and for such period as it may determine.

(5) The meetings of the Board shall be held at such times and places and in such manner as may be prescribed by regulations :

Provided that until regulations are made in this behalf, the meetings shall be held as and when convened by the Chairman.

(6) The Chairman or, in his absence, a member authorised by him in this behalf and three members shall constitute a quorum for a meeting of the Board.

**8. Executive Committee.**—(1) There shall be an Executive Committee of the Authority consisting of the Director-General, who shall be its head, and four other members, of whom three shall be nominated by the Board from amongst the most senior officers of the Authority, and one to be nominated by the Ministry of Finance and designated as Finance Member.



(2) The Executive Committee shall exercise such administrative, executive, financial and technical powers as may be delegated to it by the Authority :

Provided that the Executive Committee may, in an emergency which in its opinion requires immediate action, take such action as it considers necessary, and shall report it for approval to the Board in its next meeting.

**9. Director-General, his duties, functions and powers.**—(1) The Federal Government shall appoint the Director-General who shall be the executive head of the Authority and shall exercise such powers and perform such functions as may be specified under sub-section (7) of section 5 or delegated to him by the Board from time to time.

(2) The Director-General shall receive such salary and allowances and be subject to such conditions of service as may be determined by the Federal Government.

**10. Delegation of powers.**—The Authority may, by general or special order, delegate to the Executive Committee, the Director-General or an officer of the Authority any of its powers, duties or functions under this Ordinance, subject to such conditions as it may think fit to impose.

**11. Transfer of assets and liabilities of the Department of Civil Aviation to the Authority.**—(1) All assets and undertakings, including lands, buildings, airports and aerodromes, works, machinery, apparatus, equipment, material and plants vested in the Department of Civil Aviation, hereinafter referred to as the Department, shall vest in the Authority, and all liabilities in respect of the said assets shall be the liability of the Authority.

(2) The assets and liabilities of the Department shall be evaluated by the Federal Government and taken on books, and the excess of the assets over the liabilities will be deemed to be the Federal Government's contribution to the Authority either as equity or loan as may be determined by the Federal Government.

(3) The evaluation of the net assets transferred to the Authority under sub-section (2), the terms governing the transfer, the return on equity, if any, and the conditions governing the loan shall be determined by the Federal Government.

(4) The Authority shall not dispose of by sale, exchange or in any other manner any immovable property vested in it under sub-section (1), except with the prior approval in writing of the Federal Government.

**12. Recruitment of officers, etc.**—(1) The Authority may, from time to time, appoint such officers, servants, experts and consultants as it may consider necessary for the performance of its functions.

(2) The Authority shall prescribe by regulations the procedure for appointment of its officers, servants, experts and consultants, and the terms and conditions of their service.

**13. Members, officers, etc., to be public servants.**—The Director-General, members, officers, servants, experts and consultants of the Authority shall, when acting or purporting to act in pursuance of any of the provisions of this Ordinance or the rules or regulations made thereunder, be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).



**14. Transfer of civil servants, etc., to the Authority.**—(1) Notwithstanding anything contained in any law, contract or agreement or in the conditions of service,—

- (a) every civil servant employed in the Department immediately before the establishment of the Authority, including a person on deputation to any other organisation in Pakistan or abroad but not being a person on deputation to the Department from any other organisation, shall, on such establishment, stand transferred to, and become an employee of, the Authority on such terms and conditions as may be prescribed by regulations :

Provided that the pay and allowances to which such civil servant shall be entitled shall not be less favourable than those to which he was entitled immediately before such transfer ; and

- (b) unless the Authority otherwise directs, every person on deputation to the Department from any other organisation immediately before the establishment of the Authority shall, on such establishment, stand transferred to the Authority on the same terms and conditions to which he was entitled immediately before such transfer.

(2) No person who stands transferred to the Authority by virtue of sub-section (1) shall, notwithstanding anything contained in any laws, be entitled to any compensation because of such transfer.

(3) The Federal Government shall pay to the Authority pension charges and gratuity in respect of, and provident fund accumulations of, persons transferred by virtue of sub-section (1), in such manner and to such extent as the Federal Government may determine.

**15. Budget.**—The Authority shall, in respect of each financial year, submit for the approval of the Federal Government by such date and in such form as may be specified by the Federal Government a statement showing the estimated receipts and current and development expenditure and the sums which are likely to be required from the Federal Government during the next financial year.

**16. Civil Aviation Authority Fund.**—(1) There shall be a fund to be known as the " Civil Aviation Authority Fund " which shall vest in the Authority and shall be utilised by the Authority to meet charges in connection with its functions under this Ordinance including the payment of salaries and other remuneration to the Director-General, officers, servants, experts and consultants of the Authority.

(2) The Civil Aviation Authority Fund shall consist of—

- (i) grants made by the Federal Government ;
- (ii) loans obtained from the Federal Government ;
- (iii) sale proceeds of bonds issued under the authority of the Federal Government ;
- (iv) loans obtained by the Authority with the special or general sanction of the Federal Government ;



(v) foreign aid and loans obtained with the sanction of, and on such terms and conditions as may be approved by, the Federal Government; and

(vi) all other sums received and fees collected by the Authority.

(3) The Authority shall be competent to levy and collect, at such rates as may be prescribed by the Authority by regulations from time to time,—

(i) air route navigation charges,

(ii) embarkation charges to be paid by the passengers travelling by air;

(iii) fees paid by individuals in respect of issue and renewal of licences and any examination prescribed by the Authority;

(iv) fees and charges in respect of commercial exploitation of the Authority's properties, including land and aircraft; and

(v) landing and housing charges.

(4) The Civil Aviation Authority Fund shall be kept in banks discharging treasury functions on behalf of the Federal Government.

**17. Maintenance of accounts.**—The accounts of the Authority shall be maintained in such form and manner as the Federal Government may determine in consultation with the Auditor-General of Pakistan.

**18. Audit.**—(1) The accounts of the Authority shall be audited every year by the Auditor-General of Pakistan in such manner as may be specified by the Federal Government.

(2) Copies of the audit report shall be sent to the Authority and the Authority shall forward the report alongwith its comments to the Federal Government.

(3) The audit report shall be available for public inspection.

(4) The Federal Government may issue directions to the Authority for the rectification of matters objected to by the Auditor-General and the Authority shall comply with every such direction.

(5) The Authority may, in addition to the audit under sub-section (1), cause to be carried out internal audit of its accounts.

**19. Authority to be deemed to be a local authority.**—The Authority shall be deemed to be a local authority for the purpose of borrowing money under the Local Authorities Loans Act, 1914 (IX of 1914), and the making and execution of any scheme under this Ordinance shall be deemed to be a work which such authority is legally authorised to carry out.

**20. Liability of the Federal Government to be limited.**—The liability of the Federal Government to the creditors of the Authority shall be limited to the extent of grants made by it and the loans raised by the Authority with the sanction of the Federal Government.



**21. Submission of yearly report, returns, etc.**—(1) The Authority shall submit to the Federal Government, as soon as possible after the end of every financial year but before the last day of September next following, a report on the conduct of its affairs for that year.

(2) A copy of the report mentioned in sub-section (1) together with a copy of the audit report referred to in section 18 shall be placed by the Federal Government before the National Assembly.

(3) The Public Accounts Committee shall scrutinise and examine the reports referred to in sub-section (2) in the same manner, and perform the same functions and exercise the same powers in respect thereof, as is or are required by it to be examined, performed and exercised in respect of appropriation accounts of the Federal Government and the report of the Auditor-General of Pakistan thereon.

(4) The Federal Government may require the Authority to supply any return, statement, estimate, statistics or other information regarding any matter under the control of the Authority or a copy of any document in the charge of the Authority; and the Authority shall comply with every such requisition.

**22. Exemption from taxes.**—Notwithstanding anything contained in the Wealth Tax Act, 1963 (XVI of 1963), the Income Tax Ordinance, 1979 (XXXI of 1979), or any other law for the time being in force relating to income-tax, super-tax, wealth-tax or gift-tax, the Authority shall not be liable to pay and be exempt from paying any such taxes as aforesaid on its incomes, profits or gains for a period of five years beginning from the date of its establishment.

**23. Ordinance XXIII of 1969 not to apply to Authority.**—The Industrial Relations Ordinance, 1969 (XXIII of 1969), shall not apply to or in relation to the Authority or any person in the service of the Authority.

**24. Indemnity.**—No suit, prosecution or other legal proceedings shall lie against the Authority, the Director-General, or any member, officer, servant, expert or consultant of the Authority in respect of anything done or intended to be done in good faith under this Ordinance.

**25. Certain existing arrangements to continue.**—All contracts and working arrangements made and all liabilities incurred by the Federal Government in connection with, or for the purpose of, the Department, before the establishment of the Authority, shall be deemed to have been made or incurred by the Authority and have effect accordingly.

**26. Power of Federal Government to make rules.**—The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

**27. Power of the Authority to make regulations.**—The Authority may make regulations, not inconsistent with this Ordinance and the rules made thereunder, to provide for all matters for which provision is necessary or expedient for carrying out the purposes of this Ordinance.

**28. Winding up of the Authority.**—No provision of any law relating to the winding up of bodies corporate shall apply to the Authority and the Authority shall not be wound up except by order of the Federal Government and in such manner as the Federal Government may direct.



29. **Removal of difficulties.**—If any difficulty arises in giving effect to any of the provisions of this Ordinance, the President may make such order, not inconsistent with the provisions of this Ordinance, as may appear to him to be necessary for the purpose of removing the difficulty :

Provided that no such power shall be exercised after the expiry of one year from the coming into force of this Ordinance.

GENERAL,  
M. ZIA-UL-HAQ,  
*President.*

C. A. RAHMAN,  
*Secretary.*

#### CORRIGENDA

[to the Gazette of Pakistan, 1982, Extraordinary, Part I, dated the 30th November, 1982, containing P. O. No. 14 of 1982.]

- Page 155 : In line 8, for "order" read "Order".  
 " : In line 11, for "PRESIDENT ORDER No. 14 of 1982" read  
 "PRESIDENT'S ORDER No. 14 of 1982".  
 " : In line 14, for "order" read "Order".

# The Gazette of Pakistan



EXTRAORDINARY  
PUBLISHED BY AUTHORITY

ISLAMABAD, SUNDAY, OCTOBER 31, 1982

## PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law  
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS  
(Law Division)

Islamabad, the 31st October, 1982

**No. F. 17 (1)/82-Pub.**—The following Ordinance made by the President is hereby published for general information:—

ORDINANCE No. XXVII OF 1982

AN

## ORDINANCE

*further to amend the Unani, Ayurvedic and Homoeopathic Practitioners Act, 1965*

WHEREAS it is expedient further to amend the Unani, Ayurvedic and Homoeopathic Practitioners Act, 1965 (II of 1965), for the purpose hereinafter appearing:

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action:

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

**1. Short title and commencement.**—(1) This Ordinance may be called the Unani, Ayurvedic and Homoeopathic Practitioners (Amendment) Ordinance, 1982.

(2) It shall come into force at once.

(145)

Price : Ps. 20



**2. Amendment of section 2, Act II of 1965.**—In the Unani, Ayurvedic and Homoeopathic Practitioners Act, 1965 (II of 1965), hereinafter referred to as the said Act, in section 2, for clauses (b) and (bb) the following shall be substituted, namely :—

“(b) “Committee” means the Committee appointed by the Council ;

(bb) “Council” means the National Council for Tibb or, as the case may be, the National Council for Homoeopathy, established under section 3 ;”.

**3. Amendment of section 3, Act II of 1965.**—In the said Act, in section 3, in sub-section (1), or the words “a Board to be called the Board of Homoeopathic System of Medicine” the words “another Council to be called the National Council for Homoeopathy” shall be substituted.

**4. Amendment of section 5, Act II of 1965.**—In the said Act, in section 5, for the words “Board of Homoeopathic system” and the words “Board of Homoeopathic System of Medicine” the words “National Council for Homoeopathy” shall be substituted.

**5. General amendment of Act II of 1965.**—Subject to sections 2, 3 and 4, in the said Act, for the word “Board”, wherever occurring, the word “Council” and for the word “Boards”, wherever occurring, the word “Councils” shall be substituted.

GENERAL,

M. ZIA-UL-HAQ.

*President.*

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C. A. RAHMAN,

*Secretary.*

# The Gazette of Pakistan

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

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ISLAMABAD, SUNDAY, OCTOBER 31, 1982

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## PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law  
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS  
(Law Division)

*Islamabad, the 31st October, 1982*

**No. F. 17 (1)/82-Pub.**—The following Ordinance made by the President is hereby published for general information:—

ORDINANCE No. XXVI OF 1982

AN

## ORDINANCE

*to repeal and, with certain modifications, re-enact the Medical Degrees Act, 1916*

WHEREAS it is expedient to repeal and, with certain modifications, re-enact the Medical Degrees Act, 1916 (VII of 1916);

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

**1. Short title, extent and commencement.**—(1) This Ordinance may be called the Medical and Dental Degrees Ordinance, 1982.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

(147)

Price : Ps. 30



**2. Definitions.**—In this Ordinance, “scientific Medical and Dental System” means the scientific methods of Allopathic Medicine, Obstetrics, Surgery and Dentistry, but does not include the Homoeopathic, Ayurvedic or Unani System of Medicine.

**3. Right to confer degrees, etc.**—The right of conferring, granting or issuing in Pakistan degrees, diplomas, licences, certificates, or other documents stating or implying that the holder, grantee or recipient thereof is qualified to practise scientific Medical and Dental System shall be exercisable only by the authorities specified in the Schedule and by such other authority as the Federal Government or a Provincial Government may, by notifications in the official Gazette, and subject to such conditions as it thinks fit to impose, authorise in this behalf.

**4. Prohibition of unauthorised conferment of degrees, etc.**—Save as provided by section 3, no person in Pakistan shall confer, grant or issue any degree, diploma, licence, certificate or other document stating or implying that the holder, grantee or recipient is qualified to practise scientific Medical and Dental System.

**5. Contravention of section 4.**—Whoever contravenes the provisions of section 4 shall be punishable with rigorous imprisonment for a term which shall not be less than one year or more than five years and shall also be liable to fine which may extend to fifty thousand rupees; and, if the person so contravening is an association, every member of such association who knowingly and wilfully authorises or permits the contravention shall be punishable with rigorous imprisonment for a term which shall not be less than one year or more than five years and shall also be liable to fine which may extend to twenty-five thousand rupees.

**6. Penalty for falsely assuming or using Medical and Dental titles.**—Whoever voluntarily and falsely assumes or uses any title or description or any addition to his name implying that he holds a degree, diploma, licence or certificate conferred, granted or issued by any authority referred to in section 3 or recognised by the Medical and Dental Council of Pakistan or uses any words to give a false impression that he was qualified to practise scientific Medical and Dental System shall be punishable with rigorous imprisonment for a term which shall not be less than one year or more than five years and shall also be liable to fine which may extend to fifty thousand rupees:

Provided that nothing in this section shall apply to the use by any person of any title, description or addition which he uses by virtue of any degree, diploma, licence or certificate conferred upon him or granted or issued to him in any subject other than medicine.

**7. Cognizance of offences.**—No Court shall take cognizance of an offence punishable under this Ordinance except upon a complaint made by the Secretary of the Medical and Dental Council or any person authorised by the Secretary and notified in the official Gazette.

**8. Jurisdiction of Magistrate.**—No Court inferior to that of a Magistrate of the first class shall try an offence punishable under this Ordinance.

**9. Offences to be bailable.**—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), all offences punishable under this Ordinance shall be bailable.

**10. Repeal.**—The Medical Degrees Act, 1916 (VII of 1916), is hereby repealed.

**SCHEDULE**

(See Section 3)

- I. Every University in Pakistan established by an Act of the Federal or Provincial Legislature.
- II. College of Physicians and Surgeons of Pakistan.

GENERAL,  
**M. ZIA-UL-HAQ,**  
*President.*

**C. A. RAHMAN,**  
*Secretary.*



# The Gazette of Pakistan

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

ISLAMABAD, WEDNESDAY, NOVEMBER, 17, 1982

## PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law  
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS  
(Law Division)

*Islamabad, the 17th November, 1982*

**No. F. 17 (1)/82-Pub.**—The following Ordinance made by the Acting President on the 16th November, 1982, is hereby published for general information :—

ORDINANCE No. XXVIII OF 1982

### AN ORDINANCE

*further to amend the Pakistan Engineering Council Act, 1975*

WHEREAS it is expedient further to amend the Pakistan Engineering Council Act, 1975 (V of 1976), for the purpose hereinafter appearing ;

AND WHEREAS the Acting President is satisfied that circumstances exist which render it necessary to take immediate action ;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with clause (2) of Article 2 of the Acting President Order, 1978 (P. O. No. 7 of 1978), and in exercise of all powers enabling him in that behalf, the Acting President is pleased to make and promulgate the following Ordinance :—

1. **Short title and commencement.**—(1) This Ordinance may be called the Pakistan Engineering Council (Amendment) Ordinance, 1982.

(2) It shall come into force at once.

(151)

Price : Ps. 20

2. Amendment of section 9, Act V of 1976.—In the Pakistan Engineering Council Act, 1975 (V of 1976), in section 9, in sub-section (2), in clause (f), for the word "two" the word "three" shall be substituted.

MUHAMMAD HALEEM,  
*Acting President.*

C. A. RAHMAN,  
*Secretary.*

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*CORRIGENDA*

[to the Gazette of Pakistan 1982, Extraordinary, Part-I, Containing Ordinance No. XXVII of 1982, date 31st October, 1982.]

P. 146 : In line 10, for "or" read "for".



# The Gazette of Pakistan



EXTRAORDINARY  
PUBLISHED BY AUTHORITY

ISLAMABAD, MONDAY, JANUARY 18, 1982

## PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law  
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

*Islamabad, the 18th January, 1982*

**No. F. 17 (2)/82-Pub.**—The following Order made by the President is hereby published for general information:—

### THE PAKISTAN DEFENCE OFFICERS HOUSING AUTHORITY (AMENDMENT) ORDER, 1982

PRESIDENT'S ORDER No. 1 of 1982

WHEREAS it is expedient further to amend the Pakistan Defence Officers Housing Authority Order, 1980 (P. O. No. 7 of 1980);

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C. M. L.A. Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order:—

1. **Short title and commencement.**—(1) This Order may be called the Pakistan Defence Officers Housing Authority (Amendment) Order, 1982.

(2) It shall come into force at once and shall be deemed to have taken effect on the ninth day of August, 1980.

(1)

Price : Ps. 9

2. **Insertion of new Article 21A, P. O. No. 7 of 1980.**—In the Pakistan Defence Officers Housing Authority Order, 1980 (P. O. No. 7 of 1980), after Article 21, the following new Article shall be inserted, namely :—

“21A. *Authority to be exempt from certain taxes.*—The Authority shall be exempt from the tax payable under the Income Tax Ordinance, 1979 (XXXI of 1979), and the Wealth-tax Act, 1963 (XV of 1963).”.

GENERAL

M. ZIA-UL-HAQ,

*President.*

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S. A. NUSRAT,

*Principal Secretary.*



- Page 385 : In line 10, in column 4, for "Mymentingh" read "Mymensingh".
- „ 387 : In line 20, in column 4 for " an official" read "an office of official".
- „ 389 : In line 19, in column 4, omit "the".
- „ 400 : In line 5, in column 4, for "has" read "as".
- „ 405 : In line 10, in column 4, for "or againts" read "or against".
- „ 407 : In line 16 from the bottom, in column 4, for "Miner" read "Mines".
- „ 411 : In line 9, in column 4, for "applies to" read "applies also to".
- „ 418 : In line 6, in column 4, for "3" read "(3)".
- „ 420 : In line 7, in column 4, for "Pittures" read "Pictures".
- „ „ : In line 2 from the bottom, for "VII" read "VIII".
- „ 421 : In line 13, in column 4, for "Scheduled" read "Schedule".
- „ 424 : In line 12 from the bottom, in column 4, for "su-section" read "sub-section".
- „ 428 : In line 16 from the bottom, in column 4, against entry 13, for "(ii)" read "(11)".
- „ 432 : In column 3, against entry 113, for "Re-Services" read "Reserves".
- „ 434 : In column 4, against entry 121, for "(iii)" read "(ii)".
- „ 442 : In line 2 of column 3, against entry 172, for "(Regulation)" read "(Regulation and)".
- „ 444 : In line 9, in column 4, against entry 189, for "1934" read "1937".
- „ 445 : In line 13 from the bottom, in column 4, for "1922" read "1922 (VII of 1922)".
- „ 446 : In column 4, against entry 4, for "Seet on" read "Section".
- „ 450 : In line 22 from the bottom, in column 4, against entry 21, for "cection" read "section".
- „ 457 : In line 4 from the bottom, in column 3, against entry 4, for "Pakistan Railway" read "Pakistan Western Railway".
- „ 469 : In line 24 from the bottom, in column 4, against entry 19, for "1984" read "1948".

(2) Any order, writ, judgement, decision or decree of any court, made, given, issued or passed before or after the commencement of this Order, which is inconsistent with the provisions of this Order, shall be null and void and of no effect.

5. **Removal of difficulty.**—The Federal Government may, for the removal of any difficulty in the operation of the provisions of this Order, or on the application of any person or financial institution facing hardship by reason of the operation of those provisions, make such order or issue such direction as it may deem fit; and such order or direction of the Federal Government shall be final.

GENERAL,  
M. ZIA-UL-HAQ,  
*President.*

S. A. NUSRAT,  
*Principal Secretary.*

#### CORRIGENDA

[to the Gazette of Pakistan, Extraordinary, Part I, dated the 8th July, 1981 containing Ordinance No. XXVII of 1981.]

- Page 347 : In columns 2 and 3 against entry 12 for "1868" read "1867".
- „ 350 : In column 3, against entry 91, for "Traiff" read "Tariff".
- „ „ : In line 9 in column 3 against entry 96, for "Act" read "Ordinance".
- „ 352 : In column 3, in line 2 from the bottom for "Qualificatios" read "Qualification".
- „ 356 : In column 2, against entry 287 for "XXIV" read "XXIII".
- „ 358 : In column 1 at the bottom, for figure "58" read "358".
- „ 374 : In column 2, against entry 71 for "1963" read "1962".
- „ 375 : In column 2, against entry 91, for "I.C.P.O" read "P.C.P.O.".
- „ 377 : In line 18 from the bottom, in column 4, against entry 4, for "sai-tors" read "sailors".
- „ 381 : In line 11 in column 4, for "Act" read " " Certificate Act".
- „ 383 : In line 20 from the bottom, in column 4, for "the crown" read "of the crown".
- „ 384 : In line 7 from the bottom, in column 4, for "hall" read "shall".
- „ „ : In line 21, in column 4, for "Muslims" read "Mohammadans".



# The Gazette of Pakistan

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

ISLAMABAD, SATURDAY, MARCH 20, 1982

## PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law  
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

*Islamabad, the 20th March, 1982*

**No. F. 17 (2) 82-Pub.**—The following Order made by the President on 18th March, 1982 is hereby published for general information :—

### THE CRIMINAL LAW AMENDMENT ORDER, 1982

PRESIDENT'S ORDER NO. 4 OF 1982

WHEREAS it is expedient to provide for the trial by a Special Tribunal or a Special Military Court of certain offences and for matters ancillary thereto.

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order :—

1. **Short title, extent and commencement.**—(1) This Order may be called the Criminal Law Amendment Order, 1982.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. **Definitions.**—In this Order, unless there is anything repugnant in the subject or context,—

(a) "Court" means a Special Military Court constituted under this Order ;

(11)

Price : Ps. 25

- (b) "scheduled offences" means the offences specified in the Schedule to this Order;
- (c) "Special Public Prosecutor" means a person appointed by the Martial Law Administrator for the conduct of prosecution under this Order; and
- (d) "Tribunal" means a Special Tribunal constituted under this Order.

3. **Order to override other laws.**—The provisions of this Order shall have effect notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), the Evidence Act, 1872 (I of 1872), or any other law for the time being in force.

4. **Constitution of Tribunal or Court.**—For the trial of scheduled offences, the Martial Law Administrator may, by order, constitute—

- (a) a Special Tribunal consisting of a person who is, or has been, a Sessions Judge or is, or has been, or is qualified to be, a Judge of a High Court; or
- (b) a Special Military Court consisting of the following persons, namely :—
  - (i) an Army Officer not below the rank of Lieutenant Colonel, who, shall be the President of the Court;
  - (ii) a Magistrate of the first class exercising powers under section 30 of the Code of Criminal Procedure, 1898 (Act V of 1898); and
  - (iii) an Army Officer not below the rank of a Major.

5. **Place of sitting.**—The Tribunal or Court shall sit at such place as the Martial Law Administrator may specify in this behalf.

6. **Jurisdiction of Tribunal or Court.**—(1) Such specific cases relating to scheduled offences, whether committed before or after the commencement of this Order, as the Martial Law Administrator may, by order in writing, direct shall be triable by the Tribunal or the Court.

(2) If through death, illness or any other cause, the person constituting the Tribunal or, as the case may be, the President or any member of the Court is unable to continue to perform his functions, the Martial Law Administrator may, by order in writing, appoint thereto another competent person in his place :

Provided that the Tribunal or Court shall not, merely by reason of any change in its constitution or membership, be bound to recall and re-hear any witness who had given evidence prior to such change, and it may act on the evidence already given or produced before it.

7. **Commencement of proceedings.**—As soon as may be after the constitution of the Tribunal or Court, the Special Public Prosecutor shall take steps to forward to the Tribunal or, as the case may be, Court a statement of the case on behalf of the prosecution, together with a list of formal charges of offences



alleged to have been committed by each of the accused persons reciting the law under which each such offence is punishable, and a list of witnesses whom it is intended to produce in support of each charge :

Provided that the submission of a list of witnesses under this Article shall not preclude the prosecution from submitting additional names of witnesses or any other evidence at any subsequent stage of the prosecution evidence in the case.

**8. Power and procedure of Tribunal or Court.**—A Tribunal or Court shall exercise the same powers and, follow the same procedure, as that of a Field General Court Martial under the Pakistan Army Act, 1952 (XXXIX of 1952), and the rules made thereunder, and shall be competent to regulate its proceedings :

Provided that—

- (a) the Tribunal or Court may refuse to examine or call any witness produced by the accused or called at the instance of the accused if the Tribunal or Court is satisfied that the accused intends to call or examine such witness to cause vexation or delay or to defeat the ends of justice ;
- (b) after all the evidence is recorded, the Tribunal or Court shall hear the prosecutor and defence counsel and on conclusion of the same shall record its findings and sentence and forward the proceedings to the Martial Law Administrator for confirmation ;
- (c) the trial may be ordered to be held in camera, if the Tribunal or the President of the Court so deems fit, and when so ordered no person except the accused persons, the prosecutors, defence counsel and the witnesses shall be allowed to enter the premises of the Tribunal or Court ;
- (d) no person attending the trial, including a party, advocate and witness, shall divulge or disclose the proceedings of the Tribunal or Court to any person unless authorised to do so by the Tribunal or, as the case may be, the President of the Court ;
- (e) no one shall print or publish anything relating to the trial or the proceedings of the Tribunal or Court without the prior approval of the Tribunal or, as the case may be, the President of the Court ;
- (f) no single witness shall be examined or cross-examined by more than one prosecutor or defence counsel, except with permission of the Tribunal or as the case may be, the President of the Court ; and
- (g) the charge, findings and sentence shall, together with the confirmation or non-confirmation of the proceedings, be promulgated in such manner as the Martial Law Administrator may direct.

**9. Application of section 5 of Official Secrets Act, 1923.**—Every person who being in possession of any document or information concerning the proceedings in a case before the Tribunal or Court by virtue of participation therein, whether as a witness or as an officer of the court or otherwise discloses such document or information to any person other than a person who is officially connected with the preparation or conduct of the said case shall be deemed to be guilty of an offence under section 5 of the Official Secrets Act, 1923 (XIX of 1923).



*Exception.*—The provisions of this Article shall not apply to any communication between any accused person and his counsel which is made *bona fide* for the purposes of the defence of such accused person in the case.

**10. Restriction on adjournment.**—The Tribunal or Court shall not adjourn the proceedings for any purpose unless it is of opinion that the adjournment is in the interest of justice, and in particular no trial shall be adjourned by reason of the absence of the accused person if such accused person is represented by counsel or if the absence of the accused person or his counsel has been brought about by the accused person himself or if the behaviour of the accused person prior to such absence has been in the opinion of the Tribunal or Court such as to impede the course of justice; but in any such case the Tribunal or Court shall proceed with the trial after taking necessary steps to appoint a counsel to defend any accused person who is not represented by counsel.

**11. Special rules of evidence.**—(1) The Tribunal or Court may receive in evidence, for such purposes as it may deem fit, any statement recorded by a Magistrate made by any person who, at the time of the trial, is dead, or whose attendance cannot be procured without an amount of delay or expense which is unreasonable in the circumstances.

(2) The Tribunal or Court may receive in evidence—

- (i) any statement made by a person who is examined at the trial as a witness or as an accused person which may have been recorded by a Magistrate, or by an officer during the course of investigation of the case under trial or in the course of the investigation of any other criminal case;
- (ii) any statement of a person recorded by an officer exercising the powers of a Magistrate of the first class or that person himself in his own handwriting or under his signatures; and
- (iii) any tape-recorded speech or statement of a person, provided that the voice of the speaker or the maker of the statement has been identified by a competent witness.

(3) No objection to any document or property seized in the course of investigation being received in evidence shall be entertained on the ground that the same was not seized in accordance with the procedure prescribed in law.

**12. Sentence to be passed by Tribunal or Court.**—(1) The Tribunal or Court may pass any sentence authorised by law:

Provided that—

- (a) in no case shall the sentence of imprisonment passed by the Tribunal or Court in respect of a scheduled offence, whether committed before or after the commencement of this Order, be less than the maximum sentence provided for in the law under which the offence is punishable; and
- (b) where the law under which a scheduled offence is punishable provides for a sentence of death or imprisonment for life and the Tribunal or Court passes a sentence of imprisonment for life, it shall record its reasons therefor.



(2) A person sentenced by the Tribunal or Court to imprisonment shall undergo the full term of imprisonment and no remission of sentence provided for in the Prisons Act, 1894 (IX of 1894), or the rules made thereunder shall be admissible to him.

13. **Burden of proof.**—Where any person accused of having committed a scheduled offence is found to be in possession of, or to have under his control, any article or thing which is capable of being used for, or in connection with, the commission of such offence, or is apprehended in circumstances which tend to raise a reasonable suspicion that he has committed such offence, or intended to commit such offence, he shall be presumed to have committed the offence unless he can prove that he had not fact committed the offence nor intended to commit such offence.

14. **Provisions of counsel for undefended accused persons.**—The Tribunal or Court may at any stage of the case direct that a counsel to be selected by the Tribunal or Court, as the case may be, shall be engaged at the expense of the Provincial Government to defend any accused person who is not represented by counsel and may also determine the fee to be paid to such counsel.

15. **Power to punish for contempt.**—The Tribunal or Court shall have power to punish any person who obstructs or abuses its process or disobeys any order or direction or does anything which tends to prejudice the case of any party before it, or tends to bring it or any of its members into hatred or contempt, or does anything which by law, constitutes contempt of court, with simple imprisonment which may extend to six months, or with fine, or with both.

16. **Petition to the President and Chief Martial Law Administrator.**—(1) Any person sentenced by the Tribunal or Court may, within thirty days of the order of the Tribunal or Court, as the case may be, submit a petition :—

(a) to the President and Chief Martial Law Administrator, if the sentence is one of death ; and

(b) to the Martial Law Administrator, in any other case.

(2) The President and Chief Martial Law Administrator or the Martial Law Administrator, as the case may be, may pass such order on a petition submitted to him under clause (1) as he may deem fit.

## THE SCHEDULE

[See Artical 2 (b)]

(a) Any offence punishable under any of the following sections of the Pakistan Penal Code (Act XLV of 1860), namely :—

- (i) Sections 120-B, 121, 121-A, 122, 123, 123-A, 124-A, 295-B, 396, 400, 402-B, 402-C, 431 and 438 ;
- (ii) Section 176, 201, 212 and 216, if committed in relation to an offender who is accused of having committed any of the offences specified in this Schedule ;
- (iii) Sections 302 and 307, if committed in furtherance of, or in connection with, acts of sabotage, subversion or terrorism ;

- (iv) Sections 392, 393, 394, 395, 397, 398 and 399, if a cannon, grenade, bomb, rocket or missile or any arms of a prohibited bore is used for, or any public property is stolen, destroyed, or damaged in, the commission of the offence, or if the offence has been committed in furtherance of, or in connection with, acts of sabotage, subversion or terrorism ; or
- (v) Sections 435, 436, 437 and 440, if committed in furtherance of, or in connection with, acts of sabotage, subversion or terrorism.
- (b) Any offence punishable under the Explosive Substances Act, 1908 (VI of 1908).
- (c) Any offence punishable under any of the following sections of the Pakistan Arms Ordinance, 1965 (West Pakistan Ordinance No. XX of 1965), namely, sections 8, 9 and 10 read with sections 13 and 14 if committed in respect of a cannon, grenade, bomb, rocket or missile, or a weapon of prohibited bore.
- (d) Any offence punishable under any of the following sections of the Railway Act, 1890 (LX of 1890), namely, sections 126, 127 and 128.
- (e) Any offence punishable under section 25 of the Telegraph Act, 1885 (XIII of 1885).
- (f) Any offence punishable under sub-section (1) of section 13 of the Prevention of Anti-National Activities Act, 1974 (VII of 1974), if such offence constitutes anti-national activity within the meaning of sub-clause (ii) of clause (a) of section 2 of that Act.
- (g) Offences punishable under sections 3 and 5 of the Official Secrets Act, 1923 (XIX of 1923).
- (h) Any attempt or conspiracy to commit, or any abetment of, any of the aforesaid offences.

GENERAL  
M. ZIA-UL-HAQ,  
*President.*

C. A. RAHMAN,  
*Secretary.*



# The Gazette of Pakistan

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

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ISLAMABAD, THURSDAY, MARCH 25, 1982

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## PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law  
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

*Islamabad, the 25th March, 1982*

**No. F. 17 (2)82-Pub.**—The following Orders made by the President on 22nd March, 1982 are hereby published for general information :—

### PRESIDENT'S ORDER NO. 5 OF 1982

In pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order :—

1. **Short title and commencement.**—(1) This Order may be called the Constitution (Second Amendment) Order, 1982.

(2) It shall come into force at once.

2. **Amendment of Article 203B of the Constitution.**—In the Constitution, in Article 203B,—

(a) for paragraph (a) the following shall be substituted, namely :—

“(a) ‘Chief Justice’ means Chief Justice of the Court ;” ;

(b) after paragraph (b), the following new paragraph shall be inserted, namely :—

“(bb) ‘Judge’ means Judge of the Court ;” ; and

(c) paragraph (d) shall be omitted.

(19)

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**3. Amendment of Article 203C of the Constitution.**—In the Constitution, in Article 203C,—

- (a) for the word “members” the word “Judges” shall be substituted ;
- (b) for the word “Chairman”, wherever occurring, the words “Chief Justice” shall be substituted ; and
- (c) for the word “member”, wherever occurring, the word “Judge” shall be substituted.

**4. Amendment of Article 203D of the Constitution.**—In the Constitution, in Article 203D, in clause (1), after the word and comma “may”, the words “either of its own motion or” shall be inserted.

**5. Substitution of Article 203DD of the Constitution.**—In the Constitution, for Article 203DD the following shall be substituted, namely:—

“203DD. *Revisional and other jurisdiction of the Court.*—(1) The Court may call for and examine the record of any case decided by any criminal court under any law relating to the enforcement of *Hudood* for the purpose of satisfying itself as to the correctness, legality or propriety of any finding, sentence or order recorded or passed by, and as to the regularity of any proceedings of, such court and may, when calling for such record, direct that the execution of any sentence be suspended and, if the accused is in confinement, that he be released on bail or on his own bond pending the examination of the record.

(2) In any case the record of which has been called for by the Court, the Court may pass such order as it may deem fit and may enhance the sentence :

Provided that nothing in this Article shall be deemed to authorise the Court to convert a finding of acquittal into one of conviction and no order under this Article shall be made to the prejudice of the accused unless he has had an opportunity of being heard in his own defence.

(3) The Court shall have such other jurisdiction as may be conferred on it by or under any law.”

**6. Amendment of Article 203F of the Constitution.**—In the Constitution, in Article 203F, after clause (2), the following new clauses shall be inserted, namely:—

“(2A) An appeal shall lie to the Supreme Court from any judgment, final order or sentence of the Federal Shariat Court—

- (a) if the Federal Shariat Court has on appeal reversed an order of acquittal of an accused person and sentenced him to death or imprisonment for life or imprisonment for a term exceeding fourteen years ; or, on revision, has enhanced a sentence as aforesaid ; or



(b) if the Federal Shariat Court has imposed any punishment on any person for contempt of the Court.

(2B) An appeal to the Supreme Court from a judgment, decision, order or sentence of the Federal Shariat Court in a case to which the preceding clauses do not apply shall lie only if the Supreme Court grants leave to appeal.”

7. **Insertion of new Article 203GG in the Constitution.**—In the Constitution, after Article 203G, the following new Article shall be inserted, namely :—

“203GG. *Decision of court binding on High Court and courts subordinate to it.*—Subject to Articles 203D and 203F, any decision of the Court in the exercise of its jurisdiction under this Chapter shall be binding on a High Court and on all courts subordinate to a High Court.”

8. **Omission of Article 203I of the Constitution.**—In the Constitution, Article 203I shall be omitted.

9. **Amendment of Article 208 of the Constitution.**—In the Constitution, in Article 208, after the words “Supreme Court”, the words “and the Federal Shariat Court” shall be inserted.

#### PRESIDENT'S ORDER NO. 6 OF 1982

WHEREAS it is expedient further to amend the Prohibition (Enforcement of *Hadd*) Order, 1979 (P. O. No. 4 of 1979), for the purpose hereinafter appearing :

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President and Chief Martial Law Administrator is pleased to make the following Order :—

1. **Short title and commencement.**—(1) This Order may be called the Prohibition (Enforcement of *Hadd*) (Amendment) Order, 1982.

(2) It shall come into force at once.

2. **Amendment of Article 27, P. O. No. 4 of 1979.**—In the Prohibition (Enforcement of *Hadd*) Order, 1979 (P. O. No. 4 of 1979), in Article 27, in clause (1), in the second proviso, after the words “that Article”, the commas and words “, or from an order under any other provision of this Order which imposes a sentence of imprisonment for a term exceeding two years,” shall be inserted.

GENERAL  
M. ZIA-UL-HAQ,  
President.

C. A. RAHMAN,  
Secretary.

# The Gazette of Pakistan

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

ISLAMABAD, SUNDAY, APRIL 4, 1982

## PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law  
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS  
(Law Division)

*Islamabad, the 4th April, 1982*

**No. F. 17 (2)/82-Pub.**—The following Order made by the President is hereby published for general information :—

### PRESIDENT ORDER No. 7 OF 1982

In pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order :—

1. **Short title and commencement.**—(1) This Order may be called the Federal Council (Majlis-e-Shura) (Amendment) Order, 1982.

(2) It shall come into force at once.

2. **Substitution of Article 14, P. O. No. 15 of 1981.**—In the Federal Council (Majlis-e-Shura) Order, 1981 (P. O. No. 15 of 1981), for Article 14 the following shall be substituted, namely :—

“ 14. *Salary, etc., of Chairman and members.*—(1) The Chairman shall be entitled to such salary, privileges and allowances as the President may determine.

(2) A member shall be entitled to such privileges and allowances as the President may determine.”

GENERAL  
M. ZIA-UL-HAQ,  
*President.*

C. A. RAHMAN,  
*Secretary.*

(27)

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# The Gazette of Pakistan

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ISLAMABAD, MONDAY, APRIL 12, 1982

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## PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law  
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

Islamabad, the 12th April, 1982

**No. F. 17 (2)/82-Pub.**—The following Order made by the President on 12th April, 1982 is hereby published for general information:—

The Amendment of the Constitution (Declaration) Order, 1982.

### PRESIDENT'S ORDER No. 8 OF 1982

WHEREAS the Constitution (Second Amendment) Act, 1974 (XLIX of 1974), made amendments in the Constitution of the Islamic Republic of Pakistan, 1973, so as to include persons of the Qadiani group or the Lahori group (who call themselves "Ahmadis") amongst non-Muslims for the purpose of representation in the Provincial Assemblies and so as to provide that a person who does not believe in the absolute and unqualified finality of the Prophethood of Muhammad (peace be upon him) the last of the Prophets or claims to be a prophet, in any sense of the word or of any description whatsoever, after Muhammad (peace be upon him), or recognizes such a claimant as a prophet or a religious reformer, is not a Muslim for the purposes of the Constitution or law;

AND WHEREAS by President's Order No. 17 of 1978 provision was made, *inter alia*, for due representation in the National Assembly and Provincial Assemblies of the non-Muslims, including persons of the Qadiani group and the Lahori group (who call themselves "Ahmadis");

AND WHEREAS the Provisional Constitution Order, 1981 (C.M.L.A. Order No. 1 of 1981), made a part thereof such of the provisions of the aforesaid Constitution as were relevant;

(39)

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AND WHEREAS the aforesaid Order expressly defined the word "Muslim" to mean a person who believes in the unity and oneness of Almighty Allah, in the absolute and unqualified finality of the Prophethood of Muhammad (peace be upon him), the last of the Prophets, and does not believe in, or recognize as a prophet or religious reformer, any person who claimed or claims to be a prophet, in any sense of the word, or of any description whatsoever, after Muhammad (peace be upon him), and the word "non-Muslim" to mean a person who is not a Muslim, including a person belonging to the Christian, Hindu, Sikh, Buddhist or Parsi community, a person of the Qadiani group or the Lahori group (who call themselves "Ahmadis" or by any other name), or a Bahai, and a person belonging to any of the scheduled casts ;

AND WHEREAS the aforesaid Constitution (Second Amendment) Act, 1974, achieved its object of incorporating the aforesaid amendments in the Constitution ;

AND WHEREAS the Federal Laws (Revision and Declaration) Ordinance, 1981 (XXVII of 1981), was promulgated in accordance with well-established practice and with the object of removing from the statute-book enactments which had achieved their object, including the aforesaid Act ;

AND WHEREAS, as has been expressly provided in the aforesaid Ordinance, the textual amendments made in the aforesaid Constitution or other enactments by the aforesaid Act or other amending laws are not affected by the promulgation of the aforesaid Ordinance ;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President and Chief Martial Law Administrator is pleased to make the following Order to declare and reaffirm the legal position :—

**1. Short title and commencement.**—(1) This Order may be called the Amendment of the Constitution (Declaration) Order, 1982.

(2) It shall come into force at once.

**2. Declaration.**—It is hereby declared and reaffirmed that the inclusion in the First Schedule to the Federal Laws (Revision and Declaration) Ordinance, 1981 (XXVII of 1981), of the Constitution (Second Amendment) Act, 1974 (XLIX of 1974), which incorporated the aforesaid amendments in the Constitution of the Islamic Republic of Pakistan, 1973, did not and shall not—

- (a) affect the continuance of the aforesaid amendments which continue to form part of the aforesaid Constitution ; or
- (b) alter the position of persons of the Qadiani group or the Lahori group (who call themselves "Ahmadis") as non-Muslims, and they continue to be non-Muslims.

GENERAL,  
M. ZIA-UL-HAQ,

*President  
and Chief Martial Law Administrator.*

C. A. REHMAN,  
*Secretary.*



# The Gazette of Pakistan

EXTRAORDINARY  
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ISLAMABAD, THURSDAY, MAY 13, 1982

## PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law  
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

*Islamabad, the 13th May, 1982*

**No. F. 17 (2) 82-Pub.**—The following Order made by the President is hereby published for general information:—

### THE FEDERAL COUNCIL (MAJLIS-E-SHURA)

(SECOND AMENDMENT) ORDER, 1982

PRESIDENT'S ORDER NO. 9 OF 1982

In pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order:—

1. **Short title and commencement.**—(1) This Order may be called the Federal Council (Majlis-e-Shura) (Second Amendment) Order, 1982.

(2) It shall come into force at once.

2. **Amendment of Article 14, P. O. No. 15 of 1981.**—In the Federal Council (Majlis-e-Shura) Order, 1981 (P. O. No. 15 of 1981), in Article 14, after clause (2), the following new clause shall be added, namely:—

“(3) An order of the President under clause (1) may be made so as to have effect from any date not preceding the date of commencement of this Order.”

GENERAL,  
**M. ZIA-UL-HAQ,**  
*President.*

**C. A. RAHMAN,**  
*Secretary.*

(45)

Price : Ps. 9

**CORRIGENDUM**

[to the Gazette of Pakistan, Extraordinary, Part-I, dated the 20th April, 1982  
containing Ordinance No. VII of 1982.]

Page 42 : In line 17, for "providtd" read "provided".

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**CORRIGENDUM**

[to the Gazette of Pakistan, Extraordinary, Part-I, dated the 25th April, 1982  
containing Ordinance No. VIII of 1982.]

Page 43 : In line 13, for "Busniess" read "Business".



# The Gazette of Pakistan



EXTRAORDINARY  
PUBLISHED BY AUTHORITY

ISLAMABAD, THURSDAY, JUNE 17, 1982

## PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law  
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

Islamabad, the 17th June, 1982

No. F. 17 (2)/82-Pub.—The following Order/Orders made by the President is/are hereby published for general information:—

### GIFT-TAX (AMENDMENT) ORDER, 1982

#### PRESIDENT'S ORDER No. 10 OF 1982

In pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order:—

1. **Short title and commencement.**—(1) This Order may be called the Gift-tax (Amendment) Order, 1982.

(2) It shall come into force on the first day of July, 1982.

2. **Amendment of section 2, Act XIV of 1963.**—In the Gift-tax Act, 1963 (XIV of 1963), hereinafter referred to as the said Act, in section 2, in clause (xiii), after the figure "8", the words "and includes a Special Officer and a Tax Recovery Officer" shall be inserted.

3. **Amendment of section 5, Act XIV of 1963.**—In the said Act, in section 5, in sub-section (1), after clause (vi), the following new clause shall be inserted, namely:—

"(via) of a house, used for residential purposes, to his or her spouse; the expression "spouse" in this clause has the same meaning as in clause (vi):

(79)

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Provided that this exemption shall apply to the gift of only one such house made by the donor during his life time ;

4. Amendment of section 13, Act XIV of 1963.—In the said Act, in section 13, in sub-section (1), for the words “ before the fifteenth day of September ” the words “ on or before the first day of October ” shall be substituted.

5. Amendment of section 16, XIV of 1963.—In the said Act, in section 16, 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 no proceedings under this sub-section shall be initiated unless definite information has come into the possession of the Gift-tax Officer or he has obtained the previous approval of the Inspecting Assistant Commissioner of Gift-tax in writing to do so.”.

GENERAL,  
M. ZIA-UL-HAQ.  
*President.*

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C. A. RAHMAN,  
*Secretary.*



# The Gazette of Pakistan

EXTRAORDINARY

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ISLAMABAD, WEDNESDAY, JULY 28, 1982

## PART I

Acts, Ordinances, President's Orders, and Regulations including Martial Law  
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

Islamabad, the 28th July, 1982

No. F. 17 (2)82-Pub.—The following Order made by the President is hereby published for general information :—

HIGH COURT JUDGES (TRAVELLING ALLOWANCE) (AMENDMENT)  
ORDER, 1982.

PRESIDENT'S ORDER No. 11 OF 1982

WHEREAS it is expedient further to amend the High Court Judges (Travelling Allowance) Order, 1965 (P. O. No. 4 of 1965), for the purposes hereinafter appearing ;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order :—

1. **Short title and commencement.**—(1) This Order may be called the High Court Judges (Travelling Allowance) (Amendment) Order, 1982.

(2) It shall come into force at once.

2. **Amendment of paragraph 11, P. O. No. 4 of 1965.**—In the High Court Judges (Travelling Allowance) Order, 1965 (P. O. No. 4 of 1965), in paragraph 11, in sub-paragraph (1),—

- (a) for the word "fifty-five" the word "eighty-five" shall be substituted ;  
and
- (b) in the proviso, for the word "sixty-five" the words "one hundred" shall be substituted.

GENERAL  
M. ZIA-UL-HAQ,  
President.

C. A. RAHMAN,  
Secretary.

(115)

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## PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law  
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

*Islamabad, the 15th August, 1982*

**No. F. 17 (2)/82-Pub.**—The following Order made by the President is hereby published for general information :—

THE CONSTITUTION (THIRD AMENDMENT) ORDER, 1982

PRESIDENT'S ORDER No. 12 OF 1982

In pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order :—

1. **Short title and commencement.**—(1) This Order may be called the Constitution (Third Amendment) Order, 1982.

(2) It shall come into force at once.

2. **Amendment of Article 203F of the Constitution.**—In the Constitution, in Article 203F, for clause (3) the following shall be substituted, namely :—

“(3) For the purpose of the exercise of the jurisdiction conferred by this Article, there shall be constituted in the Supreme Court a Bench to be called the Shariat Appellate Bench and consisting of—

(a) three Muslim Judges of the Supreme Court ; and

(b) not more than two Ulema to be appointed by the President to attend sittings of the Bench as *ad hoc* members thereof from amongst the Judges of the Federal Shariat Court or from out of a panel of Ulema to be drawn up by the President in consultation with the Chief Justice.

(117)

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- (4) A person appointed under paragraph (b) of clause (3) shall hold office for such period as the President may determine.
- (5) Reference in clauses (1) and (2) to "Supreme Court" shall be construed as a reference to the Shariat Appellate Bench.
- (6) While attending sittings of the Shariat Appellate Bench, a person appointed under paragraph (b) of clause (3) shall have the same power and jurisdiction, and be entitled to the same privileges, as a Judge of the Supreme Court, and be paid such allowances as the President may determine."

GENERAL,  
M. ZIA-UL-HAQ,  
*President.*

C. A. RAHMAN,  
*Secretary.*

# The Gazette of Pakistan

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

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ISLAMABAD, WEDNESDAY, SEPTEMBER 22, 1982

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## PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law  
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

*Islamabad, the 22nd September, 1982*

**No. F. 17(2)/82-Pub.**—The following Order made by the President is hereby published for general information :—

### THE CONSTITUTION (FOURTH AMENDMENT) ORDER, 1982

PRESIDENT'S ORDER NO. 13 OF 1982

In pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make the following order :—

1. **Short title and commencement.**—(1) This Order may be called the Constitution (Fourth Amendment) Order, 1982.

(2) It shall come into force at once.

2. **Amendment of Article 228 of the Constitution.**—In the Constitution, in Article 228, for clause (4) the following shall be substituted, namely :—

“(4) The President shall appoint one of the members of the Islamic Council to be the Chairman thereof.”.

GENERAL  
M. ZIA-UL-HAQ.  
*President.*

C. A. RAHMAN.  
*Secretary.*

(135)

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GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

*Islamabad, the 30th November, 1982*

No. F. 17 (2)/82-Pub.—The following order made by the President on 26th November, 1982 is hereby published for general information.

THE PAKISTAN (AUDIT AND ACCOUNTS) (AMENDMENT) ORDER, 1982

PRESIDENT ORDER No. 14 OF 1982

In pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make the following order :—

1. **Short title and commencement.**—(1) This Order may be called the Pakistan (Audit and Accounts) (Amendment) Order, 1982

(2) It shall come into force at once.

2. **Amendment of Article 4, P. O. No. 21 of 1973.**—In the Pakistan (Audit and Accounts) Order, 1973 (P. O. No. 21 of 1973), in Article 4, in clause (1), for the words and comma "sixty years or until he completes the term of five years in that office, whichever first occurs" the words "sixty-two years" shall be substituted.

GENERAL

M. ZIA-UL-HAQ,

*President.*

MIR MOHAMMAD ALI,

*Draftsman/Additional Secretary.*

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**ISLAMABAD, MONDAY, APRIL 5, 1982**

**PART I**

**Acts, Ordinances, President's Orders and Regulations including Martial Law  
Orders and Regulations**

**GOVERNMENT OF PAKISTAN**

**STATES AND FRONTIER REGIONS DIVISION**

*Islamabad, the 4th April, 1982*

**No. F. 1 (3)-F. III/82.**—The following Regulation made by the President is hereby published for general information :—

**REGULATION No. 1 OF 1982**

**A**

**REGULATION**

*further to amend the Frontier Crimes Regulation 1901.*

**WHEREAS** it is expedient further to amend the Frontier Crimes Regulation, 1901 (Regulation III of 1901), for the purpose hereinafter appearing ;

**NOW, THEREFORE**, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Regulation :—

**1. Short title and commencement.**—(1) This Regulation may be called the Frontier Crimes (Amendment) Regulation, 1982.

(2) It shall come into force at once.

**2. Amendment of Regulation III of 1901.**—In the Frontier Crimes Regulation, 1901 (Regulation III of 1901), in the Second Schedule, in paragraph 1, after the figure, letter and comma "216-A," the figure, letter and comma "295-B," shall be inserted.

**GENERAL  
M. ZIA-UL-HAQ,**  
*President.*

**S. M. NIAZI,**  
*Secretary.*

*Islamabad, dated the 3rd April, 1982.*

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