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ORDINANCE No. 1 OF 2015

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ORDINANCE

further to amend the Pakistan Army Act, 1952

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

AND WHEREAS the Senate and the National Assembly are not in session and the President is satisfied that circumstances exist which render it necessary to take immediate action:

NOW THEREFORE, in exercise of the powers conferred by clause (1) of Article 89 of the Constitution of the Islamic Republic of Pakistan, the President is pleased to make and promulgate the following Ordinance:

1. **Short title and commencement.**—(1) This Ordinance may be called the Pakistan Army (Amendment) Ordinance, 2015.

(2) It shall come into force at once.

2. **Amendment of section 2, Act XXXIX of 1952.**— In the Pakistan Army Act, 1952 (XXXIX of 1952),—

(a) in section 2, in sub-section (1), in clause (d), in sub-clause (iv), in the second proviso, for the full stop at the end a colon shall be substituted and after the second proviso amended as aforesaid the following new provisos shall be added, namely:—

“Provided further that notwithstanding anything contained in this Act or any other law for the time being in force, any person arrested, detained or held in custody by the armed forces, civil armed forces or law enforcement agencies and kept under arrest, custody or detention before the coming into force of the Pakistan Army (Amendment) Act, 2015 (Act II of 2015) shall be deemed to have been arrested or detained pursuant to the provisions of this Act as amended by the Pakistan Army (Amendment) Act, 2015 (II of 2015) if the offence in respect of which such arrest or detention was made also constitutes an offence referred to in sub-clause (iii) or sub-clause (iv):

Provided further that no suit, prosecution or other legal proceedings shall lie against any person in respect of anything which is in good faith done or intended to be done under sub-clause (iii) or sub-clause (iv).”;
and

- (b) after section 2B, the following new section shall be inserted, namely:—

“2C. Protection to Witnesses, President, Members of the Court, Defending Officers, Prosecutors and persons concerned with court proceedings.- The *convening authority or the court* constituted under this Act may, make such orders or take such measures, *like sitting in camera, not publishing the names of court officials etc,* as it deems fit, within available resources, for the protection of witnesses, President, members, prosecutors, defending officers and other persons concerned in court proceedings for an offence under this Act, as may be prescribed.”

STATEMENT OF OBJECTS & REASONS

“An extraordinary situation and circumstances exist which demand special measures for speedy trial of certain offences relating to terrorism, waging war or insurrection against Pakistan and prevention of acts threatening security of Pakistan by any terrorist group using name of religion or sect and members of such armed groups, wings and militia. There exists a grave threat to the integrity of Pakistan owing to raising of arms and insurrection by terrorist groups. These groups are funded by foreign and local elements using name of religion or sect. They have to be severely dealt with under the law. In order to ensure proper conduct of trials, special measures for protection and indemnity against legal proceedings as well as arrest or detention of the accused persons; it is desirable that during the conduct of said trials, security and safety of court officials must never get compromised. Therefore, special measures for protection of such officials and indemnity against arrest / detention of terrorists are required.

The Ordinance is designed to achieve the said objects.

KHAWAJA MUHAMMAD ASIF
Minister for Defence
Minister-in-Charge