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PART I

Acts, Ordinances, President's Orders and Regulations

SENATE SECRETARIAT

Islamabad, the 28th July, 1991.

The following Act of Majlis-e-Shoora (Parliament) received the assent of the President on the 27th July, 1991, and is hereby published for general information :-

ACT NO. XIV OF 1991

An Act further to amend the Constitution of the Islamic Republic of Pakistan

WHEREAS it is expedient further to amend the Constitution of the Islamic Republic of Pakistan for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title, commencement and duration.**—(1) This Act may be called the Constitution (Twelfth Amendment) Act, 1991.
- (2) It shall come into force at once.
- (3) The provisions of this Act, other than those of section 3, shall remain in force for a period of three years and, on the expiration of the said period, Article 212B inserted by it shall cease to form part of the Constitution and shall stand repealed.

(351)

2. **Addition of new Article 212B in the Constitution.**—In the Constitution of the Islamic Republic of Pakistan, hereinafter referred to as the Constitution, in Part VII, in Chapter 4, after Article 212, the following new Article shall be added, namely:—

'212B. Establishment of Special Courts for trial of heinous offences.—(1)

In order to ensure speedy trial of cases of persons accused of such of the heinous offences specified by law as are referred to them by the Federal Government, or an authority or person authorised by it, in view of their being gruesome, brutal and sensational in character or shocking to public morality, the Federal Government may by law constitute as many Special Courts as it may consider necessary.

(2) Where the Federal Government constitutes more than one Special Court, it shall determine the territorial limits within which each one of them shall exercise jurisdiction.

(3) A Special Court shall consist of a Judge, being a person who is, or has been, or is qualified for appointment as, a Judge of a High Court and is appointed by the Federal Government after consultation with the Chief Justice of the High Court.

(4) A person other than a Judge of a High Court who is appointed as a Judge of a Special Court shall hold office for the period this Article remains in force and shall not be removed from office except in the manner prescribed in Article 209 for the removal from office of a Judge, and, in the application of the said Article for the purposes of this clause, any reference in that Article to a Judge shall be construed as a reference to a Judge of a Special Court.

(5) The law referred to in clause (1) shall make provision for the constitution of as many Supreme Appellate Courts as the Federal Government may consider necessary and for an appeal against the sentence or final order of a Special Court being preferred to a Supreme Appellate Court which shall consist of—

- (a) a Chairman, being a Judge of the Supreme Court to be nominated by the Federal Government after consultation with the Chief Justice of Pakistan; and
- (b) two Judges of the High Courts to be nominated by the Federal Government after consultation with the Chief Justice of the High Court concerned.

(6) Where the Federal Government constitutes more than one Supreme Appellate Court, it shall determine the territorial limits within which each one of them shall exercise jurisdiction.

(7) A Special Court and a Supreme Appellate Court shall decide a case or, as the case may be, an appeal within thirty days.

(8) Notwithstanding anything contained in the Constitution, no court shall exercise any jurisdiction whatsoever in relation to any proceedings before, or order or sentence passed by a Special Court or a Supreme Appellate Court constituted under a law referred to in clause (1), except as provided in such law."

3. **Amendment of Fifth Schedule to the Constitution.**—In the Constitution, in the fifth Schedule,—

(1) in the Part relating to the Supreme Court,—

(a) in the first paragraph,—

(i) for the figure "7,900" the figure "9,900", and for the figure "7,400" the figure "9,500", shall be substituted; and

(ii) after the words "per mensem", at the end, the commas and words "or such higher salary as the President may, from time to time, determine" shall be added; and

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

"3. The pension payable to a retired Judge of the Supreme Court per mensem shall not be less or more than the amount specified in the table below, depending on the length of his service as Judge in that Court or a High Court:

Provided that the President may, from time to time, raise the minimum or maximum amount of pension so specified:—

Judge	Minimum amount	Maximum amount
Chief Justice	Rs. 7,000	Rs. 8,000
Other Judge	Rs. 6,250	Rs. 7,125"; and

(2) in the Part relating to the High Court,—

(a) in the first paragraph,—

(i) for the figure "7,200" the figure "9,400", and for the figure "6,500" the figure "8,400", shall be substituted; and

- (ii) after the words "per mensem", at the end, the commas and words "or such higher salary as the President may, from time to time, determine" shall be added; and
- (b) for the third paragraph the following shall be substituted, namely:—

"3. The pension payable per mensem to a Judge of a High Court who retires after having put in not less than five years service as such Judge shall not be less or more than the amount specified in the table below, depending on the length of his service as Judge and total service, if any, in the service of Pakistan:

Provided that the President may, from time to time, raise the minimum or maximum amount of pension so specified:—

Judge	Minimum amount	Maximum amount
Chief Justice	Rs. 5,640	Rs. 7,050
Other Judge	Rs. 5,040	Rs. 6,300"

AZIZ AHMED QURESHI,
Secretary.