

Medical Officers (Regularization of
Appointments) Act, 1992

2. Definition.--In this Act, unless the context otherwise requires, "Medical Officers" mean (a) those appointed as Medical Officers in institutions under the Health Division, and (b) those appointed as RMOs in the National Institute of Cardiovascular Diseases.

3. Regularization of appointments of Medical Officer.--(1) Notwithstanding anything contained in the Civil Servants Act, 1973 (LXXI of 1973) or the rules made thereunder or the Federal Public Service Commission Ordinance, 1977 (XLV of 1977), or the rules made thereunder, a Medical Officer who was approved, at any time preceding the twelfth day of October, 1988, for appointment as Medical Officer on ad hoc basis and is holding office as such at the commencement of this Act, shall, on an order being made by the Federal Government in that behalf, be deemed to have been appointed on a regular basis in the cadre of Medical Officers in the Federal Government with effect from the date of the commencement of this Act.

(2) An order under subsection (1) shall not be made in respect of a person unless, in the opinion of the Committee referred to in subsection (3), his character and antecedents have been verified as satisfactory and he holds office, possesses the domicile, qualifications and experience, and is within the limit, required for the office.

(3) The Committee shall consist of the Director-General of Health, Government of Pakistan, who shall be its Chairman, the Joint Secretary (Administration), Health Division, and one nominee of the Establishment Division not below the rank of Joint Secretary.

4. Seniority.--(1) A medical officer whose appointment is regularized under this Act shall rank junior to a medical officer belonging to the same service cadre who is--

(a) holding a post on regular basis at the commencement of this Act;

(b) appointed on the recommendation of the Federal Public Service Commission made before the commencement of this Act.

(2) The inter se seniority of the medical officers whose appointments are regularized under this Act shall, within the same service or cadre, be determined on the basis of their continuous appointment in such service cadre:

Provided that, where the date of continuous appointment of more such officers in the same service or cadre, the older in age shall be senior to the younger in age.

ACT XVII OF 1992

BANKING COMPANIES (RECOVERY OF LOANS)
(AMENDMENT) ACT, 1992

An Act further to amend the Banking Companies
(Recovery of Loans) Ordinance, 1979

[Gazette of Pakistan, Extraordinary, Part I,
1st August, 1992]

The following Act of Majlis-e-Shoora (Parliament) received the assent of the President on the 26th July, 1992, and is hereby published for general information:--

Whereas it is expedient further to amend the Banking Companies (Recovery of Loans) Ordinance, 1979 (XIX of 1979), for the purpose hereinafter appearing;

It is hereby enacted as follows:--

1. Short title and commencement.-- (1) This Act may be called the Banking Companies (Recovery of Loans) (Amendment) Act, 1992.

(2) It shall come into force at once.

2. Amendment of section 2, Ordinance XIX of 1979.--In the Banking Companies (Recovery of Loans) Ordinance, 1979 (XIX of 1979), hereinafter referred to as the said Ordinance, in section 2, in clause (f), for the words "one million" the words "ten million" shall be substituted.

3. Amendment of section 8, Ordinance XIX of 1979.--In the said Ordinance, in section 8, for subsection (3) the following shall be substituted, namely:

"(3) The Special Court shall, at the same time at which it passes a decree, order execution of the decree as arrears of land revenue or in such other manner as it may, at the request of decree-holder, consider appropriate."

ACT XVIII OF 1992

CUTTING OF TREES (PROHIBITION) ACT, 1992

An Act to provide for the prohibition of cutting of
trees near the external frontiers of Pakistan

[Gazette of Pakistan, Extraordinary, Part I,
3rd August, 1992]

The following Act of Majlis-e-Shoora (Parliament) received the assent

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of the President on the 29th July, 1992, and is hereby published for general information:--

Whereas it is expedient to provide for the prohibition of cutting of trees or causing damage to trees near the external frontiers of Pakistan and matters ancillary thereto;

It is hereby enacted as follows:--

1. Short title, extent and commencement.--(1) This Act may be called the Cutting of Trees (Prohibition) Act, 1992.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions.--In this Act, unless there is anything repugnant in the subject or context,--

(a) 'authorised officer' means an officer authorised by a Provincial Government;

(b) 'field' means a Khasra number as defined in the Provincial law relating to land revenue;

34 (c) 'first zone' means an area adjacent to and beyond the external frontiers of Pakistan extending towards Pakistan to a line at four kilometres measured from the external frontiers of Pakistan;

(d) 'second zone' means an area adjacent to and beyond the first zone extending towards Pakistan to a line at four kilometres measured from the first zone; and

(e) 'tree' means a large plant with a self-supporting trunk.

3. Cutting of trees etc. prohibited.--(1) Except as hereinafter provided, no person shall, without the prior written approval of the authorised officer, cut, fell or damage or cause to be cut, felled or damaged any tree growing--

(i) in the first zone, if the number of remaining trees in any field falls short of the number to be calculated at the rate of fifteen trees per acre; and

(ii) in the second zone, if the number of remaining trees in any field falls short of the number to be calculated at the rate of ten trees per acre.

(2) Nothing contained in subsection (1) shall apply to a tree growing on land occupied at the site of a town or village or in a dwelling-house, including its curtilage.

4. Penalty.--Whoever contravenes the provisions of this Act shall be guilty of an offence punishable--

(i) with fine which may extend to five thousand rupees, if the contravention relates to the first zone; and

(ii) with fine which may extend to two thousand and five hundred rupees, if the contravention relates to the second zone.

5. Cognizance of offences.--No Court shall take cognizance of an offence under this Act except on a complaint by the authorised officer or the local formation commander of the Pakistan Army.

6. Seizure and confiscation of property.--(1) When any tree has been cut, felled or damaged in contravention of the provisions of this Act or rules made thereunder, such tree together with all tools used in committing any such contravention may be seized by the authorised officer.

(2) Every officer seizing any property under this section shall place on such property a mark indicating that the same has been so seized and shall, as soon as may be, make report of such seizure to the Magistrate having jurisdiction to try the offence under this Act.

(3) Upon the receipt of any such report, the Magistrate shall, with all convenient despatch, take such measures as may be necessary for the trial of the offender and the disposal of the property according to law.

(4) Any tree in respect of which an offence has been committed under this Act and all tools used in committing any such offence shall be liable to confiscation, and such confiscation shall be in addition to any other punishment prescribed for such offence.

7. Power to prevent commission of offences.--The authorised officer shall prevent the commission of any offence under this Act and for that purpose may take such measures as may be prescribed by the rules made under this Act.

8. Provincial Governments to demarcate zones.--The Provincial Governments may, whenever it may deem expedient, cause the zones defined in section 2 to be demarcated and the trees growing in any zone to be enumerated.

9. Power to enter etc.--Any authorised officer or any other person authorised to demarcate the zones and enumerate the trees shall be entitled to enter upon any land, and--

(i) to survey any land;

(ii) to make map of any zone;

(iii) to erect or cause to be erected boundaries marks; and

(iv) to blaze any tree.

10. Rules.--The Provincial Government may make rules for carrying out the purposes of this Act.

11. Repeal.--The Cutting of Trees (Prohibition) Act, 1975 (LXXIV of 1975), is hereby repealed.

ORDINANCE X OF 1992

CRIMINAL LAW (THIRD AMENDMENT) ORDINANCE, 1992

An Ordinance further to amend the Pakistan Penal Code and the Code of Criminal Procedure, 1898

[Gazette of Pakistan, Extraordinary, Part I,
30th July, 1992]

No.F.2(1)/92-Pub., dated 30-7-1992.--The following Ordinance made by the President is hereby published for general information:--

Whereas it is expedient further to amend the Pakistan Penal Code (Act XLV of 1860), and the Code of Criminal Procedure, 1898 (Act V of 1898), to bring them in conformity with the Injunctions of Islam as laid down in the Holy Qur'an and Sunnah;

And whereas the National Assembly is 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 Criminal Law (Third Amendment) Ordinance, 1992.

(2) It shall come into force at once.

2. Substitution of section 53, Act XLV of 1860.--In the Pakistan Penal Code (Act XLV of 1860), hereinafter referred to as the Penal Code, for section 53, the following shall be substituted, namely:--

"53. *Punishments*.--The punishments to which offenders are liable under the provisions of this Code are:--

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| Firstly, | Qisas; |
| Secondly, | Diyat; |
| Thirdly, | Arsh; |

Fourthly,

Daman;

Fifthly,

Ta'zir;

Sixthly,

Death;

Seventhly,

Imprisonment for life;

Eighthly,

Imprisonment which is of two descriptions, namely:--

(i) Rigorous i.e., with hard labour;

(ii) Simple;

Forfeiture of property;

Fine."

Ninthly,

Tenthly,

3. Amendment of section 54, Act XLV of 1860.--In the Penal Code, in section 54, for the full-stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:--

"Provided that, in a case in which sentence of death shall have been passed against an offender convicted for an offence of *qatl*, such sentence shall not be commuted without the consent of the heirs of the victims".

4. Amendment of section 55, Act XLV of 1860.--In the Penal Code, in section 55 for the full-stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:--

"Provided that, in a case in which sentence of imprisonment for life shall have been passed against an offender convicted for an offence punishable under Chapter XVI, such punishment shall not be commuted without the consent of the victim or, as the case may be, of his heirs."

5. Amendment of section 55-A, Act XLV of 1860.--In the Penal Code, in section 55-A, for the full-stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:--

"Provided that such right shall not, without the consent of the victim as the case may be, of the heirs of the victim, be exercised for any sentence awarded under Chapter XVI."

6. Amendment of section 109, Act XLV of 1860.--In the Penal Code, in section 109, for the full-stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:--