

## **NATIONAL LAWS**

### **THE EXTRADITION ACT, 1972**

#### **ACT NO. XXI OF 1972**

(24th September, 1972)

An Act to consolidate and amend the law relating to the extradition of fugitive offenders

WHEREAS it is expedient to consolidate and amend the law relating to the extradition of fugitive offenders;

It is hereby enacted as follows:-

#### **CHAPTER I**

#### **PRELIMINARY**

1. (1) This Act may be called the Extradition Act, 1972.
- (2) It extends to the whole of Pakistan.
- (3) It shall come into force on such date as the Federal Government may, by notification in the official gazette, appoint.
- (4) It shall apply in relation to the return of persons to, and to persons returned from,
  - (a) a treaty State, subject to a declaration under section 3 if any; and
  - (b) a foreign State not being a treaty State, subject to a direction under section 4.
2. (1) In this Act, unless there is anything repugnant in the subject or context,
  - (a) "extradition offence" means an offence the act or omission constituting which falls within any of the descriptions set out in the Schedule and, if it took place within, or within the jurisdiction of, Pakistan would constitute an offence against the law of Pakistan and also
    - (i) in the case of a treaty State, an offence a person accused of which is, under the extradition treaty with that State, to be returned to or from that State; and
    - (ii) in the case of a foreign State not being a treaty State, an offence specified in a direction issued under section 4;
  - (b) "extradition treaty" means a treaty or agreement between Pakistan and a foreign State for extradition to or from such State of a person accused or convicted of an extradition offence;
  - (c) "foreign State" includes every constituent part, colony or dependency of such State;
  - (d) "fugitive offender" means the person who, being accused or convicted of an extradition offence is, or is suspected to be, in any part of Pakistan;
  - (e) "prescribed" means prescribed by rules made under this Act;

- (f) “treaty State” means a foreign State with which an extradition treaty is for the time being in operation.
- (2) In determining for the purposes of this Act whether an offence against the law of a foreign State falls within a description set out in the Schedule, any special intent or state of mind or special circumstances of aggravation which may be necessary to constitute that offence under the law shall be disregarded.
3. (1) As soon as may be after the commencement of this Act, the Federal Government shall publish in the official Gazette a list of the foreign States with which an extradition treaty is in operation, specifying in respect of each such State the offences persons accused of which are, under the treaty, to be returned to or from that State.
- (2) Whenever there is concluded an extradition treaty between Pakistan and a foreign state, the Federal government may, by notification in the official Gazette, declare such State to be a treaty State for the purposes of this Act.
- (3) A declaration under sub-section (2) in relation to a foreign State shall specify the offences persons accused of which are, under the extradition treaty with that State, to be returned to or from that State and may provide that this Act shall apply in relation to that State with such modification as may be set out therein; and the provisions of this Act shall have effect accordingly.
4. (1) Where the Federal Government considers it expedient that the persons who, being accused or convicted of offences at places within, or within the jurisdiction of, a foreign State, are or are suspected to be in Pakistan should be returned to the State, notwithstanding that there is no extradition treaty with that state, it may, by notification in the official Gazette, direct that the provisions of this Act shall, with respect to such offences and subject to such modifications, exceptions, conditions and qualifications, if any, as may be specified therein, have effect in relation to that State.
- (2) Where a direction under sub-section (1) in relation to a foreign State is in force, the provisions of this Act shall, with respect to the offences specified in that direction, have effect in relation to such State as if it were a treaty State.

## CHAPTER II

### SURRENDER OF FUGITIVE OFFENDERS

5. (1) Subject to the provisions of sub-section (2), every fugitive offender shall be liable to be apprehended and surrendered in the manner provided in this Act, whether the offence in respect of which his surrender is sought was committed before or after the commencement of this Act and whether or not a court in Pakistan has jurisdiction to try that offence.
- (2) No fugitive offender shall be surrendered:
- a. if the offence in respect of which his surrender is sought is of a political character or if it is shown to the satisfaction of the Federal Government or of the Magistrate or court before whom he may be produced that the requisition for his surrender has, in fact, been made with a view to his being tried or punished for an offence of a political character;

- b. if the offence in respect of which his surrender is sought is not punishable with death or with imprisonment for life or a term which is not less than twelve months.
  - c. If the prosecution of the offence in respect of which the surrender is sought is, according to the law of the State asking for the surrender, barred by time:]
  - d. If there is no provision in the law of, or in the extradition treaty with, the State asking for the surrender that the fugitive offender shall not, until he has been restored or has had an opportunity of returning to Pakistan, be detailed or tried in that State for any offence committed prior to his surrender, other than the extradition offence proved by the facts on which the surrender is based;
  - e. If it appears to the Federal Government that he is accused or alleged to have been convicted of such an offence that if he were charged with that offence in Pakistan he would be entitled to be discharged under any law relating to previous acquittal or conviction;
  - f. If he has been accused of some offence in Pakistan, not being the offence for which his surrender is sought, or is undergoing sentence under any conviction in Pakistan, until after he has been discharged, whether by acquittal or on the expiration of his sentence or otherwise.
  - g. If it is shown to the satisfaction of the Federal Government or of the Magistrate or court before whom he may be produced that he might if surrendered be prejudiced at his trial or punished, detained or restricted in his personal liberty by reason of his race, religion, nationality or political opinions.
6. A requisition for the surrender of a fugitive offender shall be made to the Federal Government:
- a) by a diplomatic representative in Pakistan of the State asking for the surrender; or
  - b) by the Government of the State asking for the surrender through the diplomatic representative of Pakistan in that State; or
  - c) in such other manner as may have been settled by arrangement between the Federal Government and the Government of the State asking for the surrender.
7. Where a requisition is made under section 6, the Federal Government may, if it thinks fit, issue an order to enquire into the case to any Magistrate of the first class who would have had jurisdiction to enquire into the extradition offence to which the requisition relates if it had been an offence committed within the local limits of his jurisdiction.
8. (1) On receipt of an order under section 7, the Magistrate shall issue a summons or a warrant for the arrest of the fugitive offender according as the case appears to be one in which according to the law of Pakistan a summons or warrant would ordinarily issue.
- (2) When the fugitive offender appears or is brought before him, the Magistrate shall enquire into the case in the same manner, and have the same jurisdiction and powers, as nearly as may be, as if the case were one triable by a court of session and shall take such evidence as may be produced in support of the requisition and on behalf of the fugitive offender, including any evidence to show that the offence of which the fugitive offender is accused or alleged to have been convicted is an offence of a political character or is not an extradition offence.

9. (1) In any proceedings against a fugitive offender under this Act, exhibits and depositions, whether or not they are received or taken in the presence of the person against whom they are used, and copies thereof, and official certificates of facts and judicial documents stating facts, may, if duly authenticated, be received as evidence.
- (2) Warrants, depositions or statements on oath which purport to have been issued, received or taken by any Court of Justice outside Pakistan, or copies thereof, and certificates of, or judicial documents stating the fact of, conviction before any such Court, shall be deemed duly authenticated:
- a. if the warrant purports to be signed by a Judge, Magistrate, or officer of the State where the same was issued or acting in or for such State;
  - b. if the depositions or statements or copies thereof purport to be certified, under the hand of a Judge, Magistrate or officer of the State where the same were taken or acting in or for such State, to be the original depositions or statements or to be true copies thereof, as the case may require;
  - c. if the certificate of, or judicial document stating the fact of, a conviction purports to be certified by a Judge, Magistrate or officer of the State where the conviction took place or acting in or for such State; and
  - d. if the warrant, depositions, statements, copies, certificates and judicial documents, as the case may be, are authenticated by the oath of some witness or by the official seal of a minister of the State where the name were respectively issued, taken or given.
- (3) For the purposes of this section, "warrant" includes any judicial document authorizing the arrest of any person accused or convicted of an offence.
10. If, after the enquiry under section 8, the Magistrate is of opinion-
- a. that a prima facie case has not been made out in support of the requisition for surrender of the fugitive offender, he shall discharge the fugitive offender and make a report to that effect to the Federal Government;
  - b. that a prima facie case has been made out in support of such requisition, he shall-
    - i. report the result of his enquiry to the Federal Government;
    - ii. forward, together with such report, any written statement which the fugitive offender may desire to submit for the consideration of the Federal Government; and
    - iii. subject to any provision relating to bail, commit the fugitive offender to prison to await the orders of the Federal Government.
11. If, upon receipt of the report and statement under clause (b) of section 10, the Federal Government is of opinion that the fugitive offender ought to be surrendered, it may issue a warrant for the custody and removal of the fugitive offender and for his delivery at a place and to a person to be named in the warrant;

Provided that the fugitive offender shall not be so delivered until after the expiration of fifteen days from the date he has been taken in custody under such warrant.

12. If a fugitive offender who, in pursuance of this Act, has been taken into custody to await his surrender, is not conveyed out of Pakistan within two months after such committal, the High Court, upon application made to it by or on behalf of the fugitive offender and upon proof that reasonable notice of the intention to make such application has been given to the Federal Government, may order such prisoner to be discharged unless sufficient cause is shown to the contrary.
13. If it appears to the Federal Government that by reason of the trivial nature of the case or by reason of the application for the surrender of a fugitive offender not being made in good faith or in the interest of justice or for any other reason it would be unjust or inexpedient to surrender the fugitive offender, it may, by order at any time stay the proceedings under this Act against him and direct any summons or warrant issued under this Act to be cancelled and the fugitive offender, if he is in custody or under detention, to be discharged.
14. If requisitions for the surrender of a fugitive offender are received from more than one treaty State, the Federal Government may, having regard to the circumstances of the case, surrender the fugitive offender to such State as it may think fit.

### **CHAPTER III**

#### **SURRENDER TO PAKISTAN OF PERSONS ACCUSED OF EXTRADITION OFFENCES**

15. A requisition for the surrender to Pakistan of a person who, being accused or convicted of an extradition offence, is or is suspected to be in a treaty State may be made by the Federal Government:
  - (a) to the diplomatic representative in Pakistan of that State;
  - (b) to the Government of that State through the diplomatic representative of Pakistan in that State;  
or
  - (c) in such other manner as may have been settled by arrangement between the Federal Government and the Government of that State.
16. A person surrendered by a treaty State in pursuance of a requisition under section 15 shall not, until he has been restored or has had an opportunity of returning to that State, be tried in Pakistan for an offence committed prior to the surrender, other than the extradition offence proved by the facts on which the surrender is based.
17. The Federal Government may, if it thinks fit, on the request of a person surrendered to Pakistan in pursuance of a requisition under section 15, arrange for him to be sent back at the cost of the Federal Government and with as little delay as possible to the State by which he was so surrendered if--
  - a. proceedings against him for the offence for which he was surrendered are not begin within the period of six months from the day of his arrival in Pakistan, or
  - b. he is acquitted or discharged on his trial for that offence.

**CHAPTER IV**  
**MISCELLANEOUS**

18. Where the offence in respect of which the surrender of a fugitive offender is sought was committed on board any vessel on the high seas or any aircraft in the air outside Pakistan or the Pakistan territorial waters and such vessel or aircraft comes into any port or aerodrome of Pakistan with the fugitive offender on board, the Federal Government and any Magistrate having jurisdiction in such port or aerodrome may exercise the powers conferred on it or him by this Act.
19. The provisions of the Code of Criminal Procedure, 1898, relating to bail shall apply to a fugitive offender arrested or detained under this Act in the same manner as they would apply if he were accused of committing in Pakistan the offence of which he is accused or has been convicted; and in relation to such bail the Magistrate before whom he is brought shall have, as far as may be, the same powers and jurisdiction as a court of session under that Code.
20. Everything found in the possession of a fugitive offender at the time of his arrest which may be material as evidence in proving the extradition offence may be delivered up with the fugitive offender on his surrender, subject to the rights, if any, of third parties with respect thereto.
21. It shall be lawful for any person to whom a warrant is directed in pursuance of the provisions of this Act to receive, hold in custody and convey the fugitive offender mentioned in the warrant to the place named in the warrant, and, if such offender escapes out of any custody to which he may be delivered in pursuance of such warrant, he may be re-taken as a person accused of an offence against the law of Pakistan may be re-taken upon an escape.
22. (1) The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.  
(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-
  - a. the form in which a requisition for the surrender of a fugitive offender may be made;
  - b. the removal of fugitive offenders apprehended or in custody under this Act and their control and maintenance until such time as they are handed over to the persons entitled to receive them;
  - c. the seizure and disposition of any property which is the subject of, or required for proof of, any alleged offence with respect to which this Act applies; and
  - d. the form and manner in which the Magistrate may be required to make his report to the Federal Government under this Act.
23. The Federal Government may, by notification in the official Gazette, amend the Schedule so as to add any entry thereto or modify or omit any entry therein.
24. [Repeal.] Omitted by the Federal Laws (Revision and Declaration) Ordinance, (XXVII of 1981), s. 3 and II Sch,

**Extradition**

**(Schedule)**

**THE SCHEDULE**

**[See section 2 (1) (a)]**

**EXTRADITION OFFENCES**

1. Culpable homicide.
2. Maliciously or willfully wounding or inflicting grievous bodily harm.
3. Rape.
4. Procuring or trafficking in women or young persons for immoral purposes.
5. Kidnapping, abduction or false imprisonment or dealing in slaves.
6. Stealing, abandoning, exposing or unlawfully detaining a child.
7. Bribery.
8. Perjury or subornation of perjury or conspiring to defeat the course of justice.
9. Arson.
10. An offence concerning counterfeit currency.
11. An offence against the law relating to forgery.
12. Stealing, embezzlement, fraudulent conversion, fraudulent false accounting, obtaining property or credit by false pretences, receiving stolen property or any other offence in respect of property involving fraud.
13. Burglary, house-breaking or any similar offence.
14. Robbery.
15. Blackmail or extortion by means of threats or by abuse of authority.
16. An offence against bankruptcy law or company law.
17. Malicious or willful/damage to property.
18. Acts done with the intention of endangering vehicles, vessels or aircraft.
19. An offence against the law relating to dangerous drugs or narcotics.
20. Piracy.

21. Revolt against the authority of the master of a ship or the commander of an aircraft.
22. Contravention of import or export prohibitions relating to precious stones, gold and other precious metals.
  - 22.A Illicit dealing in arms, ammunition or explosive material used in their production.
23. Aiding and abetting, or counselling or procuring the commission of, or being an accessory before or after the fact to, or attempting or conspiring to commit, any of the aforesaid offences.



## **THE ANTI-TERRORISM ACT, 1997**

**ACT NO. XXVII OF 1997**

**[Dated 20th August, 1997]**

An Act to provide for the prevention of terrorism, sectarian violence and for speedy trial of heinous offences; The following Act of Majlis-e-Shoora (Parliament) received the assent of the president on the 16th August, 1997, is hereby published for general information.

WHEREAS It is expedient to provide for the prevention of terrorism, sectarian violence and for speedy trial of heinous offences and for matters connected therewith and incidental thereto; It is hereby enacted as follows:-

### **1. Short title and commencement**

- (1) This Act may called the Anti-Terrorism Act, 1997.
- (2) It extends to the whole of Pakistan.
- (3) It shall come into force at once.

#### **Punjab Province.**

For the purposes of the prevention and punishment of the commission of terrorist acts and scheduled offences to have resort to the provisions of the said act for the whole of the province of Punjab.

### **2. Definitions**

In this Act, unless there is anything repugnant in the subject or context,—

- (a) "armed forces" means the Military, Naval an Air Forces of Pakistan and the Reserves of such Forces;
- (b) "Civil armed forces" means the Frontier Constabulary, Frontier Corps, notified by the Federal Government as such;
- (c) "Code" means the Code of Criminal Procedure, 1898 (Act v of 1898);
- (d) "Government" means the Federal Government;
- (d- a) "a High Court" means the High Court having territorial jurisdiction in respect of the area for which an anti-terrorism court has been established;
- (e) "Scheduled offence" means an terrorist or sectarian related offence as set out in this Act or the Schedule hereto.
- (f) "Sectarian hatred" means hatred against a group of persons in Pakistan defined by reference to religion religious sect, religious persuasion, or regional belief;
- (g) "Anti Terrorism Court" means an anti terrorism court constituted under section 13; and
- (h) "terrorist act" has the meaning assigned to it in section 6.

### **3. Declaration of Intent**

If, at any time, in the opinion of the Federal Government, the commission of terrorist acts and scheduled offences have become common place in Pakistan it may, by notification in the official Gazette, declare resort to the Provisions of this Act and thereupon the powers conferred hereunder shall be available for use in accordance herewith.

### **4. Calling in of armed forces and civil armed forces in aid of civil powers**

- (1) It shall be lawful for the Federal Government to order, and subject to sub-section (2), for the provincial Government to secure, the presence of armed forces and civil armed forces in any area for the prevention and punishment of terrorist acts and scheduled offences in accordance with the provisions of this Act.
- (2) If, in the opinion of the provincial Government, the presence of armed forces, or civil armed forces, is necessary in order to prevent the commission of Government to direct the presence or posting of units or personnel of the armed forces, or civil armed forces, in such numbers as may be deemed necessary for the Prevention or control of terrorist acts or scheduled offences.
- (3) The Federal Government may decide whether the requirements of the situation call for the deployment of:--
  - (i) the civil armed forces; or
  - (j) the armed forces,and on so deciding shall, by means to a notification in the official Gazette issued under clause (i) or (ii) or both, authorise and direct the posting thereof.

### **5. Use of armed forces and civil armed forces to prevent terrorism**

- (1) Any police officer, or member of the armed forces, or civil armed forces, who is present or deployed in any area may, after giving sufficient warning, use the necessary force to prevent the commission of terrorist acts or scheduled offences, and in so doing shall, in the case of an officer of the armed forces or civil armed forces, exercise all the powers of a police officer under the code.
- (2) In particular and without prejudice to the generality of the provisions of sub-section (1), an officer of the police, armed forces and civil armed forces may:
  - (i) after giving prior warning use such force as may be deemed necessary or appropriate, bearing in mind all the facts and circumstances of the situation, against any person who is committing a terrorist act or a scheduled offence, and it shall be lawful for any such officer, or any superior officer, to fire, or order the firing upon any person or persons against whom he is authorized to use force in terms hereof;
  - (ii) arrest, without warrant, any person who has committed an act of terrorism or a scheduled offence or against whom a reasonable suspicion exists that he has committed, or is about to commit, an such act or offence; and

(iii) enter and search, without warrant any premises to make any arrest or to take possession of any property, fire-arm, weapon or article used, or likely to be used, in the commission of any terrorist act or scheduled offence.

(3) Nothing contained in sub-section (1) or (2) shall affect the provisions of Chapter IX of the Code and the Provisions of section 132 of the Code shall apply to any person acting under this section.

## **6. Terrorist Act**

A person is said to commit a terrorist act if he,—

- (a) In order to, or if the effect of his actions will be to, strike terror or create a sense of fear and insecurity in the people, or any section of the people, does any act or thing by using bombs, dynamite or other explosive or inflammable substances, or such fire-arms or other lethal weapons as may be notified, or poisons or noxious gases or chemicals, in such a manner as to cause, or be likely to cause, the death of, or injury to, any person or persons, or damage to, or destruction of, property on a large scale, or a widespread disruption of supplies of services essential to the life of the community, or threatens, with the use of force public servants in order to prevent them from discharging their lawful duties; or
- (b) Commits a scheduled offence, the effect of which will be, or be likely to be, to strike terror, or create a sense of fear and insecurity in the people, or any section of the people, or to adversely affect harmony among different sections of the people; or
- (c) Commits an act of gang rape, child molestation, or robbery coupled with rape as specified in the Schedule to this Act; or
- (d) Commits an act of civil commotion as specified in section 7A.

## **7. Punishment for terrorist act**

Whoever commits a terrorist act,—

- (i) referred to in paragraph (a) of section 6, shall—
  - (a) If such act has resulted in the death of any person be punished with death; and
  - (b) In any other case, be punishable with imprisonment for a term which shall not be less than seven years but may extend to life imprisonment, and shall also be liable to fine; and
- (ii) referred to in paragraphs (b) and (c) of section 6 be liable to the punishment prescribed under the relevant law.

### **7A. Creation of civil commotion**

"Civil commotion" means creation of internal disturbances in violation of law or intended to violate law, commencement or continuation of illegal strikes, go-slows, lock-outs, vehicles snatching or lifting, damage to or destruction of state or private property, random firing to create panic, charging bhatha, acts of criminal trespass (illegal qabaz), distributing, publishing or pasting of a handbill or making graffiti or wall-chalking intended to create unrest or fear or create a threat to the security of law and order to

incite the commission of an offence punishable under Chapter VI of the Pakistan Penal Code (Act XLV of 1860).

### **7B. Punishment for creating civil commotion**

Whoever commits and act of civil commotion shall be punished with rigorous imprisonment for a term which may extend to seven years, or with fine, or with both.

### **8. Prohibition of acts intended or likely to stir up sectarian hatred**

A person who.—

- (a) Uses threatening, abusive or insulting words or behaviour; or
- (b) displays, publishes or distribute any written material which is threatening, abusive or insulting; or
- (c) distributes or shows or plays a recording of visual images or sounds which are threatening, abusive or insulting; or
- (d) has in his possession written material or a recording or visual images or sounds which are threatening, abusive or insulting with a view to their being displayed or published by himself or another, shall be guilty of an offence if :--
  - (i) he intends thereby to stir up sectarian hatred; or
  - (ii) having regard to all the circumstances, sectarian hatred is likely to be stirred up thereby.

### **9. Punishment for offence under section 8**

Whoever contravenes any provision of section 8 shall be punished with rigorous imprisonment for a term which may extend to seven years, or with fine, or with both.

### **10. Power to enter or search**

if any officer of the police, armed forces or civil armed forces is satisfied that there are reasonable grounds for suspecting that a person has possession of written material or a recording in contravention of section 8 he may enter and search the premises where it is suspected the material or recording is situated and take possession of the same:

Provided that the concerned officer shall first record in writing his reasons for such belief and serve a copy thereof either on the person or on the premises.

11. Power to order forfeiture.

- (1) An Anti Terrorism Court by which a person is convicted of an offence under section 9 shall order to be forfeited any material or recording referred to therein.
- (2) Where the person who collected the material or recording cannot be found or identified the Anti Terrorism Court on the application of the official seizing the material or recording shall forfeit the material or recording to the State to be disposed of as directed by it.

## **12. Jurisdiction of Anti Terrorism Court**

- (1) Notwithstanding anything contained in the Code or in any other law, a scheduled offence committed in a area in a Province shall be triable only by the Anti Terrorism Court exercising territorial jurisdiction in relation to such area.
- (2) Notwithstanding anything contained in sub-section (1), if, in respect of a case involving a scheduled offence committed in any area, the Government, having regard to the facts and circumstances of the case, is satisfied that in order to ensure a fair trial, or for the protection and safety of witnesses, that such offence should be tried by an Anti Terrorism court established in relation to any other area, the Government may make a declaration to that effect.

**Explanation—** Where an Anti Terrorism Court is established in relation to two or more areas, such an Anti Terrorism Court shall be deemed, for the purpose of this sub-section, to have been established in relation to each of such areas.

- (3) Where a declaration is made in respect of an offence committed in an area in a Province, any prosecution in respect of such offence shall be instituted only in the Anti Terrorism Court established in relation to such area, and, if any prosecution in respect of such offence is pending immediately before such declaration in any other court, the same shall stand transferred to such an Anti Terrorism Court and such an Anti Terrorism Court shall proceed with such case from the stage at which it was pending at that time without the necessity of recalling any witnesses.

## **13. Establishment of the Anti Terrorism Courts**

- (1) For the purpose of providing for the speedy trial of the case referred to in sub-section (2) and sub-section (3) of section 39A, as well as of scheduled offences, the Federal Government, or if so directed by the Government, the Provincial Government may establish by notification one or more the anti-terrorism courts in relation to each area.
- (2) Notwithstanding anything contained in sub-section (1), if, having regard to the exigencies of the situation prevailing in a province, the Government is of the opinion that it is expedient to establish in relation to an area, or in relation to two or more areas, in the province, an anti-terrorism court outside the said area or areas, for the trial of offences committed in the area, or areas, if may, by notification, establish in relation to such area or areas an anti-terrorism court at such place outside the said area, or areas as may be specified in the notification.
- (3) Where more than one anti-terrorism courts have been established in any area, the government in consultation with the Chief justice of the High court shall designate a judge of any such court to be an administrative judge and all cases triable under this Act pertaining to the said area shall be filed before the said court and such judge may either try the cases himself or, assign any case, or cases, for trial to any other anti-terrorism court at any time prior to the framing of the charge. The case shall be assigned to a court one case at a time:

**Provided that** in order to ensure that the time of the court is not wasted if for some reason a given case cannot proceed then one case can be assigned to it at any time or from time to time.

"(4) Notwithstanding anything contained in subsection (2) and subsection (3), the Federal Government or if so directed by the Government, the Provincial Government shall in addition to the existing Special Courts or such other Special Courts as may be established in the area, establish one such additional Special Court under this Act at the principal seat of the Lahore High Court and the High Court of Sindh and appoint a Judge of such High Court as a Judge of Special Court in consultation with the Chief Justice of the High Court concerned, and where a Judge of a High Court is appointed as a Judge for any area under this act he shall be the administrative Judge for that area and such administrative Judge may, in addition to the powers exercisable under this Act, either suo motu or on the application of any party, at any stage of the proceedings whether before or after the framing of charge, for sufficient cause including as mentioned in subsection (1) of section 28, transfer, withdraw or recall any case pending before any other Special Court in that area and may either try the case himself or make it over for trial to any other Special Court in that area. (5) The Special Court to which a case is transferred or recalled for trial under subsection (4), shall proceed with the case from the stage at which it was pending immediately before such transfer or recall and it shall not be bound to recall or rehear any witness who has given evidence and may act on the evidence already recorded."

#### **14. Composition and appointment of presiding officers of the Anti Terrorism Court**

- (1) An Anti Terrorism Court shall consist of a judge, being a person who:-
- (i) "is a judge of a high court, or is" or has been a Sessions judge or an Additional Sessions judge; or
  - (ii) has exercised the powers of a District Magistrate or an Additional District Magistrate and has successfully completed an advance course in Shariah, (Islamic Law) conducted by the International Islamic University Islamabad; or
  - (iii) has for a period of not less than ten years been an advocate of a High Court.
- (2) A judge shall be appointed for a period of two and a half years after consultation with the Chief justice of the High Court:

**Provided that** the judge may be removed from office prior to the expiry of the said period in consultation with the Chief Justice.

#### **15. Place of sitting**

- (a) Subject to sub-sections (2) and (3), an Anti Terrorism Court shall ordinarily sit at such place or places as the Government may, by order, specify in that behalf.
- (b) The Government may direct that for the trial of a particular case the court shall sit at such place including the place of occurrence of an offence as it may specify.
- (c) Except in a case where a place of sitting has been specified under sub-section (2), an Anti Terrorism Court may, if it considers it expedient or desirable so to do either suo motu or on the application of the Public prosecutor sit, for holding the trial of a case at any place including a mosque other than the ordinary place of its sitting.

## **16. Oath by the Anti Terrorism Courts**

A judge of an Anti Terrorism Court shall, at the commencement of a proceeding under this Act, make oath, in the case of a Muslim, on the Holy Quran, to the effect that he shall decide the case honestly, faithfully and considering himself accountable to Almighty Allah, and in case of a non-Muslim in accordance with the Constitution, law and his conscience.

## **17. Powers of the Anti Terrorism Courts with respect to other offences**

When trying any scheduled offence, an Anti Terrorism Court may also try any offence other than the scheduled offence with which the accused may, under the Code, be charged at the same trial.

## **18. Public Prosecutors**

- (1) The Government shall appoint in relation to each an Anti Terrorism Court, or a High Court or Supreme court of Pakistan a Public Prosecutor and may also appoint one or more Additional Public Prosecutors:

**Provided that** the Government may also appoint, to any case or class of cases a Special Public prosecutor.

- (2) Every person appointed as a public Prosecutor or an Additional Public Prosecutor or a Special Public Prosecutor shall be deemed to be a Public Prosecutor within the meaning of section 492 of the Code, and the Provisions of the Code shall have effect accordingly.

## **19. Procedure and Powers of the Anti Terrorism Court**

- (1) The officer-in-charge of a police-station shall complete the investigation in respect of a case triable by an Anti Terrorism Court within seven working days and forward directly to the Anti Terrorism Court a report under section 173 of the Code: Provided that the Anti Terrorism Court may extend the time within which such report is to be forwarded in a case where good reasons are shown for not being able to do so within the time specified in this sub-section.
- (2) Any default on the part of an officer-in-charge of a police station, an investigating officer or any other person required by law to perform any functions in connection with the investigation, that results in, or has the effect of, delaying investigation or submission of the report under sub-section (1), shall be deemed to be a willful disobedience of the order of the Anti Terrorism Court and the person committing the default shall be liable to be punished for contempt of court.
- (3) The Anti terrorism Court may directly take cognizance of a case triable by such court without the case being sent to it under section 190 of the Code.
- (4) In a case triable by an Anti Terrorism Court, orders for detention of an accused in police custody under section 167 of the Code shall be obtained from the Anti Terrorism Court concerned which shall record reasons for authorizing or refusing such detention:

**Provided that**, where an accused cannot within twenty-four hours be produced before an Anti Terrorism Court, a temporary order for police custody not exceeding twenty-four hours may be obtained from the nearest magistrate for the purpose of producing the accused before the Anti Terrorism Court within that period.

- (5) Where, in a case triable by an Anti terrorism Court, an accused has been released from police custody under section 169 of the Code, or has been remanded to judicial custody, the Anti Terrorism Court may, on good grounds being shown by a Public prosecutor or a law officer of the Government for reasons to be recorded in writing, make an order for placing him in police custody for the purpose of further investigation in the case.
- (6) An Anti Terrorism Court shall be deemed to be a Magistrate for purpose of sub-sections (4) and (5).
- (7) The Anti Terrorism Court shall on taking cognizance of the case, proceed with the trial from day to day and shall decide the case within seven working days.
- (8) An Anti Terrorism Court shall not, adjourn any trial for any purpose unless such adjournment is, in its opinion, necessary in the interest of justice and no adjournment shall, in any case, be granted for more than two working days.
- (9) An Anti Terrorism Court shall not, merely by reason of a change in its composition or transfer of a case under sub-section (3) of section 12, be bound to recall and re-hear any witness who has given evidence and may act on the evidence already recorded.
- (10) Any accused person may be tried in his absence if the Anti-terrorism court, after such inquiry as it deems fit, is satisfied that such absence is deliberate and brought about with a view to impeding the course of justice:

**Provided that** the accused person shall not be tried under this Sub-section unless a proclamation has been published in respect of him in at least three national daily newspapers out of which one shall be in the Urdu language requiring him to appear at a specified place within seven days failing which action may also be taken against him under section 88 of the Code:

**Provided further that** the court shall proceed with the trial after taking the necessary step to appoint and advocate at the expense of the state to defend the accused person who is to appear before the Court.

**Explanation.**—An accused who is tried in this absence under this sub-section shall be deemed not to have admitted the commission of any offence for which he has been charged.

- (11) The Advocate appointed under the second proviso to sub-section (10) shall be a person selected by the Anti Terrorism Court for the purpose and he shall be engaged at the expense of the Government.
- (11A) Nothing contained in sub-section (10) or sub-section (11) shall be construed to deny the accused the right to consult or be defended by a legal practitioner of his own choice.
- (12) If, within sixty days from the date of his conviction, any person tried under sub-section (10) appears voluntarily, or is apprehended and brought before the Anti Terrorism court, and proves to its satisfaction that he did not abscond or conceal himself for the purpose of avoiding the proceeding against him, the Anti Terrorism court shall set aside his conviction and proceed to try him in accordance with law for the offence with which he is charged.

**Provided that** the Anti Terrorism court may exercise its powers under this sub-section in a case in which a person as aforesaid appears before it after the expiration of the said period and satisfies it that he could not appear within the said period by reason of circumstances beyond his control.



(13) Where a scheduled offence is punishable with imprisonment for a term not exceeding three years, or with fine, or with both, an Anti Terrorism Court may, notwithstanding anything contained in sub-section (1) of section 260 or section 262 of the Code, to the offence in a summary way in accordance with the procedure prescribed in the Code and the provisions of sections 263 to 265 of the Code shall, so far as may be, apply to such trial:

**Provided that**, in the case of a conviction in a summary trial under this section, it shall be lawful for an Anti Terrorism Court to pass a sentence of rigorous imprisonment for a term not exceeding two years:

**Provided further that** an Anti Terrorism Court shall not try in a summary way any case which was pending in any Court immediately before the commencement of this Act, and is transferred to the Anti Terrorism Court under section 12.

(14) Subject to the other provision of the Act, a Anti-Terrorism Court Shall, for the purpose of trial of any offence, have all the powers of a Court of Sessions and shall try such offence as if it were a Court of Sessions as far as may be in accordance with the procedure prescribed in the Code for trial before a Court of Sessions.

## **20. Punishment**

A person convicted for an offence by the Anti-Terrorism Court shall be awarded the maximum punishment prescribed by law for the offence unless for reasons to be recorded the court decides to award a lesser punishment.

## **21. Protection of witnesses**

- (1) An Anti Terrorism Court trying an offence under this Act may, on application by a witness in any proceedings before it or by the public prosecutor in relation to such witness or on its own motion, give such directions as it deems fit for the protection of the witness.
- (2) Any person who fails to comply with any direction issued under sub-section (1) or any person who threatens or otherwise causes harassment to any such witness shall be guilty of an offence punishable by way of summary procedure with imprisonment which may extend to two years, or with fine, or with both.

## **22. Manner a place of execution of sentence**

The Government may specify the manner, mode and place of execution of any sentence passed under this Act, having regard to the deterrent effect which such execution is likely to have.

## **23. Power to transfer cases to regular Courts**

Where, after taking cognizance of an offence, an Anti Terrorism Court is of opinion that the offence is not a scheduled offence, it shall, notwithstanding that it has no jurisdiction to try such offence, transfer the case for trial of such offence to any court having jurisdiction under the Code, and the Court to which the case is transferred may proceed with the trial of the offence as if it had taken cognizance of the offence.

## **24. Omitted**

Section 24 Omitted

## **25. Appeal**

- (1) An appeal against the final judgment of an Anti Terrorism Court shall lie to an High Court.
- (2) Copies of the judgment of an Anti Terrorism Court shall be supplied to the accused and the Public prosecutor free of cost on the day the judgment is pronounced and the record of the Trial shall be transmitted to the High Court within three days of the decision.
- (3) An appeal under sub-section (1) may be preferred by a person sentenced by an Anti Terrorism Court to an High Court within seven days of the passing of the sentence.
- (4) The Attorney General "Deputy Attorney General, Standing Council or an Advocate General or an Advocate of the high court or the supreme court of Pakistan appointed as public Prosecutor Additional Public Prosecutor or a Special Public Prosecutor may, on being directed by the Federal or a Provincial government, file an appeal against an order of acquittal or a sentence passed by an Anti Terrorism Court within fifteen days of such order.
- (5) An appeal under this section shall be heard and decided by an High Court within seven working days.

## **26. Omitted**

### **27. Punishment for defective investigation**

If an Anti Terrorism Court or an High Court comes to the conclusion during the course of or at the conclusion of the trial that the investigating officer, or other concerned officers have failed to carry out the investigation properly or diligently or have failed to pursue the case properly and in breach of their duties, it shall be lawful for such court or, as the case may be, and High Court to punish the delinquent officers with imprisonment which may extend to two years, or with fine or with both by resort to summary proceedings.

### **28. Transfer of Cases**

- (1) Notwithstanding anything contained in this Act, an High court may, if it considers it expedient so to do in the interest of justice, or where the convenience or safety of the witnesses or the safety of the accused so requires transfer any case from one an Anti Terrorism Court to another Anti Terrorism Court within or outside the area.
- (2) An Anti Terrorism Court to which a case is transferred under sub-section (1) shall proceed with the case from the stage at which it was pending immediately before such transfer and it shall not be bound to recall and re-hear any witness who has given evidence and may act on the evidence already recorded.

**Provided that** nothing-herein contained shall affect the powers of the presiding officer of the Anti Terrorism Court to call any witness as is available under the law.

### **29. Trial before Anti-Terrorism Court to have precedence**

A Trial under this Act of an offence by an Anti Terrorism Court, and the appearance of an accused before it, shall have precedence over the trial of any other case against the accused in any other Court, except the High Court on its original side.

### **30. Modified application of certain provisions of the code**

- (1) Notwithstanding anything contained in the Code or in any other law, every scheduled offence shall be deemed to be a cognizable offence within the meaning of clause (f) of section 4 of the Code and the words "cognizable case" as defined in that clause shall be construed accordingly.
- (2) Sections 374 to 379 of the Code shall apply in relation to a case involving a scheduled offence subject to the modification that the references to a "Court of Sessions" and "High Court", wherever occurring therein, shall be construed as reference to an "Anti Terrorism Court" and High Court.
- (3) Notwithstanding the provisions of sections 439, 491, 496, 498, 498A and 561A of the Code, no Court other than an Anti Terrorism Court shall have the power or jurisdiction to grant bail to, or otherwise release an accused person in a case triable by an Anti Terrorism Court.
- (4) An Anti Terrorism Court shall not release an accused person on bail if there are reasonable grounds for believing that he has been guilty of the offence with which he has been charged, and nor shall an accused person be released unless the prosecution has been given notice to show cause why he should not be so released and the accused has furnished sound sureties.

### **31. Finality of judgment**

A judgment or order passed, or sentence awarded, by an Anti Terrorism Court, subject to the result of an appeal under this Act shall be final and shall not be called in question in any Court.

### **32. Overriding effect of Act**

- (1) The provisions of this Act shall have effect notwithstanding anything contained in the Code or any other law but, save as expressly provided in this Act, the Provisions of the Code shall, in so far as they are not inconsistent with the provisions of this Act, apply to the proceedings before an Anti Terrorism Court, and for the purpose of the said provisions of the Code, and anti Terrorism Court shall be deemed to be a Court of Sessions.
- (2) In particular and without prejudice to the generality of the provisions contained in sub-section (1), the provision of section 350 of the Code shall, as far as may be, apply to the proceedings before an Anti Terrorism Court, for this purpose any reference in those provisions to a Magistrate shall be construed as a reference to an Anti Terrorism Court.

### **33. Delegation**

The Government may, by notification, delegate, subject to such conditions as may be specified therein, all or any of the powers exercisable by it under this Act.

### **34. Power to amend the Schedule**

The Government may, by notification, amend the Schedule so as to add any entry thereto or modify or omit any entry therein.

### **35. Power to make rules**

The Government may, by notification, make such rules, if any, as it may deem necessary for carrying out the purposes of this Act.

### **36. Saving**

Nothing contained in this Act shall affect the jurisdiction exercisable by, or the procedure applicable to, any Court or other authority under any law relating to the naval, Military or Air Forces or any other armed force of the Government. (2) For the removal of any doubt, it is hereby declared that, for the purpose of any such law as is referred to in sub-section (1), an Anti Terrorism Court shall be deemed to be a Court of ordinary criminal jurisdiction.

### **37. Contempt of Court**

An anti-terrorism court shall have the power to punish with imprisonment for a term which may extend to six months and with fine any person who.

- (a) abuses, interferes with or obstructs the process of the Court in any way or disobeys any order or direction of the Court;
- (b) scandalizes the court otherwise does anything which tends to bring the court or a person constituting the court into hatred, ridicule or contempt;
- (c) does anything which tends to prejudice the determination of a matter pending or most likely to come up before the Court; or
- (d) does anything which, by any other law, constitutes contempt of court.

**Explanation.-** In This section "Court" means an anti-terrorism Court.

### **38. Punishment for terrorist act committed before this Act**

Where a person has committed an offence before the commencement of this Act which if committed after the date on which this Act comes into force would constitute a terrorist act hereunder he shall be tried under this Act but shall be liable to punishment as authorised by law at the time the offence was committed.

### **39. Indemnity**

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 this Act.

### **39A. Repeal**

- (1) The Pakistan Armed Forces (Acting in Aid of the Civil Power) ordinance, 1998 (XII of 1998), as amended by the Pakistan Armed Forces (Acting in Aid of the Civil power) (Amendment) Ordinance, 1998 (XIII of 1998), and the Pakistan Armed Force (Acting in Aid of the Civil Power) (Second Amendment) Ordinance, 1998 (XVII of 1997) (hereinafter referred to as the repealed Ordinance), is hereby repealed.
- (2) All cases, including cases before a court of appeals, which were pending under the repealed Ordinance shall stand transferred to the Anti-terrorism court having jurisdiction under the Act and such court shall,
  - (a) in cases which have been transferred from a trial court, continue the trial from the stage which the cases had reached; and
  - (b) in cases which have been transferred from a Court of appeals decide the same on the basis of evidence earlier recorded after hearing the parties.
- (3) Any judgement given or sentence passed by a trial court or a court of appeals convened under section 3 of the repealed Ordinance, except cases in which sentence of death was passed and has been executed, shall have not effect and all such cases shall stand transferred to the Anti-terrorism court having jurisdiction under this Act for decision after hearing the parities on the basis of the evidence earlier recorded.
- (4) In respect of a case transferred to a court by virtue of sub-section (2) or sub-section (3), the court shall not, by reason of the said transfer, be bound to recall and rehear an witness who has given evidence before the transfer and may act on the evidence already recorded by or produced before the court from which the case is so transferred.
- (5) Nothing contained in sub-section (4) shall affect the power of the court to recall any witness or rehear any evidence as is available under the law.

### **40. Amendment of the Criminal Law Amendment Act, 1908 (XIV of 1908)**

In the Criminal Law Amendment Act, 1908 (XIV of 1908), the following amendments shall be made, namely:-

- (I) In section 15 in clause (2) in sub-clause (a) for the words "violence or intimidation" the words "terrorism, stirring up sectarianism, violence or intimidation which endanger or threaten public order" shall be substituted.

- (II) For Section 16, the following shall be substituted namely:-

"16. Declaration of an association to be unlawful.—(1) If either the Federal Government or the provincial Government is of the opinion that an association is an unlawful association it may call upon the association to show cause with fourteen days why it should not be declared as unlawful association for the purpose of this Act.

- (2) If after hearing the association, the Federal Government or the Provincial Government is of the opinion that the associations an unlawful association it may declare such association to be an unlawful association.
  - (3) If the Federal Government or the Provincial Government is of the opinion that in a interest of the maintenance of public order or to prevent injury to the people it is just and necessary to take immediate action, it may, pending passing of order under sub-section (2), by an ad interim order, declare an association to be unlawful.
  - (4) An association aggrieved by an order under sub-section (2) may file an appeal before a Board appointed by the Chief justice of the High Court of the province consisting of a Chairman and two other persons each of whom is or has been judge of a High Court.
  - (5) The Board shall decide the appeal within thirty days and may pass such order as it may deem fit.
- (III) In section 17:--
- (i) in sub-section (1) for the words "six months" the words "five years" shall be substituted; and
  - (ii) In sub-section (2) for the words "three years" the words "seven years" shall be substituted.
- (IV) In sections 17A, 17D and 17E, for the words "provincial Government" wherever occurring the words "Federal Government or the provincial Government" shall be substituted.

**Schedule**  
**SCHEDULE**  
**[See Section 2 (e)]**

1. Any offence punishable under this Act.
2. Any offence punishable under any of the following sections of the Pakistan penal Code (Act XLV of 1860), namely:-
  - (a) Section 302.-
    - (i) if committed with a cannon, grenade, bomb or rocket; or
    - (ii) if the victim is a member of police, armed forces or civil armed forces or is a public servant; or
    - (iii) if committed during or while committing the offence of robbery or dacoity and committed after the commencement of this Act; or
  - (b) sections 109, 120A, 120B, 121, 121A, 122, 123, 295A, 365, 365A, 402A, 402B and 402C; and
  - (c) section 392 to 395, 397 or 398, if in committing the offence, the offender or any of the offenders commits the offence fo murder or zina-bil-jabr punishable under section 6, 7, 8, or 10 or the Offence of Zina (Enforcement of Hudood) ordinance, 1979 (VII of 1979) and committed after the commencement of this Act.

- 2-A. Any offence punishable under sections 6, 7,8 or 10 of the offence of Zina (Enforcement of Hudood) ordinance, 1979 (VII of 1979), if committed in committing any of the offences punishable under sections 392 to 398 of the Pakistan Penal Code (Act XLV of 1860) and committed after the commencement of this Act.
3. An offence punishable under sub-section (4) of section 10 of the Offence of Zina (Enforcement of Hudood) Ordinance, 1979 (Ordi. No. VI of 1979), if committed after the enforcement of this Act.
4. Any attempt or conspiracy to commit or any abetment of any of the aforesaid offences.
5. Any offence including an offence punishable under the Pakistan Arms Ordinance, 1965 (WP ORDI, XX of 1965), committed conjointly with any other offence punishable under this Act.

**THE GAZETTE OF PAKISTAN**

**EXTRAORDINARY**  
**PUBLISHED BY AUTHORITY**  
**ISLAMABAD, WEDNESDAY, JUNE 18, 2014**

**PART I**  
**Acts, Ordinances, President's Orders and Regulations**  
**NATIONAL ASSEMBLY SECRETARIAT**  
**Islamabad, the 15th June, 2014**

No. F. 22 (31)/2013-Legis.—The following Act of Majlis-e-Shoora (Parliament) received the assent of the President on the 15th June, 2014 and is hereby published for general information:—

**ACT No. VI OF 2014**

*An Act further to amend the Anti-terrorism Act, 1997*

**WHEREAS** it is expedient further to amend the Anti-terrorism Act, 1997 (XXVII of 1997), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement**,—(1) This Act may be called the Anti-terrorism (Amendment) Act, 2014.  
(2) It shall come into force at once.
2. **Amendment of section 5, Act XXVII of 1997**.—In the Anti-terrorism Act, 1997 (XXVII of 1997), hereinafter referred to as the said act, in section 5, in sub-section (2), in paragraph (i),—
  - (i) for the words “when fired upon”, the words and comma “after forming reasonable apprehension that death or grievous hurt may be caused by such act or offence”, shall be substituted;
  - (ii) for the semi-colon at the end, a colon shall be substituted, and thereafter the following provisos shall be added, namely:—



**“Provided that** an order to open fire in such circumstances shall be given by a police officer not below the rank of BS-17 and equivalent rank in the case of a member of Armed Forces or civil Armed force or by a Magistrate on duty:

**Provided further that** the decision to fire or order firing shall be taken only by way of last resort, and shall in no case extend to the inflicting of more harm than is necessary to prevent the terrorist act or scheduled offence which has given rise to the reasonable apprehension of death or grievous hurt:

**Provided further that** all cases of firing which have resulted in death or grievous injury shall be reviewed by an internal inquiry committee constituted by the head of the law enforcement agency concerned.”

3. **Amendment of section 11EEEE, Act XXVII of 1997.**—In the said Act, in section 11EEEE,—

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

“(1)The Government or, where the provisions of section 4 have been invoked, the armed forces or civil armed forces, as the case may be, subject to the specific or general order of the Government in this regard, for a period not exceeding three months and after recording reasons thereof, issue order for the preventive detention of any person who has been concerned in any offence under this Act relating to the security or defence of Pakistan or any part thereof, or public order relating to target killing, kidnapping for ransom, and extortion/bhatta, or the maintenance of supplies or services, or against whom a reasonable suspicion exists of his having been so concerned, for the purpose of inquiry:

**“Provided that** the detention of such person, including detention for further period after three months, shall be subject to the provisions of Article 10 of the Constitution.”:

(ii) in sub-section (2), for the full stop, at the end, a colon shall be substituted and thereafter the following proviso shall be inserted, namely:—

**“Provided that** where the detention order has been issued by the armed forces or civil armed forces under sub-section (1), the inquiry shall be conducted by the JIT comprising members of armed forces or Civil armed forces, as the case may be, intelligence agencies and other law enforcement agencies, including a police officer not below the rank of Superintendent of Police,”; and

(iii) After sub-section (2), amended as aforesaid, the following new sub-section shall be inserted, namely:—

“(2A) The provisions of sub-sections (1) and (2) shall remain in force for such period as may be notified by the Government from time to time:—

**Provided that** such period shall not exceed two years from the commencement of the Anti-terrorism (Amendment) Act, 2014 (of 2014).”

(iv) After sub-section (4), the following new sub-section shall be inserted, namely:—

“(5)Any person detained under this section shall be provided facility of medical checkup as may be prescribed by rules.”

4. **Amendment of section 18, Act XXVII of 1997.**— In the said Act, in section 18, in subsection (1), the word “Provincial” shall be omitted.

5. **Amendment of section 19, Act XXVII of 1997.**— In the said Act, in section 19,—

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

“(1) An investigation officer under this Act shall be an officer or Police Officer not below the rank of Inspector or equivalent or, if the Government deems necessary Joint Investigation Team to be constituted by the Government shall be headed by an Investigating Officer of Police not below the rank of Superintendent of Police, (BS-18) and other officers of JIT may include equivalent rank from Intelligence Agencies, Armed Forces and Civil Armed Forces. The JIT shall comprise five members and for the meeting purposes the quorum shall consists of three members.

The investigating officer to the JIT, as the case may be, shall complete the investigation in respect of cases triable by the court within thirty working days. The report under section 173 of the Code shall be signed and forwarded by the investigating officer of police directly to the court:

**Provided that** where the provisions of sections 4 and 5 have been invoked, the investigation shall be conducted by the JIT comprising members of armed forces or civil armed forces, as the case may be, intelligence agencies and other law enforcement agencies including an investigating officer of police not below the rank of Inspector who shall sign the report under section 173 of the Code and forward it to the Court:

**Provided further that**, where investigation is not completed within a period of thirty days from the date of recording of the first information report under section 154 of the code, the investigating officer or the JIT shall, within three days after expiration of such period, forward to the Court through the Public Prosecutor, an interim report under section 173 of the Code, stating therein the result of investigation made until then and the Court shall commence the trial on the basis of such interim report, unless, for reasons to be recorded, the Court decides that the trial may not so commence. The interim report shall be signed by the investigating officer of police;

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

“(IB) Where any person has been arrested by the armed forces or civil armed forces under section 5, he shall be handed over to the investigating officer of the police station designated for the purpose by the Provincial Government in each District.”;

(iii) for sub-section (7), the following shall be substituted, namely:—

“(7) The Court shall, on taking cognizance of a case, proceed with the trial from day-to-day and shall decide the case within seven days, failing which the matter shall be brought to the notice of the Chief Justice of the High Court concerned for appropriate directions, keeping in view the facts and circumstances of the case.”;

(iv) in sub-section (8), for the words “consecutive adjournments during the trial of the case” the words “adjournments during the trial of the case and that also imposition of exemplary costs” shall be substituted; and

(v) In sub-section (8a), after the word “sub-section” the brackets, figure and word “(7) or” shall be inserted.

6. **Insertion of new section, Act XXVII of 1997.** —In the said Act, after section 19A, the following new section shall be inserted, namely:—

“19B. **Pre-trial scrutiny.** —Before commencement of the trial, the prosecutor shall scrutinize the case file to ensure that all pre-trial formalities have been completed so that the actual trial proceeds uninterrupted from day-to-day.”

7. **Amendment of section 21, Act XXVII of 1997.**— In the said Act in section 21,—

(i) in sub-section (2), after the full-stop, at the end, the following shall be inserted, namely:—

“These measures may include the following, namely:—

(a) screens may be used during trial to shield witnesses, Judges and Prosecutors from public view;

(b) trial may be held in jail premises or through video link;

(c) witness protection programmes may be established by the Government through law or rules.

The Provincial Government shall take necessary steps to ensure that prisoners in Jails do not have access to mobile phones.”; and

(ii) after sub-section (3), the following new sub-section shall be inserted, namely:—

“(4) The provisions of this section shall have effect notwithstanding anything contained in any other law for the time being in force, including the Qanun-e-Shahdat, 1984 (P.O.No. 10 of 1984).”

8. **Amendment of section 27, Act XXVII of 1997.** —(I) In the said Act, in section 27, —

(i) In the short title, after word “investigation” the words “and reward for successful investigation” shall be added;

(ii) sub-section (1) shall be re-numbered as sub-section (1) of the said section; and

(iii) after (1) re-numbered as aforesaid, the following new sub-section shall be inserted, namely:—

“(2) Incentive systems shall be introduced by the Provincial Governments providing for appropriate rewards to investigating officers who conduct successful investigation.”.

9. **Insertion of new sections, Act XXVII of 1997.** —In the said Act, after section 27A, the following new sections shall be inserted, namely:—

“27AA. **Punishment for false implication.**—where an investigating officer dishonestly and falsely involves, implicates or arrests a person alleged to have committed any scheduled offence shall be punishable with imprisonment for a term which may extend to two years or with fine or with both:

**Provided that** action against such investigating officer shall not be taken without the prior approval of the Government.

**27B. Conviction on the basis of electronic or forensic evidence etc.—**

Notwithstanding anything contained in this Act or Qanun-e-shahdat, 1984 (P.O.No. 10 of 1984) or any other law for the time being in force, a person accused of an offence under this Act may be convicted on the basis of electronic or forensic evidence or such other evidence that may have become available because of modern devices or techniques referred to in Article 164 of the Qanun-e-Shahadat, 1984 (P.O.No. 10 of 1984):

**Provided that** the Court is fully satisfied as to the genuineness of such evidence.”

**10. Amendment of section 28, Act XXVII of 1997.—**In the said Act in section 28,—

(i) after sub-section (1), the following new sub-section shall be inserted namely:—

“(1A) Where it appears to the Government that it would be in the interest of justice or expedient for protection and safety of judges, witnesses or prosecutors, it may apply to the Chief Justice of the High Court concerned for transfer of a case from, an Anti-terrorism Court in any other place in Pakistan and for this purpose shall also seek concurrence of the Chief Justice of the High Court concerned.”; and

(ii) after sub-section (2), the following new sub-sections shall be added, namely:—

“(3) The Federal Government may in the interests of justice and for protection and safety of witnesses and investigators, transfer the investigation of any case from one place to any other place in Pakistan.

(4) The investigating officer or the agency to which case is transferred under sub-section (3), may proceed from the stage the inquiry or investigation was left or may proceed with the case as if it had been originally entrusted to him or the agency, as the case may be.

(5) On completion of investigation and before submission of report under section 173 of the Code, the Federal Government may direct that the case falling in the jurisdiction of a particular Anti-terrorism court may be forwarded for trial to another Anti-terrorism court anywhere in Pakistan, as may be specified by the Federal Government in this behalf, in the public interest or for the safety and protection of judges, public prosecutors or witnesses.”

**KARAMAT HUSSAIN NIAZI.**

**Secretary.**

REGISTERED No. M-302  
L.-7646

**THE GAZETTE OF PAKISTAN**

**EXTRAORDINARY**  
**PUBLISHED BY AUTHORITY**  
**ISLAMABAD, WEDNESDAY, JUNE 21, 2014**

**PART I**

**Acts, Ordinances, President's Orders and Regulations**

**SENATE SECRETARIAT**

*Islamabad, the 20th June, 2014*

**No.F.9(4)/2014-Legis.**—The following Act of Majlis-e-Shoora (Parliament) received the assent of the President on 20th June, 2014, is hereby published for general information:—

ACT No. VII OF 2014

*An Act further to amend the Anti-terrorism Act, 1997*

WHEREAS it is expedient further to amend the Anti-Terrorism Act, 1997 (XXVII of 1997), for the purposes hereinafter appearing;

WHEREAS it is expedient to address short-comings relating to the terrorism financing provisions in the Anti-terrorism Act, 1997 (XXVII of 1997), covering all aspects of the offence in the light of international standards and to provide for more effective measures for law enforcement agencies to investigate the offences;

WHEREAS the provisions of freezing, seizing and forfeiture of property involved in the terrorism financing offence have been strengthened to ensure that the funding of the terrorism financing offence in detected and seized after due process of law;

It is hereby enacted as follows:—

- 1. Short title and commencement.**—(1) This Act may be called the Anti-terrorism (Second Amendment) Act, 2014.  
(2) It shall come into force at once.
- 2. Amendment of section 2, Act XXVII of 1997**—In the Anti-terrorism Act, 1997 (XXVII of 1997), hereinafter referred to as the said Act, in section 2,—

(a) After clause (h), the following new clause shall be inserted, namely:—

“(ha) “freeze” means to prohibit the transfer, conversion, disposition or movement of any money or other property;”;

(b) for clause (q), the following new clause shall be substituted, namely:—

“(q) “proscribed organization” means any organization which is listed in the First Schedule under section 11B;” and

(c) after clause (q), the following new clause (qa) shall be inserted, namely:—

“(qa) “proscribed person” means any individual who is listed in the Fourth Schedule under section 11 EE;”

(d) after clause (v), the following new clause shall be inserted, namely:—

“(va) “seize” means to take custody or control of money or other property in order to prohibit its transfer, conversion, disposition or movement;”;

3. **Substitution of section 11B, Act XXVII of 1997.**—In the said Act, for section 11B, the following shall be substituted, namely:—

“11B. **Proscription of organizations.**—(1) The Federal Government may, by order published in the official Gazette, list an organization as a proscribed organization in the First Schedule on an ex parte basis, if there are reasonable grounds to believe that it is—

(a) concerned in terrorism; or

(b) owned or controlled, directly or indirectly, by any individual or organization proscribed under this Act; or

(c) acting on behalf of, or at the direction of, any individual or organization proscribed under this Act.

**Explanation.**—The opinion concerning reasonable grounds to believe may be formed on the basis of information received from any credible source, whether domestic or foreign including governmental and regulatory authorities, law enforcement agencies, financial intelligence units, banks and non-banking companies, and international institutions.

(2) The grounds shall be communicated to the proscribed organization within three days of the passing of the order of proscription.”

4. **Amendment of section 11C, Act XXVII of 1997.**—In the said Act, in section 11C,—

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

“(1) Where any proscribed organization is aggrieved by the order of the Federal Government, made under section 11B, it may, within thirty days of such order, file a review application, in writing, before the Federal Government, stating the grounds on which it is made and the Federal Government shall, after hearing the applicant, decide the matter on reasonable grounds within ninety days.”

(b) sub-section (3), shall be omitted.

5. **Insertion of section 11CC, Act XXVII of 1997.**—In the said Act, after section 11C, the following new section 11CC, shall be inserted, namely,—

“11CC. **Proscription Review Committee.**—The Federal Government shall constitute a Proscription Review Committee, comprising three Government officers, including a representative of the Ministry of Law and Justice, with the Chairman of the Committee being a person not below the rank of a Joint Secretary to the Federal Government, to decide, within thirty days, review applications filed under sections 11C and 11EE.”.

6. **Amendment of section 11D, Act XXVII of 1997.**— In the said Act, in section 11D, in sub-section (1), for the word “reason” the words “reasonable grounds” shall be substituted.
7. **Amendment of section 11E, Act XXVII of 1997.**— In the said Act, in Section 11E, in sub-section (1), clause (b) shall be omitted.
8. **Amendment of section 11EE, Act XXVII of 1997.**—In the said Act, in section 11EE,—

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

“(1) The Federal Government may, by order published in the official Gazette, list a person as a proscribed person in the fourth Schedule on an ex-parte basis, if there are reasonable grounds to believe that such person is—

- (a) concerned in terrorism;
- (b) an activist, office bearer or an associate of an organization kept under observation under section 11D or proscribed under section 11B; and
- (c) in any way concerned or suspected to be concerned with such organization or affiliated with any group or organization suspected to be involved in terrorism or sectarianism or acting on behalf of, or at the direction of, any person or organization proscribed under this Act:

**Explanation.**—The opinion concerning reasonable grounds to believe may be formed on the basis of information received from any credible source, whether domestic or foreign including governmental and regulatory authorities, law enforcement agencies, financial intelligence units, banks and non-banking companies, and international institutions”;

(b) after sub-section (1), the following new sub-section (1A), shall be inserted, namely:—

“(1A) The grounds shall be communicated to the proscribed person within three days of the passing of the order of proscription”.

(c) in sub-section (2), the words “or Provincial Government” shall be omitted.

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

“(3) Where any person is aggrieved by the order of the Federal Government made under sub-section (1), he may, within thirty days of such order, file a review application, in writing, before the Federal Government stating the grounds on which it is made and the Government shall, after hearing the applicant, decide the matter on reasonable grounds within ninety days.”; and

- (e) after sub-section (3), substituted as aforesaid, the following new sub-section shall be inserted, namely:—
- “(3A) A person whose review application has been refused under sub-section (3) may file an appeal to the High Court within thirty days of the refusal of the review application.
- (f) in sub-section (4), the words “or Provincial Government” shall be omitted.
- (g) for the title “Security for good behavior”, the title “Proscription of person” shall be substituted.
9. **Amendment of section 11 J, Act XXVII of 1997.**—In the said Act, section 11J shall be re-numbered as sub-section (1) of that and after sub-section (1), re-numbered as aforesaid, the following new sub-section shall be added, namely:—
- “(2) Any person in Pakistan or a Pakistani national outside Pakistan shall commit an offence under this Act, if he knowingly or willfully makes money or other property or services available, directly or indirectly, wholly or jointly, for the benefit of a proscribed organization or proscribed person.”
10. **Substitution of section 11O, Act XXVII of 1997.**—In the said Act for section 11O, the following shall be substituted, namely:—
- “11O. Seizure, freeze and detention.—(1) On proscription made under section 11B or, as the case may be, section 11EE,—
- (a) the money or other property owned or controlled, wholly or partly, directly or indirectly, by a proscribed organization or proscribed person shall be frozen or seized, as the case may be;
- (b) the money or other property derived or generated from any property referred in clause (a) shall be frozen or seized, as the case may be;
- (c) no person shall use, transfer, convert, dispose of or remove such money or other property with effect from proscription; and
- (d) within forty-eight hours of any freeze or seizure, the person carrying out the freeze or seizure shall submit a report containing details of the property and the persons affected by the freeze or seizure to such office of the Federal Government as may be notified in the official Gazette.
- (2) Any person who violates any provision of sub-section (1) shall be liable to penalty of fine not exceeding ten million rupees.
- (3) If a legal person violates any provision of sub-section (1), such person shall be liable to penalty of fine not exceeding ten million rupees and every director, officer or employee of such person found guilty of the violation shall be punished in terms thereof.
- (4) On an application made by any affected person, the Federal Government shall inquire into the ownership and control of any money or other property that has been frozen or seized and, if it is satisfied that the money or other property has inadvertently been frozen or seized, the same shall be ordered to be released immediately.



(5) No prosecution, suit or other proceedings shall lie against the government or any other person complying or purporting to comply with sub-section (1) for anything done in good faith to effect freeze or seizure.”

11. **Insertion of section 11OO, Act XXVII of 1997**—In the said Act, after section 11OO, the following new section shall be inserted, namely:—

“11OO. Access to services, money or other property.—(1) The Federal Government may permit a person to make available to a proscribed organization or proscribed person such services, money or other property as may be prescribed, including such money as may be required for meeting necessary medical and educational expenses and for subsistence allowance, and such person shall not be liable for any offence under this Act on account of provision of the prescribed services, money or other property.

(2) On an application made by a proscribed organization or proscribed person, the Federal Government may authorize such organization or person to access such money or other property or avail such services as may be prescribed.”

12. **Substitution of section 11P, Act XXVII of 1997**.— In the said Act, for section 11P, the following shall be substituted, namely:—

“11P. Application by investigating officer to Court.—(1) An investigating officer may apply to a court for an order under this section for attachment of a terrorist property.

(2) An order under this section, shall—

(a) provide for attachment of the terrorist property for a period specified in the order or pending completion of the investigation; and

(b) require notice to be given to the person from whom such property was attached and to any other person who is affected by and specified in the order.

(3) Any cash attached under this section shall be held in a profit and loss account and the profit and loss so earned shall be added to it on its release or forfeiture.”

13. **Substitution of section 11R, Act XXVII of 1997**.—In the said Act, for section 11R, the following shall be substituted, namely:—

“11R. Evidentiary standard for forfeiture.—(1) The court may pass an order for forfeiture under section 11Q upon conviction and only if satisfied on reasonable grounds that the money or other property is a terrorist property and before so doing must give an opportunity to be heard to any person,—

(a) who is not a party to the proceedings; and

(b) who claims to be the owner of or otherwise interested in any of the money or other property which can be forfeited under this section.

(2) An order may be made under section 11Q, whether or not proceedings are brought against all the persons for an offence with which the money or other property is connected.”.

14. **Amendment of section 11S, Act XXVII of 1997.**—In the said Act, in section 11S, the words and figure “or section 11R” shall be omitted.
15. **Substitution of section 11U, Act XXVII of 1997.**—In the said Act, for section 11U, the following shall be substituted, namely:—
- “11U. De-proscription.— (1) The Federal Government may, by notification in the official Gazette, at any time remove any organization or person from the First Schedule or Fourth Schedule, as the case may be, on the basis that no reasonable ground for proscription exists.
- (2) After three years of the disposal of appeal, if any, or where no appeal was filed, from the date of the order of proscription, or from (sic) the date of any refusal of an application of de-proscription,—
- (a) the Federal Government shall conduct review of the proscriptions to determine whether any proscription may be cancelled on the basis provided for under sub-section (1); and
- (b) until a proscription is cancelled, any money or other property frozen or seized on account of the proscription shall remain frozen or seized, as the case may be.
- (3) On cancellation of the proscription under this Act, any money or other property that has been frozen or seized shall be released in a timely manner.”
16. **Amendment of section 34, Act XXVII of 1997.**—In the said Act in section 34, for the words and commas “First, Second, Third and fifth Schedules the word “Schedules” shall be substituted.

**AMJED PERVEZ,**  
**Secretary.**