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The Anti-Terrorism Act, 1997

Act No. XXVII of 1997

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THE ANTI-TERRORISM ACT, 1997

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THE FIRST SCHEDULE
THE SECOND SCHEDULE
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THE FIFTH SCHEDULE

THE ANTI-TERRORISM ACT, 1997

¹[XXVII OF 1997]

An act to provide for the prevention of terrorism, sectarian violence and for speedy trial of heinous offences;

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, extent and commencement.** - (1) This Act may be called the Anti-Terrorism Act, 1997.
 - (2) It extends to the whole of Pakistan.
 - (3) It shall come in to force at once.

- 2. Definitions.** In this Act, unless there is anything repugnant in the subject or context, -
 - (a) “**armed forces**” means the Military, Naval and Air Forces of Pakistan and the Reserves of such Forces;

 - (b) “**civil armed forces**” means the Frontier Constabulary, Frontier Corps, Pakistan Coast Guards, Pakistan Rangers or any other civil armed force notified by the Federal Government as such;

 - (c) “**Code**” means the Code of Criminal Procedure, 1898 (Act V of 1898);

 - ²(d) “**child**” means a person who at the time of the commission of the offence has not attained the age of eighteen years;

 - (e) “**court**” means an Anti-Terrorism Court established under section 13;

¹ The Anti-Terrorism Act, 1997 and all Rules, Notifications and Orders issued there under have been adopted in the Northern Areas vide S.R.O No. 496(1) 2000, dated 11-7-2000.

² Subs. by the Anti-Terrorism (Arndt.) Ordinance, 2001(39 of 2001), s. 2, for cls. (d) to (h), which was previously inserted by Ordinance 13 of 1999, s.3.

*It shall apply to the PATA of the Khyber PakhtunKhwa vide Notification No. 1/75-SOS II/HD/2002 dated 15.12.2002.

- (f) “**explosives**” means any bomb, grenade, dynamite, or explosive substance capable of causing an injury to any person or damage to any property and includes any explosive substance as defined in the Explosives Act, 1884 (Act IV of 1884);
- (g) “**firearms**” means any or all types and gauges of handguns, rifles and shotguns, whether automatic, semi-automatic or bolt action, and shall include all other firearms as defined in the Arms Ordinance 1965 (W.P. Ord. XX of 1965);
- (h) “**fine**” means a pecuniary amount to be determined by the Court having regard to the facts and circumstances of the case;]
- ¹[(ha) “**freeze**” means to prohibit the transfer, conversion, disposition or movement of any money or other property;’]
- (i) “**Government**” means the Federal Government or, as the case may be, the Provincial Government;
- (j) “**grievous**” in relation to bodily injury, means any emasculation, mutilation, incapacitation, disfigurement or severe harm or hurt; and in relation to property, means severe loss, damage or destruction;
- (k) “**High Court**” means the High Court having territorial jurisdiction in respect of the area for which an Anti-Terrorism Court has been established;
- (l) “**hijacking**” means any unlawful seizure or exercise of control, or any attempt at unlawful seizure or exercise of control, of an aircraft, by force, violence, threat or any form of obstruction, directly or through any other person, from within or outside the aircraft;
- (m) “**hostage-taking**” means the holding of a person captive with threats made to kill or harm that person if demand are not met;

¹ Ins. and subs, by Act VII of 2014, s.2.

- (n) **“kidnapping for ransom”** means the action of conveying any person from any place, without his consent, or by force compelling or by any deceitful means inducing him, to go from any place, and unlawfully detaining him and demanding or attempting to demand, money, pecuniary or other benefit from him or from another person, as a condition of his release;
- (o) **“meeting”** means a meeting of two or more persons, whether in public or private;
- ¹[(oa) **“money”** includes coins or notes in any currency, postal orders, money orders, bank credits, bank accounts, letter of credit, travelers cheques, bank cheques, bankers draft, in any form, electronic, digital or otherwise and such others kinds of monetary instruments or documents as the Federal Government may by order specify;]
- (p) **“organization”** means any group, combination or body of persons ¹* * *;
- ²“(pa) **“person”** means any natural, legal person or body corporate;”
- ¹[(paa³) **“property”** means property of every description, whether corporeal or incorporeal, movable or immovable, tangible or intangible and includes shares, securities, bonds and deeds and instruments evidencing title to, or an interest in, property of any kind and money;]
- ⁴[(q) **“proscribed Organization”** means any organization which is listed in the First Schedule under section 11B;]
- ²[(qa) **“proscribed person”** means any individual who is listed in the Fourth Schedule under section 11EE;”]
- (r) **“public servant”** shall have the same meaning as in Section 21 of the Pakistan Penal Code, 1860, or in any other law for the time being in force;

¹ Omitted and ins. by Act XIII of 2013, s.2

² Renumbered & Inserted new clause by Anti-Terrorism Amendment Act, 2020

³ Renumbered by Anti-Terrorism Amendment Act, 2020

⁴s. and subs, by Act VII of 2014, s.2.

- (s) **“Schedule”** means a Schedule to this Act;
- (t) **“Scheduled offence”** means an offence as set out in the Third Schedule;
- (u) **“sectarian”** means pertaining to, devoted to, peculiar to, or one which promotes the interest of a religious sects, or sects, in a bigoted or prejudicial manner;
- (v) **“sectarian hatred”** means hatred against a group of persons defined by reference to religion, religious sect, religious persuasion, or religious belief;
- ¹[(va) **“seize”** means to take custody or control of money or other property in order to prohibit its transfer, conversion, disposition or movement;]
- (w) **“serious”** means dangerous to life or property;
- (x) **“terrorism”** or “act of terrorism” has the meaning as assigned to it in section 6;
- (y) **“terrorist”** has the meaning as assigned to it in section 6 (5);
- (z) **“terrorist investigation”** means an investigation of: -
 - (a) the commission, preparation or instigation of acts of terrorism under this Act;
 - (b) an act which appears to have been done for the purposes of terrorism;
 - (c) the resources of proscribed organization;
 - (d) the commission, preparation or instigation of an offence under this Act; or
 - (e) any other act for which investigation may be necessary for the purposes of this Act.
- (aa) **“terrorist property”** means
 - (i) (a) money or other property which is used or is likely to be used for the purposes of terrorism (including any resources of ²[an organization concerned in terrorism or a terrorist];
 - (b) proceeds of the commission of acts of terrorism;

¹Ins. by Act VII of 2014, s.2.

(c) proceeds of acts carried out for the purposes of terrorism; and

(ii) In sub-section (i) above;

(a) a reference to proceeds of an act, includes reference to any property which wholly or partly, and directly or indirectly represents the proceeds of the act (including payments of other rewards in connection with the commission);¹[and]

(b) the reference to an organization's resources includes a reference to any money or other property which is applied or made available, or is to be applied or made available, for use by the organization²[and includes assets of any kind, whether tangible or intangible, movable or immovable, and legal documents or instruments in any form, whether written, electronic or digital, and shares, securities, bonds, drafts and letters of credit]³;

(bb) "weapons" means any items which can be used to injure or cause bodily harm, and includes any type of firearm, explosive, sword, dagger, knuckle-duster, stengun, bomb, grenade, rocket launcher, mortar or any chemical, biological weapon or any other thing which can be used for causing injury, hurt, harm or destruction of person or property, and includes 'illicit arms' as defined in the Surrender of Illicit Arms Act, 1991 (XXI of 1991); and

* * * * *

(cc) all other terms and expressions used but not defined in this Act, shall have the meanings as are assigned to them in the Pakistan Penal Code, 1860, or the Code of Criminal Procedure, 1898.]

3. *[Declaration of Intent.] Omitted by the Anti-Terrorism (Arndt.) Ordinance, 2001 (XXXIX of 2001), s. 3.*

4. **Calling in of armed forces and civil armed forces in aid of civil power. - (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.

¹Added and subs by the Anti-Terrorism(Amdt.) Act, 2013 (XIII of 2013), s.2.

² Subs. & omitted by the Anti-Terrorism (Arndt) Act. 2013 (XIII of 2013), s. 2.

³ Subs. & omitted by the Anti-Terrorism (Arndt) Act. 2013 (XIII of 2013), s. 2.

(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 terrorist acts or scheduled offences in any area, it may request the Federal 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
- (ii) the armed forces,

and on so deciding shall, by means of a notification in the official Gazette issued under clauses (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 officers, 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 ¹* * * a terrorist act or a schedule offence, ²[it shall be lawful for any such officer, or any senior officer [after forming reasonable apprehension that death or grievous hurt may be caused by such act or offence] to fire, or order the firing upon any person or persons against whom he is authorized to use force in terms hereof [:]³

³**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 forces or by a Magistrate on duty:

Provided further that the decision to fire or order firing shall be taken only by

¹ Certain words omitted by the Anti-Terrorism (Second Arndt.) Ordinance, 1999 (13 of 1999), s. 4.

² Subs. by the Anti-Terrorism (Amdt.) Ordinance, 2001 (39 of 2001), s. 4, for certain words, which was previously amended by Ord. 29 of 2000 s. 2

³ Subs, and added by Act VI of 2014. s. 2.

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.]

- (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, any such act or offence; and
 - (iii) enter and search, without warrant, any premises to make any arrest or to take possession of any property, firearm, 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 provision of section 132 of the Code shall apply to any person acting under this section.

¹**6. Terrorism. (1)** In this Act, “terrorism” means the use or threat of action where: -

- (a) the action falls within the meaning of sub-section (2); and
- (b) the use or threat is designed to coerce and intimidate or overawe the Government or the public or a section of the public or community or sect ²[or a foreign government or population or an international organization] or create a sense of fear or insecurity in society; or
- (c) the use or threat is made for the purpose of advancing a religious, sectarian or ethnic cause ³[or intimidating and terrorizing the public, social sectors, media persons, business community or attacking the civilians, including damaging property by ransacking, looting, arson or by any other means, government officials, installations, security forces or law enforcement agencies:]

[Provided that nothing herein contained shall apply to a democratic and religious rally or a peaceful demonstration in accordance with law.]

(2) An “action” shall fall within the meaning of sub-section (1), if it: -

¹ Subs. by the Anti-Terrorism (Amdt.) Ordinance, 2001 (39 of 2001), s. 5, for section 6, which was previously amended by various enactments.

² Ins. by the Anti-Terrorism (Amdt.) Act, 2013 (XIII of 2013), s. 3.

³ Added by the Anti-Terrorism (Second Amdt.) Act. 2013 (XX of 2013), s. 2.

- (a)** involves the doing of anything that causes death;
- (b)** involves grievous violence against a person or grievous bodily injury or harm to a person;
- (c)** involves grievous damage to property ¹[including government premises, official installations, schools, hospitals, offices or any other public or private property including damaging property by ransacking, looting or arson or by any others means;]
- (d)** involves the doing of anything that is likely to cause death or endangers person's life;
- (e)** involves kidnapping for ransom, hostage-taking or hijacking;
- ¹**(ee)** involves use of explosive by any device including bomb blast ¹[or having any explosive substance without any lawful justification or having been unlawfully concerned with such explosive]];
- (f)** incites hatred and contempt on religious, sectarian or ethnic basis to strip up violence or cause internal disturbance;
- ¹**(g)** involves taking the law in own hand, award of any punishment by an organization, individual or group whatsoever, not recognized by the law, with a view to coerce, intimidate or terrorize public, individuals, groups, communities, government officials and institutions, including law enforcement agencies beyond the purview of the law of the land;]
- (h)** involves firing on religious congregation, mosques, Imam Bargahs, churches, temples and all other places of worship, or random firing to spread panic, or involves any forcible takeover of mosques or other places of worship;
- (i)** creates a serious risk to safety of the public or a section of the public, or is designed to frighten the general public and thereby prevent them from coming out and carrying on their lawful trade and daily business, and disrupts civic life;
- (j)** involves the burning of vehicles or any other serious form of arson;
- (k)** involves extortion of money ("bhatta") or property;
- (l)** is designed to seriously interfere with or seriously disrupt a communication system or public utility service;
- (m)** involves serious coercion or intimidation of a public servant in order to force

¹Added by the Anti-Terrorism (Second Amdt.) Act. 2013 (XX of 2013), s. 2.

him to discharge or to refrain from discharging his lawful duties; ¹ *

- (n) involves serious violence against a member of the police force, armed forces, civil armed forces, or a public servant;
- ²[(o) involves in acts as part of armed resistance by groups or individuals against law enforcement agencies; or
- (p) involves in dissemination, preaching ideas, teachings and beliefs as per own interpretation on FM stations or through any other means of communication without explicit approval of the government or its concerned departments.]

(3) The use or threat of use of any action falling within sub-section (2) which involves the use of firearms, explosive or any other weapon is terrorism, whether or not sub-section (1) (c) is satisfied.

³[(3A) Notwithstanding anything contained in sub-section (1), an action in violation of a convention specified in the Fifth Schedule shall be an act of terrorism under this Act.]

(4) In this section “action” includes an act or a series of acts.

(5) In this Act, terrorism includes any act done for the benefit of a proscribed organization.

(6) A person who commits an offence under this section or any other provision of this Act, shall be guilty of an act of terrorism.

(7) In this Act, a “**terrorist**” means: -

- (a) ⁴[any person] who has committed an offence of terrorism under this Act, and is or has been concerned in the commission, preparation, ²[facilitation, funding] or instigation of acts of terrorism;
- (b) ⁴[any person] who is or has been, whether before or after the coming into force of this Act, concerned in the commission, preparation, ²[facilitation, funding] or instigation of acts of terrorism, shall also be included in the meaning given in clause (a) above.]

⁵[7. **Punishment for acts of terrorism.**- ⁶[(1)] Whoever commits an act of terrorism under section 6, whereby-

¹Omitted and added, by the Anti-Terrorism (Second Arndt.) Act. 2013 (XX of 2013), s. 2.

² Omitted and added, by the Anti-Terrorism (Second Arndt.) Act. 2013 (XX of 2013), s. 2.

³Subs. & ins. by the Anti-Terrorism(Amdt) Act, 2013 (XIII of 2013), s. 3.

⁴Subs. with words “An individual” by the Anti-Terrorism (Second Amdt) Act, 2020 (XXIII of 2020), S. 2.

⁵ Sub s. by the Anti-Terrorism (Amdt.) Ordinance. 2001 (39 of 2001), s. 6.

⁶ Renumbered by the Anti-Terrorism (Second Amdt.) Act, 2013 (XX of 2013), s. 3.

- (a) death of any person is caused, shall be punishable, on conviction, with death or with imprisonment for life, and with fine; or
- (b) he does anything likely to cause death or endangers life, but death or hurt is not caused, shall be punishable, on conviction, with imprisonment of either description for a term which shall not be less than ¹[ten years] but may extend to ²[imprisonments for life] and with fine; or
- (c) grievous bodily harm or injury is caused to any person, shall be punishable, on conviction, with imprisonment of either description for a term which shall not be less than ³[ten years] but may extend to imprisonment for life and shall also be liable to a fine; or
- (d) grievous damage to property is caused, shall be punishable on conviction, with imprisonment, of either description for a term not less than ten year and not exceeding ⁴[but may extend to imprisonment for life] and shall also be liable to a fine; or
- (e) the offence of kidnapping for ransom or hostage-taking has been committed, shall be punishable, on conviction, with death or imprisonment for life ⁵* * ; or
- (f) the offence of hijacking, has been committed, shall be punishable, on conviction, with death or imprisonment for life ²* * * and fine;
- ⁶[(ff) the act of terrorism committed falls under section 6 (2) (ee), shall be punishable with imprisonment which shall not be less than fourteen years but may extend to imprisonment for life;]
- (g) the act of terrorism committed falls under section 6 (2) (f) and (g), shall be punishable, on conviction, with imprisonment of not less than ²[two years] and not more than ²[five years] and with fine; or
- (h) the act of terrorism committed falls under clauses (h) to (n) of sub-section (2) of section 6, shall be punishable on conviction, to imprisonment of not less than ²[five years] but may ²[extend to imprisonment for life] and with fine;
- (i) any other act of terrorism not falling under clauses (a) to (h) above or under any

¹ Sub s. & ins. by the Anti-Terrorism (Second Amndt.) Act. 2005 (II of 2005), s. 3.

² Subs. & ins. by the Act, II of 2005, s. 3.

³ Subs. & ins. by the Act, II of 2005, s. 3.

⁴ Subs. & ins. by the Act, II of 2005, s. 3.

⁵Omitted & added by Anti-Terrorism (Second Arndt.) Act, 2013 (XX of 2013), s.3.

⁶ Subs. by the Act, II of 2005, s. 3

other provision of this Act, shall be punishable, on conviction, to imprisonment of not less than ²[five years] and not more than ²[ten years] or with fine or with both.

²[(2) An accused, convicted of an offence under this Act shall be punishable with imprisonment of ten years or more, including the offences of kidnapping for ransom and hijacking shall also be liable to forfeiture of property.]

¹* * * * *

- 8. Prohibition of acts intended or likely to stir up sectarian hatred.** A person who-
- (a) uses threatening, abusive or insulting words or behaviors; or
 - (b) displays, publishes or distributes 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 strip 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 ²* imprisonment for a term which may extend to ³[five] years ⁴[and with fine].

10. Power to enter or search. If any officers 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

¹ Sections 7A and 7B omitted by the Anti-Terrorism (Amdt.) Ordinance, 2000 (29 of 2000), s. 5 which was previously ins. by Ord. 13 of 1999, s. 7.
² The word "rigorous" omitted by the Anti-Terrorism (Second Arndt.) Ordinance, (13 of 1999), s. 8.
³ Subs. by the Anti-Terrorism (Amdt.) Ordinance. 2001 (39 of 2001), s. 7 for Seven.
⁴ Sub s. and added by the Ordinance, 13 of 1999. s. 9.

same ¹[:]

¹**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) 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 ¹[Anti- terrorism Court] on the application of the officer seizing the material or recording shall forfeit the material or recording to the State to be disposed of as directed by it.

²**[11A. Organizations concerned in terrorism.** - ³**(1)]** For the purposes of this Act, an organization is concerned in terrorism if it:-

- (a) Commits, ⁶[facilitates] or participates in acts of terrorism;
- (b) prepares for terrorism;
- (c) promotes or encourages terrorism;
- (d) supports and assists any organization concerned with terrorism;
- (e) patronizes and assists in the incitement of hatred and contempt on religious, sectarian or ethnic lines that stir up disorder;
- (f) fails to expel from its ranks or ostracize those who commit acts of terrorism and presents them as heroic persons; or
- (g) is otherwise concerned in terrorism.

⁶(2) An organization shall fall within the meaning of sub-section (1) if it-

- (a) is owned or controlled, directly or indirectly, by a terrorist or an organization referred in subsection (1); or
- (b) acts on behalf of, or at the direction of, a terrorist or an organization referred in sub-section (1).]

⁴**[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

¹ Sub s. *ibid*.

²New section 11 A to 11 X ins. by the Anti-Terrorism (Amendment) Ordinance, 2001 (39 of 2001), s. 8.

³Re-numbered, ins. & added by the Anti-Terrorism (Amendment) Act, 2013 (XIII of 2013), s. 4.

⁴ Subs. omitted & ins. by Act VII of 2014, ss.3 to 6.

on an *ex Parte* basis, if there are reasonable grounds to believe that it is—

- (a) concerned in terrorism; or
- ~~¹(aa) listed under the United Nations (Security Council) Act, 1948 (XIV of 1948), 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 nonbanking 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.]

11C. Right of Review. - ¹(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.]

(2) An organization whose review application has been refused under sub-section (1) may file an appeal to the High Court within thirty days of the refusal of the review application.

¹* * * * *

¹[**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],

11D. Observation Order. Where the Federal Government, has ¹[reasonable grounds] to believe that an organization is acting in a manner that it may be concerned in terrorism;

¹ Ins. by Ordinance 2018 S. 2 (Ordinance lapsed and sub-clause aa obsolete)

- (1) The organization may be kept under observation, if-
 - (a) the name of the organization is listed the Second Schedule by order of the Federal Government; or
 - (b) it operates under the same name as an organization listed in the Second Schedule.

(2) An organization or a person aggrieved by the observation order passed under subsection (1) may file a review application before the Federal Government, which shall, after hearing the applicant, decide the matter within sixty days.

(3) Where the Organization is under observation, the Federal Government may further extend the period of observation, only after giving the organization an opportunity of being heard.

(4) Each observation period shall be for six months, and may be extended by the Federal Government only after giving an opportunity of being heard to the organization concerned.

11E. Measure to be taken against a proscribed organization. Where any organization shall be proscribed: -

(1) Amongst other measures to be taken by the Federal Government-

(a) its offices, if any, shall be sealed;

¹* * * * *

(c) all literature, posters, banner, or printed, electronic, digital or other material shall be seized; and

(d) publication, printing or dissemination of any press statements, press conferences or public utterances by or on behalf of or in support of a proscribed organization shall be prohibited.

²[(1A) Upon proscription of an organization if the office bearers, activists, or the members or the associates of such organization are found continuing the activities of the proscribed organization, in addition to any other action under this Act or any other law for the time being in force to which they may be liable, -

(a) they shall not be issued any passport or allowed to travel abroad;

(b) no bank or financial institution or any other entity providing financial support shall provide any loan facility or financial support to such persons or issue the

¹Omitted by Act VII of 2014, s. 7

²Ins. by Act XX of 2013, s. 5.

credit cards to such persons; and

- (c) the arms licenses, if already issued, shall be deemed to have been cancelled and the arms shall be deposited forthwith in the nearest Police Station, failing which such arms shall be confiscated and the holders of such arms shall be liable for the punishment provided under the Pakistan Arms Ordinance, 1965 (WP-XX of 1965). No fresh license, to such persons for any kind of weapons shall be issued.]

(2) The Proscribed Organization shall submit all accounts of its income and expenditure for its political and social welfare activities and disclose all funding sources to the competent authority designated by the Federal Government.

¹[11EE. Proscription of Person.] ¹[(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;

- ~~²(aa) listed under the United Nations (Security Council) Act, 1948 (XIV of 1948);~~
or"

- (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 on-banking companies and international institutions.]

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

(2) Where a person's name is listed in the Fourth Schedule, the Federal ¹* * * as the case may be, without prejudice to any other action which may lie against such person under this Act or any other law for the time being in force, may take following actions and exercise following

¹ Subs. ins. and Omitted by Act VII of 2014, s.8.

² Ins. by Ordinance 2018 S. 2 (Ordinance elapsed and sub-clause aa obsoleted)

powers, namely: -

- (a) require such person to execute a bond with one or more sureties to the satisfaction of the District Police Officer in the territorial limits of which the said person ordinarily resides, or carries on business, for this good behaviour and not involve in any act of terrorism or in any manner advance the objectives of the organization referred to sub-section (1) for such period not exceeding three years and in such amount as may be specified:

Provided that where he fails to execute the bond or cannot produce a surety or sureties to the satisfaction of the District Police Officer order him to be detained and produced within twenty-four hours before a court which shall order him to be detained in prison until he executes the bond or until a satisfactory surety or sureties if required, are available or, failing that the term of the order under clause (a) expires:

Provided further that where he is a minor, the bond executed by a surety or sureties only may be accepted;

- (b) require any such person to seek prior permission from the officer in-charge of the Police Station of the concerned area before moving from his permanent place of residence for any period of time and to keep him informed about the place he would be visiting and the persons, he would be meeting during the stay;
- (c) require: -
 - (i) that his movements to be restricted to any place or area specified in the order;
 - (ii) him to report himself at such times and places and in such mode as may be specified in the order;
 - (iii) him to comply with both the direction;
 - (iv) that he shall not reside within areas specified in the order; ¹“[]
 - (v) no bank or financial institution or any other entity providing financial support shall provide any loan facility or financial support to proscribed person or issue credit cards to proscribed person ; and
 - (vi) the arms licences, if already issued, shall be deemed to have been cancelled

¹ Word “and” occurring at the end, omitted by the Anti-Terrorism Act, (Second Amendment) XXIII of 2020;

and the arms shall be deposited forthwith in the nearest Police Station, failing which such arms shall be confiscated and the holder of such arms shall be liable for the punishment provided under the Pakistan Arms Ordinance 1965 (W.P. Ord. XX of 1965). No fresh licence shall be issued to such person for any kind of weapons;”.¹

(d) direct that he shall not visit or go within surroundings specified in the order including any of the under mentioned places, without the written permission of the officer in-charge of the Police Station with in whose jurisdiction such place is situated, namely: -

- (i) schools, colleges and other institutions where person under twenty-one years of age or women are given education or other training or are housed permanently or temporarily;
- (ii) theatres, cinemas, fairs, amusement parks, hotels, clubs, restaurants, tea shops and other place of public entertainment or resort;
- (iii) airports, railway stations, bus stands, telephone exchanges, television stations, radio stations and other such places;
- (iv) public or private parks and gardens and public or private playing fields; and
- (v) the scene of any public meeting or procession of any assemblage of the public whether in an enclosed place or otherwise in connection with any public event festival or other celebrations;

(e) check and probe the assets of such persons or their immediate family members *i.e.* parents, wives and children through police or any other Government agency, which shall exercise the power as are available to it under the relevant law for the purposes of the investigation, to ascertain whether assets and sources of income are legitimate and are being spent on lawful objectives:

Provided that no order under clause (d) or (e) above shall be made operative for a period of more than three years; and

(f) monitor and keep surveillance over the activities of such person through police or any other Government agency or any person or authority designated for the purpose.

²[(3) Where any person is aggrieved by the order of the Federal Government made

¹ Sub-clause (v) and (vi) add by the Anti-Terrorism Act, (Second Amnd) XXIII of 2020;

²Subs. ins. and omitted by Act, 2014 (VII of 2014.) s. 8.

under subsection (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.]

¹[(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.]

(4) Any person who violates any direction or order of the Federal ¹* * * * or any terms of bond referred to in sub-section (2), shall be punishable with imprisonment of either description for a term which may extend to three years, or with fine, or with both.]

²[11EEE. Powers to arrest and detain suspected persons.- (1) Government if satisfied that with a review to prevent any person whose name is included in the list referred to section 11EE, it is necessary so to do, may, by order in writing, directed to arrest and detain, in such custody as may be satisfied, such person for such period as may be specified in the order, and Government if satisfied that for the aforesaid reasons it is necessary so to do, may, extend from time to time the period of such detention for a total period not exceeding twelve months.

(2).The provisions of Article 10 of the Constitution of the Islamic Republic of Pakistan shall *mutatis mutandis* apply to the arrest and detention of a person ordered under sub-section (1).]

³[11EEEE. Preventive detention for inquiry.- ⁴[(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

¹Subs. ins. and omitted by Act, 2014 (VII of 2014.) s. 8.

²Ins. by Ordinance 12 of 2002. s.3.

³Ins. by the Anti-Terrorism (Second Arndt.) Act, 2013 (XX of 2013), s. 6.

⁴Sub s. and ins. by Act 2014 (VI of 2014), s. 3.

against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been so concerned, for 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.]

(2) The inquiry under sub-section (1) may be conducted by a police officer not below the rank of Superintendent of Police or through a Joint Interrogation Team (JIT) to be notified by the Government comprising a police officer not below the rank of Superintendent of Police and officers of other investigation agencies and the powers of the inquiry officer will be vested as per section 5 of the Federal Investigation Agency Act, 1974 (VIII of 1975) [:]⁴

¹[**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.]

¹[(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 Antiterrorism (Amendment) Act, 2014 (VI of 2014).]

(3) The detenu shall be produced in camera before the presiding officer of the court or in his absence before the District and Sessions Judge or the Magistrate appointed under the Shariah Nizam- e-Adl Regulation, 2009, within twenty-four hours of his detention, and before the presiding officer of the court if and when any extension in the period of detention is requested.

(4) During inquiry the concerned police officer not below the rank of Superintendent of Police or equivalent officer of the law enforcement agencies or the members of Joint Interrogation Team (JIT) as the case may be, shall have all the powers relating to search, arrest of persons and seizure of property, and other relevant material connected with the commission of offence and shall have all the powers as Police Officer has in relation to the investigation of

¹ Sub s. and ins. by Act 2014 (VI of 2014), s. 3.

offences under the Code or any other law for the time being in force:

Provided that the detenue shall be kept in a detention centre so notified by the Government and the presiding officer of the court or the Magistrate, as the case may be referred in sub-section (3) shall have the authority to inspect the detention centers to ensure that the custody is in accordance with the law for the time being in force.

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

¹[11EEEEEE. Prohibition on disposal of property.- (1) If during the course of inquiry or investigation, the police officer not below the rank of Superintendent of Police or the Joint Investigation Team, as the case, may be has sufficient evidence to believe that any property which is subject matter of the inquiry or investigation is likely to be removed transferred or otherwise disposed of before an order of the appropriate authority for its seizure is obtained, such officer or the team may, be order in writing, direct the owner or any person who is, for the time being, in possession thereof not to remove, transfer or otherwise dispose of such property in any manner except with The Previous Permission of such officer or the team, as the case may be, and such order shall be subject to any order made by the Court having jurisdiction in the matter.

(2) Any contravention of an order made under sub-section (1) shall be punishable with rigorous imprisonment for a term which may extend to two years, or with fine, or with both.]

11F. Membership, support and meetings relating to a Proscribed Organization. -(1) A person is guilty of an offence if he **belongs or professes to belong** to a proscribed organization.

(2) A person guilty of an offence under sub-section (1) shall be liable on conviction to a term not exceeding six months imprisonment and a fine.

(3) A person commits an offence if he: -

¹Ins. by Act XX of 2013 w.e.f. 26 March 2013

- (a) solicits or invites support for support for a proscribed organization, and the support is not, or is not restricted to, the provisions of money or other property; or
- (b) arranges, manages or assists in managing, or addressing a meeting which he knows is: -
 - (i) to support a proscribed organization;
 - (ii) to further the activities of a proscribed organization; or
 - (iii) to be addressed by a person who belongs or professes to belong to a proscribed organization.

(4) A person commits an offence if he addresses a meeting, or delivers a sermon to a religious gathering, by any means whether verbal, written, electronic, digital or otherwise, and the purpose of his address or sermon, is to encourage support for a proscribed organization or to further its activities.

(5) A person commits an offence if he solicits, collects or raises ¹[money or other property] for a proscribed organization.

(6) A person guilty of an offence under sub-sections (3), (4), and (5) shall be liable on conviction to a term of imprisonment, not less than one year and not more than five years and a fine.

11G. Uniform. - (1) A person commits an offence if he: —

- (a) wears, carries or displays any article, symbol, or any flag or banner connected with or associated with any proscribed organization; or
- (b) carries, wears or displays any uniform, item of clothing or dress in such a way or in such circumstances as to arouse reasonable suspicion that he is a member or supporter of a proscribed organization.

²[(2) A person who commits an offence under sub-section (1) shall be liable to **imprisonment for a term which may extend to five years, or with fine, or with both.**]

11H. Fund Raising. -(1) A person commits an offence if he: -

¹Subs. by Act XIII of 2013, s.6.

²Subs. by Act II of 2005, s.4.

- (a) invites another to provide money or other property; and
 - (b) intends that it should be used, or has reasonable cause to suspect that it may be used, for the purpose of terrorism ¹[or by a terrorist or organization concerned in terrorism.]
- (2) A person commits an offence if: -
- (a) he receives money or other property; and
 - (b) intends that it should be used, or has reasonable cause to suspect that it may be used, for the purposes of terrorism ²[or by a terrorist or organization concerned in terrorism].
- (3) A person commits an offence if he: -
- (a) provides money or other property; and
 - (b) knows or has reasonable cause to suspect that it will or may be used for the purpose of terrorism ²[or by a terrorist or organization concerned in terrorism].
- (4) In this section a reference to the provision of money or other property is a reference to its being given, lent or otherwise made available, whether or not for consideration.

11I. Use and possession. A person commits an offence if-

- (1) he uses money or other property for the purposes of terrorism; or
- (2) he: -
 - (a) possesses money or other property; and
 - (b) intends that it should be used, or has reasonable cause to suspect that it may be used, for the purposes of terrorism.

11J. Funding Arrangements ³[(1) A person commits an offence if he-

- (a) enters into or becomes concerned in an arrangement as a result of which money or other property is made available or is to be made available to another; and
- (b) has reasonable cause to suspect that it will or may be used for the purposes of terrorism.

¹[(2) Any person in Pakistan or a Pakistani national outside Pakistan shall commit an

¹Ins. by Act XIII of 2013, s.7.

²Subs. by Act II of 2005, s.4.

³Re-numbered and added by Act VII of 2014, s.9.

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.]

¹“(3) A person commits an offence if he knowingly or willfully pays for or provides money or other property or facilitate in any manner the travel of a person anywhere for the purpose of perpetrating, participating in, assisting or preparing for a terrorist act or for the purpose of providing or receiving training for terrorist related activities.

(4) The provisions of sub-section (2) shall also apply to-

- (a) organizations owned or controlled, directly or indirectly, by proscribed organizations or proscribed persons; and
- (b) persons or organizations acting on behalf of, or at the' direction of, proscribed organizations or proscribed persons/’.

11K Money laundering. - (1) A person commits an offence if he enters into or becomes concerned in any arrangement which facilitates the retention or control, by or on behalf of another person, of terrorist property: -

- (a) by concealment;
- (b) by removal from the jurisdiction;
- (c) by transfer to nominees; or
- (d) in any other way.

(2) It is a defense for a person charged with an offence under sub-section (1) to prove that he did not know and had no reasonable cause to suspect that the arrangement related to terrorist property.

11L. Disclosure of information. - (1) Where a person-

- (a) believes or suspects that another person has committed an offence under this Act; and
- (b) bases his belief or suspicion on information which comes to his attention in the course of a trade, profession, business or employment, he commits an offence if he does not disclose to a police officer as soon as is reasonably practicable his

¹ Added by Anti-Terrorism Act, (Second Amendment) XXIII of 2020

belief or suspicion, and the information on which it is based.

(2) It is a defense for a person charged with an offence under sub-section (1) of this section to prove that he had a reasonable excuse for not making the disclosure:

Provided that this sub-section does not require disclosure by a professional legal advisor of any information which he obtains in privileged circumstances.

(3) A person may disclose to a police officer: -

- (i) a suspicion or belief that any money or other property is terrorist property or is derived from terrorist property; or
- (ii) any matter on which the suspicion is based. (4) Sub-section (3) shall have effect notwithstanding any restriction on the disclosure of information imposed by any law for the time being in force.

11M. Cooperation with the Police. - (1) A person does not commit an offence under sections 11H to 11K, if he is acting with the express consent of a police officer not below the rank of a Deputy Superintendent.

(2) Subject to sub-sections (3) and (4) under this section, a person does not commit an offence sections 11H to 11K. by involvement in a transaction or arrangement relating to money or other property if he discloses to a police officer:

- (a) his suspicion or belief that the money or other property is terrorist property; and
- (b) the information on which his suspicion or belief is based.

(3) Sub-section (2) under this section applies only where a person makes a disclosure-

- (a) after he becomes concerned in the transaction concerned;
- (b) on his own initiative; and
- (c) as soon as is reasonably practicable.

(4) Sub-section (2) under this section does not apply to a person if-

- (a) a police officer forbids him to continue his involvement in the transaction or arrangement to which the disclosure relates; and
- (b) he continues his involvement.

(5) It is a defence for a person charged with an offence under sections 11H to 11J to prove that-

- (a) he intended to make a disclosure; and
- (b) there is reasonable excuse for his failure to do so.

11N. Punishment under Sections 11H to 11K. ¹(1) Any person who commits an offence under sections 11H to 11K, shall be punishable on conviction with imprisonment for a term not less than ²[five years] and not exceeding ²[ten years] and with fine ¹"not exceeding twenty-five million rupees".

"(2) If a legal person commits an offence under sections 11 H to 11K such person shall be liable on conviction to a fine not exceeding fifty million rupees.

(3) Every director, officer or employee of such legal person found guilty shall be punishable on conviction with imprisonment for a term not less than five years and not exceeding ten years and with fine not exceeding twenty-five million rupees:

Provided that the punishment of the director, officer or employee shall be effective and in due proportion to his role."

³[11O. Seizure, freeze and detention-(I) On proscription made under section **11B** or, as the case may be, section 11 EE: -

- (a) the money or other property owned or controlled, wholly or ⁴"jointly", directly or indirectly, by a proscribed organization or proscribed person shall be frozen or seized, as the case may be ⁴, without any prior notice and without delay";
- (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 ⁴, without any prior notice and without delay";
- (c) no person shall use, transfer, convert, dispose of or remove such money or other property with effect from proscription; ⁵[]

- ¹ (d) within forty-eight hours of any freeze or seizure, the person carrying out the freeze or seizure or any action under clause (c) shall set out the steps taken to ensure that no money, property' or services are made available, directly or indirectly, wholly or jointly for the benefit of the proscribed organization or person and shall submit a report containing details of the property and the persons affected by the freeze or seizure to such office of the Federal

¹ Renumbered, added & Inserted new clause by Anti-Terrorism Second Amendment Act, 2020 XXIII of 2020

²Subs. by Act II of 2005, s.5.

³Subs. and Ins. by Act VII of 2014, ss. 10-11.

⁴ Substituted & Added by Anti-Terrorism Second Amendment Act, 2020 XXIII of 2020

⁵ Omitted, added and Substituted by Anti-Terrorism Second Amendment Act, 2020 XXIII of 2020

Government as may be notified in the official Gazette; and"; and

"(e) the money or other property of any person acting on behalf of, or at the direction of, proscribed persons or organizations shall be frozen or seized, as the case may be, without any prior notice and without delay;" and

¹“(2) Any natural person not connected with a legal person or body corporate, who violates any provision of sub-section (1) shall be liable, on conviction to imprisonment for a term not exceeding ten years or with fine not exceeding twenty-five million rupees or with both.”;

(3) If a legal person violates any provision of sub-section (1), such person shall be liable ²“on conviction to fine not exceeding fifty million rupees and every director, officer or employees of such person found guilty of the violation shall be liable on conviction to imprisonment for a term not exceeding ten years or with fine not exceeding twenty-five million rupees or with both”.

³“(3A) Notwithstanding anything contained in sub-section (2), if any public servant is found negligent in complying with the provision of sub-section (1) such public servant shall be proceeded against under respective service rules for administrative action.”.

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 ¹“wrongly” 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 seizure.]

⁴**[1100. 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

¹ Subs and ins by Anti-Terrorism Amendment Act, XX of 2020
² Subs and Ins. By Anti-Terrorism Amendment Act, XX of 2020
³ Ibid
⁴Subs. and Ins. by Act VII of 2014, ss. 10-11.

services, money or other property as may be prescribed, including such money as may be¹basic expenses, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges, or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services or fees or service charges for routine holding or maintenance of frozen funds or other financial assets or economic resources or such money as may be required for meeting extraordinary expenses," and such person shall not be liable for an 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.

²“**11000. Violation of UN Security Council Resolution.** (1) A person is guilty of an offence if he, in any way whatsoever, refuses or fails to comply with the orders of the Federal Government under section 2 of the United Nations (Security Council) Act, 1948 (XIV of 1948).

(2) A person guilty of an offence under sub-section (1), shall be liable on conviction to imprisonment for a term not exceeding ten years or with fine not exceeding twenty-five million rupees or with both.

(3) If a legal person or body corporate, commits an offence under sub-section (1), such person or body corporate shall be liable on conviction to fine not exceeding fifty million rupees and every director, officer or employee of such legal person or body corporate found guilty of the violation shall be liable on conviction to imprisonment for a term not exceeding ten years or with fine not exceeding twenty-five million rupees or with both.

(4) Notwithstanding anything contained in sub-section (2), of section 11000, if any public servant is found negligent in complying with the provisions of sub-section (1), such public servant shall be proceeded against under respective service rules for administrative action.”

¹Subs. by Anti-Terrorism Second Amendment Act, XXIII of 2020

² Inserted by Anti-Terrorism Amendment Act, XX of 2020

¹[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
- (b) for a period specified in the order or pending completion of the investigation; and
- (c) 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.]

11Q. Forfeiture. (1) The Court by or before which a person is convicted of an offence under any of the sections 11H to 11 M may make forfeiture order in accordance with the provision of this section.

(2) Where a person is convicted of an offence under section 11H (1) or (2) or section 11I, the Court may order the forfeiture of any money or other property

- (a) which, at the time of the offence, he had in his possession or under his control; and
- (b) which at that time, he intended should be used, or had reasonable cause to suspect might be used, for the purposes of terrorism.

(3) Where a person has been convicted under 11H (3), the Court may order the forfeiture of any money or other property

- (a) which, at the time, of the offence, he had in his possession or under this control; and
- (b) which, at the time, he knew or had reasonable cause to suspect would or might be used for the purposes of terrorism.

(4) Where a person is convicted of an offence under section 11J, the Court may order the forfeiture of the money or other property

- (a) to which the arrangement in question related; and
- (b) which, at the time of the offence, he knew or had reasonable cause to suspect would or might be used for the purposes of terrorism.

¹Subs, by Act VII of 2014, s.12

(5) Where a person is convicted of an offence under section 11K, the Court may order the forfeiture of the money or other property to which the arrangement in question related.

(6) Where a person is convicted of an offence under any of the sections 11H to 11K, the Court may order forfeiture of any money or other property which wholly or partly, and directly or indirectly, is received by any person as a payment or other reward in connection with the commission of the offence ¹“;

“Provided that in case of a jointly owned property, the shares of a person in the said property who is not convicted, shall not be subject to such order of forfeiture.”

²**(6A)** Where the court is satisfied that property subject to forfeiture under this section cannot be forfeited, it may order the forfeiture of any other property of the accused of an equivalent value to the property subject to forfeiture which stands identified or located in another jurisdiction.”.

³(7) A person other than an accused, claiming the ownership or interest in any property or assets, suspected to be terrorist property, may within a period of fifteen days of freezing of account or of taking into possession or control of such property or assets, as the case may be or within such extended period as the court may, for reasons to be recorded, allow file his claim before the court. The court after giving notice to the prosecution and hearing the parties, shall decide the claim.]

⁴**[11 R. 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.]

¹Substituted, added proviso by Anti-Terrorism Second Amendment Act, 2020 XXIII of 2020, S. 7

²Added Sub-section 6A by Anti-Terrorism Second Amendment Act, 2020 XXIII of 2020, S. 9

³Added by Act XX of 2013, s.8.

⁴Subs. and omitted by Act VII of 2014, Ss 13,14,15.

11 S. Appeal against forfeiture order ^{2****}. — (1) Any party to the proceedings in which a forfeiture order is made under ¹[section 11Q] ^{2* * *} may appeal to the High Court against such an order.

(2) An appeal must be brought before the end of the period of thirty days beginning with the date on which the forfeiture order was made.

11T. Deposit of [money or other property] in a fund - (1) Any ¹[money or other property] to which a forfeiture order under sections 11R and 11S applies, along with ¹[any addition, return,] profit and loss accrued, shall be deposited into a special fund to be notified by the Federal Government-

- (a) after the expiry of the limitation period within which an appeal against the forfeiture order may be brought under section 115 (2); or
- (b) where an appeal brought under section 11 S has been determined and disposed of.

(2) Any fund constituted by the Federal Government under sub-section (1) may also be used to compensate victims of acts of terrorism or in the case of deceased victims, their dependents. ¹[(3) The Federal Government may, by rules made under this Act, prescribe the manner of administration of the fund and management or disposal of the money or property forfeited under this Act.]

³[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 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-

¹Omitted, ins. subs, and added by Act XIII of 2013, ss. 11-12.

² Subs. and omitted by Act VII of 2014, Ss 13,14,15.

³ Sub. by Act VII of 2014, S. 15.

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.].

11V. Directing terrorist activities. - (1) A person commits an offence if he: -

- (a) directs, at any level whilst resident in Pakistan or abroad, activities of an organization concerned with the preparation, instigation or commission of acts of terrorism; or
- (b) directs, from within the country or abroad, activities connected with the commission, preparation or instigation of an act of terrorism.

(2) A person guilty of an offence under sub-section (1) shall be liable on conviction to ¹[imprisonment for life] and to forfeiture or confiscation of his assets within or outside Pakistan.

11W. Printing, publishing, or disseminating any material to incite hatred or giving projection to any person convicted for a terrorist act or any proscribed organization or an organization placed under observation or anyone concerned in terrorism.- (1) A person commits an offence if he prints, publishes or disseminates any material, whether by audio or video-cassettes ¹[or any form of data, storage devise, FM radio station or by any visible sign] or by written photographic, electronic, digital, wall chalking or any other method ¹[or means of communication] which ¹[glorifies terrorists or terrorist activities or] incites religious, sectarian or ethnic hatred or gives projection to any person convicted for a terrorist act, or any person or organization concerned in terrorism or proscribed organization or an organization placed under observation:

Provided that a factual news report, made in good faith, shall not be construed to mean “projection” for the purposes of this section.

¹Subs. by the Anti-Terrorism (Second Amdt) Act. 2013 (XX of 2013), s. 9.

¹[(2) Any person guilty of an offence under sub-section (1) shall be punishable on conviction with imprisonment which may extend to five years and with fine.]

²[11WW. Lynching. — (1) Whenever any individuals, an organized group or a mob by taking the law in own hands inflict punishment on a person accused or suspected of a crime by causing him a hurt or his death, every such individual, a member of such group of a mob is said to commit lynching.

(2) Whoever, commits lynching under sub-section (1) shall be punished with imprisonment for a term which may extend to three years or with fine or with both in addition to any other punishment to which he may be liable under any law for the time being in force.]

11X. Responsibility for creating civil commotion. - (1) A person commits an offence if he makes any call for action or shut-down, imposed through the use of threats or force resulting in damage or destruction of property or injury to person, to intimidate citizens and prevent them from carrying out their lawful trade or business activity.

(2) A person guilty of an offence under sub-section (1) shall on conviction be punishable with imprisonment for a term not less than ¹[five years] and not more than ¹[ten years] and shall pay compensation as may be determined by the court, from the funds of the organization to which he belongs or from his own personal resources or assets for the hurt or damage or destruction caused as a result of the commission of the offence under sub-section (1).

(3) A person commits an offence if he addresses a meeting or gathering or delivers a sermon to a religious gathering by any means whether verbal, written, electronic, digital or otherwise to incite religious, sectarian or ethnic hatred and contempt, and shall, on conviction, be punishable with imprisonment not less than ³[five years] and not more than ¹[ten years] or fine or with both.

12. Jurisdiction of ⁴[Anti-Terrorism Court].— (1) Notwithstanding anything contained

¹Subs. by Act No. II of 2005, ss. 6, 7 and 8.

²Ins. by Act No. IV of 2017, s.6.

³Subs. by the Act No. II of 2005, s. 5.

⁴Sub s. by the Ordinance No. XIII of 1999, s. 2.

in the Code or in any other law, a scheduled offence committed in an area in a Province ³[or the Islamabad Capital Territory] shall be triable only by the ²[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 ²[an Anti-Terrorism Court] established in relation to any other area, the Government may make a declaration to that effect.

Explanation. - Where ²[an Anti-Terrorism Court] is established in relation to two or more areas, such ²[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 ¹[or the Islamabad Capital Territory] any prosecution in respect of such offence shall be instituted only in the ²[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 ²[Anti-Terrorism Court] and such ²[Anti-Terrorism Court] shall proceed with such case from the stage at which it was pending at the time without the necessity of recalling any witnesses.

²[13. **Establishment of Anti-Terrorism Court.**- (1) For the purpose of providing for the speedy trial of the cases ³[under this Act] and of scheduled offences, the Federal Government, or if so directed by the Government, the Provincial Government may establish by notification one or more Anti-Terrorism Courts in relation to ³[each territorial area as specified by the High Court concerned],

(2) Where more Anti-Terrorism Courts than one have been established in any area, the Government in consultation with the Chief Justice of the High Court shall ⁵[designate a judge

¹Ins. by the Anti-Terrorism (Second Amdt.) Act, 2013 (XX of 2013), ss. 10 and 11.

²Subs. by the Anti-Terrorism (Amdt.) Ordinance, 2002 (6 of 2002), s. 2.

³Sub s. and shall be deemed to have always been so subs, by the Anti-Terrorism (Second Amdt.) Ordinance. 2002 (134 of 2002).

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 ⁵ [said court and such judge may either try the case 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 cases 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 more than one case can be assigned to it at any time or from time to time.

(3) In respect of a case assigned to a court under sub-section (2), all orders made or proceedings taken before the assignment shall be deemed to have been made or taken by the court to which the case has been assigned.]

¹[(4) Notwithstanding anything contained in sub-section (2) and sub-section (3), the Federal Government or if so directed by the Government, the Provincial Government shall in addition to the existing ²[Anti-Terrorism Courts] or such other Anti-Terrorism courts as may be established in the area, establish one such additional ²[Anti-Terrorism Court] under this Act at the principal seat of ²[each High Court] and appoint a Judge of such High Court as a Judge of ²[Anti-Terrorism 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 of 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 moto* 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 sub-section (1) of section 28, transfer, withdraw or recall any case pending before any other ²[Anti-Terrorism Court] in that area and may either try the case himself or make it over for trial to any other ²[Anti-Terrorism Court] in that area.

(5) The ²[Anti-Terrorism 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.]

¹New Sub-Sections (4) and (5) added by the Anti-Terrorism (Third Arndt) Ordinance, 1999 (20 of 1999), s.2.
²Sub s. by the Ordinance No. 6 of 2002, s. 2 for "Special Courts".

¹[14. Composition and appointment of presiding officers of Anti-Terrorism Courts. - (1)

An Anti-Terrorism Courts 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) is a Judicial Magistrate First Class vested with powers under section 30 of the Code; or
- (iii) has for a period of not less than ten years been an advocate of a High Court.

(2) The Federal Government or the Provincial Government, if directed by the Federal Government to establish a court under this Act, shall, after consultation with the Chief Justice of the High Court, appoint a Judge of each court.

(3) A Judge shall hold office for a period of two and a-half years but may be appointed for such further term or part of term as the Government appointing the Judge may determine.

(4) A Judge may be removed from his office prior to the completion of the period for which he has been appointed after consultation with the Chief Justice of the High Court.

(5) In case a Judge is on leave, or for any other reason temporarily unable to perform his duties, the Government making appointment of such Judge may after consultation with the Chief Justice of the High Court, authorized the Sessions Judge, having jurisdiction at the principal seat of the Anti-Terrorism Court, to conduct proceedings of urgent nature so long as such judge is unable to perform his duties.

(6) The Anti-Terrorism Courts existing immediately before the commencement of the Anti-Terrorism (Second Amendment) Ordinance, 2002, and the judges appointed to such Courts, shall, subject to the provisions of this Act, as amended continue to function and try offences under this Act.]

15. Place of sitting.- (1) Subject to sub-section (2) and (3), ²[an Anti-Terrorism Court] shall ordinarily sit at such place or places ³[including Cantonment area or jail premises] as the

¹Sub s. and shall be deemed to have always been so subs, by the Anti-Terrorism (Second Amdt.) Ordinance, 2002 (134 of 2002).

²Subs. by the Anti-Terrorism (Second Arndt.) Ordinance, 1999 (13 of 1999), ss. 2 and 12.

³Ins. by the Anti-terrorism(Arndt.) Ordinance, 2002 (6 of 2002), s. 4.

Government may by order, specify in that behalf.

(2) 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.

(3) Except in a case where a place of sitting has been specified under sub-section (2) ¹[an Anti-Terrorism Court] may if it considers it expedient or desirable so to do either *suo moto* 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.

¹* *****

16. Oath by ¹[Anti-Terrorism Courts], A ¹[Judge] of ¹[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 ¹[the Constitution, law and his conscience].

17. Powers of ¹[Anti-Terrorism Courts] with respect to other offences. When trying any scheduled offence, ¹[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.- ²[(1) The ³* * * Government shall appoint in relation to each Antiterrorism Court or a High Court and Supreme Court of Pakistan a proficient, diligent and professionally competent Public Prosecutors or Law Officers and may also appoint one or more Additional Prosecutors or Law officers:

Provided that the Government may also appoint, for any case or class of cases, a Special Prosecutor.]

¹Sub s. and shall be deemed to have always been so subs, by the Anti-Terrorism (Second Amdt.) Ordinance, 2002 (134 of 2002). s. 4.

²Sub s. by the Ordinance No. 6 of 2002, s. 6.

³Omitted by Act VI of 2014, s. 4.

(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 ¹[Anti-Terrorism Court]. — ²[(1) An investigating 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. ³"The Joint Investigation Team may co-opt any additional person from any Federal or Provincial institution or department as it deems appropriate for investigation."

The investigating officer or the JIT, as 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 ⁴"through Public Prosecutor" 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 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.]

¹Subs. by Act XIII of 1999, s.2.

²Subs. by Act VI of 2014. s.5.

³Added and Substituted by Anti-Terrorism Second Amendment Act, 2020 XXIII of 2020

(1A) Notwithstanding anything contained in any other law for the time being in force, the Federal Government may, in respect of any case registered by or under investigation with, the Police or any other investigation agency or authority, by order in writing, entrust inquiry or such investigation to such agency or authority as it may deem fit and thereupon the Police, or any other investigation agency or the authority shall transfer the record of the case to such agency or authority.

¹[(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.]

(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 orders of the ²[Anti-Terrorism Court] and the person committing the default shall be liable to be punished for contempt of Court.

(3) The ¹[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.

3* * * * *

(5) Where, in a case triable by ¹[an Anti-Terrorism Court] an accused has been released from police custody,⁴[or custody of any other investigating agency joined in an investigation] under section 169 of the Code, or has been remanded to judicial custody, the ¹[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 ³[custody of any other investigating agency joined in investigation] for the purpose of further investigation in the case.

¹Subs. and ins. by Act VI of 2014, s.3.

²Sub s. and ins. by Act XIII of 1999, s. 2.

³ Omitted by Act XXXIX of 2001, s.9.

⁴ Ins. by Ord. VI of 2002, s.7.

(6) ¹[An Anti-Terrorism Court] shall be deemed to be a Magistrate for purpose of ¹[sub-section] (5).

¹[(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.]

²[(8) An Anti-Terrorism Court shall not give more than two ⁴[adjournments during the trial of the case and that also imposition of exemplary costs]. If the defense counsel does not appear after two consecutive adjournments, the Court may appoint a State Counsel with at least seven years standing in criminal matters for the defense of the accused from the panel of advocates maintained by the Court for the purpose in consultation with the Government and shall proceed with the trial of the case.

(8a) Non-compliance with the provisions of sub-section ⁴[(7) or] may render the presiding officer of the Court liable to disciplinary action by the concerned High Court.

(8b) Notwithstanding anything contained in section 7 of the Explosive Substance Act, 1908 (VI of 1908), or any other law for the time being in force, if the consent or sanction of the appropriate authority, where required, is not received within thirty days of the submission of challan in the Court, the same be deemed to have been given or accorded and the Court shall proceed with the trial of the case.]

(9) ³[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.

⁴(10) Any accused person may be tried in his absence if the ⁶[Anti-Terrorism Court] after such

¹Subs. and ins. by Act VI of 2014, s.3.

² Subs, and ins. by Act 11 of 2005, s.9.

³ Subs. by Ord. No. XIII of 1999, s.2.

⁴ Sub s. by Ord. No. XIII of 1999, s. 3.

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 ¹[in one daily newspaper including Sindhi 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 steps to appoint an advocate at the expense of the State to defend the accused person who is not before the Court.

Explanation. - An accused who is tried in his 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 ⁴[Anti-Terrorism Court] for the purpose and he shall be engaged at the expense of the Government.

²[(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 ³[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 ³[Anti- terrorism Court] shall set aside his conviction and proceed to try him in accordance with law for the offence which he is charged:

Provided that the ²[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.

4* * * * *

(13) Subject to the other provisions of this Act, ³[an 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

¹Subs, and ins. by Act No. XX of 2013, ss. 12 &13.

²Subs. by Ord. No. XIII of 1999, s.2 and 13.

³Sub s. by Ord. No. XIII of 1999, s. 3.

⁴Omitted by Ord. No. XXXLX of 2001, s.9.

offence as if it were a Court of Session as far as may be in accordance with the procedure prescribed in the Code for trial before a Court of Session.

¹[19A. Mode of making searches and arrest. The provisions of the Code, except that of section 103, shall *mutatis mutandis*, apply to all searches and arrest by police officer and an officer of equivalent rank of the law enforcement agencies made under this Act.]

¹[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.]

²19C. Application of investigation techniques. — (1) The investigating officer, may with the permission of Court, within sixty days of such permission, use techniques including undercover operation, intercepting communications, accessing computer system and controlled delivery for investigation of financing of terrorism under the law in force. The aforementioned period of sixty days may be extended upto further period of sixty days by the Court on a request made to it in writing. The Court may grant extension, if it is satisfied, on the basis of situation/reasons given in the written request. The provision of this sub-section shall be addition to and not in derogation of any other law for the time being in force.
(2) The Federal Government may make rules to regulate the procedure and execution of orders for the purpose of this section."

20. [Punishment] Omitted by the Anti-Terrorism (Amdt.) Ordinance, 2001. (XXXIX of 2001), s.10 which was previously amended by Ord. 13 of 1999, s. 2.

³[21. Protection to Judges, ^{4} Counsel, Public Prosecutor, witnesses and persons concerned with court proceedings.-** (1) The Court may, subject to the availability or

¹Ins. by Act VI of 2014, ss. 6-7.

² Ins. By The Anti-Terrorism Act, 1997(Third Amendment 2020), S. 2.

³Subs, by Ord. XXXIX of 2001, Ss. 11 and 12.

⁴Omitted, by Ord. 13 of 2002, s.5.

resources, makes such necessary orders or take such measures, as it deems fit, within available resources, for the protection of a witness, judge ^{2*} public prosecutor, counsel and other persons concerned in court proceedings for an offence under this Act, which may also include the following measures:—

- (a) proceedings may be held in camera, or under restricted entry of members of the public, where necessary for the protection of the judge ^{2*} witnesses or a victim's family members or to prevent persons from crowding or storming the court to intimidate the judge ^{3*} or to create a threatening atmosphere;
- (b) The names of judges ^{3*} counsel, public prosecutor, witnesses and persons concerned with court proceedings shall not be published; and
- (c) During any inquiry, investigation or court proceedings, wherever the matter of the identification of the accused arises, adequate protection shall be provided to a witness identifying any accused, in order to protect the identity of the witness from the accuse.

(2) For purposes of protection of the judges ^{3*} accused, witnesses, prosecutors and defense counsel and anyone concerned with the court proceedings, the Government may adopt such other measures as may be appropriate or may be prescribed ²[and the Armed Forces shall also provide comprehensive protection and security to the judges, ^{3*} accused, witnesses, prosecutors, investigators, defense counsel and all those concerned in the court proceedings],

¹[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].

(3) The Government shall extend protection to a judge ^{3*} a counsel, public prosecutor and the witnesses during investigation of an offence and proceedings under this Act, and thereafter, as may be considered necessary.]

¹[(4) The provisions of this section shall have effect notwithstanding anything contained in any

¹ "Ins. by Act VI of 2014, s.7.

other law for the time being in force, including the Qanun-e-Shahadat, 1984 (P.O No. 10 of 1984).]

¹[21A. Cordons for Terrorist Investigation. - (1) An area is a cordoned area for the purposes of a terrorist investigation under this Act, if it is so designate under this section.

(2) A designation may be made only by an officer not below the rank of a ²[Deputy Superintendent of Police or a member of a Joint Investigation Team], if he considers it expedient for the purposes of a terrorist investigation.

(3) If a designation is made orally, the officer making it shall confirm it in writing, as soon as is reasonably practicable.

(4) The officer making a designation shall arrange for the demarcation of the cordoned area, so far as is reasonably practicable.

(5) An area may be designated a cordoned area for a maximum period of fourteen days, which may he extended in writing from time to time, with each extension specifying the additional period:

Provided that a designation shall have no effect after 28 days beginning with the day on which it was made.

(6) Where a person knows or has reasonable cause to suspect that a terrorist investigation is being conducted or is proposed to be conducted, a person commits an offence if he -

(a) discloses to another, or others, anything which is likely to prejudice an investigation; or

(b) interferes with material which is likely to be relevant to an investigation.

(7) Whosoever commits an offence under sub-section (6) shall be liable on conviction to imprisonment for a term not less than six months and not exceeding two years, and fine.

(8) It is a defence for a person charged with an offence under sub-section (6) to prove -

(a) that he did not know and had no reasonable cause to suspect that the disclosure or interference was likely to affect a terrorist investigation; or

(b) that he had reasonable excuse for the disclosure or interference.

¹ Subs. by Ord. 39 of 2001. ss. 11&12.

² Ins. by Ord. 6 of 2002, s.9.

- (9) For the purposes of this section: -
- (a) a reference to conducting a terrorist investigation includes a reference to taking part in the conduct of, or assisting, a terrorist investigation; and
 - (b) a person interferes with any material if he falsifies it, conceals it, destroys it or disposes of it, or if he causes or permits another to do any of those things.

1“21AA. Protection of Judges, prosecutors, witnesses and persons concerned with Court proceedings. (1) For the purposes of protecting the Judges, prosecutors, witnesses and persons concerned with Court proceedings, the Court may make such necessary orders or take such measures, as it deems fit, which may include the following:-

- (a) proceedings may be held in camera, or under restricted entry, where necessary, to prevent persons from crowding or storming the Court to intimidate the Judge and/ or prosecutor or to create a threatening atmosphere which may impede the trial;
- (b) witness anonymity Order may be passed by a Court that requires such specified measures to be taken in relation to a witness in proceedings, as the Court considers appropriate to ensure that the identity of the witness is not disclosed in or in connection with the proceedings. The kinds of measures that may be required to be taken in relation to a witness may include measures for securing one or more of the following:-
 - (i) that the witness's name and other identifying details shall be withheld or removed from materials disclosed to any party to the proceedings;
 - (ii) the witness shall use a pseudonym;
 - (iii) that the witness shall not be asked questions of any specified description that might lead to the identification of the witness;
 - (iv) that the witness shall be screened so as to prevent his identification; and
 - (v) that the witness's voice is subjected to modulation to any specified extent;
- (c) live link which refers to a live television link or other arrangements whereby a witness, whilst absent from the courtroom but present at a prescribed location is able to testify and be heard and seen by a Judge. Where a direction for a live link has been

¹ Inserted through Anti-Terrorism Amendment Act, 2018

given, Cross-examination must be conducted by live link. The Court in furtherance of the interest of justice may order the image and voice of the witness to be morphed so as to protect the identity of the same; and

(d) identification Parade shall be carried out by way of witness screening which is the use of screens, curtains or two-way mirrors to shield witnesses and their identity from the Accused and from the public and the media as a means to reduce any potential intimidation and face to face confrontation.

(2) The Court may make such an order only if it is satisfied that the following conditions are met, namely:-

(a) the proposed order is necessary,-

(i) in order to protect the safety of the witness or another person or to prevent any serious damage to property; or

(ii) in order to prevent real harm to the public interest; or

(iii) in order ensure expeditious trial; and

(b) having regard to all the circumstances, the effect of the proposed order should be consistent with the defendant receiving a fair trial”.

21B. Terrorist Investigation.- (1) A policeman in uniform ¹[or a member of a Joint Investigation Team] may:-

(a) order a person in a cordoned area to leave immediately;

(b) order a person immediately to leave the premises which are wholly or partly in or adjacent to a cordoned area;

(c) order the driver or person in charge of a vehicle in a cordoned area to move it from the area immediately;

(d) arrange for the removal of a vehicle from the cordoned area;

(e) arrange for the movement of a vehicle within a cordoned area;

(f) prohibit or restrict access to a cordoned area by pedestrians or vehicles;

(g) enter and search any premises in a cordoned area if he suspects anyone concerned with terrorism is hiding there;

(h) search and arrest any person he reasonable suspects to be a person concerned in terrorism:

Provided that any search of a person shall be done by a Police person of the

¹ Ins. by Ordinance, 6 of 2002, s. 10.

same sex; or

- (i) take possession of any property in a cordoned area he reasonably suspects is likely to use for the purposes of terrorism.

21C. Training. — (1) **Weapons Training:** A person commits an offence if he provides, without valid authorization from the competent authority, any instruction or training in the making or used of-

- (a) firearms;
- (b) explosives; or
- (c) chemical, biological, and other weapons.

(2) A person commits an offence if he provides without valid authorization from the competent authority, any instruction or training to any child under sub-section (1) and, on conviction, shall be liable to a term of imprisonment of not less than ten years and fine.

(3) A person commits an offence if he receives instruction or training from anyone, without valid authorization from the competent authority, to give such instruction or training or invites another, specifically or generally, to receive such unauthorized instruction or training in the making or use of-

- (a) firearms;
- (b) explosives; or
- (c) chemical biological and other weapons.

(4) A child commits an offence if he provides, without valid authorization from the competent authority, any instruction or training, or if he receives such unauthorized instruction or training or invites another, specifically or generally, to receive such authorized instruction or training in the making or use of—

- (a) firearms;
- (b) explosives; or
- (c) chemical, biological and other weapons.

(5) A child guilty of an offence under sub-section (4) shall be liable on conviction to imprisonment for a term not less than six months and not exceeding five years.

(6) A person guilty of an offence under sub-sections (1) and (3) shall be liable on conviction to imprisonment for a term-not exceeding ten years, or fine or with both.

(7) **Training in Terrorism:** -

- (a) A person commits an offence if he provides, generally or specifically, any instruction or training in acts of terrorism.

- (b) A person commits an offence if he receives any instruction or training in acts of terrorism or invites another, specifically or generally, to receive such instruction or training.
 - (c) A person guilty of an offence under sub-sections (a) and (b) shall, on conviction, be liable to imprisonment of either description for a term of not less than one year and not more than ten years and fine.
 - (d) A person is guilty of an offence if he provides, any instruction or training in acts of terrorism to a child, and on conviction, shall be liable on conviction to imprisonment of either description for a term not less than one year and not more than ten years and fine.
 - (e) A child commits an offence if he provides, generally or specifically, any instruction or training in acts of terrorism, and on conviction, shall be liable to imprisonment for a term not less than six months and not more than five years.
 - (f) A child commits an offence if he receives, generally or specifically, instructions or training in acts of terrorism, and on conviction, shall be liable to imprisonment for a term not less than six months and not more than five years.
- (8) A Court by which a person is convicted of an offence under this section may order the forfeiture of anything or property which it considers to have been in the person's possession for purposes connected with the offence, after giving any person, other than the convicted person, who claims to be the owner or is otherwise interested, an opportunity of being heard.

21D. Bail. (1) Notwithstanding the provisions of sections 439, 491, 496, 497, 498, 498A and 561 of the Code, no Court, other than an Anti-Terrorism Court, a High Court or the Supreme Court of Pakistan, 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.

(2) All offences under this Act punishable with death or imprisonment^{1***}exceeding three years shall be non-bailable:

Provided that if there appear reasonable grounds for believing that any person accused of non- bailable offence has been guilty of an offence punishable with death or imprisonment for life or imprisonment for not less than ten years, such person shall not be released on bail.

¹Omitted and shall be deemed always to have been so by Ord. No. VI of 2002, s. 11.

(3) Subject to sub-section (2), the Court may admit a person to bail, unless satisfied that there are substantial grounds for believing that the person, if released on bail (whether subject to conditions or not), would;

- (a) fail to surrender to custody;
- (b) commit an offence while on bail;
- (c) interfere with a witness; otherwise obstruct or attempt to obstruct the course of justice, whether in relation to himself or another person; or
- (d) fails to comply with the condition of release (if any).

(4) In exercising its powers in relation to a person seeking bail under this Act the Court shall have regard to such of the following considerations (as well as to any other which it considers relevant)-

- (a) the nature and seriousness of the offence with which the person is charged;
- (b) the character, antecedents, associations and community ties of the person;
- (c) the time which the person has already spent in custody and the time which he is likely to spend in custody if he is not admitted to bail; and
- (d) the strength of the evidence of his having committed the offence.

(5) Without prejudice to any other power to impose conditions on admission to bail, the Court admitting a person to bail under this section may impose such conditions as it considers;

- (a) likely to result in the person's appearance at the time and place required¹[including very high bail sureties]; or
- (b) necessary in the interests of justice or for the prevention of crime²[including surveillance of the person granted bail to monitor his activities and requiring him to report to the concerned police station at specified intervals as determined by the court],

(6) It shall be lawful for the person to be held in military or police protective custody in accordance with the conditions of his bail.

(7) The Government or the Court may, under this section, at any time, in respect of a person charged of an offence under this Act, if it considers it necessary, by special or general order, direct special arrangements to be made as to the place at which the person is to be held in order:

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¹Ins. by the Anti-Terrorism (Second Arndt.) Act, 2013 (XX of 2013), ss. 14, 15 and 16

- (a) to prevent his escape; or
- (b) to ensure his safety or the safety of others.

21E. Remand. - (1) Where a person is detained for investigation, the investigating Officer, within twenty-four hours of the arrest, excluding the time necessary for the journey from the place of arrest to the Court, shall produce the accused before the Court, and may apply for remand of the accused to police custody, ¹[or custody of any other investigating agency joined in the investigation] for which the maximum period allowed may be not less than ²[fifteen days and not more] than thirty days at one time:

Provided that, where an accused cannot within twenty-four hours be produced before the Court, a temporary order for police custody ²[or custody of any other investigating agency joined in the investigation] not exceeding twenty-four hours may be obtained from the nearest Magistrate for the purpose of producing the accused before the Court within that period.

(2) No expansion of the time of the remand of the accused in police custody ²[or custody of any other investigating agency joined in the investigation] shall be allowed, unless it can be shown by the investigating Officer, to the satisfaction of the Court that further evidence may be available and the Court is satisfied that no bodily harm has been or will be caused to the accused:

Provided that the total period of such remand shall not exceed ²[ninety] days.

(3) The Court shall be deemed to be a Magistrate for purposes of sub-section (1) ²[:]

²**Provided that** the Magistrates appointed under the Shariah Nizam-e-Adl Regulation, 2009 shall also have the same powers as given to a court under this section.]

²[21EE. Power to call information etc.- (1) The Superintendent of Police during the course of investigation or an equivalent officer of security forces operating in aid of civil power under section 4 and 5, may by an order in writing, on the request of the Joint Investigation Team, -

- (a) call for information from any person for the purpose of satisfying himself

¹Ins. by the Ordinance No. 06 of 2002, s. 12.

² Ins. by the Anti-Terrorism (Second Arndt.) Act, 2013 (XX of 2013), ss. 14, 15 and 16

whether there has been any contravention of the provisions of this Act or any rule or order made there under;

- (b) require any person to produce or deliver any document or thing useful or relevant to the inquiry or investigation;
- (c) examine any person acquainted with the facts;
- (d) with the permission of the Anti-Terrorism Court, require any bank of financial institution, notwithstanding anything contained in any other law for the time being in force, to provide any information relating to any person, including copies of entries made in the bank's or a financial institution's book, including information of transactions saved in electronic or digital form which are reasonably believed to be connected with commission of an offence under this Act and the keeper of such books or records shall be obliged to certify the copies in accordance with law; and
- (e) require information or obtain record of telephone and mobile phone data, e-mail, MMS and CNIC and encrypted messages or any other information suspected to be linked in any manner with commission of an offence under this Act, from any service provider company of department.

(2) The copies obtained, information received or evidence collected in pursuance of clauses (d) and (e) of sub-section (1) shall be kept confidential and shall not be divulged to any unauthorized person or used for any purpose other than the legal proceedings under this Act.

(3) Any contravention of an order made under sub-section (1) shall be punishable with imprisonment which may extend to ¹“three years or with fine which may extend to one million rupees in case of an individual and ten million rupees in case of a legal person or with both”.]

2IF. Remissions. Notwithstanding anything contained in any law or prison rules for the time being in force, no remission in any sentence shall be allowed to a person^{2***} who is convicted and sentenced for any offence under this Act ^{1* * *} 1[:]

¹[**Provided that** in case of a child convicted and sentences for an offence under this Act, on satisfaction of government, may be granted remission, as deemed appropriate.]

¹Substituted by Anti-Terrorism Second Amendment Act, 2020 XXIII of 2020

²Omitted, subs., & ins. by the Anti-Terrorism (Second Arndt.) Act, 2013 (XX of 2013), s. 17.

21G. Trial of Offences. All offences under this Act shall be tried by the Anti-Terrorism Court established under this Act ¹[:]

²**[Provided that** the Courts of Zila Qazi or Azafi Zila Qazi established under the Shariah Nizam-e- Adl Regulation, 2009 shall deemed to be the court and shall try all cases so assigned to them by the administrative judge designated under sub-section (2) or sub-section (4) of section 13, as the case may be.]

21H. Conditional admissibility of confession. Notwithstanding anything contained in the Qanun-e-Shahadat, 1984 (President's Order No. 10 of 1984) or any other law for the time being in force, where in any court proceedings held under this Act the evidence (which includes circumstantial and other evidence) produced raises the presumption that there is a reasonable probability that the accused has committed the offence, any confession made by the accused during investigation without being compelled, before a police officer not below the rank of a Distt. Superintendent of Police, may be admissible in evidence against him, if the Court so deems fit:

Provided that the Distt. Superintendent of Police before recording any such confession, had explained to the person making it that he is not bound to make a confession and that if he does so it may be used as evidence against him and that no Distt. Superintendent of Police has recorded such confession unless, upon questioning the person making it, the Disst. Superintendent of Police had reason to believe that it was made voluntarily; and that when he recorded the confession, he made a memorandum at the foot of such record to the following effect;

I have explained to (...name...), that he is not bound to make a confession and that, if he does so, any confession he may make may be used as evidence against him and I believe that confession was voluntarily made. It was taken in my presence, and was read over to the person making it and admitted by him to be correct, and it contains a full and true account of the statement made by him”.

(Signed)

¹ Subs. & added by the Anti-Terrorism (Second Arndt.) Act, 2013 (XX of 2013), s. 18.

21I. Aid an abetment. Whoever aids or abets any offence, under this Act shall be punishable with the maximum term of same imprisonment provided for the offence or the fine provided for such offence or with both.

21J. Harboring. — (1) A person commits an offence if he harbours any person who has committed an offence under this Act.

(2) A person guilty of an offence under sub-section (1) shall be liable on conviction to punishment as provided in sections 216 and 216A of the Pakistan Penal Code.

21K. Offences triable by way of summary procedure. All offences under this Act punishable with imprisonment for a term of not more than six months with or without fine shall be tried by way of summary procedure.

21L. Punishment for an absconder. Whoever being accused of an offence under this Act, absconds and avoids arrest or evades appearance before any inquiry, investigation or court proceedings or conceals himself, and abstracts the course of justice, shall be liable to imprisonment for a term not less than ¹[five years] and not more than ¹[ten years] or with fine or with both.

21M. Joint Trials. — (1) While trying any offence under this Act, a Court may also try any other offence with which an accused may, under the Code of Criminal Procedure, 1898, be charged, at the same trial if the offence is connected with such other offence.

(2) If, in the course of any trial under this Act of any offence it is found that the accused person has committed any other offence under this Act or any other law for the time being in force, the Court may convict an accused for such other offence and pass any sentence authorized by this Act or, as the case may be, such other law, for the punishment thereof.

¹Subs, by the Act No. II of 2005, s. 11.

22. Manner and 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, ¹[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. *[Appellate Tribunal] Omitted by the Anti-Terrorism (Second Arndt.) Ordinance, 1999 (XIII of 1999), s. 14.*

25. Appeal. - (1) An appeal against the final judgment of ²[an Anti-Terrorism Court] shall lie to ¹[a High Court],

(2) Copies of the judgment of ¹[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 ¹[High Court] within three days of the decision.

(3) An appeal under sub-section (1) may be preferred by a person sentenced by ¹[an Anti-Terrorism Court] to ¹[a High Court] within ³[fifteen days] of the passing of the sentence.

(4) The Attorney general ⁴[Deputy Attorney General, Standing Counsel] ³[or an

¹Subs. by the Act No. XIII of 1999, s. 2.

²Subs. by the Act No. XIII of 1999, s. 2

³Subs. and ins. by the Anti-Terrorism (Second Arndt.) Act, 2013 (XX of 2013), ss. 19 and 20.

⁴Subs. by the Ordinance No. XIX of 2000, s.3

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 ¹[an Anti-Terrorism Court] within ²[thirty] days of such order.

¹[(4A) Any person who is a victim or legal heir or a victim and is aggrieved by the order of acquittal passed by an Anti-Terrorism Court, may, within thirty days, file an appeal in a High Court against such order.

(4B) If an order acquittal is passed by an Anti-Terrorism Court in any case instituted upon complaint and the High Court, on an Application made to it by the complainant in this behalf, grant Special leave to appeal from the order of acquittal, the complainant may within thirty days present such an appeal to the High Court.]

(5) An appeal under this section shall be heard and decided by ¹[a High Court] within seven working days.

²* * * * *

(8) Pending the appeal, the ²[High Court] shall not release the accused on bail.

³[(9) For the purposes of hearing appeals under this section each High Court shall establish a Special Bench or Benches consisting of not less than two Judges.

(10) While hearing an appeal, the Bench shall not grant more than two consecutive adjournments.]

26. [Admissibility of confession made before police.] Omitted by the Anti-Terrorism (Second Arndt.) Ordinance, 1999 (XIII of 1999), s. 16.

27. Punishment for defective investigation ⁴[and reward for successful investigation].-

(1) If ¹[an Anti-Terrorism Court] or ¹[a 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

¹Ins. by Act X of 2004, s.2.

²Omitted by the Ordinance No. 13 of 1999, s. 15.

³Added by the Act No. II of 2005, s. 12.

⁴Added, re-numbered and ins. by Act VI of 2014, s. 8.

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, ¹[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.

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

³**[27A. Presumption of proof against accused.** Any person having in possession any explosive substance with or without explosive devices without lawful justification or having been unlawfully concerned with such explosive substance and devices, shall be presumed, unless contrary is proved, that the explosive substance was for the purpose of terrorism.]

⁴**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-Shahadat, 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 modem 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.]

¹Subs, by Act, XIII of 1999, s. 2

²Added, re-numbered and ins. by Act VI of 2014, s. 8.

³Subs. and ins. by the Anti-Terrorism (Second Amendment.) Act, 2013 (XX of 2013), ss. 19 and 20.

⁴Ins. by Act. VI of 2014, ss. 9 &10.

28. Transfer of Cases. - (1) Notwithstanding anything contained in this Act, ¹[the Chief Justice of High Court concerned] ²[on the application of any party to the proceedings or on the application of the Federal Government or a Provincial Government] may, if he 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 ¹[Anti-Terrorism Court] to another ⁶[Anti-Terrorism Court] within or outside the area.

⁴[(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 falling within its jurisdiction to 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.]

(2) ³[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 ⁴[:]

²[**Provided that** nothing herein contained shall affect the power of the presiding officer of the ⁵[Anti-Terrorism Court] to call any witness as is available under the law.]

⁶[(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.

¹Sub s. by Ord. VI of 2002, s. 13.

²Ins. by Act, XX of 2013, s. 21

³Added by Ord. XIII of 1999, s. 17.

⁴ Subs, by Act, XIII of 1999, s. 2.

⁵. Ins. by Act, XX of 2013, s. 21.

⁶ Added by Act, VI of 2014, s. 10.

(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 Antiterrorism 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 interests or for the safety and protection of judges, public prosecutors or witnesses.]

¹[28A. Impounding of passport of person charge-sheeted under the Act. Notwithstanding anything contained in any other law for the time being in force, the passport of a person, who is accused of an offence under this Act, shall be deemed to have been impounded for such period as the Court may deem fit.

29. Trial before ²[Anti-Terrorism Court] to have precedence. A trial under this Act of an offence by ²[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 the 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 reference to a “Court of Session” and High Court wherever occurring therein, shall be construed as reference to ²[an Anti-Terrorism Court] and ¹[High Court],

31. Finality of Judgment. A judgment or order passed, or sentence awarded, by ¹[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.

¹ Ins. by Act, II of 2005, s. 13.

²Subs. by the Ordinance XIII of 1999, s.2

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 ¹[an Anti-Terrorism Court] shall be deemed to be a Court of Session.

(2) In particular and without prejudice to the generality of the provisions contained in sub-section (1), the provisions of section 350 of the Code shall, as far as may be, apply to the proceedings before ¹[an Anti-Terrorism Court] and for this purpose any reference in those provisions to a Magistrate shall be construed as a reference to ¹[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 ¹[Schedules] ²[,]so as to add any entry thereto or modify or omit any entry therein.

³**35. Powers to make rules.** The Federal Government or a Provincial Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.]

36. Saving. — (1) 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 removal of any doubt, it is hereby declared that, for the purposes of any such law as is referred to in sub-section (1), ¹[an Anti-Terrorism Court] shall be deemed to be a court of ordinary criminal jurisdiction.

¹ Subs. by Act, VII of 2014, s. 16.

² Ins. by the Act, XIII of 2013, s. 13.

³ Subs. by Act, XX of 2013, s. 22.

¹[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;
- (d) does anything which, by any other law, constitutes contempt of court.

Explanation. In this section, Court means 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 authorized by law at the time the offence was committed.

39. Indemnity. No suit, prosecution or other legal proceedings shall be against any person in respect of anything which is in good faith done or intended to be done under this Act.

²[39A. Repeal. (1) The Anti-Terrorism (Amendment) Ordinance, 1999 (IV of 1999), is hereby repealed.

(2) All cases, including cases before a court of appeals, which were pending under the Pakistan Armed Forces (Acting in Aid of Civil Power) Ordinance, 1998, shall stand transferred to the Antiterrorism 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

¹ Sub s. by the Ordinance No. XIII of 1999, s. 18.

² Ins. by the Anti-Terrorism (Amdt.) Ordinance, 2001 (39 of 2001), Ss. 15 & 16

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 the evidence earlier recorded after hearing the parties.

(3) Any judgment given or sentence passed by a trial court or a court of appeals conveyed under section 3 of the Pakistan Armed Forces (Acting in Aid of Civil Power) Ordinance, 1998 (XII of 1998), except cases in which sentence of death was passed and has been executed, shall have no effect and all such cases shall stand transferred to the Anti-Terrorism Court having jurisdiction under this Act for decision after hearing the parties 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 any 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.]

39B. Removal of difficulties. If any difficulty arises in giving effect to any provisions of this Act, the Federal Government may make such order, not inconsistent with the provisions of this Act, as may appear to it to be necessary for the purposes of removing the difficulty.

39C. Repeal and Savings. — (1) The Suppression of Terrorist Activities (Special Courts) Act 1975, is hereby repealed.

(2) Notwithstanding the repeal of the Suppression of Terrorist Activities (Special Courts) Act, 1975 and the amendments of the Anti-Terrorism Act, 1997, by the Anti-Terrorism (Amendment) Ordinance, 2001.

- (a) every order, decision or judgment passed by any Anti-Terrorism Court constituted under this Act or Special Court constituted under the Suppression of Terrorist Activities (Special Courts) Act, 1975 or any Appellate court before such repeal or amendment shall remain in force and operative and the repeal or amendment shall not affect the previous operation to the law or anything duly done or suffered or punishment incurred there under;

- (b) every case, appeal and legal proceedings whatsoever filed or pending before any court under the Suppression of Terrorist Activities (Special Courts) Act 1975, including the High Court and the Supreme Court shall continue to be proceeded with in accordance with law before the concerned court of competent jurisdiction, including the court established under this Act, and all orders passed, decisions made and judgments delivered whether in the past or which may be made delivered hereafter by such concerned court whether original, appellate or revisional shall be deemed to have been validly and competently made;
- (c) all convictions made, punishments or sentences awarded by the Anti-Terrorism Court or Special Court or an Appellate Court before, such repeal or amendment shall be executed as if the said Acts were in force.
- (d) any investigation or inquiry under this Act or the Suppression of Terrorist Activities (Special Courts) Act, 1975 made or instituted before the commencement of the Antiterrorism (Amendment) Ordinance, 2001, shall continue to be made and proceeded with in accordance with law;
- (e) all cases pending before the Anti-Terrorism Court or Special Court immediately before the commencement of the Anti-Terrorism (Amendment) Ordinance, 2001, if not covered by this Act or clauses (a) and (b) above, shall stand transferred to the respective Courts of Sessions of the area or such other courts of competent jurisdiction where the cases were registered against the accused and such courts shall proceed with the cases from the stage at which they were pending, without the necessity of recalling any witnesses; and
- (f) the Court of Sessions, as the case may be, any other court to which a case has been transferred from the Anti-Terrorism Court or a Special Court under clause (d) shall try it in accordance with the provisions of the Code of Criminal Procedure, 1898, and the law applicable to such case.]

40. Amendment of the Criminal Law Amendment Act, 1908 (XIV of 1908). In the Criminal Law Amendment Act, 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 within 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 association is 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 the 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 a 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.

¹[THE FIRST SCHEDULE (List of Proscribed Organizations)

[See section 11B]

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THE SECOND SCHEDULE (List of Organization under Observation) [See section 11D

(1)(a)]

THE THIRD SCHEDULE (Scheduled Offences)

[See section 2(t)]

1. Any act of terrorism within the meaning of this Act including those offences which may be added or amended in accordance with the provisions of section 34 of this Act.
 2. Any other offence punishable under this Act.
 3. Any attempt to commit, or any aid or abetment of, or any conspiracy to commit, any of the aforesaid offences.
- ²[4 Without prejudice to the generality or the above paragraphs, the Anti-Terrorism Court to the exclusion of any other Court shall try the offences relating to the following, namely: -
- (i) Abduction or kidnapping for ransom;
 - (ii) use of fire arms or explosives by any device, including bomb blast in a mosque, imambargah, church, temple or any other place of worship, whether or not any hurt or damage is caused thereby; or
 - (iii) firing or use of explosive by any device, including bomb blast in the court premises [;]³
 - (iv) ⁴[Hurt caused by corrosive substance or attempt to cause hurt by means of a corrosive substance; and

¹ Subs. by the Anti-Terrorism (Amdt.) Ordinance, 2001 (39 of 2001), s. 17 for the Schedule which was previously amended by various SRO's and Ord. 13 of 1999, s. 20.

² Added by the Act. No. II of 2005, s. 14.

³ Added by Notification No. SO (Judl.-I)10(I-36(I)/2010, dated 5th September, 2012; and published in the gazette of Punjab, part-I dated 19.09.2012

⁴ Added by Notification No. SO (Judl.-I)10 (I-36(I)/2010, dated 5th September, 2012; and published in the gazette of Punjab, Part-I dated 19.9.2012.

- (v) Unlawful possession of an explosive substance or abetment for such an offence under the Explosive Substances Act, 1908 (VI of 1908)]
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¹[THE FOURTH SCHEDULE
(See section 11EE)]

²THE FIFTH SCHEDULE
[See section 6(3A)]

- (a) Convention for the Suppression of Unlawful Seizure of Aircraft, done at The Hague on the 16th December, 1970;
- (b) Convention for the Suppression of Unlawful Acts against the Safety Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on the 14th December, 1973;
- (c) Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on the 14th December, 1973;
- (d) International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on the 17th December, 1979;
- (e) Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on the 24th February, 1988;
- ³(ea.) Convention on the Physical Protection of Nuclear Material, adopted at Vienna

¹ Added by the Anti-Terrorism (Amdt.) Ordinance, 125 of 2002, s. 4.

² Added by the Anti-Terrorism (Amdt.) Act, 2013 (XIII of 2013), s. 14.

³ Substituted by S.R.O. 814(I)/2013, dated 20.09.2013; and published in Gazette of Pakistan (Extraordinary), Part II, dated 24.09.2013.

on 3rd March, 1980.]

- (f) Convention for the suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on the 10th March, 1988;
- (g) Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, done at Rome on the 10th March, 1988;
- (h) International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations at New York on the 15th December, 1997; and
- (i) Such other convention as may be specified by the Federal Government by notification in the official Gazette.]