

DISCLAIMER:

No responsibility or liability for any errors or omissions in content of this site, all work is done in good faith.

WWW.CITYLAWS.PK

THE ANTI-TERRORISM ACT, 1997

(XXVII of 1997)

CONTENTS

1. Short title and commencement
2. Definitions
3. [* * * * *
4. Calling in of armed forces and civil armed forces in aid of civil powers
5. Use of armed forces and civil armed forces to prevent terrorism
6. Terrorism
7. Punishment for acts of terrorism
- 7A. [* * * * *
- 7B. [* * * * *
8. Prohibition of acts intended or likely to stir up sectarian hatred
9. Punishment for offence under section 8
10. Power to enter or search
11. Power to order forfeiture
- 11A. Organizations concerned in terrorism
- 11B. Prescription
- 11C. Right of Review
- 11CC. Proscription Review Committee
- 11D. Observation Order
- 11E. Measures to be taken against a proscribed organization
- 11EE. Security for good behavior
- 11EEE. Power to arrest and detain suspected persons
- 11EEEE. Preventive detention for inquiry
- 11F. Membership, support and meetings relating to a Proscribed Organization

- 11G. Uniform
- 11H. Fund raising
- 11-I. Use and possession
- 11J. Funding Arrangements
- 11K. Money-laundering
- 11L. Disclosure of Information
- 11M. Cooperation with Police
- 11N. Punishment under Sections 11H to 11K
- 11O. Seizure and detention
- 11OO. Access to services, money or other property
- 11P. Application by authorized officer to a Court
- 11Q. Forfeiture
- 11R. Authorized officer may apply to Court for forfeiture.
- 11S. Appeal against forfeiture order under Section 11R.
- 11T. Deposit of Cash in a fund
- 11U. De-proscription
- 11V. Directing terrorist activities
- 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
- 11X. Responsibility for creating civil commotion
- 12. Jurisdiction of [Anti Terrorism Court]
- 13. Establishment of (Anti Terrorism Court)
- 14. Composition and appointment of presiding officers of Anti-terrorism Courts
- 15. Place of sitting
- 16. Oath by [Anti-Terrorism Court]
- 17. Powers of [Anti-Terrorism Court] with respect to other offences

- 18. Public Prosecutors
- 19. Procedure and Powers of [Anti Terrorism Court
- 19A. Mode of making searches and arrest
- 19B. Pre-trial scrutiny
- 20. [* * * * *
- 21. Protection of Judges, [xxxxxxx] Counsel Public Prosecutor, Witnesses and Persons concerned with Court Proceedings
- 21A. Cordons for Terrorist Investigation
- 21B. Terrorist investigation
- 21C Training
- 21D. Bail
- 21E. Remand
- 21EE Power to call information etc
- 21F. Remissions
- 21G. Trial of offences
- 21H. Conditional admissibility of Confession
- 21I. Aid and abetment
- 21J Harbours
- 21K. Offences triable by way of summary procedure
- 21L Punishment for an Absconder
- 21M. Joint Trial
- 22. Manner and Place of Execution of Sentence
- 23. Power to transfer cases to regular Courts
- 24. [* * * * *
- 25. Appeal
- 26. [* * * * *
- 27. Punishment for defective investigation

- 27A Presumption of proof against accused
- 27AA. Punishment for false implication
- 27B. Conviction on the basis of electronic or forensic evidence etc
- 28. Transfer of cases
- 28-A. Impounding of passport of person charge-sheeted under the Act
- 29. Trial before [Anti-Terrorism Court] to have precedence
- 30. Modified application of certain provisions of the Code
- 31. Finality of judgment
- 32. Overriding effect of Act
- 33. Delegation
- 34. Power to amend the [First, second and Third Schedule]
- 35. Power to make rules
- 36. Savings
- 37. Contempt of Court
- 38. Punishment for terrorist act committed before this before this Act
- 39. Indemnity
- 39A. Removal of difficulties
- 39B. Repeal and savings
- 40. Amendment of the Criminal Law Amendment Act, 1908 (XIV of 1908)

SCHEDULES

FIRST SCHEDULE

SECOND SCHEDULE

THIRD SCHEDULE

FOURTH SCHEDULE

FIFTH SCHEDULE

TEXT

THE ANTI-TERRORISM ACT, 1997

(XXVII of 1997)

[20th August, 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 into 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 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);

¹[(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;

(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 (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 fire-arms 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 cases;]

¹Substituted for the Clauses (d) to (h) by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f 15.8.2001, s.2.

- ²[(ha) “freeze” means to prohibit the transfer, conversion, disposition or movement of any money or other property;]
- ³[(i) “Government” means the Federal Government or, as the case may be, the Provincial Government;
- (j) “grievous”, in relation to bodily injury, means 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 demands are not met;
- (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;]
- ⁴[(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 other kinds of monetary instruments or documents as the Federal Government may by order specify;]
- ⁵[(p) “Organization” means any group, combination or body of persons ⁶[***];]
- ⁷[(pa) “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;]
- ⁸[(q) “proscribed organization” means any organization which is listed in the First Schedule under section 11B;]

²Inserted by the Anti-terrorism (Second Amendment) Act, 2014 (VII of 2014) w.e.f. 21.6.2014, s.2.

³Inserted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f 15.8.2001, s.2.

⁴Inserted by the Anti-terrorism (Amendment) Act, 2013 (XIII of 2013) w.e.f. 19.3.2013, s.2.

⁵Inserted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f 15.8.2001, s.2.

⁶Omitted by the Anti-terrorism (Amendment) Act, 2013 (XIII of 2013) w.e.f. 19.03.2013, s.2.

⁷Inserted by the Anti-terrorism (Amendment) Act, 2013 (XIII of 2013) w.e.f. 19.03.2013, s.2.

⁸Substituted by the Anti-terrorism (Second Amendment) Act, 2014 (VII of 2014) w.e.f. 21.6.2014, s.2.

- ⁹[(qa) “proscribed person” means any individual who is listed in the Fourth Schedule under section 11EE;]
- ¹⁰(r) “Public servant” shall have the same meaning as in Section 21 of the Pakistan Penal Code, 1860, or law for the time being in force;
- (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 sect, 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;]
- ¹¹[(va) “seize” means to take custody or control of money or other property in order to prohibit its transfer, conversion, disposition or movement;]
- ¹²[(w) “serious” means dangerous to life or property;
- (x) “terrorism” or “act of terrorism” act 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 a 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 ¹³[an organization concerned in terrorism or a terrorist];
 - (b) proceeds the commission of acts of terrorism;

⁹Inserted by the Anti-terrorism (Second Amendment) Act, 2014 (VII of 2014) w.e.f. 21.6.2014, s.2.

¹⁰Inserted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f 15.8.2001, s.2.

¹¹Inserted by the Anti-terrorism (Second Amendment) Act, 2014 (VII of 2014) w.e.f. 21.6.2014, s.2.

¹²Inserted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f 15.8.2001, s.2.

¹³Substituted by the Anti-terrorism (Amendment) Act, 2013 (XIII of 2013) w.e.f. 19.3.2013, 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);¹⁴[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 organization ¹⁵[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;]

¹⁶[(c) * * * * *]

- (bb) "weapon" means any item which can be used to injure or cause bodily harm, and includes any type of fire-arm, 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.]

¹⁷[3. *Declaration of intent** * * * *]

4. Calling in of armed forces and civil armed forces in aid of civil powers.—

(1) It shall be lawful for the Federal Government to order, and subject to sub-section (2), for the Provincial Government to secure, the presence of armed forces and civil armed forces in any area for the prevention and punishment of terrorist acts and scheduled offences in accordance with the provisions of this Act.

(2) If, in the opinion of the Provincial Government, the presence of armed forces, or civil armed forces, is necessary in order to prevent the commission of 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.

¹⁴Added by the Anti-terrorism (Amendment) Act, 2013 (XIII of 2013) w.e.f. 19.3.2013, s.2.

¹⁵Substituted and omitted by the Anti-terrorism (Amendment) Act, 2013 (XIII of 2013) w.e.f. 19.3.2013, s.2.

¹⁶Omitted by the Anti-terrorism (Amendment) Act, 2013 (XIII of 2013) w.e.f. 19.3.2013, s.2.

¹⁷Omitted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f. 14.8.2001, s.3.

(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, authorize and direct the posting thereof.

5. Use of armed forces and civil armed forces to prevent terrorism.—(1) Any police officer, or member of the armed forces, or civil armed forces, who is present or deployed in any area may, after giving sufficient warning, use the necessary force to prevent the commission of terrorist acts or scheduled offences, and, in so doing shall, in the case of an officer of the armed forces or civil armed forces, exercise all the powers of a police officer under the Code.

(2) In particular and without prejudice to generality of the provisions of subsection (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, ¹⁸[*** *] a terrorist act or a scheduled offence, ¹⁹[***] ²⁰[it shall be lawful for any such officer, or any senior officer], ²¹[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 ²²[:]

²³[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 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

¹⁸Omitted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.4.

¹⁹Substituted by the Anti-terrorism (Amendment) Ordinance, 2000 (XXIX of 2000) w.e.f. 24.7.2000, s.2.

²⁰Substituted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f. 14.8.2001, s.4.

²¹Substituted by the Anti-terrorism (Amendment) Act, 2014 (VI of 2014) w.e.f. 18.6.2014, s.2.

²²Substituted by the Anti-terrorism (Amendment) Act, 2014 (VI of 2014) w.e.f. 18.6.2014, s.2.

²³Added by the Anti-terrorism (Amendment) Act, 2014 (VI of 2014) w.e.f. 18.6.2014, s.2.

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

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

²⁴**[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 ²⁵[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 ²⁶[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].

²⁷["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:
 - (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 ²⁸[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 other means];
 - (d) involves the doing of anything that is likely to cause death or endangers a person’s life;
 - (e) involves kidnapping for ransom, hostage-taking or hijacking;

²⁴Substituted by the Anti-terrorism (Amendment) Ordinance, 2001(XXXIX of 2001) w.e.f. 14.8.2001, s.5.

²⁵Substituted by the Anti-terrorism (Amendment) Act, 2013 (XIII of 2013) w.e.f. 19.3.2013, s.3.

²⁶Added by the Anti-terrorism (Second Amendment) Act, 2013 (XX of 2013) w.e.f. 26.03.2013, s.2.

²⁷*Ibid.*

²⁸Added by the Anti-terrorism (Second Amendment) Act, 2013 (XX of 2013) w.e.f. 26.03.2013, s.2.

²⁹[(ee) involves use of explosives by any device including bomb blast]³⁰[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 stir up violence or cause internal disturbance;

³¹[(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 congregations, mosques, imambargahs, 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 communications system or public utility service;

(m) involves serious coercion or intimidation of a public servant in order to force him to discharge or to refrain from discharging his lawful duties;
³²[* * * *]

(n) involves serious violence against a member of the police force, armed forces, civil armed forces, or a public servant.

³³[(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 fire-arms, explosives or any other weapon, is terrorism, whether or not subsection 1(c) is satisfied.

²⁹Inserted by the Anti-terrorism (Second Amendment) Act, 2004 (II of 2005) w.e.f. 11.1.2005, s.2.

³⁰Added by the Anti-Terrorism (Second Amendment) Act, 2013 (XX of 2013) w.e.f. 26.03.2013, s.2.

³¹Substituted by the Anti-Terrorism (Second Amendment) Act, 2013 (XX of 2013) w.e.f. 26.03.2013, s.2.

³²Omitted by the Anti-Terrorism (Second Amendment) Act, 2013 (XX of 2013) w.e.f. 26.03.2013, s.2.

³³Inserted by the Anti-Terrorism (Second Amendment) Act, 2013 (XX of 2013) w.e.f. 26.03.2013, s.2.

³⁴[(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) ³⁵[an individual] who has committed an offence of terrorism under this Act, and is or has been concerned in the commission, preparation ³⁶[facilitation, funding] or instigation of acts of terrorism;

(b) ³⁷[an individual] who is or has been, whether before or after the coming into force of this Act, concerned in the commission, preparation ³⁸[facilitation, funding] or instigation of acts of terrorism, shall also be included in the meaning given in clause (a) above.]

³⁹**[7. Punishment for acts of terrorism.–** ⁴⁰[(1)] whoever commits an act of terrorism under Section 6, whereby–

(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 be not less than ⁴¹[ten years] but may extend to ⁴²[imprisonment for life] and with fine;

(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 ⁴³[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

³⁴Inserted by the Anti-terrorism (Amendment) Act, 2013 (XIII of 2013) w.e.f. 19.3.2013, s.3.

³⁵Substituted by the Anti-terrorism (Amendment) Act, 2013 (XIII of 2013) w.e.f. 19.3.2013, s.3.

³⁶Inserted by the Anti-terrorism (Amendment) Act, 2013 (XIII of 2013) w.e.f. 19.3.2013, s.3.

³⁷Substituted by the Anti-terrorism (Amendment) Act, 2013 (XIII of 2013) w.e.f. 19.3.2013, s.3.

³⁸Inserted by the Anti-terrorism (Amendment) Act, 2013 (XIII of 2013) w.e.f. 19.3.2013, s.3.

³⁹Substituted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f. 15.8.2001, s.6.

⁴⁰Renumbered by the Anti-Terrorism (Second Amendment) Act, 2013 (XX of 2013) w.e.f. 26.03.2013, s.3.

⁴¹Substituted by the Anti-terrorism (Second Amendment) Act, 2004 (II of 2005) w.e.f. 11.1.2005, s.3.

⁴²Substituted by the Anti-terrorism (Second Amendment) Act, 2004 (II of 2005) w.e.f. 11.1.2005, s.3.

⁴³Substituted by the Anti-terrorism (Second Amendment) Act, 2004 (II of 2005) w.e.f. 11.1.2005, s.3.

than ten years⁴⁴ [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 life⁴⁵ [* * * *]; or
- (f) the offence of hijacking, has been committed, shall be punishable, on conviction, with death or imprisonment for life,⁴⁶ [* * * *] and fine;
- ⁴⁷[(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 than⁴⁸ [two years] and not more than⁴⁹ [five years] and with fine; or
- (h) the act of terrorism committed falls under clauses (h) to (n) of subsection (2) of Section 6, shall be punishable, on conviction, to imprisonment of not less than⁵⁰ [five years]⁵¹ [but may extend to imprisonment for life] and with fine; and
- (i) any other act of terrorism not falling under clauses (a) to (h) above or under any other provision of this Act, shall be punishable, on conviction, to imprisonment of not less than⁵² [five years] and not more than⁵³ [ten years] or with fine or with both.]

⁵⁴[(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.]

⁵⁵[7-A Creation of civil commotion * * * * *]

⁵⁶[7-B Punishment for creating civil commotion * * * * *]

8. Prohibition of acts intended or likely to stir up sectarian hatred.– A person who--

⁴⁴Substituted by the Anti-terrorism (Second Amendment) Act,2004 (II of 2005) w.e.f. 11.1.2005, s.3.

⁴⁵Omitted by the Anti-Terrorism (Second Amendment) Act, 2013 (XX of 2013) w.e.f. 26.03.2013, s.3.

⁴⁶Omitted by the Anti-Terrorism (Second Amendment) Act, 2013 (XX of 2013) w.e.f. 26.03.2013, s.3.

⁴⁷Inserted by the Anti-terrorism (Second Amendment) Act,2004 (II of 2005) w.e.f. 11.1.2005, s.3.

⁴⁸Substituted by the Anti-terrorism (Second Amendment) Act,2004 (II of 2005) w.e.f. 11.1.2005, s.3.

⁴⁹Substituted by the Anti-terrorism (Second Amendment) Act,2004 (II of 2005) w.e.f. 11.1.2005, s.3.

⁵⁰Substituted by the Anti-terrorism (Second Amendment) Act,2004 (II of 2005) w.e.f. 11.1.2005, s.3.

⁵¹Substituted by the Anti-terrorism (Second Amendment) Act,2004 (II of 2005) w.e.f. 11.1.2005, s.3.

⁵²Substituted by the Anti-terrorism (Second Amendment) Act,2004 (II of 2005) w.e.f. 11.1.2005, s.3.

⁵³Substituted by the Anti-terrorism (Second Amendment) Act,2004 (II of 2005) w.e.f. 11.1.2005, s.3.

⁵⁴Added by the Anti-Terrorism (Second Amendment) Act, 2013 (XX of 2013) w.e.f. 26.03.2013, s.3.

⁵⁵Inserted by the Anti-Terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999 and omitted by the Anti-terrorism (Amendment) Ordinance, 2000 (XXIX of 2000) w.e.f. 24.7.2000.

⁵⁶Inserted by the Anti-Terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999 and omitted by the Anti-terrorism (Amendment) Ordinance, 2000 (XXIX of 2000) w.e.f. 24.7.2000.

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

9. Punishment for offence under section 8.— Whoever contravenes any provision of section 8 shall be punished with ⁵⁷[* * * *] imprisonment for a term which may extend to ⁵⁸[five] years, ⁵⁹[and with fine].

10. Power to enter or search.— If any officer of the police, armed forces or civil armed forces is satisfied that there are reasonable grounds for suspecting that a person has possession of written material or a recording in contravention of section 8 he may enter and search the premises where it is suspected the material or recording is situated and take possession of the same⁶⁰[:]

⁶¹[Provided that the concerned officer 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) ⁶²[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 ⁶³[the 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.

⁶⁴**[11A. Organizations concerned in terrorism.—** ⁶⁵[(1)] For the purposes of this Act, an organization is concerned in terrorism if it :

- (a) commits ⁶⁶[,facilitates] or participates in acts of terrorism;

⁵⁷Omitted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.8.

⁵⁸Substituted by the Anti-terrorism (Amendment) Ordinance, 2001(XXXIX of 2001)w.e.f. 14.8.2001, s.7.

⁵⁹Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.8.

⁶⁰Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.9.

⁶¹Added by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.9.

⁶²Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2.

⁶³Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2.

⁶⁴Inserted by the Anti-terrorism (Amendment) Ordinance, 2001(XXXIX of 2001)w.e.f. 14.8.2001, s.8.

⁶⁵Renumbered by the Anti-terrorism (Amendment) Act, 2013 (XIII of 2013)w.e.f. 19.3.2013, s.4.

- (b) prepares for terrorism;
- (c) promotes or encourages terrorism;
- (d) supports and assists any organization concerned with terrorism;
- (e) patronize 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.

⁶⁷[(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 sub-section (1); or
- (b) acts on behalf of, or at the direction of, a terrorist or an organization referred in sub-section (1).]

⁶⁸**[11B. Proscription of organizations.—** (1) The Federal Government may, by order published in the official Gazette, list an organization as a proscribed organization in the First Schedule on an ex parte basis, if there are reasonable grounds to believe that it is—

- (a) concerned in terrorism; or
- (b) owned or controlled, directly or indirectly, by any individual or organization proscribed under this Act; or
- (c) acting on behalf of, or at the direction of, any individual or organization proscribed under this Act.

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

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

⁶⁹**[11C. Right of Review.—** ⁷⁰[(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.]

⁶⁶Inserted by the Anti-terrorism (Amendment) Act, 2013 (XIII of 2013) w.e.f. 19.3.2013, s.4.

⁶⁷Added by the Anti-terrorism (Amendment) Act, 2013 (XIII of 2013) w.e.f. 19.3.2013, s.4.

⁶⁸Substituted by the Anti-terrorism (Second Amendment) Act, 2014 (VII of 2014) w.e.f. 21.6.2014, s.3.

⁶⁹Inserted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f. 14.8.2001, s.8.

⁷⁰Substituted by the Anti-terrorism (Second Amendment) Act, 2014 (VII of 2014) w.e.f. 21.6.2014, s.4.

(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.]

⁷¹[(3) * * * * *]

⁷²**[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 section 11C and 11EE.]

⁷³**[11D. Observation Order.–** Where the Federal Government, has ⁷⁴[reasonable grounds] to believe that an organization is acting in a manner that it may be concerned in terrorism:

- (1) The organization may be kept under observation, if:
 - (a) the name of the organization is listed in 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 sub-section (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.]

⁷⁵**[11E. Measures 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) it offices, if any, shall be sealed;

⁷⁶[(b)] ⁷⁷[* * * * *]

⁷¹Omitted by the Anti-terrorism (Second Amendment) Act, 2014 (VII of 2014)w.e.f. 21.6.2014, s.4

⁷²Inserted by the Anti-terrorism (Second Amendment) Act, 2014 (VII of 2014)w.e.f. 21.6.2014, s.5

⁷³Inserted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f. 14.8.2001, s.8.

⁷⁴Substituted for "reason" by the Anti-terrorism (Second Amendment) Act, 2014 (VII of 2014)w.e.f. 21.6.2014, s.6.

⁷⁵Inserted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f. 14.8.2001, s.8.

⁷⁶Substituted by the Anti-terrorism (Amendment) Act, 2013 (XIII of 2013)w.e.f. 19.3.2013, s.5.

⁷⁷Omitted by the Anti-terrorism (Second Amendment) Act, 2014 (VII of 2014)w.e.f. 21.6.2014, s.7.

- (c) all literature, posters, banners, 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.

⁷⁸[(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 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 weapon, 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.]

⁷⁹[11EE.] ⁸⁰**[Proscription of person].—** ⁸¹[(1) The Federal Government may, by order published in the official Gazette, list a person as a proscribed person in the Fourth Schedule on an ex-parte basis, if there are reasonable grounds to believe that such person is—

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

⁷⁸Inserted by the Anti-Terrorism (Second Amendment) Act, 2013 (XX of 2013) w.e.f. 26.03.2013, s.5.

⁷⁹Inserted by the Anti-Terrorism (Amendment) Ordinance, 2002 (CXXV of 2002) w.e.f. 15.11.2002, S.2.

⁸⁰Substituted by the Anti-terrorism (Second Amendment) Act, 2014 (VII of 2014) w.e.f. 21.6.2014, s.8.

⁸¹Substituted by the Anti-terrorism (Second Amendment) Act, 2014 (VII of 2014) w.e.f. 21.6.2014, s.8.

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

⁸²[(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 ⁸³[****], 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 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 his good behavior and not to involve in any act of terrorism or in any manner advance the objectives of the organization referred to in 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 incharge 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 directions; and
 - (iv) that he shall not reside within areas specified in the order;
- (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 incharge of the Police Station within whose jurisdiction such place is situated, namely: —

⁸²Inserted by the Anti-terrorism (Second Amendment) Act, 2014 (VII of 2014)w.e.f. 21.6.2014, s.8.

⁸³Omitted by the Anti-terrorism (Second Amendment) Act, 2014 (VII of 2014)w.e.f. 21.6.2014, s.8.

- (i) schools, colleges and other institutions where persons 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 even 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 powers 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.

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

⁸⁵[(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 ⁸⁶[****] 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.]

⁸⁷**[11EEE. Power to arrest and detain suspected persons.–** (1) Government if satisfied that with a view to prevent any person whose name is included in the list

⁸⁴Substituted by the Anti-terrorism (Second Amendment) Act, 2014 (VII of 2014)w.e.f. 21.6.2014, s.8.

⁸⁵Inserted by the Anti-terrorism (Second Amendment) Act, 2014 (VII of 2014)w.e.f. 21.6.2014, s.8.

⁸⁶Omitted by the Anti-terrorism (Second Amendment) Act, 2014 (VII of 2014)w.e.f. 21.6.2014, s.8.

⁸⁷Inserted by the Anti-Terrorism (Amendment) Ordinance, 2002 (CXXV of 2002)w.e.f 15.11.2002, s.3.

referred to section 11EE, it is necessary so to do, may, by order in writing, direct to arrest and detain, in such custody as may be specified, 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).]

⁸⁸**[11EEEE. Preventive detention for inquiry.—**⁸⁹[(1) The Government or, where the provisions of section 4 have been invoked, the armed forces or civil armed forces, as the case may be, subject to the specific or general order of the Government in this regard, for a period not exceeding three months and after recording reasons thereof, issue order for the preventive detention of any person who has been concerned in any offence under this Act relating to the security or defence of Pakistan or any part thereof, or public order relating to target killing, kidnapping for ransom, and extortion/bhatta, or the maintenance of supplies or services, or against whom a reasonable 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) ⁹⁰[:]

⁹¹[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.]

⁹²[(2A) The provision of sub-section (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 form the commencement of the Anti-terrorism (Amendment) Act, 2014 (of 2014).]

(3) The detainee 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-Adl Regulation, 2009, within twenty-

⁸⁸Inserted by the Anti-Terrorism (Second Amendment) Act, 2013 (XX of 2013) w.e.f. 26.03.2013, s.6.

⁸⁹Substituted by the Anti-terrorism (Amendment) Act, 2014 (VI of 2014) w.e.f. 18.6.2014, s.3.

⁹⁰Substituted by the Anti-terrorism (Amendment) Act, 2014 (VI of 2014) w.e.f. 18.6.2014, s.3.

⁹¹Inserted by the Anti-terrorism (Amendment) Act, 2014 (VI of 2014) w.e.f. 18.6.2014, s.3.

⁹²Inserted by the Anti-terrorism (Amendment) Act, 2014 (VI of 2014) w.e.f. 18.6.2014, s.3.

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 a Police Officer has in relation to the investigation of offences under the Code or any other law for the time being in force:

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

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

⁹⁴**[11EEEE. 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 writhing, 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.]

⁹⁵**[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 is 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:

- (a) solicits or invites support for a proscribed organization, and the support is not, or is not restricted to, the provision of money or other property; or
- (b) arranges, manages or assists in managing, or addressing a meeting which he knows is:

⁹³Inserted by the Anti-terrorism (Amendment) Act, 2014 (VI of 2014) w.e.f. 18.6.2014, s.3.

⁹⁴Inserted by the Anti-Terrorism (Second Amendment) Act, 2013 (XX of 2013) w.e.f. 26.03.2013, s.6.

⁹⁵Inserted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f. 14.8.2001, s.8.

- (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 ⁹⁶[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.]

⁹⁷**[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.

⁹⁸[(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.]

⁹⁹**[11H. Fund raising.–** (1) A person commits an offence if he:

- (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 ¹⁰⁰[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 ¹⁰¹[or by a terrorist or organization concerned in terrorism.]
- (3) A person commits an offence if he:
- (a) provides money or other property; and

⁹⁶Substituted by the Anti-terrorism (Amendment) Act, 2013 (XIII of 2013) w.e.f. 19.3.2013, s.6.

⁹⁷Inserted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f. 14.8.2001, s.8.

⁹⁸Substituted by the Anti-terrorism (Second Amendment) Act, 2004 (II of 2005) w.e.f. 11.1.2005, s.4.

⁹⁹Inserted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f. 14.8.2001, s.8.

¹⁰⁰Inserted by the Anti-terrorism (Amendment) Act, 2013 (XIII of 2013) w.e.f. 19.3.2013, s.7.

¹⁰¹Inserted by the Anti-terrorism (Amendment) Act, 2013 (XIII of 2013) w.e.f. 19.3.2013, s.7.

- (b) knows or has reasonable cause to suspect that it will or may be used for the purposes of terrorism ¹⁰²[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.]

¹⁰³**[11-I. Use and possession.–** (1) 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.]

¹⁰⁴**[11J. Funding Arrangements.–** ¹⁰⁵[(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.]

¹⁰⁶[(2) Any person in Pakistan or a Pakistani national outside Pakistan shall commit an offence under this Act, if he knowingly or willfully makes money or other property or services available, directly or indirectly, wholly or jointly, for the benefit of a proscribed organization or proscribed person.]

¹⁰⁷**[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.]

¹⁰⁸**[11L. Disclosure of Information.–** (1) Where a person–

¹⁰²Inserted by the Anti-terrorism (Amendment) Act, 2013 (XIII of 2013) w.e.f. 19.3.2013, s.7.

¹⁰³Inserted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f. 14.8.2001, s.8.

¹⁰⁴Inserted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f. 14.8.2001, s.8.

¹⁰⁵Renumbered by the Anti-terrorism (Second Amendment) Act, 2014 (VII of 2014) w.e.f. 21.6.2014, s.9.

¹⁰⁶Added by the Anti-terrorism (Second Amendment) Act, 2014 (VII of 2014) w.e.f. 21.6.2014, s.9.

¹⁰⁷Inserted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f. 14.8.2001, s.8.

- (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 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.]

¹⁰⁹**[11M. Cooperation with 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; and

(2) Subject to sub-sections (3) and (4) under this section, a person does not commit an offence under Sections 11H to 11K by involvement in a transaction or arrangement relating to money or the 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 his 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 Section 11H to 11K to prove that:

¹⁰⁸Inserted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f. 14.8.2001, s.8.

¹⁰⁹Inserted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f. 14.8.2001, s.8.

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

¹¹⁰**[11N. Punishment under Section 11H to 11K.–** Any person who commits an offence under sections 11H to 11K, shall be punishable on conviction with imprisonment for a term not less than ¹¹¹[five years] and not exceeding ¹¹²[ten years] and with fine.

¹¹³**[11O. Seizure, freeze and detention.–** (1) On proscription made under section 11B or, as the case may be, section 11EE,–

- (a) the money or other property owned or controlled, wholly or partly, directly or indirectly, by a proscribed organization or proscribed person shall be frozen or seized, as the case may be;
- (b) the money or other property derived or generated from any property referred in clause (a) shall be frozen or seized, as the case may be;
- (c) no person shall use, transfer, convert, dispose of or remove such money or other property with effect from proscription; and
- (d) within forty-eight hours of any freeze or seizure, the person carrying out the freeze or seizure shall submit a report containing details of the property and the persons affected by the freeze or seizure to such office of the Federal Government as may be notified in the official Gazette.

(2) Any person who violates any provision of sub-section (1) shall be liable to penalty of fine not exceeding ten million rupees.

(3) If a legal person violates any provision of sub-section (1), such person shall be liable to penalty of fine not exceeding ten million rupees and every director, officer or employee of such person found guilty of the violation shall be punished in terms thereof.

(4) On an application made by any affected person, the Federal Government shall inquire into the ownership and control of any money or other property that has been frozen or seized and, if it is satisfied that the money or other property has inadvertently been frozen or seized, the same shall be ordered to be released immediately.

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

¹¹⁴**[11OO. Access to services, money or other property.–** (1) The Federal Government may permit a person to make available to a proscribed organization or proscribed person such services, money or other property as may be prescribed,

¹¹⁰Inserted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f. 14.8.2001, s.8.

¹¹¹Substituted for "six months" by the Anti-terrorism (Second Amendment) Act, 2004 (II of 2005) w.e.f.11.1.2005, s.5.

¹¹²Substituted for "five years" by the Anti-terrorism (Second Amendment) Act, 2004 (II of 2005) w.e.f.11.1.2005, s.5.

¹¹³Substituted by the Anti-terrorism (Second Amendment) Act, 2014 (VII of 2014)w.e.f. 21.6.2014, s.10.

¹¹⁴Inserted by the Anti-terrorism (Second Amendment) Act, 2014 (VII of 2014)w.e.f. 21.6.2014, s.11.

including such money as may be required for meeting necessary medical and educational expenses and for subsistence allowance, and such person shall not be liable for any offence under this Act on account of provision of the prescribed services, money or other property.

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

¹¹⁵**[11P. Application by investigating officer to Court.–** (1) An investigating officer may apply to a court for an order under this section for attachment of a terrorist property.

(2) An order under this section, shall–

- (a) provide for attachment of the terrorist property for a period specified in the order or pending completion of the investigation; and
- (b) require notice to be given to the person from whom such property was attached and to any other person who is affected by and specified in the order.

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

¹¹⁶**[11Q. Forfeiture.–** (1) The Court by or before which a person is convicted of an offence under any of the sections 11H to 11M may make a forfeiture order in accordance with the provisions of this section.

(2) Where a person is convicted of an offence under section 11H (1) or (2) or section 11-I, 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 Section 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 his 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 of 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.

¹¹⁵Substituted by the Anti-terrorism (Second Amendment) Act, 2014 (VII of 2014) w.e.f. 21.6.2014, s.12.

¹¹⁶Inserted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f. 14.8.2001, s.8

(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.]

¹¹⁷[(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 in to 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.]

¹¹⁸**[11R. Evidentiary standard for forfeiture.–** (1) The court may pass an order for forfeiture under section 11Q upon conviction and only if satisfied on reasonable grounds that the money or other property is a terrorist property and before so doing must give an opportunity to be heard to any person,–

- (a) who is not a party to the proceedings; and
- (b) who claims to be the owner of or otherwise interested in any of the money or other property which can be forfeited under this section.

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

¹¹⁹**[11S. Appeal against forfeiture order** ¹²⁰[* ***].– (1) Any party to the proceedings in which a forfeiture order is made under ¹²¹[section 11Q] ¹²²[****], 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 dated on which the forfeiture order was made.]

¹²³**[11T. Deposit of** ¹²⁴**[money or other property] in a fund.–** (1) Any ¹²⁵[money or other property] to which a forfeiture order under section 11R and 11S applies, along with ¹²⁶[any addition, return,] profit and loss accrued, shall be deposited into a special fund to be notified by the Federal Government–

¹¹⁷Added by the Anti-Terrorism (Second Amendment) Act, 2013 (XX of 2013) w.e.f. 26.03.2013, s.8.

¹¹⁸Substituted by the Anti-terrorism (Second Amendment) Act, 2014 (VII of 2014) w.e.f. 21.6.2014, s.13.

¹¹⁹Inserted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f. 14.8.2001, s.8.

¹²⁰Omitted by the Anti-terrorism (Amendment) Act, 2013 (XIII of 2013) w.e.f. 19.3.2013, s.11

¹²¹Inserted by the Anti-terrorism (Amendment) Act, 2013 (XIII of 2013) w.e.f. 19.3.2013, s.11

¹²²Added by the Anti-terrorism (Second Amendment) Act, 2014 (VII of 2014) w.e.f. 21.6.2014, s.14

¹²³Inserted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f. 14.8.2001, s.8.

¹²⁴Substituted by the Anti-terrorism (Amendment) Act, 2013 (XIII of 2013) w.e.f. 19.3.2013, s.12

¹²⁵Substituted by the Anti-terrorism (Amendment) Act, 2013 (XIII of 2013) w.e.f. 19.3.2013, s.12

¹²⁶Substituted by the Anti-terrorism (Amendment) Act, 2013 (XIII of 2013) w.e.f. 19.3.2013, s.12

- (a) after the expiry of the limitation period within which an appeal against the forfeiture order may be brought under Section 11S (2), or
- (b) Where an appeal brought under section 11S 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.]

¹²⁷[(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.]

¹²⁸**[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-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.]

¹²⁹**[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 ¹³⁰[imprisonment for life] and to forfeiture or confiscation of his assets within or outside Pakistan.]

¹³¹**[11W. (1) Printing, publishing, or disseminating any material to incite hatred or giving projection to any person convicted for a terrorist act or any**

¹²⁷Added by the Anti-terrorism (Amendment) Act, 2013 (XIII of 2013) w.e.f. 19.3.2013, s.12

¹²⁸Substituted by the Anti-terrorism (Second Amendment) Act, 2014 (VII of 2014) w.e.f. 21.6.2014, s.15

¹²⁹Inserted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f. 14.8.2001, s.8

¹³⁰Substituted for the word "imprisonment for the maximum term of seven years" by the Anti-terrorism (Second Amendment) Act, 2004 (II of 2005) w.e.f. 11.1.2005, s.6.

¹³¹Inserted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f. 14.8.2001, s.8

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-cassettes¹³² [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 method¹³³ [or means of communication] which¹³⁴ [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 constructed to mean “projection” for the purposes of this section.

¹³⁵[(2) Any person¹³⁶ [guilty] of an offence under sub-section (1) shall be punishable on conviction with imprisonment which may extend to five years and with fine.]]

¹³⁷**[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 than¹³⁸ [five years] and not more than¹³⁹ [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 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 than¹⁴⁰ [five years] and not more than¹⁴¹ [ten years] or fine or with both.]

12. Jurisdiction of¹⁴² [Anti-terrorism Court].– (1) Notwithstanding anything contained in the Code or in any other law, a scheduled offence committed in an area

¹³²Inserted by the Anti-Terrorism (Second Amendment) Act, 2013 (XX of 2013) w.e.f. 26.03.2013, s.9.

¹³³Inserted by the Anti-Terrorism (Second Amendment) Act, 2013 (XX of 2013) w.e.f. 26.03.2013, s.9.

¹³⁴Inserted by the Anti-Terrorism (Second Amendment) Act, 2013 (XX of 2013) w.e.f. 26.03.2013, s.9.

¹³⁵Substituted by the Anti-terrorism (Second Amendment) Act, 2004 (II of 2005) w.e.f. 11.1.2005, s.7.

¹³⁶Misprinted in the gazette as “quality”.

¹³⁷Inserted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f. 14.8.2001, s.8

¹³⁸Substituted for “six months” by the Anti-terrorism (Second Amendment) Act, 2004 (II of 2005) w.e.f. 11.1.2005, s.8

¹³⁹Substituted for “five years” by the Anti-terrorism (Second Amendment) Act, 2004 (II of 2005) w.e.f. 11.1.2005, s.8

¹⁴⁰Substituted for “six months” by the Anti-terrorism (Second Amendment) Act, 2004 (II of 2005) w.e.f. 11.1.2005, s.8

¹⁴¹Substituted for “three years” by the Anti-terrorism (Second Amendment) Act, 2004 (II of 2005) w.e.f. 11.1.2005, s.8

¹⁴²Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2

in a province ¹⁴³[or the Islamabad Capital Territory] shall be tribal only by the ¹⁴⁴[the Anti-terrorism Court] exercising territorial jurisdiction in relation to such area.

(2) Notwithstanding anything contained in sub section (1), if, in respect of a case involving a scheduled offence committed in any area, the Government, having regard to the facts and circumstances of the case, is satisfied that in order to ensure a fair trial, or for the protection and safety of witnesses, that such offence should be tried by ¹⁴⁵[an Anti-terrorism Court] established in relation to any other area, the Government may make a declaration to that effect.

Explanation.— Where ¹⁴⁶[an Anti-terrorism Court] is established in relation to two or more areas, such ¹⁴⁷[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, ¹⁴⁸[or the Islamabad Capital Territory] any prosecution in respect of such offence shall be instituted only in ¹⁴⁹[the Anti-terrorism Court] established in relation to such area, and, if any prosecution in respect of such offence is pending immediately before such declaration in any other Court, the same shall stand transferred to such ¹⁵⁰[Anti-terrorism Court] and such ¹⁵¹[Anti- terrorism Court] shall proceed with such case from the stage at which it was pending at that time without the necessity of recalling any witnesses.

¹⁵²**[13. Establishment of Anti-terrorism Court.—** (1) for the purpose of providing for the speedy trial of the cases ¹⁵³[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 ¹⁵⁴[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 ¹⁵⁵[designate a Judge of any such Court to be an administrative judge] and all cases triable under this Act pertaining to the said area shall be filed before the ¹⁵⁶[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:

¹⁴³Inserted by the Anti-Terrorism (Second Amendment) Act, 2013 (XX of 2013) w.e.f. 26.03.2013, s.10.

¹⁴⁴Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2

¹⁴⁵Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2

¹⁴⁶Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2

¹⁴⁷Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2

¹⁴⁸Inserted by the Anti-Terrorism (Second Amendment) Act, 2013 (XX of 2013) w.e.f. 26.03.2013, s.10.

¹⁴⁹Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2.

¹⁵⁰Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2.

¹⁵¹Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2.

¹⁵²Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.10.

¹⁵³Inserted by the Anti-Terrorism (Second Amendment) Act, 2013 (XX of 2013) w.e.f. 26.03.2013, s.11.

¹⁵⁴Substituted for "each area" by the Anti-terrorism (Amendment) Ordinance, 2002 (VI of 2002) w.e.f. 31.1.2002, s.2

¹⁵⁵Substituted by the Anti-Terrorism (Second Amendment) Ordinance, 2002 (CXXXIV of 2002) w.e.f. 23.11.2002, s.2

¹⁵⁶Substituted by the Anti-Terrorism (Second Amendment) Ordinance, 2002 (CXXXIV of 2002) w.e.f. 23.11.2002, s.2

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.]

¹⁵⁷[(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 ¹⁵⁸[Anti-terrorism Courts] or such other ¹⁵⁹[Anti-terrorism Courts] as may be established in the area, establish one such additional ¹⁶⁰[Anti-terrorism Court] under this Act at the Principal seat of the ¹⁶¹[each High Court] and appoint a Judge of such High Court as a Judge of ¹⁶²[Anti-terrorism Court] in consultation with the Chief Justice of the High Court concerned, and where a Judge of High Court is appointed as a Judge for any area under this Act he shall be the administrative judge for that area and such administrative Judge may, in addition to the powers exercisable under this Act, either *suo motu* or on the application of any party, at any stage of the proceedings whether before or after the framing of charge, for sufficient cause including as mentioned in sub-section (1) of section 28, transfer, withdraw or recall any case pending before any other ¹⁶³[Anti-terrorism Court] in that area and may either try the case himself or make it over for trial to any other ¹⁶⁴[Anti-terrorism Court] in that area.

(5) The ¹⁶⁵[Anti-terrorism Court] to which a case is transferred or recalled for trial under sub-section (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.]

¹⁶⁶**[14. Composition and appointment of presiding officers of Anti-terrorism Courts.–** (1) An Anti-terrorism Court Shall consist of a Judge, being a person who—

- (i) is a Judge of High Court, or is or has been a Sessions Judge or an Additional Sessions Judge; or
- (ii) is 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.

¹⁵⁷Added by the Anti-Terrorism (Third Amendment) Ordinance, 1999 (XX of 1999) w.e.f. 02.12.1999 s.2.

¹⁵⁸Substituted by the Anti-terrorism (Amendment) Ordinance, 2002 (VI of 2002) w.e.f 31.1.2002, s.2.

¹⁵⁹Substituted by the Anti-terrorism (Amendment) Ordinance, 2002 (VI of 2002) w.e.f 31.1.2002, s.2.

¹⁶⁰Substituted by the Anti-terrorism (Amendment) Ordinance, 2002 (VI of 2002) w.e.f 31.1.2002, s.2.

¹⁶¹Substituted by the Anti-terrorism (Amendment) Ordinance, 2002 (VI of 2002) w.e.f 31.1.2002, s.2

¹⁶²Substituted by the Anti-terrorism (Amendment) Ordinance, 2002 (VI of 2002) w.e.f 31.1.2002, s.2.

¹⁶³Substituted by the Anti-terrorism (Amendment) Ordinance, 2002 (VI of 2002) w.e.f 31.1.2002, s.2.

¹⁶⁴Substituted by the Anti-terrorism (Amendment) Ordinance, 2002 (VI of 2002) w.e.f 31.1.2002, s.2.

¹⁶⁵Substituted by the Anti-terrorism (Amendment) Ordinance, 2002 (VI of 2002) w.e.f 31.1.2002, s.2.

¹⁶⁶Substituted by the Anti-Terrorism (Second Amendment) Ordinance, 2002 (CXXXIV of 2002) w.e.f 23.11.2002, s.3.

(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, authorize 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-sections (2) and (3), ¹⁶⁷[an Anti-terrorism] shall ordinarily sit at such place or places ¹⁶⁸[including cantonment area or jail premises] as the 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), ¹⁶⁹[an Anti-terrorism Court] may, if it considers it expedient or desirable so to do either *suo motu* or on the application of the public prosecutor sit, for holding the trial of a case at any place including a mosque other than the ordinary place of its sitting.

16. Oath by ¹⁷⁰[Anti-terrorism Courts].— A ¹⁷¹[Judge] of ¹⁷²[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 ¹⁷³[the constitution, law and his conscience].

¹⁶⁷Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2.

¹⁶⁸Inserted by the Anti-terrorism (Amendment) Ordinance, 2002 (VI of 2002)w.e.f 31.1.2002, s.4

¹⁶⁹Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2.

¹⁷⁰Substituted by the Anti-terrorism (Amendment) Ordinance, 2002 (VI of 2002)w.e.f 31.1.2002, s.2

¹⁷¹Substituted by the Anti-Terrorism (Second Amendment) Ordinance, 2002 (CXXXIV of 2002)w.e.f 23.11.2002, s.4..

¹⁷²Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2.

¹⁷³Substituted for "his faith to the effect that he will decide the case honestly, faithfully according to his conscience and belief" by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.12.

17. Powers of ¹⁷⁴[Anti-terrorism Courts] with respect to other offences.—When trying any scheduled offence, ¹⁷⁵[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.—¹⁷⁶[(1) The ¹⁷⁷[***] Government shall appoint in relation to each Anti-terrorism 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.]

(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 ¹⁷⁸[Anti-terrorism Court].—¹⁷⁹[(1) ¹⁸⁰[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 Investigation officer of Police not below the rank of Superintendent of Police, (BS-18) and other officers of JIT may include equivalent rank from Intelligence Agencies, Armed Forces and Civil Armed Forces. The JIT shall comprise five members and for the meeting purposes the quorum shall consists of three members.

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

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

Provided further that, where investigation is not completed within a period of thirty days from the date of recording of the first information report under section 154 of the code, the investigating officer or the JIT shall, within three days after expiration of such period, forward to the Court through the Public Prosecutor, an interim report under section 173 of the code, stating therein the result of investigation made until

¹⁷⁴Substituted by the Anti-terrorism (Amendment) Ordinance, 2002 (VI of 2002) w.e.f 31.1.2002, s.2

¹⁷⁵Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2.

¹⁷⁶Substituted by the Anti-terrorism (Amendment) Ordinance, 2002 (VI of 2002) w.e.f 31.1.2002, s.6.

¹⁷⁷Omitted by the Anti-Terrorism (Amendment) Act, 2014 (VI of 2014) w.e.f. 18.06.2014, s.4.

¹⁷⁸Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2.

¹⁷⁹Substituted by the Anti-Terrorism (Second Amendment) Act, 2013 (XX of 2013) w.e.f 26.03.2013, s.12

¹⁸⁰Substituted by the Anti-Terrorism (Amendment) Act, 2014 (VI of 2014) w.e.f. 18.06.2014, s.5.

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;]

¹⁸¹[(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.]

¹⁸²[(1B) 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 ¹⁸³[the Anti-terrorism Court] and the person committing the default shall be liable to be punished for contempt of Court.

(3) ¹⁸⁴[The Anti-terrorism Court] may directly take cognizance of a case triable by such court without the case being sent to it under section 190 of the Code.

¹⁸⁵[(4). * * * * *]

(5) Where, in a case triable by ¹⁸⁶[an Anti-terrorism Court], an accused has been released from police custody ¹⁸⁷[or custody of any other investigating agency joined in an investigation], under section 169 of the Code, or has been remanded to judicial custody, ¹⁸⁸[the Anti-terrorism Court]may, on good grounds being shown by a Public prosecutor or a Law officer of the Government, for reasons to be recorded in writing, make an order for placing him in police custody ¹⁸⁹[or custody of any other investigating Agency joined in investigation] for the purpose of further investigation in the case.

(6) ¹⁹⁰[An Anti-terrorism Court] shall be deemed to be a Magistrate for purpose of ¹⁹¹[sub-section] (5).

¹⁹²⁻¹⁹³[(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

¹⁸¹Inserted by the Anti-Terrorism (Second Amendment) Act, 2013 (XX of 2013) w.e.f. 26.03.2013, s.12.

¹⁸²Inserted by the Anti-Terrorism (Amendment) Act, 2014 (VI of 2014) w.e.f. 18.06.2014, s.5.

¹⁸³Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2.

¹⁸⁴Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2.

¹⁸⁵Omitted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f. 14.8.2001, s.9.

¹⁸⁶Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2..

¹⁸⁷Inserted by the Anti-terrorism (Amendment) Ordinance, 2002 (VI of 2002) w.e.f. 31.1.2002, s.7.

¹⁸⁸Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2..

¹⁸⁹Inserted by the Anti-terrorism (Amendment) Ordinance, 2002 (VI of 2002) w.e.f. 31.1.2002, s.7.

¹⁹⁰Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2.

¹⁹¹Substituted for "sub-section (4) and" by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f. 14.8.2001, s.9..

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.]

¹⁹⁴[(8) An anti-terrorism Court shall not give more than two ¹⁹⁵[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].

¹⁹⁶[(8a) Non-compliance with the provisions of sub-section ¹⁹⁷[(7) or] (8) 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 Substances 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 shall be deemed to have been given or accorded and the court shall proceed with the trial of the case.]

(9) ¹⁹⁸[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.

¹⁹⁹[(10) Any accused person may be tried in his absence if the Anti-terrorism court, after such inquiry as it deems fit, is satisfied that such absence is deliberate and brought about with a view to impeding the course of justice:

Provided that the accused person shall not be tried under this sub-section unless a proclamation has been published in respect of him in at least ²⁰⁰[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.]

¹⁹²Substituted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f. 14.8.2001, s.9.

¹⁹³Substituted by the Anti-Terrorism (Amendment) Act, 2014 (VI of 2014) w.e.f. 18.06.2014, s.5.

¹⁹⁴Substituted by the Anti-terrorism (Second Amendment) Act, 2004 (II of 2005) w.e.f. 11.1.2005, s.9.

¹⁹⁵Substituted by the Anti-Terrorism (Amendment) Act, 2014 (VI of 2014) w.e.f. 18.06.2014, s.5..

¹⁹⁶Inserted by the Anti-terrorism (Second Amendment) Act, 2004 (II of 2005) w.e.f. 11.1.2005, s.9.

¹⁹⁷Inserted by the Anti-Terrorism (Amendment) Act, 2014 (VI of 2014) w.e.f. 18.06.2014, s.5.

¹⁹⁸Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2.

¹⁹⁹Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.13.

²⁰⁰Substituted by the Anti-Terrorism (Second Amendment) Act, 2013 (XX of 2013) w.e.f. 26.03.2013, s.12.

(11) The Advocate appointed under the second proviso to sub-section (10) shall be a person selected by ²⁰¹[the Anti- terrorism Court] for the purpose and he shall be engaged at the expense of the Government.

²⁰²[(11A) Noting 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 ²⁰³[the Anti-terrorism Court], and proves to its satisfaction that he did not abscond or conceal himself for the purpose of avoiding the proceeding against him, ²⁰⁴[the Anti-terrorism Court] shall set aside his conviction and proceed to try him in accordance with law for the offence with which he is charged:

Provided that ²⁰⁵[the Anti-terrorism Court] may exercise its powers under this sub-section in a case in which a person as aforesaid appears before it after the expiration of the said period and satisfies it that he could not appear within the said period by reason of circumstances beyond his control.

²⁰⁶[(13) * * * * *]

(14) Subject to the other provisions of this Act, ²⁰⁷[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 offence as if it were a Court of Sessions as far as may be in accordance with the procedure prescribed in the Code for trial before a Court of Sessions.

²⁰⁸**[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.]

²⁰⁹**[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.]

²¹⁰**[20. Punishment** * * * * *]

²¹¹**[21. Protection to Judges, ²¹²[* * *] Counsel, Public Prosecutor, witnesses and persons concerned with court proceedings.–** (1) The Court may,

²⁰¹Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2

²⁰²Inserted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.13.

²⁰³Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2

²⁰⁴Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2

²⁰⁵Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2

²⁰⁶Omitted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f. 14.8.2001, s.9.

²⁰⁷Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2

²⁰⁸Inserted by the Anti-terrorism (Second Amendment) Act, 2013 (XX of 2013) w.e.f. 26.03.2013, s.13.

²⁰⁹Inserted by the Anti-terrorism (Amendment) Act, 2014 (VI of 2014) w.e.f. 18.06.2014, s.6.

²¹⁰Omitted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f. 15.8.2001.s.10.

²¹¹Substituted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f. 15.8.2001.s.11.

subject to the availability of resources, make such necessary orders or take such measures, as it deems fit, within available resources, for the protection of a witness, judge, ²¹³[* * * *] public prosecutor, counsel and other persons concerned in 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, ²¹⁴[* * * *] witnesses or a victim's family members or to prevent persons from crowding or storming the court to intimidate the judge ²¹⁵[* * * *] or to create a threatening atmosphere;
- (b) the names of judges, ²¹⁶[* * * *] counsel, public prosecutor, witnesses and persons concerned with court proceedings shall not be published; and
- (c) During any inquiry, investigation or court proceedings, whenever 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 accused.

(2) For purposes of protection of the judges, ²¹⁷[* * * *], accused, witnesses, prosecutors and defence counsel and anyone concerned with the court proceedings, the Government may adopt such other measures as may be appropriate or may be proscribed ²¹⁸[and the Armed Forces shall also provide comprehensive protection and security to the judges, ²¹⁹[* * * *] accused, witnesses, prosecutors, investigators, defence counsel and all those concerned in the court proceedings.]

²²⁰[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, ²²¹[*** *] a counsel, public prosecutor and the witnesses during investigation of an offence and proceedings under this Act, and thereafter, as may be considered necessary.]

²¹²Omitted by the Anti-terrorism (Second Amendment) Ordinance, 2002 (CXXXIV of 2002), w.e.f. 23.11.2002, s.5.

²¹³Omitted by the Anti-terrorism (Second Amendment) Ordinance, 2002 (CXXXIV of 2002), w.e.f. 23.11.2002, s.5

²¹⁴Omitted by the Anti-terrorism (Second Amendment) Ordinance, 2002 (CXXXIV of 2002), w.e.f. 23.11.2002, s.5

²¹⁵Omitted by the Anti-terrorism (Second Amendment) Ordinance, 2002 (CXXXIV of 2002), w.e.f. 23.11.2002, s.5

²¹⁶Omitted by the Anti-terrorism (Second Amendment) Ordinance, 2002 (CXXXIV of 2002), w.e.f. 23.11.2002, s.5

²¹⁷Omitted by the Anti-terrorism (Second Amendment) Ordinance, 2002 (CXXXIV of 2002), w.e.f. 23.11.2002, s.5

²¹⁸Added by the Anti-terrorism (Amendment) Ordinance, 2002 (VI of 2002)w.e.f 31.1.2002, s.8.

²¹⁹Omitted by the Anti-terrorism (Second Amendment) Ordinance, 2002 (CXXXIV of 2002), w.e.f. 23.11.2002, s.5

²²⁰Inserted by the Anti-terrorism (Amendment) Act, 2014 (VI of 2014) w.e.f. 18.06.2014, s.7.

²²¹Omitted by the Anti-terrorism (Second Amendment) Ordinance, 2002 (CXXXIV of 2002), w.e.f. 23.11.2002, s.5

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

²²³**[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 designated under this section.

(2) A designation may be made only by an officer not below the rank of a ²²⁴[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 be 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.
- (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, 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 these things.

²²²Inserted by the Anti-terrorism (Amendment) Act, 2014 (VI of 2014) w.e.f. 18.06.2014, s.7.

²²³Inserted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f. 14.8.2001, s.12.

²²⁴Inserted by the Anti-terrorism (Amendment) Ordinance, 2002 (VI of 2002)w.e.f 31.1.2002, s.9.

²²⁵**[21B. Terrorist investigation.–** (1) A policeman in uniform ²²⁶[or a member of a Joint Investigating 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 reasonably suspects to be a person concerned in terrorism;

Provided that any search of a person shall be done by a Police person of the same sex; or

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

²²⁷**[21C. Training.– (1) Weapons Training:** A person commits an offence if he provides, without valid authorisation from the competent authority, any instruction or training in the making or use of–

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

(2) A person commits an offence if he provides without valid authorisation 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 authorisation from the competent authority, to give such instruction or training or invites another, specifically or generally, to receive such unauthorised instruction or training in the making or use of–

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

²²⁵Inserted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f. 14.8.2001, s.12.

²²⁶Inserted by the Anti-terrorism (Amendment) Ordinance, 2002 (VI of 2002) w.e.f. 31.1.2002, s.10.

²²⁷Inserted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f. 14.8.2001, s.12.

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

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

(5) A child guilty of an offence under subsection (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-section (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-section (a) and (b) shall, on conviction, be liable to imprisonment of either description for a term of not less 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 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 any thing 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.

²²⁸**[21D. Bail.**— (1) Notwithstanding the provisions of sections 439, 491, 496, 497, 498, 498A and 561A 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

²²⁸Inserted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f. 14.8.2001, s.12.

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 ²²⁹[* * *] 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.

(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) commits 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) fail to comply with the conditions 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 others 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 required²³⁰ [including very high bail sureties], or
- (b) necessary in the interests of justice or for the prevention of crime²³¹ [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.

²²⁹Omitted by the Anti-terrorism (Amendment) Ordinance, 2002 (VI of 2002) w.e.f 31.1.2002, s.11.

²³⁰Inserted by the Anti-terrorism (Second Amendment) Act, 2013 (XX of 2013) w.e.f. 26.03.2013, s.14.

²³¹Inserted by the Anti-terrorism (Second Amendment) Act, 2013 (XX of 2013) w.e.f. 26.03.2013, s.14.

(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 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:

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

²³²**[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 ²³³[or custody of any other investigating Agency joined in the investigation], for which the maximum period allowed may be ²³⁴[not less ²³⁵[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 ²³⁶[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 extension of the time of the remand of the accused in police custody ²³⁷[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 ²³⁸[ninety] days.

(3) The Court shall be deemed to be a Magistrate for purposes of sub-section (1) ²³⁹[:]

²⁴⁰[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.]

²⁴¹**[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,-

²³²Inserted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f. 14.8.2001, s.12.

²³³Inserted by the Anti-terrorism (Amendment) Ordinance, 2002 (VI of 2002)w.e.f 31.1.2002, s.12.

²³⁴Substituted by the Anti-terrorism (Amendment) Ordinance, 2010 (I of 2010), w.e.f. 01.02.2010, s.15

²³⁵Inserted by the Anti-terrorism (Second Amendment) Act, 2013 (XX of 2013)w.e.f. 26.03.2013, s.15.

²³⁶Inserted by the Anti-terrorism (Amendment) Ordinance, 2002 (VI of 2002)w.e.f 31.1.2002, s.12.

²³⁷Inserted by the Anti-terrorism (Amendment) Ordinance, 2002 (VI of 2002)w.e.f 31.1.2002, s.12.

²³⁸Substituted by the Anti-terrorism (Second Amendment) Act, 2013 (XX of 2013)w.e.f. 26.03.2013, s.15.

²³⁹Substituted by the Anti-terrorism (Second Amendment) Act, 2013 (XX of 2013)w.e.f. 26.03.2013, s.15.

²⁴⁰Inserted by the Anti-terrorism (Second Amendment) Act, 2013 (XX of 2013)w.e.f. 26.03.2013, s.15.

²⁴¹Inserted by the Anti-terrorism (Second Amendment) Act, 2013 (XX of 2013)w.e.f. 26.03.2013, s.16.

- (a) call for information from any person for the purpose of satisfying himself 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 clause (d) and (e) of sub-section (1) shall be kept confidential and shall not be divulged to any un-authorized 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 two years or with fine which may extend to one hundred thousand rupees or with both.]

²⁴²**[21F. 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, ²⁴³[*** *] who is convicted and sentenced for any offence under this Act, ²⁴⁴[*** *] ²⁴⁵[:]

²⁴⁶[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.]

²⁴⁷**[21G. Trial of offences.–** All offences under this Act shall be tried ²⁴⁸[exclusively] by the Anti-Terrorism Court established under this Act] ²⁴⁹[:]

²⁴²Inserted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f. 14.8.2001, s.12.

²⁴³Omitted by the Anti-terrorism (Second Amendment) Act, 2013 (XX of 2013) w.e.f. 26.03.2013, s.17.

²⁴⁴Omitted by the Anti-terrorism (Second Amendment) Act, 2013 (XX of 2013) w.e.f. 26.03.2013, s.17.

²⁴⁵Substituted by the Anti-terrorism (Second Amendment) Act, 2013 (XX of 2013) w.e.f. 26.03.2013, s.17.

²⁴⁶Inserted by the Anti-terrorism (Second Amendment) Act, 2013 (XX of 2013) w.e.f. 26.03.2013, s.17.

²⁴⁷Inserted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f. 14.8.2001, s.12.

²⁴⁸Inserted by the Anti-terrorism (Second Amendment) Act, 2004 (II of 2005) w.e.f. 11.1.2005, s.10.

²⁵⁰[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 case 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.]

²⁵¹**[21H. Conditional admissibility of confession.–** Notwithstanding anything contained in the Qanoon-e-Shahdat, 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 Superintendent of Police, may be admissible in evidence against him, if the Court so deems fit:

Provided that the 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 Superintendent of Police has recorded such confession unless, upon questioning the person making it, the 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 this 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)

Distt. superintendent of police”.]

²⁵²**[21I. Aid and 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.]

²⁵³**[21J. Harboursing.–** (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 subsection (1) shall be liable on conviction to punishment as provided in section 216 and 216A of the Pakistan Penal Code (Act XLV of 1860).]

²⁴⁹Substituted by the Anti-terrorism (Second Amendment) Act, 2013 (XX of 2013) w.e.f. 26.03.2013, s.18.

²⁵⁰Inserted by the Anti-terrorism (Second Amendment) Act, 2013 (XX of 2013) w.e.f. 26.03.2013, s.18.

²⁵¹Inserted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f. 14.8.2001, s.12.

²⁵²Inserted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f. 14.8.2001, s.12.

²⁵³Inserted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f. 14.8.2001, s.12.

²⁵⁴**[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.]

²⁵⁵**[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 obstructs the course of justice, shall be liable to imprisonment for a term not less than ²⁵⁶[five years] and not more than ²⁵⁷[ten years] or with fine or with both.]

²⁵⁸**[21M. Joint Trial.–** (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 authorised by this Act or, as the case may be, such other law, for the punishment thereof.]

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, ²⁵⁹[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.

²⁶⁰**[24. Appellate Tribunal.–** * * * * *]

25. Appeal.– (1) An appeal against the final judgment of ²⁶¹[an Anti-terrorism Court] shall lie to ²⁶²[a High Court].

(2) Copies of the Judgment of ²⁶³[an Anti-terrorism Court] shall be supplied to the accused and the Public Prosecutor free of cost on the day the judgment is

²⁵⁴Inserted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f. 14.8.2001, s.12.

²⁵⁵Inserted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f. 14.8.2001, s.12.

²⁵⁶Substituted for "six months" by the Anti-terrorism (Second Amendment) Act, 2004 (II of 2005) w.e.f. 11.1.2005, s.11.

²⁵⁷Substituted for "five years" by the Anti-terrorism (Second Amendment) Act, 2004 (II of 2005) w.e.f. 11.1.2005, s.11.

²⁵⁸Inserted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f. 14.8.2001, s.12.

²⁵⁹Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2

²⁶⁰Omitted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.14.

²⁶¹Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2.

²⁶²Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2.

²⁶³Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2.

pronounced and the record of the trial shall be transmitted to the ²⁶⁴[the High Court] within three days of the decision.

(3) An appeal under sub-section (1) may be preferred by a person sentenced by ²⁶⁵[an Anti-terrorism Court] to ²⁶⁶[a High Court] within ²⁶⁷[fifteen] days of the passing of the sentence.

(4) The Attorney General ²⁶⁸[Deputy Attorney-General, Standing Counsel] or an Advocate General ²⁶⁹[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 ²⁷⁰[an Anti-terrorism Court] within ²⁷¹[thirty] days of such order.

²⁷²[(4A) Any person who is a victim or legal heir of 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 of 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 ²⁷³[a High Court] within seven working days.

²⁷⁴[(6) * * * * *]

²⁷⁵[(7) * * * * *]

(8) Pending the appeal ²⁷⁶[the High Court] shall not release the accused on bail.

²⁷⁷[(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.

²⁶⁴Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2.

²⁶⁵Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2.

²⁶⁶Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2.

²⁶⁷Substituted by the Anti-terrorism (Second Amendment) Act, 2013 (XX of 2013) w.e.f. 26.03.2013, s.19

²⁶⁸Inserted by the Anti-terrorism (Amendment) Ordinance, 2000 (XIX of 2000), w.e.f. 20.08.1997; and published in gazette of Pakistan (Extraordinary), part-I. dated 30.5.2000, s.2.

²⁶⁹Inserted by the Anti-terrorism (Amendment) Ordinance, 2000 (XIX of 2000), w.e.f. 20.08.1997; and published in gazette of Pakistan (Extraordinary), part-I. dated 30.5.2000, s.2.

²⁷⁰Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2

²⁷¹Substituted by the Anti-terrorism (Second Amendment) Act, 2013 (XX of 2013) w.e.f. 26.03.2013, s.19

²⁷²Inserted by the Anti-terrorism (Amendment) Act, 2004 (X of 2004), w.e.f. 30.11.2004, s.2.

²⁷³Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2.

²⁷⁴Omitted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.15.

²⁷⁵Omitted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.15.

²⁷⁶Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2.

²⁷⁷Added by the Anti-terrorism (Second Amendment) Act, 2004 (II of 2005) w.e.f. 11.1.2005, s.12.

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

²⁷⁸[26. *Admissibility of confession made before police.*— * * * * *]

27. Punishment for defective investigation ²⁷⁹[**and reward for successful investigation**].— ²⁸⁰[(1)] If ²⁸¹[an Anti-terrorism Court] or ²⁸²[a High Court] comes to the conclusion during the course of or at the conclusion of the trial that the investigation officer, or other concerned officers have failed to carry out the investigation properly or diligently or have failed to pursue the case properly and in breach of their duties, it shall be lawful for such Court or, as the case may be, ²⁸³[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.

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

²⁸⁵[**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.]

²⁸⁶[**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 ²⁸⁷[fine] or with both:

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

27B. Conviction on the basis of electronic or forensic evidence etc.— Notwithstanding anything contained in this Act or Qanun-e-Shahdat, 1984 (P. O. No. 10 of 1984) or any other law for the time being in force, a person accused of an offence under this Act may be convicted on the basis of electronic or forensic evidence or such other evidence that may have become available because of modern devices or techniques referred to in Article 164 of the Qanun-e-Shahadat, (P.O. No. 10 of 1984):

²⁷⁸Omitted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.16.

²⁷⁹Added by the Anti-terrorism (Amendment) Act, 2014 (VI of 2014) w.e.f. 18.06.2014, s.8.

²⁸⁰Renumbered by the Anti-terrorism (Amendment) Act, 2014 (VI of 2014) w.e.f. 18.06.2014, s.8.

²⁸¹Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2

²⁸²Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2.

²⁸³Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2

²⁸⁴Inserted by the Anti-terrorism (Amendment) Act, 2014 (VI of 2014) w.e.f. 18.06.2014, s.8.

²⁸⁵Inserted by the Anti-terrorism (Second Amendment) Act, 2013 (XX of 2013) w.e.f. 26.03.2013, s.20.

²⁸⁶Inserted by the Anti-terrorism (Amendment) Act, 2014 (VI of 2014) w.e.f. 18.06.2014, s.9.

²⁸⁷Misprinted in the gazette as "line".

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

28. Transfer of cases.— (1) Notwithstanding anything in this Act ²⁸⁸[the Chief Justice of High Court concerned ²⁸⁹[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 ²⁹⁰[Anti-terrorism Court] to another ²⁹¹[Anti-terrorism Court] within or outside the area.

²⁹²[(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) ²⁹³[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 ²⁹⁴[:

Provided that nothing herein contained shall affect the powers of the presiding officer of the Special Court to call any witness as is available under the law.]

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

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

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

²⁸⁸Substituted for the "a High Court may, if it" by the Anti-terrorism (Amendment) Ordinance, 2002 (VI of 2002) w.e.f. 31.1.2002, s.13.

²⁸⁹Inserted by the Anti-terrorism (Second Amendment) Act, 2013 (XX of 2013) w.e.f. 26.03.2013, s.21.

²⁹⁰Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2.

²⁹¹Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2.

²⁹²Inserted by the Anti-terrorism (Amendment) Act, 2014 (VI of 2014) w.e.f. 18.06.2014, s.10.

²⁹³Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2.

²⁹⁴Replaced and Added by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.17.

²⁹⁵Added by the Anti-terrorism (Amendment) Act, 2014 (VI of 2014) w.e.f. 18.06.2014, s.10.

²⁹⁶**[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 ²⁹⁷**[Anti-terrorism Court] to have precedence.–** A trial under this Act of an offence by ²⁹⁸[an Anti-terrorism Court], and the appearance of an accused before it, shall have precedence over the trial of any other case against the accused in any other Court, except the High Court on its original side.

30. Modified application of certain provisions of the Code.–(1) Notwithstanding anything contained in the Code or in any other law, every scheduled offence shall be deemed to be a cognizable offence within the meaning of clause (f) of section 4 of the Code and the words “cognizable case” as defined in that clause shall be construed accordingly.

(2) Sections 374 to 379 of the Code shall apply in relation to a case involving a scheduled offence subject to the modification that the references to a “Court of Sessions” and “High Court”, wherever occurring therein, shall be construed as reference to ²⁹⁹“an Anti-terrorism Court”] and ³⁰⁰[a High Court.]

³⁰¹[(3) * * * * *]

³⁰²[(4) * * * * *]

31. Finality of Judgment.– A judgment or order passed, or sentence awarded, by ³⁰³[an Anti-terrorism Court], subject to the result of an appeal under this Act shall be final and shall not be called in question in any Court.

32. Overriding effect of Act.– (1) The provisions of this Act shall have effect notwithstanding anything contained in the Code or any other law but, save as expressly provided in this Act, the provisions of the Code shall, in so far as they are not inconsistent with the provisions of this Act, apply to the proceedings before ³⁰⁴[an Anti-terrorism Court]; and for the purpose of the said provisions of the Code, ³⁰⁵[an Anti-terrorism Court] shall be deemed to be a Court of Sessions.

(2) In particular and without prejudice to the generality of the provisions contained in sub-section (1), the provisions of section 350 of the Code shall, as far as may be, apply to the proceedings before ³⁰⁶[an Anti-terrorism Court], and for this

²⁹⁶Inserted by the Anti-terrorism (Second Amendment) Act, 2004 (II of 2005) w.e.f. 11.1.2005, s.13.

²⁹⁷Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2.

²⁹⁸Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2.

²⁹⁹Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2.

³⁰⁰Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2.

³⁰¹Omitted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f. 14.8.2001, s.13.

³⁰²Omitted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f. 14.8.2001, s.13.

³⁰³Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2.

³⁰⁴Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2.

³⁰⁵Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2.

³⁰⁶Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2.

purpose and reference in those provisions to a Magistrate shall be construed as a reference to³⁰⁷ [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 the³⁰⁸ [Schedules]so as to add any entry thereto or modify or omit any entry therein.

³⁰⁹**[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. Savings.— (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 the removal of any doubt, it is hereby declared that, for the purposes of any such law as is referred to in sub-section (1), ³¹⁰[an Anti-terrorism Court] shall be deemed to be a court of ordinary criminal jurisdiction.

³¹¹**[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.

³⁰⁷Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2.

³⁰⁸Substituted by the Anti-terrorism (Second Amendment) Act, 2014 (VII of 2014)w.e.f. 21.6.2014, s.16.

³⁰⁹Substituted by the Anti-terrorism (Second Amendment) Act, 2013 (XX of 2013)w.e.f. 26.03.2013, s.22.

³¹⁰Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.2.

³¹¹Substituted by the Anti-terrorism (Second Amendment) Ordinance, 1999 (XIII of 1999) w.e.f. 27.8.1999, s.18.

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

³¹²**[39A. 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.

³¹³**[39B. Repeal and savings.**— (1) The Suppression of Terrorist Activities (Special Courts) Act, 1975, (XV of 1975) is hereby repealed.

(2) Notwithstanding the repeal of the Suppression of Terrorist Activities (Special Courts) Act, 1975 (XV of 1975) and the amendment of the Anti-terrorism Act, 1997 (XXVII of 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 of the law or anything duly done or suffered or punishment incurred thereunder;
- (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 Terrorists Activities (Special Courts) Act, 1975 made or instituted before the commencement of the Anti-terrorism (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

³¹²Inserted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f. 14.8.2001, s.15.

³¹³Inserted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f. 14.8.2001, s.16.

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 or, 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 (Act V of 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(XIV of 1908), the following amendments shall be made, namely:—

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

- II For section 16, the following shall be substituted, namely:—

“16. Declaration of an association to be unlawful.— (1) If either the Federal Government or the Provincial Government is of the opinion that an association is an unlawful association it may call upon the association to show cause 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 been 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.

³¹⁴**[THE FIRST SCHEDULE]**

(List of Proscribed Organizations)
[See section 11B]

THE SECOND SCHEDULE

(List of Organizations 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.]
- ³¹⁵[(4) Without prejudice to the generality of 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 firearms 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 explosives by any device, including bomb blast in the Court premises³¹⁶[:];
 - (iv) ³¹⁷[Hurt caused by corrosive substance or attempt to cause hurt by means of a corrosive substance; and
 - (v) Unlawful possession of an explosive substance or abetment for such an offence under the Explosive Substances Act, 1908 (VI of 1908)]

³¹⁴Substituted by the Anti-terrorism (Amendment) Ordinance, 2001 (XXXIX of 2001) w.e.f. 14.8.2001, s.17.

³¹⁵Added by the Anti-terrorism (Second Amendment) Act, 2004 (II of 2005) w.e.f. 11.1.2005, s.14.

³¹⁶Added 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.

³¹⁷Added 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.

³¹⁸**THE FOURTH SCHEDULE**

(See section 11EE)

³¹⁹**[THE 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;
- ³²⁰[(b) Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23rd September, 1971;]
- (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;
- ³²¹[(ea) Convention on the Physical Protection of Nuclear Material, adopted at Vienna 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]

³¹⁸Added by the Anti-Terrorism (Amendment) Ordinance, 2002 (CXXV of 2002) w.e.f 15.11.2002, s.4

³¹⁹Inserted by the Anti-terrorism (Amendment) Act, 2013 (XIII of 2013) w.e.f. 19.3.2013, s.14.

³²⁰Substituted by S.R.O. 814(I)/2013, dated 20.09.2013; and published in Gazette of Pakistan (Extraordinary), Part II, dated 24.09.2013.

³²¹Substituted by S.R.O. 814(I)/2013, dated 20.09.2013; and published in Gazette of Pakistan (Extraordinary), Part II, dated 24.09.2013.