

[AS PASSED BY THE NATIONAL ASSEMBLY]

A

Bill

further to amend the Anti-terrorism Act, 1997

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

It is hereby enacted as follows:-

1. Short title and commencement.— (1) This Act may be called the Anti-terrorism (Amendment) Act, 2020.

(2) It shall come into force at once.

2. Amendment of section 6, Act XXVII of 1997.— In the Anti-terrorism Act, 1997 (XXVII of 1997), hereinafter referred to as the said Act, in section 6, in sub-section (7), in clauses (a) and (b), for the words “an individual”, the words “any person” shall be substituted.

3. Amendment of section 11EE, Act XXVII of 1997.— In the said Act, in section 11EE, in sub-section (2), in clause (c),—

(a) in sub-clause (iii), the word “and”, occurring at the end, shall be omitted; and

(b) after sub-clause (iv), the following new sub-clauses shall be added, namely:-

“(v) no bank or financial institution or any other entity providing financial support shall provide any loan facility or financial support to proscribed person or issue credit cards to proscribed person; and

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

4. Amendment of section 11J, Act XXVII of 1997.— In the said Act, in section 11J, after sub-section (2), the following new sub-sections shall be added, namely:-

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

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

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

5. Amendment of section 11N, Act XXVII of 1997.— In the said Act, in section 11N,—

- (a) the existing provision shall be numbered as sub-section (1) thereof;
- (b) in sub-section (1), numbered as aforesaid, after the word “fine”, the words “not exceeding twenty-five million rupees” shall be inserted ; and
- (c) after sub-section (1), numbered and amended as aforesaid, the following new sub-sections shall be added, namely:-

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

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

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

6. Amendment of section 11O, Act XXVII of 1997.— In the said Act, in section 11O, in sub-section (1),—

- (a) in clause (a), for the word “partly”, the word “jointly” shall be substituted; and after the words “may be”, the comma and words “, without any prior notice and without delay” shall be added;
- (b) in clause (b), after the words “may be”, the expression “, without any prior notice and without delay” shall be inserted;
- (c) in clause (c), the word “and”, occurring at the end, shall be omitted;
- (d) for clause (d), the following shall be substituted, namely:-
 “(d) within forty-eight hours of any freeze or seizure, the person carrying out the freeze or seizure or any action under clause (c) shall set out the steps taken to ensure that no money, property or services are made available, directly or indirectly, wholly or jointly for the benefit of the proscribed organization or person and shall submit a report containing details of the property and the persons affected by the freeze or seizure to such office of the Federal Government as may be notified in the official Gazette; and”;
- (e) after clause (d), substituted as aforesaid, the following new clause, shall be added, namely:-
 (e) the money or other property of any person acting on behalf of, or at the direction of, proscribed persons or organizations shall be frozen or seized, as the case may be, without any prior notice and without delay; and
 (f) in sub-section (4), for the word “inadvertently”, the word “wrongly” shall be substituted.”.

7. Amendment of section 11Q, Act XXVII of 1997.— In the said Act, in section 11Q, in sub-section (6), for full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:-

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

8. Amendment of section 1100, Act XXVII of 1997.— In the said Act, in section 1100, in sub-section (l), for the expression “required for meeting necessary medical and educational expenses and for subsistence allowance,”, the expression “basic expenses, including payments for

foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges, or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges for routine holding or maintenance of frozen funds or other financial assets or economic resources or such money as may be required for meeting extraordinary expenses," shall be substituted.

9. Amendment of section 11Q, Act XXVII of 1997.— In the said Act, in section 11Q, after sub-section (6), the following new sub-section shall be inserted, namely :-

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

10. Amendment of section 19, Act XXVII of 1997.— In the said Act, in section 19, in sub-section (1),—

- (a) after the expression “members.”, the expression “The Joint Investigation Team may co-opt any additional person from any Federal or Provincial institution or department as it deems appropriate for investigation.” shall be inserted; and
- (b) for the word “directly”, the words “through public prosecutor”, shall be substituted.

11. Amendment in section 21EE, Act XXVII of 1997.— In the said Act, in section 21 EE, in sub-section (3), for the expression “two years or with fine which may extend to one hundred thousand rupees or with both”, the expression “three years or with fine which may extend to one million rupees in case of an individual and ten million rupees in case of a legal person or with both” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Subject: AMENDMENT IN ANTI-TERRORISM (SECOND AMENDMENT) ACT, 2020.

In order to enhance the effectiveness of the implementation of the Orders passed by the Federal Government under the Anti-terrorism Act, 1997 (XXVII of 1997) and the United Nations (Security Council) Act, 1948 (XIV of 1948), the amendments are considered essential in the Anti-terrorism Act, 1997. The scope of the application of the penalties needs to be extended to those who are involved in terrorism in any manner outside the boundaries of the country. In addition, it is considered essential to match the penalties, fines and restrictions for same kind of punishments and to provide legal powers to the Law enforcement agencies for speedy trial and disposal of cases. Furthermore, the facilities required for meeting the necessary expenses through exemptions are also required to be incorporated in detail.

2. The freezing of assets of Proscribed persons, proscribed organizations and the affiliates is necessary to curb the terrorism.

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