

[AS PASSED BY THE NATIONAL ASSEMBLY]

A

Bill

to establish National Counter Terrorism Authority in Pakistan

WHEREAS, the menace of terrorism and extremism is becoming an existential threat to the state and needs to be responded to and addressed comprehensively;

AND WHEREAS, in order to eliminate this menace, a focal institution to unify state response by planning, combining, coordinating and implementing Government's policy through an exhaustive strategic planning and necessary ancillary mechanism is needed;

It is hereby enacted as follows:-

PRELIMINARY

1. Short title, extent and commencement.- (1) This Act may be called the National Counter Terrorism Authority Act, 2013.

(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) "Authority" means the National Counter Terrorism Authority Pakistan established under section 3;
- (b) "Board" means the Board of Governors constituted under section 5;
- (c) "Chairman" means the Chairman of the Board of Governors;
- (d) "Executive Committee" means a Committee constituted under section 8;
- (e) "National Coordinator" means the National Coordinator of the Authority;
- (f) "Deputy National Coordinator" means the Deputy National Coordinator of the Authority;
- (g) "rules" means rules made under the Act;
- (h) "regulations" means regulations made under this Act, and
- (i) "prescribed" means prescribed by rules or, as the case may be, regulations.

3. Establishment of the Authority.- (1) As soon as may be, but not later than ninety days after the promulgation of this Act, the Federal Government shall, by notification in the official gazette, establish an Authority to be known as the National Counter Terrorism Authority Pakistan for carrying out the purposes of this Act.

(2) The Authority shall be an independent body answerable directly to the Prime Minister.

(3) The Authority shall be a body corporate having perpetual succession and a common seal with powers, subject to the provision of this Act, to acquire and hold property, movable and immovable, and to sue and be sued by its name. The Authority shall have administrative and financial powers to carry out the functions of the Authority.

(4) The headquarters of the Authority shall be at Islamabad and it may set up offices at such other places in Pakistan.

4. Functions of the Authority.- The Authority shall have the following functions, namely:-

- (a) to receive and collate data/information/intelligence, and disseminate and coordinate between all relevant stakeholders to formulate threat assessments with periodical reviews to be presented to the Federal Government for making adequate and timely efforts to counter terrorism and extremism;
- (b) to coordinate and prepare comprehensive National counter terrorism and counter extremism strategies, and review them on periodical basis;
- (c) to develop action plans against terrorism and extremism and report to the Federal Government about implementation of these plans, on periodical basis;
- (d) to carry out research on topics relevant to terrorism and extremism and to prepare and circulate documents;
- (e) to carry out liaison with international entities for facilitating cooperation in areas relating to terrorism and extremism;

- (f) to review relevant laws and suggest amendments to the Federal Government, and
- (g) to appoint committees of experts from Government and non-Government organizations for deliberations in areas related to the mandate and functions of the Authority.

5. Board of Governors.- (1) The Authority shall have a Board of Governors comprising:-

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| (a) | Prime Minister | - | Chairman; |
| (b) | Minister for Interior | - | Member; |
| (c) | Chief Ministers of Provinces | - | Members; |
| (d) | Chief Minister of
Gilgit Baltistan | - | Member; |
| (e) | Minister for Law and Justice | - | Member; |
| (f) | Minister for Finance | - | Member; |
| (g) | Minister for Defence | - | Member; |
| (h) | Prime Minister of Azad
Jammu and Kashmir | - | Member; |
| (i) | One Senator
(to be recommended by
Chairman Senate) | - | Member; |
| (j) | One MNA
(to be recommended by
Speaker National Assembly) | - | Member; |
| (k) | Secretary, Ministry of Interior | - | Member; |
| (l) | DG Inter Services Intelligence | - | Member; |
| (m) | DG Intelligence Bureau | - | Member; |
| (n) | DG Military Intelligence | - | Member; |
| (o) | National Coordinator | - | Member; |
| (p) | Chief Secretaries of the Provinces,
Gilgit Baltistan and Azad Jammu
and Kashmir | - | Member; |
| (q) | DG Federal Investigation Agency | - | Member, and |
| (r) | Inspector General of Police of
Provinces, Azad Jammu and
Kashmir and Gilgit Baltistan | - | Members. |

- (2) The National Coordinator shall act as the Secretary to the Board.
- (3) The Board may invite any person to the meeting on special invitation.

6. Procedure of the meeting of the Board.- (1) The Prime Minister Azad Jammu and Kashmir or the Chief Ministers shall attend the meeting themselves, however, in case of unavoidable circumstances, may nominate a member of their cabinet to attend the meeting of the Board to represent them.

(2) The Federal Ministers shall attend the meeting themselves, however, in case of unavoidable circumstances, the Secretary of their Ministry shall attend the meeting.

(3) The quorum to hold a meeting shall be fifty percent of the total membership.

Provided that notwithstanding anything contained in sub-clause (6), the presence of heads of various intelligence agencies who are members of the Board shall be mandatory in every meeting of the Board while taking decision on any policy matter.

(4) The Board may meet as and when required but it shall meet at least once in each quarter of a year.

(5) No act or proceedings of the Board shall be invalid by reasons only of the existence of a vacancy in, or defect in the constitution of the Board.

7. Powers and functions of the Board.- (1) The powers and functions of the Board shall include, but would not be limited to, the following, namely:-

- (a) the Board shall exercise all the powers and functions of the Authority;
- (b) to provide strategic vision and oversee activities of the Authority;
- (c) to recommend rules and approve policies and manuals in order to carry out the purposes of this Act, and
- (d) to approve the annual budget prepared by the Authority.

8. Executive Committee.- (1) The Board shall be assisted by an Executive Committee comprising of the following, namely:-

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| (a) | Minister for Interior | - | Chairman |
| (b) | Secretary, Ministry of Interior | - | Member |
| (c) | Secretary, Ministry of Finance | - | Member;" |
| (d) | Secretary Ministry of Law and Justice; | - | Member; |
| (e) | Secretary, Ministry of Foreign Affairs | - | Member |
| (f) | Secretary, Ministry of Defense | - | Member |
| (g) | National Coordinator | - | Member |
| (h) | Additional Chief Secretary (FATA) | - | Member |
| (i) | Chief Secretaries of Provinces, Gilgit Baltitstan and Azad Jammu & Kashmir | - | Members |
| (j) | Secretaries Home Department of the Provinces, Gilgit Baltistan and Azad Jammu and Kashmir | - | Members; |
| (k) | Additional Inspector General incharge of Counter-Terrorism Departments of the Provinces, Gilgit Baltistan and Azad Jammu and Kashmir | - | Members. |

(2) The National Coordinator shall also act as Secretary of the Executive Committee.

(3) The quorum to hold meeting of the Executive Committee shall be fifty percent of the total membership.

(4) The Executive Committee may co-opt any other relevant person to the Executive Committee.

(5) The Executive Committee shall ensure effective implementation of the decisions of the Board;

(6) The Executive Committee shall perform such other functions as are assigned to it by the Board.

9. National Coordinator.- (1) There shall be a National Coordinator of the Authority to be appointed by the Federal Government for tenure of three years.

(2) The National Coordinator shall be a professional of known integrity and competence in BPS-22 or equivalent and may be appointed in rotation from bureaucracy or Police Service of Pakistan.

(3) The National Coordinator shall have the following powers:

- (a) to execute the policies and plans approved by the Board and Instructions issued by the Federal Government;
- (b) to prescribe terms and conditions of the employees and grant additional allowances or any other incentives;
- (c) to have full financial and administrative powers for effective administration of the Authority, as approved by the Board;
- (d) to engage any person or entity on contract basis to carry out assignments for the consultancy in accordance with acclaimed best practices;
- (e) to establish administrative structures at the field level for efficient implementation and accessibility of the Authority;
- (f) to submit quarterly progress reports to the Board on the financial and functional aspects of the Authority;
- (g) to perform such other functions as may be delegated by the Board;
- (h) to undertake any other assignments given by the Board in the respective fields, and
- (i) produce periodical journals relating to counter terrorism and counter extremism issues.

10. Deputy National Coordinator.- (1) There shall be a Deputy National Coordinator of the Authority to be appointed by the Federal Government for a tenure of three years.

(2) The Deputy National Coordinator shall be an eminent professional of known integrity and competence in BPS-21 or equivalent and may be appointed in rotation from bureaucracy or Police Service of Pakistan.

(3) The National Coordinator may delegate any of his powers under sub-section (1) of section 9 to the Deputy National Coordinator with the approval of the Board subject to such conditions and limitations as may be specified in this behalf by the board.

11. Appointment of officers, staff etc., by the Authority.- (1) The Authority may, from time to time appoint, either through direct recruitment or through deputation, such officials, experts or consultants as it may consider necessary for the performance of functions in the prescribed manner.

(2) The Authority shall prescribe service regulations, with the approval of the Board for the appointment, promotion and transfer of officers, staff, experts and consultants, their terms and conditions of service including additional financial incentives such as special salaries, allowances, pension/gratuity etc., constitution and management of pension and gratuity and shall be competent to take disciplinary action against them.

(3) All appointments of officers and staff etc. shall be made with the approval of the Board and their security clearance shall be carried out by Directorate General ISI.

12. Appointment of officers, staff etc., in cases of special requirement.- Subject to the provisions of this Act, the National Coordinator may, in case of urgency, appoint officers, staff, experts and consultants on prescribed terms and conditions, provided that every such appointment shall be laid before the Board in the next meeting.

13. Delegation of powers.- The National Coordinator may by special order delegate his powers and functions to the Deputy National Coordinator or any other senior officer of the Authority:

Provided that the National Coordinator may delegate his powers and functions under this provision sparingly and not as a rule.

14. Fund.- (1) There shall be established a fund to be known as NACTA Research and Development Fund.

(2) The Fund shall consist of,-

- (a) funds or budget amount received from the Federal Government;
- (b) grants made by the international bodies, organizations and entities, in accordance with procedures laid down by the Federal Government;
- (c) such other sums as may be received by the Authority.

(3) The Fund shall be administered by the National Coordinator in such manner as prescribed.

(4) The Authority may receive international assistance in the field of counter terrorism and counter extremism under the prescribed manner.

15. Budget for the Authority.- (1) The National Coordinator shall, in respect of each financial year in accordance with the financial procedures approved by the Board, prepare the annual budget estimates of the Authority and submit the same to the Federal Government after the approval of the Board.

(2) The National Coordinator shall have full powers to incur expenditures and re-appropriate funds as per system of financial control and budgeting of the Federal Government with the approval of the Board.

16. Maintenance of accounts and internal control.- The Authority shall maintain complete and accurate books of accounts in connection with the discharge of its responsibilities as may be prescribed by the Auditor-General of Pakistan.

17. Audit.- (1) The accounts of the Authority shall be audited every year by the Auditor-General of Pakistan in such manners as may be prescribed.

(2) The Authority shall appoint its own financial advisor to regulate the financial matters and for internal audit.

18. Annual Report.- The Authority shall compile and submit an annual report on its activities and accounts to the Board.

19. Assistance and provision of information.- (1) The Federal Government and Provincial Governments and their Departments shall assist the Authority in carrying out its functions, subject to applicable laws.

(2) All Federal Ministries and Provincial Departments including Corporations, bodies, set ups, controlled or administered by or under the authority of Federal or Provincial Governments shall provide information and data required for carrying out the purposes of this Act, subject to applicable laws.

20. Indemnity.- No prosecution, suit or other legal proceedings shall lie against the Authority or its officers and consultants for anything done in good faith for carrying out the purposes of this Act or rules and regulations made thereunder.

21. Power of the Federal Government to issue directives.- The Federal Government may, as and when it considers necessary, issue directives to the Authority on matters of policy and such directives shall be binding on the Authority, Federal, Provincial and Local Governments and if a question arises whether any matter is a matter of policy or not, the decision of the Federal Government thereon shall be final.

22. Power to make rules and regulations.- (1) The Federal Government may, on the recommendation of the Board, make rules for carrying out the purposes of this Act.

(2) The National Coordinator may make regulations for the following purposes, namely: -

- (a) effective and smooth functioning of the Authority;
- (b) internal working of the Authority;
- (c) terms and conditions of the employees and grant of additional allowances or any other incentives.

23. Provisions of this Act.- The provisions of this Act shall be in addition to and not in derogation to any other law for the time being enforced.

24. Employees deemed to be Public Servants.- The employees of the Authority shall be deemed to be Public Servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV 1860).

STATEMENT OF OBJECTS AND REASONS

- The Bill reflects Pakistan's resolve to take all possible measures to counter terrorism and extremism.
- The Bill addresses the need for a focal institution to integrate and synergize national counter terrorism and counter extremism efforts in view of the nature and magnitude of terrorists' threat, present strategic policy options to the Government for consideration/implementation by the stakeholders after scientifically studying the phenomenon of extremism and terrorism in historic and professional perspective, develop action plans in that regard and report to the Federal Government about their implementation.
- The Bill aims at establishing the National Counter Terrorism Authority (NACTA), which is also at par with best international standards, to unify and orchestrate national counter terrorism and counter extremism measures and provide for their more effective and efficient enforcement. It would play a pivotal role by coordinating with all law enforcement agencies in taking effective actions against those who carryout acts of terrorism and extremism, besides preparing comprehensive national counter terrorism and counter extremism strategies.

A. REHMAN MALIK
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Member-in-Charge