

[AS PASSED BY THE NATIONAL ASSEMBLY]

A

BILL

further to amend the Pakistan Army Act, 1952;

WHEREAS extraordinary situation and circumstances exist which demand special measures for speedy trial of certain offences relating to terrorism, waging of war or insurrection against Pakistan and prevention of acts threatening the security of Pakistan by any terrorist group, armed group, wing and militia or their members using name of religion or a sect;

AND WHEREAS there exists grave and unprecedented threat to the integrity of Pakistan by raising of arms and insurrection using name of religion or a sect by groups of foreign and locally funded elements;

AND WHEREAS it is expedient that the said terrorists groups including any such terrorists fighting while using the name of religion or a sect captured or to be captured in combat with the Armed Forces or other law enforcement agencies or otherwise are tried under this Act;

AND WHEREAS Article 245 of the Constitution of the Islamic Republic of Pakistan enjoins upon the Armed Forces to act in consonance with the provisions of the said Article.

It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act may be called the Pakistan Army (Amendment) Act, 2015.

(2) It shall come into force at once.

(3) The provisions of this Act shall remain in force for a period of two years from the date of its commencement.

2. Amendment of section 2, Act XXXIX of 1952.- In the Pakistan Army Act, 1952 (XXXIX of 1952), hereinafter referred to as the said Act, in section 2,-

(1) in sub-section (1), in clause (d), after sub-clause (ii), the following new sub-clauses, shall be inserted, namely:-

“(iii) claiming or are known to belong to any terrorist group or organization using the name of religion or a sect: and

(a) raise arms or wage war against Pakistan, or attack the Armed Forces of Pakistan or law enforcement agencies, or attack any civil or military installations in Pakistan; or

(b) abduct any person for ransom, or cause death of any person or injury; or

(c) possess, store, fabricate or transport the explosives, fire-arms, instruments, articles, suicide jackets; or

(d) use or design vehicles for terrorist acts; or

(e) provide or receive funding from any foreign or local source for the illegal activities under this clause; or

(f) act to over-awe the state or any section of the public or sect or religious minority; or

(g) create terror or insecurity in Pakistan or attempt to commit any of the said acts within or outside Pakistan,

shall be punished under this Act; and

- (iv) claiming or are known to belong to any terrorist group or organization using the name of religion or a sect and raise arms or wage war against Pakistan, commit an offence mentioned at serial Nos. (i), (ii), (iii), (v), (vi), (vii), (viii), (ix), (x), (xi),(xii),(xiii),(xv),(xvi),(xvii) and (xx) in the Schedule to the Protection of Pakistan Act, 2014 (X of 2014):

Provided that any person who is alleged to have abetted, aided or conspired in the commission of any offence falling under sub-clause (iii) or sub-clause (iv) shall be tried under this Act wherever he may have committed that offence:

Provided further that no person accused of an offence falling under sub-clause (iii) or sub-clause (iv) shall be prosecuted without the prior sanction of the Federal Government.

Explanation: In this clause, the expression ‘sect’ means a sect of religion and does not include any religious or political party regulated under the Political Parties Order, 2002.”

- (2) after sub-section (3), the following new sub-sections shall be added, namely:-

“(4) The Federal Government shall have the power to transfer any proceedings in respect of any person who is accused of any offence falling under sub-clause (iii) or sub-clause (iv) of clause (d) of sub-section (1), pending in any court for a trial under this Act.

- (5) Any proceedings transferred under sub-section (4) shall be deemed to have been instituted under this Act.

(6) Where a case is transferred under sub-section (4) it shall not be necessary to recall any witness or again record any evidence that may have been recorded.”.

3. Amendment of section 60, Act XXXIX of 1952.- In the said Act, in section 60, in clause (k), after the word “law” occurring at the end, the words “and any other law for the time being in force”, shall be added.

4. Overriding effect.- (1) The provisions of this Act shall have effect notwithstanding anything contained in any other law for the time being in force.

(2) In case there is any conflict between the provisions of this Act and any other law for the time being in force, the provisions of this Act shall prevail to the extent of inconsistency.

STATEMENT OF OBJECTS AND REASONS

An extraordinary situation and circumstances exist which demand special measures for speedy trial of certain offences relating to terrorism, waging of war or insurrection against Pakistan and prevention of acts threatening the security of Pakistan by any terrorist group using the name of religion or a sect and members of such armed groups, wings and militia. There exists grave and unprecedented threat to the integrity of Pakistan by raising of arms and insurrection using name of religion or a sect by groups of foreign and locally funded elements using name of religion or a sect who are to be severely dealt with under the law.

The Bill is designed to achieve the said objects.

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