

ACT NO. II OF 2005

An Act 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 (Second Amendment) Act, 2004.

(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 (2), after clause (e), the following new clause shall be inserted, namely:—

“(ee) involves use of explosives by any device including bomb blast;”

3. **Amendment of section 7, Act XXVII of 1997.**—In the said Act, in section 7,—

- (i) in clause (b), for the words “five years” the words “ten years” shall be substituted and for the words “fourteen years” the words “imprisonment for life” shall be substituted;
- (ii) in clause (c), for the words “seven years” the words “ten years” shall be substituted;
- (iii) in clause (d), for the words “and not exceeding fourteen years” the words “but may extend to imprisonment for life” shall be substituted;
- (iv) after clause (f), the following new clause shall be inserted, namely:—
 “(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;”
- (v) in clause (g), for the words “six months” the words “two years” shall be substituted and for the words “three years” the words “five years” shall be substituted;
- (vi) in clause (h), for the words “one year” the words “five years” shall be substituted and for the words “and not more than ten years” the words “but may extend to imprisonment for life” shall be substituted; and
- (vii) in clause (i), for the words “six months” the words “five years” shall be substituted and for the words “five years” the words “ten years” shall be substituted.

4. **Amendment of section 11G, Act XXVII of 1997.**—In the said Act, in section 11G, for sub-section (2), the following shall be substituted, namely:—

“(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.”

5. **Amendment of section 11N, Act XXVII of 1997.**— In the said Act, in section 11N, for the words “six months” the words “five years” shall be substituted and for the words “five years” the words “ten years” shall be substituted.

6. **Amendment of section 11V, Act XXVII of 1997.**— In the said Act, in section 11V, in sub-section (2), for the words “imprisonment for a maximum term of seven years” the words “imprisonment for life” shall be substituted.

7. **Amendment of section 11W, Act XXVII of 1997.**— In the said Act, in section 11W, for sub-section (2), the following shall be substituted, namely:—

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

8. **Amendment of section 11X, Act XXVII of 1997.**— In the said Act, in section 11X,—

- (i) in sub-section (2), for the words “six months” the words “five years” shall be substituted and for the words “five years” the words “ten years” shall be substituted ; and
- (ii) in sub-section (3), for the words “six months” the words “five years” shall be substituted and for the words “three years” the words “ten years” shall be substituted.

9. **Amendment of section 19, Act XXVII of 1997.**— In the said Act, in section 19,—

- (i) for sub-section (8), the following shall be substituted, namely:—

“(8) An anti-terrorism Court shall not give more than two consecutive adjournments during the trial of the case. If the defence 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

defence 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.”.

- (ii) after sub-section (8) substituted as aforesaid, the following new sub-section shall be inserted, namely:—

“(8a) Non-compliance with the provisions of sub-section (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.”.

10. **Substitution of section 21G, Act XXVII of 1997.**— In the said Act, in section 21G, after the word “tried” the word “exclusively” shall be inserted.

11. **Amendment of section 21L, Act XXVII of 1997.**— In the said Act, in section 21L, for the words “six months” the words “five years” and for the words “five years” the words “ten years” shall be substituted.

12. **Amendment of section 25, Act XXVII of 1997.**— In the said Act, in section 25, after sub-section (8), the following new sub-sections shall be added, namely:—

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

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

13. **Insertion of new section, act XXVII of 1997.**— In the said Act, after section 28, the following new section shall be inserted, namely:—

“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.”.

14. Amendment of the Third Schedule, Act XXVII of 1997.— In the said Act, in the Third Schedule, after paragraph 3, the following new paragraph shall be added, namely:—

- “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 fire arms or explosives by any device, including bomb blast in a mosque, imambargah, church, temple or any other place of worship, whether or not any hurt or damage is caused thereby; or
 - (iii) firing or use of explosives by any device, including bomb blast in the court premises.”.

SHAHIQ A. KHAN,
Secretary.

CORRIGENDA

[to the Gazette of Pakistan, Extra, Part-I, dated the 4th and 25th, November, 2004, containing Ordinances No. III to V of 2004).

(2) In line 15 for “Further to” read “further to”

123 : In line 15 for “Secheduel” read “Schedule.”

125 : Missing matter after line 5 of Punjab Bar Council

Group of Districts-V

<u>Name of District</u>	<u>Seats</u>
(1) Attock	01
(2) Chakwal	01
(3) Islamabad	01
(4) Jhelum	01
(5) Rawalpindi	04

Group of Districts VI

<u>Name of District</u>	<u>Seats</u>
(1) Bhakkar	01
(2) Khushab	01
(3) Mianwali	01
(4) Sargodha	02

Group of Districts VII

<u>Name of District</u>	<u>Seats</u>
(1) Gujranwala	03
(2) Gujrat	02
(3) Hafizabad	01
(4) Mandi Bahauddin	01
(5) Narowal	01
(6) Sialkot	02

Group of Districts VIII

<u>Name of District</u>	<u>Seats</u>
(1) Kasur	02
(2) Lahore	16
(3) Okara	02
(4) Sheikhpura	02

125 : Missing matter of Sindh Bar Council after line 6

Group of Districts-I

<u>Name of District</u>	<u>Seats</u>
(1) Karachi (South)	06
(2) Karachi (Central)	04
(3) Karachi (East)	01
(4) Karachi (West)	01
(5) Malir	01

Group of Districts-II

<u>Name of District</u>	<u>Seats</u>
(1) Badin + Thatta	01
(2) Dadu	01
(3) Hyderabad	03

Group of Districts-III

<u>Name of District</u>	<u>Seats</u>
(1) Sukkur	02
(2) Ghotki	01
(3) Khairpur	01
(4) Naushero Feroz	01
(5) Nawab Shah	01

- 125 : In line 7 for "Group of Districts-I" read "Group of Districts-IV"
 125 : In line 12 for "Group of Districts-II" read "Group of Districts-V"
 137 : In line 8 for "assistance" read "assistance to"
 140 : In line 3 for "shall he" read "shall be"
 140 : In line 6 for "Per Year" read "per year"
 141 : In line 28 for "the Word" read "the word"
 143 : In line 12 for "Prescribed" read "prescribed"
 144 : In line 22 for "Occurring" read "occurring"