

[AS PASSED BY THE NATIONAL ASSEMBLY]

A

Bill

*to consolidate and amend the law relating to territorial sea and maritime zones
of Pakistan*

WHEREAS it is expedient further to consolidate and amend the law relating to the territorial sea and maritime zones of Pakistan and for matters connected therewith and ancillary thereto and to give effect to the provisions of the United Nations Convention on the Law of the Sea 1982, which Pakistan has ratified on the 26th February, 1997;

It is hereby enacted as follows:-

1. **Short title and commencement.**-(1) This Act may be called the Pakistan Maritime Zones Act, 2023

(2) It shall come into force at once.

2. **Definitions.**-(1) Unless the subject or context provides otherwise,-

- (a) "baseline" means the low water line or where applicable the system of straight lines, as notified from time to time in the official Gazette from which breadth of the territorial sea is measured;
- (b) "convention" means the United Nations Convention on the Law of the Sea (UNCLOS), 1982;
- (c) "Government" or "Federal government" means the Federal Government of the Islamic Republic of Pakistan;
- (d) "maritime zones" means the internal waters, territorial sea, contiguous zone, exclusive economic zone, continental shelf and high seas;
- (e) "nautical mile" or "NM" means a unit for measuring distance at sea, equal to 1852 meters;
- (f) "prescribed" means prescribed by rules made under this Act;

(2) The words and expressions used but not defined in these rules shall have the same meanings as assigned thereto in the convention.

3. **Territorial sea.**-(1) The sovereignty of Pakistan extends to its territorial sea, as well as to the air space, over its bed and subsoil.

(2) The breadth of the territorial sea is twelve nautical miles measured from the baseline.

(3) The baseline from which limits of the territorial sea, contiguous zone, exclusive economic zone and continental shelf are to be measured shall be as notified by the Federal Government in the official Gazette.

(4) Where a single island, rock or a composite group thereof constituting a part of the territory of Pakistan situated off the main coast, the baseline referred to in sub-section (3) shall be drawn along the outer seaward limits of such island, rock or composite group.

4. **Internal waters.**- The internal waters of Pakistan shall comprise all waters that are on the landward side of the baseline.

5. **Historic waters.**- (1) The Federal Government may, by notification in the official Gazette, specify the limits of such waters adjacent to its land territory as the historic waters and bays of Pakistan.

(2) The sovereignty of Pakistan extends, and has always extended, to the historic waters of Pakistan, to their seabed, subsoil and the airspace over such waters and bays.

6. **Right of innocent passage.**- (1) Without prejudice to the provisions of any other law for the time being in force and subject to the provisions of sub-section (5) and sub-section (6), all foreign ships shall enjoy the right of innocent passage through the territorial sea.

(2) Passage of a foreign ship shall be considered innocent so long as it is not prejudicial to the peace, good order or security of Pakistan and such passage shall not be considered innocent if the foreign ship, while in the territorial sea, engages in any of the following activities, namely:-

- (a) any threat or use of force against the sovereignty, territorial integrity or political independence of Pakistan or in any other manner in violation

of the principles of international law embodied in the charter of the United Nations;

- (b) any exercise or practice with weapons of any kind;
- (c) any act aimed at collecting information to the prejudice of the defence or security of Pakistan;
- (d) any act of propaganda aimed at affecting the defence or security of Pakistan;
- (e) the launching, landing or taking onboard of any aircraft or military device;
- (f) the loading or unloading of any person, commodity, currency or person contrary to the customs, fiscal, immigration or sanitary laws and regulations of Pakistan;
- (g) any willful act of pollution from vessels, release of toxic or noxious substances or dumping of wastes causing or likely to cause, damage or harm to Pakistan or its resources or its marine environment;
- (h) any fishing activities;
- (i) the carrying out of research or survey activities;
- (j) any act aimed at interfering with any system of communication or any other facilities or installations of Pakistan; and
- (k) any other activity not having a direct bearing on passage.

(3) In exercising the right of innocent passage, a foreign ship shall comply with-

- (a) generally accepted international regulations, procedures and practices for safety at sea which have effects on the territorial sea or any part thereof;
- (b) the provisions of the regulations and any enactment, order or direction, which have effect in the territorial sea or any part thereof, for or with respect to -
 - (i) the safety of navigation and the regulation of maritime traffic,

including use of sea lanes and the operation of traffic separation schemes;

- (ii) the protection of navigational aids and facilities and other facilities or installations including research installations;
- (iii) the protection of cables and pipelines;
- (iv) the conservation of resources of sea;
- (v) fishing and fisheries;
- (vi) the preservation of the marine environment and the prevention, reduction and control of pollution thereof;
- (vii) marine scientific research and hydrographic surveys; and
- (viii) control or prohibition in relation to customs, excise, immigration or sanitation.

(4) Passage shall be continuous and expeditious, stopping or anchoring shall be permitted only in so far as the same are incidental to ordinary navigation or rendered necessary by *force majeure* or distress or for the purpose of rendering assistance to persons and ships or aircraft in danger or distress.

(5) Foreign warships including submarines and other under water vehicles may enter or pass through the territorial sea with the prior permission of the Federal Government. Submarines and other under water vehicles shall navigate on the surface and show their flag while passing through such sea.

(6) Foreign super tankers, nuclear powered ships and ships carrying nuclear or other inherently dangerous or noxious substances or materials may enter or pass through the territorial sea after giving prior notice to the Federal Government, or any authority or person authorized by it in this behalf by the Federal Government, and shall carry documents and observe special precautionary measures internationally recognized for such ships.

(7) The Federal Government, or any authority or person duly authorized in this behalf by the Federal Government, may in the interest of safety, peace, good order or security of Pakistan or any part thereof, suspend, by notification subject to such exceptions and

qualifications, if any, as may be specified in the notification, the entry of all or any class of foreign ships into such areas of the territorial sea as may be specified in the notification.

(8) The Federal Government, or any authority or person duly authorized in this behalf by the Federal Government, shall have the right to order an immediate eviction of a foreign warship or other foreign government ship operated for non-commercial purposes, that violates the laws or regulations of Pakistan while passing through the territorial sea of Pakistan. The flag state of such a ship shall bear responsibility for any loss or damage to Pakistan resulting from the non-compliance by such ship with the laws and regulations of Pakistan concerning passage through the territorial sea or other generally accepted rules of international law.

7. Contiguous zone.- (1) The contiguous zone of Pakistan, hereinafter referred to as the contiguous zone, is an area adjacent to and beyond the territorial sea, the limit of which is twenty-four nautical miles measured from the baseline.

(2) The Federal Government, or any authority or person duly authorized in this behalf by the Federal Government, may exercise such powers and take such measures in or in respect of the contiguous zone as it may consider necessary to prevent and punish the contravention of and an attempt to contravene any law, for the time being in force, relating to-

- (a) the security of Pakistan;
- (b) immigration and sanitation;
- (c) customs and other fiscal matters; or
- (d) archaeological and historical objects.

(3) The Federal Government may, by notification in the official Gazette, -

- (a) extend to the contiguous zone any relevant law for the time being in force in Pakistan, or any provision thereof, relating to any matter referred to in sub-section (2); and
- (b) make such provisions, as it may consider necessary, for facilitating the enforcement of such law in the contiguous zone.

8. **Exclusive economic zone.-** (1) The exclusive economic zone of Pakistan, hereinafter referred to as the exclusive economic zone, is an area beyond and adjacent to the territorial sea, the limit of which is two hundred nautical miles from the baseline.

(2) In the exclusive economic zone including its bed, subsoil and the superjacent waters, Pakistan has -

- (a) sovereign rights for the purpose of exploration, development, exploitation, conservation and management of natural resources both living and non-living as well as for producing energy from tides, winds, currents and the sun;
- (b) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, off-shore terminals, installations and other structures and devices necessary for the exploration and exploitation of the resources of this zone or for the safety and convenience of navigation or for any other purpose;
- (c) exclusive rights and jurisdiction to authorize, regulate, conduct and control scientific research;
- (d) exclusive jurisdiction to preserve and protect the marine environment and to prevent, reduce and control pollution of marine environment; and
- (e) such other rights as are recognized by the international law.

(3) No person or company including a foreign government shall, except under and in accordance with the terms of any agreement with the Federal Government or a licence or letter of authority issued by the Federal Government, or any authority or person duly authorized in this behalf by the Federal Government, explore or exploit any resources of the exclusive economic zone or carry out any search or excavation or conduct any research within the exclusive economic zone or drill therein or construct, maintain or operate therein for any of the purposes whatsoever any artificial island, off-shore terminal, installation or other structure or device.

(4) The Federal Government may, by notification in the official Gazette -

- (a) declare any area of the exclusive economic zone to be a designated area; and
- (b) make such provisions as it may deem necessary with respect to all or any of the following matters, namely:
 - (i) the exploration, development, exploitation and protection of the resources of such designated area;
 - (ii) other activities for the economic exploitation and exploration of such designated area, such as the production of energy from tides, winds, currents and the sun;
 - (iii) the safety and protection of artificial islands, off-shore terminals, installations and other structures and devices in such designated area;
 - (iv) the protection of marine environment of such designated area;
 - (v) customs and other fiscal matters in relation to such designated area; and
 - (vi) the regulation of entry into and passage through the designated area of foreign ships by the establishment of fairways, sea lanes, traffic separation schemes or any other mode of ensuring freedom of navigation which is not prejudicial to the interest of Pakistan.

(5) The Federal Government may, by notification in the official Gazette,-

- (a) extend to the whole or any part of the exclusive economic zone any relevant law for the time being in force in Pakistan, or any provision thereof; and
- (b) make such provisions as it may deem necessary for facilitating the enforcement of such laws in the exclusive economic zone or, as the case may be, the part thereof to which it has been extended.

(6) The provisions of sub-section (6) of section 9 shall apply in relation to the laying or maintenance of submarine cables or pipelines or such other material on the seabed of the exclusive economic zone as they apply in relation to the laying or maintenance of submarine cables or pipelines or such other material on the seabed of the continental shelf.

(7) In the exclusive economic zone and the air space over the zone, ships and aircraft of all states shall, subject to the exercise by Pakistan of its right within the zone, enjoy freedom of navigation and the over flight.

9. **Continental shelf.**- (1) The continental shelf of Pakistan, hereinafter referred to as the continental shelf, comprises the seabed and subsoil of the submarine areas that extend beyond the limit of the territorial sea of Pakistan throughout the natural prolongation of the land territory of Pakistan to the outer limit line comprising fixed points measured three hundred and fifty nautical miles from the baseline, declared under sub-section (3) of section 3, as notified by the Federal Government in the official Gazette.

(2) Pakistan has full and exclusive sovereign rights in respect of its continental shelf including,-

- (a) exclusive sovereign rights for the purposes of exploration, development, exploitation, conservation and management of all natural resources consisting of the mineral and other non-living resources of the seabed and subsoil together with living organisms belonging to sedentary species;
- (b) exclusive rights and jurisdiction to authorize, regulate, conduct and control scientific research;
- (c) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, offshore terminals, installations and other structures and devices necessary for the exploration and exploitation of the resources of the continental shelf, for the convenience of shipping or for any other purpose; and

- (d) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution.

Explanation:- For the purpose of this sub-section, the expression "living organisms" shall mean those organisms which, at the harvestable stage, are either immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.

(3) No person or company, including a foreign government, shall except under and in accordance with the terms of any agreement with the Federal Government or a licence or letter of authority issued by the Federal Government or any authority or any person duly authorized in this behalf by the Federal Government, explore the continental shelf or exploit its resources or carry out any search or excavation or conduct any research within the continental shelf or drill therein or construct, maintain or operate therein for any of the purposes whatsoever any artificial island, off-shore terminal, installation or other structures or devices.

(4) The Federal Government may, by notification in the official Gazette,

- (a) declare any area of the continental shelf to be a designated area; and
- (b) make such provisions as it may deem necessary with respect to all or any of the following matters, namely;
 - (i) the exploration, development, exploitation and protection of the resources of the continental shelf within such designated area;
 - (ii) the safety and protection of artificial islands, off-shore terminals, installations and other structure and devices in such designated area;
 - (iii) the protection of marine environment of such designated area;
 - (iv) customs and other fiscal matters in relation to such designated area; and

- (v) the regulation of entry into and passage through the designated area of foreign ships by the establishment of fairways, sealanes, traffic separation schemes or any other mode of ensuring freedom of navigation which is not prejudicial to the interest of Pakistan.

(5) The Federal Government may, by notification in the official Gazette, -

- (a) extend to the whole or any part of the continental shelf any relevant law for the time being in force in Pakistan, or any provision thereof, and
- (b) make such provisions as it may consider necessary for facilitating the enforcement of such laws in the continental shelf or, as the case may be, the part thereof to which it has been extended.

(6) Subject to any measures that may be necessary for protecting the interests of Pakistan, the Federal Government may not impede the laying or maintenance of submarine cables or pipelines or such other material on the seabed of the continental shelf by foreign states:

Provided that the consent of the Federal Government shall be necessary for the delineation of the course for the laying of such cables or pipelines or such other material.

10. **Safety zones.**-(1) The Federal Government may establish safety zones around artificial islands, off-shore terminals, installations and other structures, devices constructed, maintained and operated within the internal waters, the territorial sea, the exclusive economic zone and the continental shelf by the Federal Government or by a person or company under a licence issued by the Federal Government.

(2) The limits of safety zones mentioned in sub-section (1) shall not exceed a distance of five hundred meters around them, measured from each point of their outer edge except as authorized by generally accepted international standards.

(3) All ships, vessels and boats while navigating in the vicinity of the artificial islands, off-shore terminals, installations and other structures and devices shall comply with the laws and regulations and orders issued by the Federal Government or any authority or person duly authorized in this behalf by the Federal Government for the safety of the navigation and the artificial islands, off-shore terminals, installations, other structures and devices.

11. Delimitation of maritime boundaries.- (1) Notwithstanding anything contained in any other law for the time being in force and any other provision of this Act, the delimitation of the territorial sea, contiguous zone, the exclusive economic zone, the continental shelf and other maritime zones between Pakistan and any other state whose coast is opposite or adjacent to that of Pakistan shall be determined by agreement between Pakistan and such state.

(2) Every agreement referred to in sub-section (1) shall be published in the official Gazette as soon as it enters into force.

12. Publication of charts.- The Federal Government may cause to be published in official charts the baseline referred to in sub-section (3) of section 3, the boundaries of the territorial sea, the contiguous zone, the exclusive economic zone, the continental shelf and other maritime boundaries as referred to in section 11.

13. Removal of off-shore installations.- (1) Subject to any action under any other law for the time being in force and any other provision of this Act, the Federal Government or any authority or a person duly authorized in this behalf by the Federal Government, may direct a person or company to remove within the time given by the Federal Government or the authorized person or authorized authority, the artificial island, off-shore terminal, installation and other structure or device, constructed, maintained or operated or any vessel, aircraft, platform or other man-made structure dumped by that person or company in contravention of any provisions of the Act.

(2) In case such person or company mentioned in sub-section (1) fails to remove such artificial island, off-shore terminal, installation, vessel, aircraft, platform or other structure, the Federal Government or any authority or person duly authorized in this behalf by

the Federal Government may remove such artificial island, off-shore terminal, installation, vessel, aircraft and any other structure or device, at the risk and cost of such person or company.

14. Prohibition of pollution.- No person, vessel or company shall cause or attempt to cause or abet to cause the pollution of marine environment in the internal waters, the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf.

Explanation:- For the purpose of this section, the expression "pollution of marine environment" means the introduction by a person, directly or indirectly, of substance or energy into the marine environment, including estuaries which result or is likely to result in such deleterious effects as harmful to living resources and marine life, hazardous to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities.

15. Prohibition of dumping.- No person, vessel or company shall cause or attempt to cause or abet to cause the dumping in the internal waters, the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf, except under and in accordance with the terms of a licence or letter of authority issued by the Federal Government or any other authority or person duly authorized in this behalf by the Federal Government.

Explanation:- For the purpose of this section, the expression "dumping" means,-

- (a) any deliberate disposal of wastes or other matters from vessels, aircraft, platforms or other man-made structures at sea; and
- (b) any deliberate disposal of vessels, aircraft, platforms or other man-made structures at sea but does not include-
 - (i) the disposal of wastes or any other matter incidental to or derived from the normal operations of vessels, aircraft, platforms or other man-made structures at sea and their equipment, other than wastes or other matters transported by or to vessels, aircraft, platforms or other man-

made structures at sea operating for the purpose of disposal of such matter or derived from the treatment of such wastes or other matters on such vessels, aircraft, platforms or structures;

- (ii) placement of matter for a purpose other than the mere disposal thereof, provided that such placement is not contrary to any provisions of this Act.

16. Jurisdiction onboard a foreign ship.- (1) Where an offence is committed onboard a foreign ship, being a merchant ship or government ship operated for commercial purposes, during its passage through the territorial sea, jurisdiction may be exercised, in relation to such offence, only if;

- (a) the consequences of the offence extends to the territory of Pakistan;
- (b) the offence is of a kind likely to disturb the peace of Pakistan or good order of the territorial sea;
- (c) the assistance of the Federal Government or any public officer has been requested by the master of the foreign ship or by a diplomatic agent or consular officer of the relevant foreign state; or
- (d) it is necessary to exercise jurisdiction for the purpose of suppressing any illicit traffic in narcotic drugs or psychotropic substances or weapons, unauthorized broadcasting or any act of piracy and slave trade.

Explanation:- For the purpose of clause (d), the expression "unauthorized broadcasting" means the transmission of sound radio or television broadcasts from a ship or installation in the exclusive economic zone or on the high seas intended for reception by the people of Pakistan contrary to the international regulations, but excluding the transmission of distress call.

(2) The limitation in sub-section (1) shall not apply in any case where a foreign ship is passing through the territorial sea after leaving the internal waters.

(3) Subject to sub-section (1), where a foreign ship proceeding from a port outside Pakistan is passing through the territorial sea without having entered internal waters, jurisdiction may be exercised in relation to any offence committed before the ship entered the

territorial sea, onboard the ship during the passage only if -

- (a) there are grounds for believing that the ship has, in the exclusive economic zone or the continental shelf, committed a violation of -
 - (i) any provision of law of Pakistan applicable in the exclusive economic zone and the continental shelf for exploration or exploitation of the natural resources whether living or non-living;
 - (ii) any provision of law of Pakistan and any international rule or standard applicable in the exclusive economic zone or the continental shelf; or
 - (iii) any provision of the regulations or any enactment conforming to and giving effect to any such rules and standards;
- (b) there are reasonable grounds for believing that violation has resulted in a substantial discharge causing or threatening significant pollution of the marine environment; or
- (c) there is clear evidence that violation has resulted in a substantial discharge causing major damage or threat of major damage to the coastline of Pakistan or to any resources of its territorial sea or exclusive economic zone or continental shelf.

17. Pollution and dumping outside internal waters, contiguous zone, territorial sea or exclusive economic zone.- (1) When a foreign ship which voluntarily within a port or at an off-shore terminal of Pakistan has caused marine pollution or dumping as defined in sections 14 and 15, outside the internal waters, the territorial sea or the exclusive economic zone and the continental shelf, which has caused or is likely to cause pollution in the internal waters, the territorial sea or the exclusive economic zone, the master and the person in charge of such ship shall be deemed to have committed the offence liable for the punishment under section 27.

(2) The owner and agent of the ship mentioned in sub-section (1) shall also be deemed to have committed the offence liable for punishment under section 27 unless he

proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of that offence.

18. Seaworthiness of ships to avoid pollution or dumping.- When the Federal Government, or any authority or person duly authorized in this behalf by the Federal Government, has reasons to believe that a foreign ship within one of the ports or at one of the off-shore terminals of Pakistan, in violation of generally accepted international rules and standards relating to seaworthiness of such ships, is likely to cause pollution or dumping as defined in sections 14 and 15, in the internal waters, the territorial sea or the contiguous zone or the exclusive economic zone or the continental shelf, the Federal Government, or any authority or person duly authorized in this behalf by that Government, may as far as practicable take administrative measures to prevent such ship from sailing and may permit such ship to proceed only to the nearest appropriate repair yard and upon removal of the causes of the violations may permit the ship to continue immediately.

19. Hot pursuit.- (1) When the Federal Government, or any authority or person duly authorized in this behalf by the Federal Government, has reason to believe that a foreign ship has violated the laws or regulations of Pakistan, it or he may undertake the hot pursuit for the arrest of that ship.

(2) Hot pursuit commences when the foreign ship or one of its boats or other craft working as a team and using the ship pursued as a mother ship is within the limits of the internal waters, territorial sea or contiguous zone of Pakistan.

(3) If the foreign ship is in the contiguous zone of Pakistan, the hot pursuit may be undertaken if there has been a violation of the laws or regulations for which the zone was established.

(4) As long as the hot pursuit is not interrupted, it may continue outside the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf as the case may be. The hot pursuit ceases as soon as the ship pursued enters the territorial sea of its own country or of a third country. The right of hot pursuit shall be exercised by warships or military aircraft of Pakistan, or by ships or aircraft clearly marked and identifiable as being on Federal Government service and duly authorized in this behalf by the

Federal Government or any authority or person duly authorized by the Federal Government.

(5) In case of violations of laws or regulations applicable in the exclusive economic zone or on the continental shelf, the hot pursuit may commence when the ship pursued or one of its boats using the ship pursued as a mother ship, is within the limits of the exclusive economic zone or continental shelf as the case may be.

Explanation:- For the purpose of this section, -

- (a) the expression "warship" includes all ships of the Pakistan Navy and the Pakistan Maritime Security Agency; and
- (b) the expression "military aircraft" includes an aircraft of the Pakistan Army, Pakistan Navy, Pakistan Air Force and the Pakistan Maritime Security Agency.

20. **Foreign warships.-** A foreign warship and other state owned ships used and operated by the government thereof for non-commercial purposes shall not be arrested or taken into custody under any provision of this Act. In such cases, a written report shall be submitted immediately to the Federal Government or any authority or person duly authorized in this behalf by the Federal Government.

Explanation: For the purpose of this section, the expression "warship" means a ship belonging to the armed forces of a State bearing the external marks distinguishing such ship of its nationality, under the command of an officer duly commissioned by that state and whose name appears in the appropriate service list or its equivalent and manned by a crew which is under regular armed forces discipline.

21. **Attempt and abetment.-** Whoever attempts to contravene or abets the contravention of any provision of this Act shall be deemed to have contravened the provisions of this Act and rules made thereunder.

22. **Trial of offences.-** (1) Unless otherwise provided under the provisions of this Act, any person committing an offence under the provisions of this Act shall be punishable

under section 27 or under any of the laws extended under this Act and shall be tried by a Court of Sessions designated by the Federal Government in consultation with Chief Justice of the High Court of the respective province, in this behalf.

(2) Without prejudice to the provisions of the Pakistan Maritime Security Agency Act, 1994 (X of 1994), no proceedings shall be initiated under this Act except on a complaint in writing to the competent Court of Sessions made by Pakistan Maritime Security Agency or Pakistan Navy.

23. Arrest without warrant.- Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (V of 1898), any person who contravenes any provisions of this Act may be arrested without warrant by the commanding officer of a ship, vessel or boat of the Pakistan Navy and the Pakistan Maritime Security Agency, not below the rank of lieutenant. The arresting officer may also take into custody any ship, vessel, boat, equipment and gear used and any artificial island, off-shore terminal, installation, structure and device constructed, maintained and operated and any property acquired, possessed or disposed of in contravention of any provision of this Act.

24. Visit and search.- For the purposes of this section, the commanding officer may board or send a boarding party to any ship or vessel suspected of being used or any artificial island, off-shore terminal installation or any other structure or device suspected of being constructed, maintained or operated in contravention of any provisions of this Act for investigation, inspection, search and checking documents.

25. Procedure after arrest.- The officer making an arrest under section 23 shall, without unnecessary delay, take or produce the person arrested before the officer in charge of the police station or the court, having jurisdiction in the case and thereupon the provisions of the Code of Criminal Procedure, 1898 (V of 1898), relating to investigation of cognizable offences and trial before the Court of Sessions, shall apply.

26. Disposal of perishable property.- In case any property taken into custody under section 23 is a perishable item, the same may be disposed of under orders of the court having jurisdiction in the case and if it is sold, its value shall be treated as property taken into custody under that section.

27. Punishment. – (1) Whoever contravenes any provision of this Act or any rule, regulation or notification made or issued thereunder shall, without prejudice to any other action which may be taken against such person under any other provision of this Act or of any other law for the time being in force be punishable by imprisonment for a term which may extend to five years or with fine or with both.

(2) Notwithstanding any provision of any other law for the time being in force, any ship, vessel, boat, equipment and gear and any artificial island, off-shore terminal, installation and other structure or device used for commission of the offence and any property acquired, possessed or disposed of in commission of an offence under this Act shall be forfeited to the Federal Government.

28. Piracy.- A person commits piracy, if he commits any one or more of the following acts, namely:-

(a) any illegal act of violence or detention, depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft and directed-

(i) against another ship or aircraft or against persons or property onboard such ship or aircraft; or

(ii) against a ship, aircraft, persons or property on high seas or in a place outside the jurisdiction of any state; and

(b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;

(c) any act of abetting or inciting or of intentionally facilitating an act specified in clauses (a) or (b).

29. Punishment for piracy.- Whoever commits piracy shall be punishable with imprisonment which may extend to ten years and if, while committing the offence, commits murder shall also be liable to imprisonment for life or with death.

30. Armed robbery against ships.- Whoever, by any unlawful act of violence or detention or any act of depredation or threat thereof, other than act of piracy, directed against

the ship or against persons or property onboard a ship in the territorial sea, commits or attempts to commit the armed robbery against ships shall be liable to punishment under section 27.

31. Offences by companies.-Where an offence punishable under section 27 has been committed by a company, any person who, at the time the offence was committed, was in charge of and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly, provided that nothing contained in this section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of such offence.

32. Power to make rules.- (1) The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters namely:-

- (a) regulation of the conduct of any person in the territorial sea, contiguous zone, the exclusive economic zone, the continental shelf or any other maritime zone of Pakistan;
- (b) regulation of the exploration, development, exploitation, conservation and management of the resources of the contiguous zone, the continental shelf and exclusive economic zone;
- (c) regulation of the construction, maintenance and operation of artificial islands, off-shore terminals, installations and other structures and devices;
- (d) preservation and protection of the marine environment and prevention, reduction and control of marine pollution;
- (e) authorization, regulation and control of the conduct of marine scientific research;
- (f) fees in relation to licences and letters of authority;
- (g) any matter relating to implementation of the convention and other such conventions; and

(h) any matter incidental to any of the matters specified in this Act.

33. **Delegation.-** The Federal Government may, by notification in the Official Gazette and subject to such conditions as may be specified in the notification, direct that all or any of its powers under this Act or rules made thereunder shall also be exercisable by an authority or officer subordinate to it or by a provincial government or any authority or officer subordinate to it.

34. **Repeal and savings.-** (1) The Territorial Waters and Maritime Zones Act, 1976 (LXXXII of 1976) is hereby repealed.

(2) Everything done and all actions, liabilities or proceedings commenced or power conferred, rules made and notifications issued, under any provision of the said repealed Act shall continue in force and be deemed to have been respectively done, taken, incurred, commenced, appointed, authorized, conferred, made or issued under this Act.

Statement of Objects and Reasons

Territorial Waters Maritime Zones (TWMZ) Act, 1976, as amended in 1997, is currently in force. However, a process of its complete revision was initiated soon after the ratification of United Nations Convention on Law of the Sea (UNCLOS) by Pakistan on 26th February, 1997. Revision of TWMZ Act, 1976 is being undertaken with new title "The Pakistan Maritime Zones (PMZ) Bill-2021" to give effect to the provisions of relevant international/ national maritime laws and to cater for other developments, which have occurred in the maritime domain since 1997.

2. Maritime domain has assumed significance in contemporary maritime environment. Pakistan's Continental Shelf has been extended from 200 to 350 NM. Extended rights/ jurisdictions over resources demand protection and assertion of national jurisdiction in sync with international laws. This enactment of national legislation in line with international laws/ conventions to which Pakistan is signatory is need of the hour.

3. Revision to the TWMZ Act, 1976 has been made keeping in mind the provisions of national / international maritime and customary laws warranting elaboration of internal waters, right of innocent passage, safety zones, offshore installations, pollution, dumping, jurisdiction on foreign ships, foreign warships, visit and search, piracy, armed robbery against ships, arrest, trial and punishment etc. Therefore, PMZ 2021 will enable Pakistan to deal with said matters in accordance with the national/ international laws and assert its rights, jurisdiction and sovereignty in sync with international accepted provisions.



(Pervez Khattak)

Federal Minister for Defence