

[AS PASSED BY THE NATIONAL ASSEMBLY]

A
BILL

further to amend the Constitution of the Islamic Republic of Pakistan

WHEREAS the Constitution (Twenty-first Amendment) Act, 2015 (I of 2015) came into force on 7th January, 2015 and stands repealed on the expiry of two years on 6th January, 2017;

AND WHEREAS an extraordinary situation and circumstances still exist which demand continuation of the special measures adopted for expeditious disposal 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 or terrorist group, armed group, wing and militia or their members misusing the name of religion or a sect;

AND WHEREAS there still exists grave and unprecedented threat to the integrity of Pakistan and objectives set out in the Preamble to the Constitution of the Islamic Republic of Pakistan, hereinafter referred to as the Constitution, by the framers of the Constitution, from terrorist groups by raising of arms and insurgency misusing the name of religion or a sect or from foreign and locally funded anti-state elements;

AND WHEREAS it is expedient that the said terrorist groups including any such terrorists fighting while misusing the name of religion or a sect, captured or to be captured in combat with the Armed Forces or otherwise are tried by the courts established under the Acts mentioned hereinafter in section 3;

AND WHEREAS the people of Pakistan have expressed their firm resolve through their chosen representatives to permanently wipe out and eradicate terrorists from Pakistan, it is expedient to provide constitutional protection to the special measures taken in the interest of security and integrity of Pakistan;

AND WHEREAS the special measures adopted pursuant to the Constitution (Twenty-first Amendment) Act, 2015 (I of 2015), enabling trial of cases relating to terrorism under the Pakistan Army Act, 1952 (XXXIX of 1952), have yielded positive results in combating terrorism;

AND WHEREAS it is in the national interest to continue the special measures adopted pursuant to the Constitution (Twenty-first Amendment) Act, 2015 (I of 2015) for a further period of two years;

It is hereby enacted as follows:-

1. Short title and commencement.— (1) This Act may be called the Constitution (Twenty-eighth Amendment) Act, 2017.

(2) It shall come into force at once and shall be deemed to have taken effect on and from 07th January, 2017.

(3) The provisions of this Act shall remain in force for a period of two years from the date of its commencement and shall cease to form part of the Constitution and shall stand repealed on the expiry of the said period.

2. Amendment of Article 175 of the Constitution.— In the Constitution, in Article 175, in clause (3), for the full-stop at the end, a colon shall be substituted and thereafter the following proviso shall be inserted, namely:-

“Provided that the provisions of this Article shall have no application to the trial of persons under any of the Acts mentioned at Serial No. 6 and 7 of sub-part III of Part I of the First Schedule, who claim, or are known, to belong to any terrorist group or organization misusing the name of religion or a sect.

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

3. Amendment of First Schedule of the Constitution.— In the Constitution, in the First Schedule, in sub-part III of Part I, after Entry 5, the following new Entries shall be added, namely:-

“6. The Pakistan Army Act, 1952 (XXXIX of 1952).

7. The Anti-Terrorism Act, 1997 (XXVII of 1997), only to the extent of sub-clause (iv) of clause (d) of sub-section (1) of section 2 of the Pakistan Army Act, 1952 (XXXIX of 1952), added through the Pakistan Army (Amendment) Act, 2017 (----- of 2017).”.

STATEMENT OF OBJECTS AND REASONS

Keeping in view the extraordinary situation and circumstances constituting grave threat to the security and integrity of Pakistan from various terrorist groups, armed groups, wings and militia or their members, the Constitution (Twenty-first Amendment) Act, 2015 (I of 2015) was passed (with a sunset clause of two years) enabling trial under the Pakistan Army Act, 1952 for expeditious disposal of cases related to terrorism. These measures have yielded positive results in combating terrorism. It is, therefore, proposed to continue these special measures for a further period of two years through this Constitution Amendment Bill.

The Bill seeks to achieve the aforesaid objective.

MR. ZAHID HAMID,
Minister for Law and Justice
Minister-in-Charge