**[AS PASSED BY THE NATIONAL ASSEMBLY]**

A

Bill

*to enact a law for mutual legal assistance in criminal matters*

Whereas it is expedient to enact a law relating to mutual legal assistance in criminal matters and matters connected therewith and ancillary thereto;

It is hereby enacted as follows:-

**Preliminary**

**1. Short title, extent and commencement.—** (1) This Act may be called the Mutual Legal Assistance (Criminal Matters) Act, 2020.

(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) "agreement" means a treaty, agreement, memorandum of understanding, convention or other international arrangement to which the Islamic Republic of Pakistan is a party and which contains provisions relating to mutual legal assistance in criminal matters;

(b) "appropriate authority" in relation to a foreign country, means a person or body in that country referred to in the agreement or reciprocal arrangement with the Islamic Republic of Pakistan as the authority responsible for administering mutual legal assistance to and from such country;

(c) "central authority" means the Secretary to the Ministry of Interior, Government of the Islamic Republic of Pakistan or such other officer not less than the rank of a Joint Secretary of the Government, as the Secretary to the Ministry of Interior may, by notification in the official Gazette, designate to exercise powers and perform functions of the central authority under this Act;

(d) information system includes an electronic system for creating, generating, sending, receiving, storing, reproducing, displaying, recording or processing any information;

(e) "data" means content data and traffic data;

(f) "electronic" means electrical, digital, magnetic, optical, biometric, electrochemical, electromechanical, wireless or

electromagnetic technology;

(g) "computer system" means any device or a group of interconnected or related devices one or more of which, pursuant to a programme, performs automatic processing or recording data, and includes a mobile telephone and other telecommunication devices;

(h) "confiscation" means deprivation of property by order of a court or competent authority subject to the prescribed procedure;

(i) "confiscation order" means an order made by a court or other competent authority in the Islamic Republic of Pakistan or a court of a country with whom the Islamic Republic of Pakistan has entered into an agreement or reciprocal agreement or notified under sub-section (3) of section 3 of the confiscation of proceeds or instrumentalities of crime or terrorist property, whether or not the order is based on criminal conviction;

(j) "court" means the court which has jurisdiction to try an offence for which a request has been made under this act;

(k) "criminal matter" includes any investigation, prosecution or judicial proceedings relating to,-

(i) a criminal offence;

(ii) identification or tracing of proceeds or instrumentalities of crime or other related articles for evidentiary process;

(iii) the determination as to whether a property is proceeds or instrumentalities of crime, money laundering or terrorist property or corruption;

(iv) a confiscation order;

(v) the freezing or seizure of proceeds or instrumentalities of crime or terrorist property; or

(vi) an investigation carried out by a law enforcement agency with a view to refer the case for prosecution under the criminal law;

(l) "criminal offence" means a thing punishable under Pakistan Penal Code 1860 or under any law of Pakistan;

(m) "freezing" or "seizure" means temporarily prohibiting the transfer, conversion, disposition or movement of property or temporarily assuming custody or control of property on the basis of an order issued by a court or other authority and includes an order restraining such dealings;

(n) "instrumentalities of crime" means any property,-

(i) used in, or in connection with, the commission of a criminal offence; or

(ii) intended to be used in, or in connection with, the commission of a criminal offence, whether the property is located, or the offence is committed, within or outside Pakistan.

(o) "material" includes any book, document, computer data or mobile data or other record in any form and in any container or article relating to it;

(p) "prescribed" means prescribed by rules made under this Act;

(q) "proceeds of crime" means any property derived from or obtained, directly or indirectly, through commission of a criminal offence whether such property is located, or the offence is committed, within or outside Islamic Republic of Pakistan;

(r) "property" means property/assets of every description, whether moveable or immoveable, corporeal or incorporeal, tangible or intangible, a legal document or instrument evidencing title to or interest in property, and whether situated in or outside Islamic Republic of Pakistan;

(s) "rules" means rules made under this Act;

(t) "service provider" shall have the same meaning as given to it by section 2(XXVIII) of the Prevention of Electronic crimes Act, 2016;

(u) "terrorism" shall have the same meaning as given to it by section 6 of the Anti-terrorism Act, 1997 (XXVII of 1997); and

(v) "terrorist property" shall have the same meaning as given to it by section 2(Z)(aa) of the Anti-terrorism Act, 1997 (XXVII of 1997).

**3. Application of the Act.**— (1) This Act shall regulate the procedure for rendering and soliciting mutual legal assistance in criminal matters by Pakistan.

(2) Subject to the provisions of this Act, the mutual legal

assistance may be provided by Pakistan to a country on the basis of an reciprocal agreement or arrangement.

(3) Where the Federal Government considers it expedient to provide mutual legal assistance in a criminal matter to a country which has not entered into an reciprocal agreement or arrangement with Pakistan, it may, by notification in the official Gazette, direct that the provisions of this Act shall, subject to such modifications and conditions as may be specified therein, have effect to that country.

(4) Nothing in this section shall be taken to limit the nature or extent of mutual legal assistance that Pakistan may otherwise lawfully provide to, or receive from, a country.

**4. Functions of the central authority.—** (1) The central authority shall have all such powers as may be necessary to perform its duties and functions under this Act.

(2) Without prejudice to the generality of sub-section (1), the central authority shall be authorized to, -

(a) make a request on behalf of Pakistan to the appropriate authority of a country for mutual legal assistance in any investigation commenced, or proceedings instituted in Pakistan relating to a criminal offence committed, or suspected on reasonable grounds to have been committed within or outside Pakistan;

(b) receive and deal with requests received from the appropriate authority of a country for mutual legal assistance in any investigation commenced, or proceedings instituted in that country relating to an offence committed, or suspected on reasonable grounds to have been committed within or outside that country;

(c) certify or authenticate, or arrange for the certification and authentication of any documents or other material supplied in response to a request for assistance;

(d) to take practical measures to facilitate the orderly and rapid disposition of request for assistance;

(e) to make any arrangements deemed necessary in order to transmit the evidentiary material gathered in response to request for assistance to the appropriate authority of the requesting country or to authorize any other authority as prescribed to do so; and

(f) to carry out such other tasks as provided for in this Act or which may be necessary for effective assistance to be provided or received.

(3) The central authority may, having regard to its functions and to exercise its powers efficiently, delegate its functions and powers

to one or more subordinate officers not less than the rank of a Joint Secretary.

**5. Transmission of information.**— (1) The central authority may not initiate transmitting of any information relating to criminal matters confidentially to the appropriate authority in a country concerned with such criminal matters, without prior request by that country.

(2) Subject to the provisions of this Act, a request transmitted by a country to any other agency or authority in Pakistan may be referred by such agency or authority to the central authority and this shall not affect the validity of the request or actions taken thereupon.

**6. Form and manner of requests.**— The central authority may specify the form, manner and conditions of making requests to Pakistan and all requests shall be entertained in accordance with such form, manner and conditions:

Provided that the central authority may dispense with any particular condition where it is likely to cause undue delay and frustrate the object for which the request for mutual legal assistance has been made by a country.

**7. Mutual legal assistance request by Pakistan.**— A request for mutual legal assistance by the central authority to a country may comprise one or more of the following matters, namely:-

(a) inquire about the location and identification of witnesses, suspects, perpetrators and offenders;

(b) have evidence taken or documents or other articles produced;

(c) obtain search warrants or other lawful instruments authorizing a search for evidence relevant to investigations or proceedings in Pakistan, located or as permissible under the domestic law of that country believed to be located in that country and if found, to seize them as permissible under the domestic law of that country;

(d) freeze or seize properties that may be the subject of investigations or proceedings, through relevant legal process in that county, to the extent to which the properties are believed on reasonable ground to be located in that country;

(e) confiscate properties, subject to the confiscation order, to the extent to which the properties are believed to be located in that country;

(f) transmit to Pakistan any evidence, documents, articles, properties or proceeds realized from the disposal of properties;

(g) transfer in custody to Pakistan a person in foreign country who consented to assist Pakistan in the relevant investigation or proceedings;

(h) effect service of judicial documents;

(i) identify or trace proceeds or instrumentalities of crime or properties for evidentiary purpose;

(j) facilitate the voluntary appearance of persons required in relation to any existing or intended investigations or proceedings in Pakistan;

(k) provide original or certified copies of relevant documents and records, including government, bank, financial, corporate or business records; and

(l) provide any other type of assistance that is not contrary to the domestic law of that country.

**8. Foreign request for assistance.—** (1) Where a country makes a request to Islamic Republic of Pakistan for mutual legal assistance, the central authority may approve mutual legal assistance for similar purposes as those specified in section 7 to the country in relation to investigations commenced or proceedings instituted in that country.

(2) The request under sub-section (1) shall be made out in conformity with the form, manner and conditions specified under section 6 and include the following, namely:-

(a) the name of the appropriate authority or such other authority concerned with the criminal matter to which the request relates;

(b) a description of nature of the criminal matter and a statement setting out a summary of relevant facts and law;

(c) the description of the purpose of the request and the nature of assistance being sought;

(d) in the case of request to freeze, seize or confiscate assets believed on reasonable grounds to be located in Pakistan, be accompanied with the details of the criminal offence, particulars of any investigation or proceedings commenced in respect of that offence and a copy of any relevant freezing, seizure or confiscation order of the court;

(e) details of any procedure that the country wishes to be followed by Pakistan in giving effect to the request, particularly in the case of a request to take evidence, as for as it is not contrary to the laws of Pakistan;

(f) a statement setting out any requirements of the country concerning any confidentiality relating to the request and

the reasons thereof;

(g) details, of the period within which the country wishes the request to be complied with;

(h) details, where applicable, regarding the grounds for believing that the relevant properties to be traced, frozen or seized or confiscated, are located in Pakistan; and

(i) any other information that may assist in giving effect to the request.

**9. Foreign request for an evidence gathering order or search warrant.—** (1) Notwithstanding anything contained in any other law for the time being in force, where the central authority approves the request of a country pursuant to section 8 for the following purposes;

(a) taking of a statement or testimony from a person; or

(b) production of documentary or other evidence in Pakistan; or

(c) identification of a person, property or record,

the central authority may apply to the court for a search warrant or any evidence gathering order, as the case may be.

(2) The court, to which an application is made under sub-section (1), may issue a search warrant or, as the case may be, an evidence-gathering order where it is satisfied that there are reasonable grounds to believe that,-

(a) an offence has been committed, or is suspected on reasonable grounds to have been committed, against the laws of the requesting country and which, if committed in Pakistan, constitutes an offence under the laws of Pakistan;

(b) evidence of commission of the offence is likely to be found in any place in Pakistan; and

(c) the person suspected of committing the offence or the witness is likely to be present in Pakistan.

(3) An evidence-gathering order,-

(a) shall provide for the manner in which the statement or testimony is to be taken or the evidence is to be obtained or the person or thing to be identified in order to give proper effect to the request unless prohibited under the laws of Islamic Republic of Pakistan, and, in particular, may require any person named therein to-

(i) make a record from data or make a copy of record;

(ii) attend court to give evidence on oath; or

(iii) produce to the court or to any person, named by the court, anything including any article, record or copy thereof; and

(b) may include such terms and conditions as the court considers expedient, including those relating to the interests of the person named therein or of the third party.

(4) Where the evidence sought under this Act is a statement or testimony from a witness, an expert or defendant, as the case may be, the court may permit,—

(a) any person to whom the foreign investigation, prosecution or proceedings relate or that person's legal representative to participate in the proceedings; and

(b) the legal representative of the country to participate in the proceedings and question the witness.

(5) A person named in an evidence-gathering order may refuse to answer a question or to produce a record or thing where such refusal is based on,—

(a) a law in force in Pakistan ;

(b) privilege recognized by a law in force in the country that made the request; or

(c) a law in force in the country that made the request providing that the answering of that question or the production of that record or thing by that person in its own jurisdiction is, or shall be deemed to be, a criminal offence.

(6) Where a person refuses to answer a question or to produce a record or thing under sub-section (5), the court shall refer the matter to the central authority which shall notify the requesting country accordingly and request it to provide a response on whether the person's refusal is well founded under the law of that country.

(7) Any response received by the central authority from the country in response to a request under sub-section (6) shall, notwithstanding anything contained in the Qanoon-e-Shahadat 1984, (P.O. No. 10 of 1984), be admissible in the evidence-gathering proceedings.

(8) The court may issue a warrant for the arrest of a person named in an evidence-gathering order where it is satisfied that the person was personally served with the order and he willfully did not attend or remain in attendance as required or is about to abscond.

(9) A person arrested in pursuance of warrant issued under sub-section (8) shall be forthwith brought before the court, to ensure compliance with the order made under sub-section (2), and the court may pass order that the person be detained in custody or released

with or without production of sureties.

(10) A search warrant,—

(a) shall be issued in accordance with the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898);

(b) shall specify time and date when the court will hear any representation from any person from whom a record or thing is seized pursuant to the warrant, before any order is made to send it to the country; and

(c) may include such terms and conditions as the court considers desirable including conditions relating to the time or manner of its execution.

(11) The person executing a search warrant, issued under sub-section (2),-

(a) may seize any property which he believes on reasonable grounds to afford evidence of, or has been obtained for, or used in, or is intended to be used in the commission of a criminal offence; and

(b) shall, at least three days before the time of the hearing to consider its execution, file in the court a written report concerning the execution of the warrant including a description of the records or things seized.

(12) At the hearing to consider the execution of search warrant, the court, after considering any representation made by the central authority or any person from whom record or thing was seized pursuant to the warrant or any person who claims to have an interest in the record or thing may, -

(a) order that the record or thing be returned to the person from whom it was seized or the person lawfully entitled to its possession and the warrant was not executed according to its terms and that it would be in the public interest to return it; or

(b) order that the record or thing be sent to the country, and include in the order such terms and conditions as the court considers necessary -

(i) to give effect to the request from that country; and

(ii) with respect to the preservation and return to Pakistan of any record or thing seized so as to respect the interest of a third party.

(13) No record or thing seized and ordered to be sent to a country shall be sent until the central authority is satisfied that the country has agreed to comply with any terms or conditions imposed in

respect of the sending abroad of the record or thing.

**10. Limitation on use of evidence.—** Any evidentiary material provided to a country by Pakistan as a result of a request for gathering of evidence under this Act,-

(a) shall not be used for any other purpose than the investigation, prosecution or judicial proceedings in respect of which the request for assistance was made; and

(b) shall be inadmissible as evidence in any proceedings other than the proceedings in respect of which it was obtained, unless the central authority has approved its use for those other purposes with the consent of the country or the material has been made public in the normal course of the judicial proceedings for which it was provided.

**11. Foreign requests for assistance from persons serving imprisonment.—** (1) Where the central authority approves a request of a country to have a person serving a term of imprisonment in Pakistan, transferred to the requesting country for fixed period to give evidence or assist in an investigation or proceedings in that country relating to an offence committed or suspected on reasonable ground to have been committed against the laws of the requesting country, in respect of conduct which if occurred in Pakistan constitutes a criminal offence, the central authority may apply to the court for a transfer order.

(2) The court, to which an application is made under sub-section (1), may make a transfer order where, after having considered among other things any documents filed or information given in support of the application, it is satisfied that the person serving imprisonment has consented to the transfer.

(3) A transfer order, made under sub-section (2),-

(a) shall set out the name of the person serving imprisonment and his place of confinement;

(b) shall require the person who has custody of the person to deliver him into the custody of the person who is designated in the order or who is a member of the class of persons so designated;

(c) shall require the person receiving the person into custody to take him to the requesting country and on return of the person to Pakistan, to return him to the place of confinement where he was detained when the order was made, or to such other place of confinement as the central authority subsequently may notify;

(d) shall specify the reasons for the transfer;

(e) shall fix the period of time at, or before the expiration of,

which the person must be returned to Pakistan;

(f) shall have written undertaking from the requesting country that the person will not be detained, prosecuted, extradited to a third country or punished for any offence against the law of the foreign country that is alleged to have committed, or that was committed, before the persons departure from Pakistan;

(g) shall have written undertaking from the requesting country that the person shall not to be required to give evidence in any proceeding in the foreign country other than in respect of conduct which if occurred in Islamic Republic of Pakistan constitutes a criminal offence, to which the request relates; and

(h) may include such terms or conditions relating to the protection of the interest of the person as the court considers appropriate.

(4) The time spent in custody by a person pursuant to transfer order shall, so long as such person remains in such custody and is of good behaviour, be deemed to have been spent in service of the sentence.

**12. Detention of person in Pakistan in response to request by Pakistan.—** (1) The central authority may, by written notice, authorize temporary detention in Pakistan of a person in detention in a country who is transferred from that country to Pakistan pursuant to a request under clause (g) of section 7, for such period as may be agreed with that country for the purposes of request and return the person in custody to that country.

(2) A person in respect of whom a notice is issued under sub-section (1) shall, so long as the notice is in force,-

(a) be permitted to enter Pakistan and remain in Pakistan for the purpose of the request and to leave Pakistan when no longer required for that purpose; and

(b) while in custody in Pakistan for the purpose of request, be deemed to be in lawful custody.

(3) The central authority may at any time vary notice under sub-section (1), where the country makes a request for release of the person from custody, either immediately or on the specified date, and direct that the person be released from custody accordingly.

(4) The provisions of this section shall apply, *mutatis mutandis*, in the case of any detained person in transit through Pakistan from one foreign country to another pursuant to a request for assistance of the kind referred to in this section.

(5) Any person in Pakistan under this section who is in

Pakistan in response to a request by the central authority under this Act to give evidence in any proceedings or to give assistance in relation to an investigation, prosecution or the related proceedings, may not be-

(a) detained, prosecuted or punished for any other criminal offence that occurred prior to his arrival in Pakistan; and

(b) subjected to judicial process in any other matter before the person's departure from the country pursuant to the request.

**13. Foreign request to the Islamic Republic of Pakistan for freezing or seizure orders.—** (1) Notwithstanding anything contained in any other law for the time being in force, where the central authority approves a request of a country pursuant to section 10 to restrain dealings in any properties, some or all of which are believed on reasonable ground to be located in Pakistan, the central authority may apply to the court for a freezing or seizure order.

(2) The court to which an application is made under sub-section (1) may issue a freezing or seizure order, where the court is satisfied that there are reasonable grounds to believe that-

(a) an offence has been committed, or is suspected on reasonable grounds to have been committed, by a person under the laws of the requesting country which, if committed in Pakistan, also constitutes a criminal offence in Pakistan;

(b) an investigation or proceeding have commenced in the country relating to that offence;

(c) properties derived by the person, by himself or any other person on his behalf, from the commission of the offence are located in Pakistan; and

(d) an order has been made, or is likely to be made in the country having the effect of confiscating such properties.

(3) Where a foreign freezing or seizure order is registered in accordance with this section, a copy of any amendments made in the order of the country, whether before or after registration, may be registered in the same manner as the order was registered, but shall not have effect for the purpose of this Act until they are so registered.

(4) The court shall, on application by the central authority, cancel the registration of a foreign freezing or seizure order, if it appears that the order has ceased to have effect in that country.

(5) Subject to sub-section (6), where the foreign freezing or seizure order is a facsimile of a duly authenticated foreign order, or amendment made in such order, the facsimile shall be regarded for the purpose of this Act as the duly authenticated foreign order.

(6) Registration effected by means of a facsimile shall cease to have effect at the end of a period of fourteen days commencing on the date of registration, unless a duly authenticated original order has been registered by that time.

**14. Foreign confiscation order.—** (1) Notwithstanding anything contained in any other law for the time being in force, where the central authority approves a request of a country for enforcement of a confiscation order in relation to any property which is believed on reasonable ground to be located in Pakistan, the central authority may apply to the court for enforcement of the confiscation order against such property.

(2) The court shall issue adequate notice to all persons appearing to have an interest in the properly against which the confiscation order may be executed.

(3) Any person with an interest in the property against which the application for execution of the confiscation order has been filed may, within thirty days of receiving notice under sub-section (2), make an application for an order excluding his interest in the property from execution of the confiscation order.

(4) The court to which an application is made under sub-section (1) may order to enforce the foreign confiscation order, where it is satisfied that there are reasonable grounds to believe that-

(a) an offence has been committed by a person under the laws of the requesting country which, if committed in Pakistan, also constitutes a criminal offence in Pakistan;

(b) the foreign confiscation order has been made in the country in relation to the offence referred to in clause (a);

(c) the confiscation order is in force in the requesting country and is not subject to appeal;

(d) the properties specified in the confiscation order are located in Pakistan; and

(e) the person, who is the subject of the confiscation order, did not appear in the proceedings in that country for the following reasons, namely:-

(i) the person was given notice of the proceedings with sufficient time to enable him to defend him; or

(ii) the person died or absconded before such notice could be given.

(5) The central authority may enter into arrangements with the requesting country for transfer to the central authority the whole or part of any property, proceeds or instrumentalities of crime confiscated in Pakistan in response to a request for the enforcement of a confiscation order pursuant to this Act.

**15. Request to recover foreign fines.—** (1) Where the central authority approves a request from a country to enforce payment of a fine imposed by a court of that country, it shall make an application to the court to enforce payment of the fine in the manner as if the fine has been imposed by a court in Pakistan.

*Explanation.*— For the purpose of this section the expression "fine" shall include any pecuniary penalty determined by a foreign court to represent the value of any property, benefit, advantage, obtained or derived directly or indirectly as a result of the commission of an offence.

(2) The court may pass the order for enforcement of fine, if it is satisfied that-

(a) the foreign order is in force in that country and is not subject to appeal; and

(b) where the person, who is the subject of the foreign order, did not appear in the proceedings in that country for the following reasons, namely:-

(i) the person was given notice of the proceedings with sufficient time to enable him to defend him; or

(ii) the person died or absconded before such notice could be given.

(3) No proceedings under sub-section (1) shall be instituted after the expiry of three years from the date when the fine was imposed.

**16. Application of specific procedures sought by the requesting country.—** (1) A request for assistance shall be executed in accordance with any procedure specified in the request, unless such execution is contrary to the provisions of any law or the Constitution of the Islamic Republic of Pakistan.

(2) If a country requests a form of assistance not specifically mentioned in this Act but available under the laws of Pakistan for domestic criminal matters, the assistance sought may be provided to the same extent and under the same conditions as is available to law enforcement authorities of Pakistan in a domestic criminal matter.

**17. Refusal of request for assistance.—** (1) A request for mutual legal assistance to Pakistan under this Act may be refused by the central authority if,-

(a) granting the request is prejudicial to the sovereignty, security, public interest or national interests of Pakistan;

(b) there are reasonable grounds to believe that the request has been made for the purpose of punishing a person by reason of his race, sex, sexual orientation, religion, nationality, ethnic origin, language, colour, age, mental or

physical disability or political reason;

(c) the provision of assistance is prejudicial to an investigation or ongoing proceedings in Pakistan, the execution of the request for assistance may be postponed until the finalization of the investigation or proceedings;

(d) the provision of the assistance imposes an excessive burden on the resources of the Federal, Provincial or local authorities of Pakistan;

(e) the authorities of Pakistan are prohibited by the domestic law or order of a court from carrying out any action requested with regard to any similar offence, had it been subject to domestic investigation, prosecution or judicial proceedings; or

(f) it would be contrary to the laws of Pakistan.

(2) Notwithstanding contained in sub-section (1) or the provisions of any other law for the time being in force in Pakistan, assistance under this Act shall not be refused,-

(a) on the ground of bank secrecy; or

(b) on the sole ground that the offence for which assistance is sought is also considered to involve fiscal matters.

**18. Non-disclosure of confidential requests for assistance.—** (1) Unless otherwise authorized by law, a person who, because of his official capacity or office and being aware of confidential nature of the requests, has knowledge of the,—

(a) contents of such request made under this Act;

(b) fact that such a request has been or is about to be made; or

(c) fact that such a request has been refused,

shall not disclose those contents or those facts except to the extent that the disclosure is necessary to execute the foreign request.

(2) Any person who contravenes the provision of sub-section (1), shall be deemed to have committed an offence and shall on conviction be punished with imprisonment of six month or with fine not exceeding five hundred thousand rupees or with both.

(3) The court may order the person providing a statement or testimony, or the custodian of evidence or information being provided under this Act, to keep confidential the fact of having such statement or testimony or having produced such evidence or information. The failure in this respect is liable to a sentence which on conviction may entail imprisonment of six month or with fine not exceeding five hundred thousand rupees or with both.

**19. Expedited preservation and disclosure of information system.**— (1) upon request by a country setting forth,-

(a) the need for specified electronic data to be preserved;

(b) the urgency of preserving it:

(c) sufficient information to locate the electronic data; and

(d) a statement that a request for production of the data will follow,

the central authority may issue an order to any person in Islamic Republic of Pakistan to preserve and safeguard such data.

(2) The order under sub-section (1) shall lapse if the request for production is not received within sixty days of the request for preservation.

(3) Where in the course of execution of a request under sub-section (1) to preserve computer data concerning a specific communication, the central authority discovers that a service provider in another country was involved in the transmission of the communication, the central authority shall have power to disclose to the requesting country, prior to receipt of the request for production, sufficient amount of the computer data to identify that service provider and the path through which the communication was transmitted.

**20. Production, search and seizure of information system.**— (1) Upon request of a country, the central authority may make an application to the court to issue an order for the production of,—

(a) specified electronic data in the possession or control of a person which is stored in a computer system; and

(b) electronic data in the possession or control of service provider, where such data or information is relevant to the criminal matter in the requesting country.

(2) The court may issue a search warrant or order authorizing a person designated by it to search or otherwise access any computer system or part thereof in which computer data may be stored.

(3) The search warrant or order issued pursuant to sub-section (1) may authorize the designated person, where necessary, to-

(a) seize or otherwise, secure an information system or part thereof;
(b) make and retain a copy of the electronic data;
(c) maintain the integrity of the relevant electronic data; and
(d) render inaccessible or remove the electronic data in the accessed information system.

**21. Costs.**— The execution of a request for mutual legal assistance

in Pakistan shall be conducted without charge to the requesting country, except for-

(a) costs incurred by the attendance of experts in the territory of Pakistan; or

(b) costs incurred by the transfer of a person in custody; or

(c) any costs of substantial or extraordinary nature.

(2) The costs of establishing a video or audio or telephone link, costs related to the servicing of a video or telephone link in Pakistan, the remuneration of interpreters provided by it and allowances to witnesses and their travelling shall be borne by that country.

**22. Suspension of time pending execution of a request for assistance.—** Notwithstanding anything contained in any other law for the lime being in force, the law of limitation or other time limit on bringing prosecution or enforcing a sentence in relation to a person or property shall be suspended of time pending execution of a mutual assistance request made by Pakistan to a country.

**23. Indemnity.—** No suit, prosecution or other legal proceedings shall lie against the Federal Government, central authority or any other officer or person exercising any power or performing any functions under this Act or rules made thereunder for anything done or intended to be done in good faith.

**24. Power to make rules.—** The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

**25. Removal of difficulties.—** If any difficulty arises in giving effect to any provision of this Act, the Federal Government may make such order, not inconsistent with the provisions of this Act, as may appear to it to be necessary for the purpose of removing the difficulty.

**26. Savings.—** (A) The provisions of this Act shall be in addition to and not in derogation of any of the provision relating to mutual legal assistance in criminal matters contained in any other law for the time being in force, including the Customs Act, 1969 (IV of 1969), the Extradition Act, 1972 (X of 1972), the securities Exchange Commission of Islamic Republic of Pakistan Act. 1997 (XLII of 1997), the National Accountability Ordinance 1999 (XVIII of 1999), the Transfer of offenders Ordinance 2002 (XXXVII of 2002), the Anti-money Laundering Act, 2010 (VII of 2010) and the Prevention of Electronic Crimes Act, 2016 (XL of 2016).

26(b) Notwithstanding anything contained hereinabove, the procedure of International Co-operation Requests for mutual legal assistance in relation to the matters failing under the National Accountability Ordinance, 1999 and the United Nations Convention Against Corruption (UNCAC), shall be pursued directly, as a recipient

or requesting agency, by the National Accountability Bureau.

## STATEMENT OF OBJECTS AND REASONS

MUTUAL LEGAL ASSISTANCE (CRIMINAL MATTERS) ACT, 2019.

Increase in transnational organized crime has made it imperative for the international community including Islamic Republic of Pakistan to improve effectiveness of legal instruments. Lack of uniformity in law and weak coordination mechanisms between countries affect combating of crime across borders. In order to overcome these challenges legal cover is essentially required.

2. International cooperation in criminal matters through mutual legal assistance is intended to bridge existing gaps in respective countries towards effective law enforcement. The requested state will provide legal support to the requesting state by executing necessary actions on its territory in criminal cases warranting shared assistance.

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