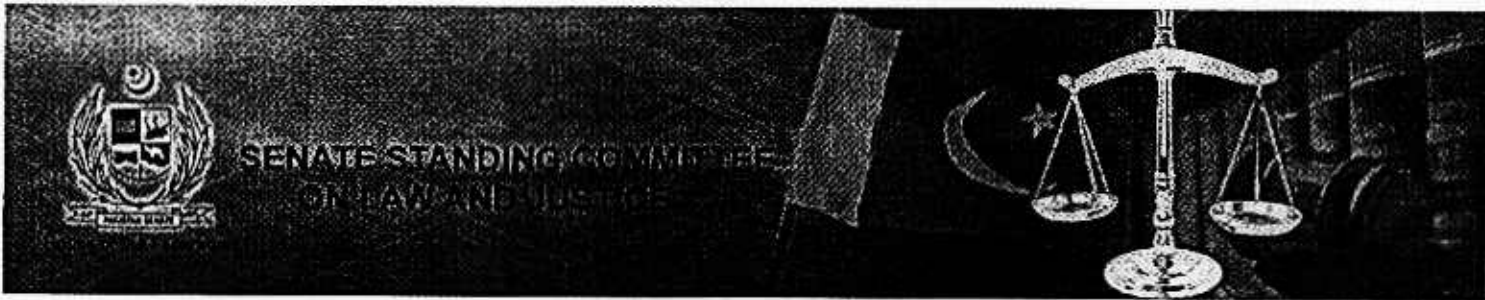


# SENATE OF PAKISTAN



**REPORT NO.29**

**REPORT OF THE SENATE STANDING COMMITTEE ON  
LAW AND JUSTICE**



**“THE ANTI-TERRORISM (AMENDMENT) BILL, 2020”**

**PRESENTED BY**

**Senator Muhammad Javed Abbasi**

**Chairman**

**Standing Committee on Law and Justice**

## SENATE SECRETARIAT

### REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON "THE ANTI-TERRORISM (AMENDMENT) BILL, 2020"

I, Senator Muhammad Javed Abbasi, Chairman Standing Committee on Law and Justice, have the honor to submit, on behalf of the Committee, this report on "The Anti-Terrorism (Amendment) Bill, 2020" introduced by Mr. Ali Muhammad Khan, Minister of State for Parliamentary Affairs, on behalf of Mr. Ijaz Ahmad Shah, Minister for Interior, in the Senate sitting held on 29<sup>th</sup> July, 2020 and referred to the Committee for consideration and report.

2. The composition of the Committee is as under:-

|  |                   |
|--|-------------------|
| 1. <b>Senator Muhammad Javed Abbasi</b>  | <b>Chairman</b>   |
| 2. Senator Mian Raza Rabbani             | Member            |
| 3. Senator Farooq Hamid Naek             | Member            |
| 4. Senator Zeeshan Khanzada              | Member            |
| 5. Senator Sirajul Haq                   | Member            |
| 6. Senator Manzoor Ahmed                 | Member            |
| 7. Senator Ayesha Raza Farooq            | Member            |
| 8. Senator Dr. Ghous Muhammad Khan Niazi | Member            |
| 9. Senator Mustafa Nawaz Khokhar         | Member            |
| 10. Senator Hidayat Ullah                | Member            |
| 11. Senator Walid Iqbal                  | Member            |
| 12. Senator Muhammad Ali Khan Saif       | Member            |
| 13. Senator Musadik Masood Malik         | Member            |
| 14. Minister for Law and Justice         | Ex-Officio Member |

3. The Committee considered the Bill in its meeting held on 30<sup>th</sup> July 2020, with the following in attendance:

|   |                 |
|---|-----------------|
| 1. <b>Senator Muhammad Javed Abbasi</b> | <b>Chairman</b> |
| 2. Senator Mian Raza Rabbani            | Member          |
| 3. Senator Farooq Hamid Naek            | Member          |
| 4. Senator Zeeshan Khanzada             | Member          |
| 5. Senator Sirajul Haq                  | Member          |

|  |                   |
|--|-------------------|
| 6. Senator Manzoor Ahmed                 | Member            |
| 7. Senator Ayesha Raza Farooq            | Member            |
| 8. Senator Musadik Masood Malik          | Member            |
| 9. Senator Dr. Ghous Muhammad Khan Niazi | Member            |
| 10. Senator Mustafa Nawaz Khokar         | Member            |
| 11. Senator Hidayat Ullah                | Member            |
| 12. Senator Walid Iqbal                  | Member            |
| 13. Senator Muhammad Ali Khan Saif       | Member            |
| 14. Minister for Law and Justice         | Ex-Officio Member |
| 15. Senator Mushahid Hussain Syed        | Special Invitee   |
| 16. Senator Abdul Rehman Malik           | Special Invitee   |
| 17. Senator Kauda Babar                  | Special Invitee   |
| 18. Senator Mohsin Aziz                  | Special Invitee   |

4. The Committee took clause by clause reading of the Bill. After thorough deliberations, following amendments were proposed in the Bill:

2. **Amendment of section 2, XXVII of 1997.-** In the Anti-terrorism Act, 1997 (XXVII of 1997), hereinafter referred to as "the Act", in section 2 the existing clause (pa) shall be re-numbered as clause (paa) and before the aforesaid re-numbered clause the following new clause shall be inserted, namely:-

**"(pa) "Person" means any natural , legal person or body corporate."**

3. **Amendment of section 110, Act XXVII of 1997.-** In the Act, in section 110.-

(a) sub-section (2) shall be substituted by the following:

**"(2) Any natural person not connected with a legal person or body corporate, who violates any provision of sub-section (1) shall be liable, on conviction to a term not exceeding ten years or with fine not exceeding twenty-five million rupees or with both."**

(b) in sub-section (3), for the word "to penalty of fine not exceeding ten million rupees and every director, officer or employee of such person found guilty of the violation shall be punished in terms thereof", the words "on conviction to fine not exceeding fifty million rupees and every director, officer or employees of such person found guilty of the violation shall be liable on conviction to a term not exceeding ten years or with fine not exceeding twenty five million rupees or with both" shall be substituted; and

(c) after sub-section (3), the following new sub-section shall be inserted, namely:-

“(4) Notwithstanding anything contained in sub-section (2), if any public servant is found negligent in complying with the provision of sub-section (1) such public servant shall be proceeded against under respective service rules for administrative action.”.

4. **Insertion of section 11000, Act XXVII of 1997.**- In the Act, after section 1100, the following new section shall be inserted, namely:-

**“11000. Violation of UN Security Council Resolution.**- (1) A person is guilty of an offence if he, in any way whatsoever, refuses or fails to comply with the orders of the Federal Government under section 2 of United Nations (Security Council) Act, 1948 (XIV of 1948).

(2) A person guilty of an offence under sub-section (1), shall be liable to conviction to imprisonment for a term not exceeding ten years or with fine not exceeding twenty five million rupees or with both.

(3) If a legal person or body corporate, commits an offence under sub-section (1), such legal person or body corporate shall be liable on conviction to fine not exceeding fifty million rupees and every director, officer or employee of such legal person or body corporate found guilty of the violation shall be liable on conviction to imprisonment for a term not exceeding ten years or with fine not exceeding twenty five million rupees or with both.

(4) Notwithstanding anything contained in sub-section (2), of 11000, if any public servant is found negligent in complying with the provisions of sub-section (1), such public servant shall be proceeded against under respective service rules for administrative action.”.

#### **STATEMENT OF OBJECTS AND REASONS**

The Anti-Terrorism Act (ATA), 1997, though comprehensive in its scope, lacks certain provisions in relation to the implementation of United Nations Security Council Resolution (UNSCRs) 1267 and 1373. The UNSCRs 1267 and 1373 were adopted under Article 41 of Chapter VII of the United Nations Charter making them obligatory for all members of the United Nations. Through UNSCR 1267, members states of the United Nations implement the sanctions measures of assets freeze (targeted financial

sanctions), arms embargo and travel ban on the entities and individuals who are designated on the sanctions list. UNSCR 1373 requires member states to implement counter terrorism measures, especially countering the financing of terrorism through their domestic laws. The above obligation is implemented in Pakistan through Anti-Terrorism Act, 1997. **For the purposes of carrying out the mandate of the said Act with respect to <sup>Cooperation</sup> 1 and information sharing at all levels, especially for countering the financing of terrorism, the definition of the term "person" is being introduced.** The penalties already provided in the said Act are not dissuasive for violations of assets seizure provision in section 110 and the provided amount of fine is insufficient.

5. The Committee noted that the Bill is in national interest and is a part of legislative requirements for country's FATF-related commitments. Thereafter, Chairman Committee put the Bill to vote. With the above amendments, the Bill was passed unanimously. The Committee recommended that "The Anti-Terrorism (Amendment) Bill, 2020" as reported by the Committee may be passed by the Senate of Pakistan. The Committee also gave approval for presentation of this report to the House.

6. The Bill as reported by the Committee is at Annex-A, and the Bill as introduced in the Senate is at Annex-B.

  
**(Haris Rehman)**  
DS / Secretary Committee

  
**(Senator Muhammad Javed Abbasi)**  
Chairman

Islamabad  
The 30<sup>th</sup> July 2020

**[AS REPORTED BY THE COMMITTEE]****A****BILL***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 under:-

**1. Short title and commencement.-** (1) This Act may be called the Anti-terrorism (Amendment) Act, 2020.

(2) It shall come into force at once.

**2. Amendment of section 2, XXVII of 1997.-** In the Anti-terrorism Act, 1997 (XXVII of 1997), hereinafter referred to as "the Act", in section 2 the existing clause (pa) shall be re-numbered as clause (paa) and before the aforesaid re-numbered clause the following new clause shall be inserted, namely:-

**"(pa) "Person" means any natural , legal person or body corporate."**

**3. Amendment of section 110, Act XXVII of 1997.-** In the Act, in section 110,-

(a) sub-section (2) shall be substituted by the following:

**"(2) Any natural person not connected with a legal person or body corporate, who violates any provision of sub-section (1) shall be liable, on conviction to a term not exceeding ten years or with fine not exceeding twenty-five million rupees or with both."**

(b) in sub-section (3), for the word "to penalty of fine not exceeding ten million rupees and every director, officer or employee of such person found guilty of the violation shall be punished in terms thereof", the words "on conviction to fine not exceeding fifty million rupees and every director, officer or employees of such person found guilty of the violation shall be liable on conviction to a term not exceeding ten years or with fine not exceeding twenty five million rupees or with both" shall be substituted; and



(c) after sub-section (3), the following new sub-section shall be inserted, namely:-

"(4) Notwithstanding anything contained in sub-section (2), if any public servant is found negligent in complying with the provision of sub-section (1) such public servant shall be proceeded against under respective service rules for administrative action."

**4. Insertion of section 11000, Act XXVII of 1997.-** In the Act, after section 1100, the following new section shall be inserted, namely:-

**"11000. Violation of UN Security Council Resolution.-** (1) A person is guilty of an offence if he, in any way whatsoever, refuses or fails to comply with the orders of the Federal Government under section 2 of United Nations (Security Council) Act, 1948 (XIV of 1948).

(2) A person guilty of an offence under sub-section (1), shall be liable to conviction to imprisonment for a term not exceeding ten years or with fine not exceeding twenty five million rupees or with both.

(3) If a legal person **or body corporate**, commits an offence under sub-section (1), such legal person **or body corporate** shall be liable on conviction to fine not exceeding fifty million rupees and every director, officer or employee of such legal person **or body corporate** found guilty of the violation shall be liable on conviction to imprisonment for a term not exceeding ten years or with fine not exceeding twenty five million rupees or with both.

(4) Notwithstanding anything contained in sub-section (2), of 11000, if any public servant is found negligent in complying with the provisions of sub-section (1), such public servant shall be proceeded against under respective service rules for administrative action."

**STATEMENT OF OBJECTS AND REASONS**

The Anti-Terrorism Act (ATA), 1997, though comprehensive in its scope, lacks certain provisions in relation to the implementation of United Nations Security Council Resolution (UNSCRs) 1267 and 1373. The UNSCRs 1267 and 1373 were adopted under Article 41 of Chapter VII of the United Nations Charter making them obligatory for all members of the United Nations. Through UNSCR 1267, members states of the United Nations implement the sanctions measures of assets freeze (targeted financial sanctions), arms embargo and travel ban on the entities and individuals who are designated on the sanctions list. UNSCR 1373 requires member states to implement counter terrorism measures, especially countering the financing of terrorism through their domestic laws. The above obligation is implemented in Pakistan through Anti-Terrorism Act, 1997. **For the purposes of carrying out the mandate of the said Act with respect to <sup>cooperation</sup> and information sharing at all levels, especially for countering the financing of terrorism, the definition of the term "person" is being introduced.** The penalties already provided in the said Act are not dissuasive for violations of assets seizure provision in section 11O and the provided amount of fine is insufficient.

**MR. IJAZ AHMED SHAH  
MINISTER FOR INTERIOR**



[AS PASSED BY THE NATIONAL ASSEMBLY]

Amex-B

A

Bill

*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 under:-

1. **Short title, Extent and Commencement.**- (1) This Act may be called the Anti-terrorism (Amendment) Act, 2020.

(2) It shall come into force at once.

2. **Amendment of section 2, XXVII of 1997.**- In the Anti-terrorism Act, 1997 (XXVII of 1997), hereinafter referred to as "the Act", in section 2 the existing clause (pa) shall be re-numbered as clause (paa) and before the aforesaid re-numbered clause the following new clause shall be inserted, namely:-

"(pa) 'Person' means any natural or legal person including government body, autonomous or semi-autonomous entity, regulatory authority, body corporate partnership association, trust, agency or any other undertaking responsible for carrying out the purposes of this Act".

3. **Amendment of section 11O, Act XXVII of 1997.**- In the Act, in section 11O.-

(a) in sub-section (2), the words "to penalty of fine not exceeding ten million rupees" the words "on conviction to a term not exceeding ten years or with fine not exceeding twenty-five million rupees or with both" shall be substituted;

(b) in sub-section (3), for the word "to penalty of fine not exceeding ten million rupees and every director, officer or employee of such person found guilty of the violation shall be punished in terms thereof", the words "on conviction to fine not exceeding fifty million rupees and every director, officer or employees of such person found guilty of the violation shall be liable on conviction to a term not exceeding ten years or with fine not exceeding twenty five million rupees or with both" shall be substituted; and

(c) after sub-section (3), the following new sub-section shall be inserted, namely-

"(4) Notwithstanding anything contained in sub-section (2), if any public servant is found negligent in complying with the provision of sub-section (1) such public servant shall be proceeded against under respective service rules for administrative action."

4. **Insertion of section 11OOO, Act XXVII of 1997.**- In the Act, after section 11OO, the following new section shall be inserted namely:-

**"11000. Violation of UN Security Council Resolution.- (1) A person is guilty of an offence if he, in any way whatsoever, refuses or fails to comply with the orders of the Federal Government under section 2 of United Nations (Security Council) Act, 1948 (XIV of 1948).**

**(2) A person guilty of an offence under sub-section (1), shall be liable to conviction to imprisonment for a term not exceeding ten years or with fine not exceeding twenty five million rupees or with both.**

**(3) If a legal person commits an offence under sub-section (1), such person shall be liable on conviction to fine not exceeding fifty million rupees and every director, officer or employee of such legal person found guilty of the violation shall be liable on conviction to imprisonment for a term not exceeding ten years or with fine not exceeding twenty five million rupees or with both.**

**(4) Notwithstanding anything contained in sub-section (2), of 11000, if any public servant is found negligent in complying with the provisions of sub-section (1), such public servant shall be proceeded against under respective service rules for administrative action."**

### **STATEMENT OF OBJECTS AND REASONS**

The Anti-Terrorism Act (ATA), 1997, though comprehensive in its scope, lacks certain provisions in relation to the implementation of United Nations Security Council Resolutions (UNSCRs) 1267 and 1373. The UNSCRs 1267 and 1373 were adopted under Article 41 of Chapter VII of the United Nations Charter making them obligatory for all members of the United Nations. Through UNSCR 1267, member states of the United Nations implement the sanctions measures of assets freeze (targeted financial sanctions), arms embargo and travel ban on the entities and individuals who are designated on the sanctions list. UNSCR 1373 requires member states to implement counter terrorism measures, especially countering the financing of terrorism through their domestic laws. The above obligation is implemented in Pakistan through Anti-Terrorism Act, 1997. The penalties already provided in the said Act are not dissuasive for violations of assets seizure provision in section 11-O and the provided amount of fine is insufficient. .

**Ijaz Ahmed Shah  
Minister for Interior**