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PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 12th August, 2020

No. F. 22(25)2019-Legis.—The following Act of *Majlis-e-Shoora* (Parliament) received the assent of the President on the 11th August, 2020 is hereby published for general information:—

[ACT NO. XXII OF 2020]

An Act 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.

(493)

Price : Rs. 40.00

(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, convention in force, or memorandum of understanding 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 agreement 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 office of the secretary to the Ministry of Interior, Government of the Islamic Republic of Pakistan and the powers of such office shall be exercised by an executive committee comprising the secretary to the Ministry of Interior, Government of the Islamic Republic of Pakistan, the secretary to the Ministry of Law and Justice, Government of the Islamic Republic of Pakistan, the secretary to the Ministry of Foreign Affairs, Government of the Islamic Republic of Pakistan and the home secretaries of all the four Provinces, namely Balochistan, Khyber Pakhtunkhwa, Punjab and Sindh, while the secretary to the Ministry of Interior, Government of the Islamic Republic of Pakistan shall be its convener.

Explanation.—The decision of the central authority shall be by majority of the members presents;

- (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;
- (i) "confiscation order" means an order made by a court in the Islamic Republic of Pakistan or a court of a country with whom the Islamic Republic of Pakistan has entered into reciprocal agreement for the confiscation of proceeds or instrumentalities of crime or terrorist property after 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 money laundering or terrorist property;
 - (iv) a confiscation order; or
 - (v) the freezing or seizure of proceeds or instrumentalities of crime or terrorist property; or
- (l) "criminal offence" means an offence punishable under the Pakistan Penal Code, 1860 (Act XLV of 1860) or relating to money laundering, terrorist financing, and offences pertaining to narcotics, arms and ammunitions, and offences under the Customs Act, 1969 (IV of 1969);
- (m) "freezing" or "seizure" means temporarily prohibiting the transfer, conversion, disposition or movement of property on the basis of an order issued by a court or other authority and includes an order restraining such dealings:

Provided that where the order of freezing and seizure is passed by an authority other than a court of law, the same shall be subject to confirmation by a court of competent jurisdiction within one month of passing the said order;

- (n) "instrumentalities of crime" means any property,—
- (i) used in, or employed in connection with, the commission of a criminal offence; or
 - (ii) for which there are reasonable grounds of suspecting that the said property may be used in, or employed in connection with, the commission of a criminal offence; or
 - (iii) whether the property is located or the offence is committed within or outside Pakistan;
- (o) "money laundering" means an act of money laundering relating to a "criminal offence" as defined under the Anti-Money Laundering Act, 2010 (VII of 2010);
- (p) "proceeds of crime" means any property situated within or outside Pakistan derived from or obtained through commission of a criminal offence, committed within or outside Pakistan;
- (q) "property" means property or assets of any description, movable or immovable, corporeal or incorporeal, tangible or intangible, situated within or outside Pakistan;
- (r) "rules" means rules made under this Act;
- (s) "service provider" shall have the same meaning as given to it by section 2(XXVIII) of the Prevention of Electronic Crimes Act, 2016 (XL of 2016);
- (t) "terrorism" shall have the same meaning as given to it by section 6 of the Anti-terrorism Act, 1997 (XXVII of 1997); and
- (u) "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 principle of reciprocity reduced in writing.

(3) Where the Federal Government considers it expedient to provide mutual legal assistance in a criminal matter to a country which has not entered