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REPORT 42 OF 2020



House of the Federation

SENATE SECRETARIAT

**REPORT OF THE
SENATE STANDING COMMITTEE ON INTERIOR**

ON

THE ANTI-TERRORISM (AMENDMENT) BILL, 2020

PRESENTED BY

SENATOR A. REHMAN MALIK

Chairman

Senate Standing Committee on Interior

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REPORT OF THE STANDING COMMITTEE ON INTERIOR ON THE ANTI-TERRORISM (AMENDMENT) BILL, 2020

I, Senator A. Rehman Malik, Chairman, Senate Standing Committee on Interior, have the Honour to submit, on behalf of the Committee, this report on a Private Member's Bill further to amend the Anti-Terrorism (Amendment) Bill, 2020, introduced by Senator Mian Muhammad Ateeq Shaikh on 27th July, 2020, and referred to the Committee for re-consideration and report.

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

1.	Senator A. Rehman Malik	Chairman
2.	Senator Kalsoom Parveen	Member
3.	Senator Muhammad Javed Abbasi	Member
4.	Senator Muhammad Azam Khan Swati	Member
5.	Senator Muhammad Tahir Bezinjo	Member
6.	Senator Mian Muhammad Ateeq Shaikh	Member
7.	Senator Rana Maqbool Ahmad	Member
8.	Senator Muhammad Talha Mehmood	Member
9.	Senator Farooq Hamid Naek	Member
10.	Senator Kauda Babar	Member
11.	Senator Sardar Muhammad Shafiq Tareen	Member
12.	Senator Dr. Shahzad Waseem	Member
13.	Senator Haji Momin Khan Afridi	Member
14.	Minister for Interior	Ex-Officio Member

3. The Committee re-considered the said Bill in its meeting held on 10th September, 2020, at Parliament House, Islamabad, which was attended by the following: -

1.	Senator A. Rehman Malik	Chairman
2.	Senator Rana Maqbool Ahmad	Member

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| 3. | Senator Kalsoom Parveen | Member |
| 4. | Senator Sardar Muhammad Shafiq Tareen | Member |
| 5. | Senator Haji Momin Khan Afridi | Member |

4. Chairman Committee stated that the Mover has already briefed the Committee on the **“The Anti-Terrorism (Amendment) Bill, 2020”**. He further stated that The Anti-Terrorism Act 1997 lays down the basic legal framework to counter terrorism prosecution in Pakistan. Criminal Justice System has low conviction rates and delayed cases and offers a weak deterrence against terrorism. Basic flaw in ATA Act, 1997 is the extremely broad definition of terrorists acts. The purpose of the Bill is to provide for a more specific definition of terrorism bringing it in line with the international perspectives.

11. Chairman Committee stated that in view of the above the Bill was passed by the Committee, however, the House referred the Bill to the committee for re-consideration on 27th July,2020.

12. Chairman Committee informed that the Mover has expressed his consent on telephone to withdraw the Bill.

13. The Committee , therefore, recommended that the House may grant leave to the Member-in-Charge to withdraw **“The Anti-Terrorism (Amendment) Bill, 2020”** in terms of Rule115 of the Rules of Procedure and Conduct of Business in the Senate,2012.



(TANVIR AHMED)

D.G. /Secretary Committee

Dated 10th September,2020



(SENATOR A. REHMAN MALIK)

Chairman

Senate Standing Committee on

AS
[~~TO BE~~ INTRODUCED IN THE SENATE]

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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 follows:-

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. Substitution of Long title and preamble of Act XXVII of 1997.- In the Anti-Terrorism Act, 1997 (XXVII of 1997), hereinafter referred to as the said Act, for long title and preamble, the following shall be substituted, namely:-

"An Act to make provisions for prevention of, and for dealing with, terrorist activities and for matters concerned therewith

Whereas it is expedient to provide for the prevention of, and dealing with terrorist activities and for matters concerned therewith and incidental thereto:"

3. Amendment of section 6, Act XXVII of 1997.- In the said Act, in section 6, in sub-section (2), in clause (p), for full stop "." occurring at the end a colon ":" shall be substituted and thereafter the following proviso shall be added, namely:-

"Provided that actions specified in sub-section (2) do not qualify to be labelled as terrorism, if such actions are taken in furtherance of personal enmity or private vendettis."

4. Amendment of section 7, Act XXVII of 1997.- In the said Act, in section 7, in sub-section (1), after the words, figure and comma, "under section 6," the words and commas, "with an intent to threaten the unity, integrity or sovereignty of Pakistan or to achieve political, ideological or religious objections", shall be inserted.

STATEMENT OF OBJECTS AND REASONS

The Anti-Terrorism Act, 1997 lays down the basic legal framework for counter terrorism prosecutions in Pakistan. Despite the law's passage, the criminal justice system has low conviction rates and delayed cases, and it offers a weak deterrence against terrorism. The lengthy delays and high number of acquittals in terrorism cases are due to a number of factors. The definition under the act is too broad, besides procedural issue among law enforcement officers and Police and intelligence agencies.

2. A basic flaw in A.T.A. is the extremely broad definition of terrorist's act, which over burdens the already over-stretched police, prosecution; and courts and results in delays in disposal of "real" cases of terrorism. The preamble of the ATA describes the rationale of the law as providing for "the prevention of terrorism, sectarian violence and for speedy trial of heinous offences and for matters connected therewith and incidental thereto." The addition of heinous offence which are not otherwise defined in the legislation, has widened the application of the ATA to include cases other than terrorism. Although recently some judges have issued rulings emphasizing the need for more precise applications of the law based upon perpetrators' intent / motives to carry out acts under sub-section (2) of clause 6 of ATA.

3. It is of vital importance to mention that while providing in the amended section 6 that "in order to, or if the effect of his actions will be to strike terror or create a sense of fear and insecurity among the people, does any act or thing..." the legislature never specified the motivation for the "act or thing" on the part of the perpetrator which propelled or promoted him to commit a terrorist act. Thus the actus reus was itself considered to be determinative if the same was intended to create fear and insecurity etc. in the public at large or had a potential for creating such fear and insecurity etc. It is in this very context that an amendment in section 6, sub-section (2) has been proposed. It is very important to understand the determinative factor is the design and purpose behind the act.

4. In addition to that, the purpose of amendment in section 7, sub-section (1) is to provide for a more succinct definition of terrorism, bringing it in line with the international perspectives of that offence and focusing on violent activities aimed at achieving political, ideological or religious objections.

The Bill has been designed to achieve the aforementioned purpose.

SENATOR MIAN MUHAMMAD ATEEQ SHAIKH
MEMBER-IN-CHARGE