

**THE ANTI-TERRORISM (AMENDMENT) ACT, 1998**  
**N.A. BILL NO. OF 1998**

**A Bill to amend the Anti-terrorism Act, 1997**

[A Gazette of Pakistan, Extraordinary, Part III, 2<sup>nd</sup> September, 1998] This Bill was introduced in the National Assembly on the 2<sup>nd</sup> September, 1998: ---

**Whereas** it is expedient 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 Ordinance may be called the Anti-terrorism (Amendment) Act, 1998.  
(2) It shall come into force at once.

**2. Amendment of Section 2, Act XXVII of 1997. ---** In the Anti-terrorism Act, 1997 (XXVII of 1997), hereinafter referred to as the said Act, in Section 2: ---  
(a) after clause (d) the following new clause shall be inserted, namely: ---  
“(da)” “High Court” means the High Court having territorial jurisdiction in respect of the area for which a Special Court has been established; and  
(b) for clause (e), the following shall be substituted, namely: ---  
“(e) “scheduled offence” means a terrorist or sectarian related offence as set out in the Act or the Schedule hereto.”

**3. Amendment of Section 4, Act XXVII of 1997. ---** In the said Act, in Section 5, in sub-section (2), in clause (i), the comma and words “or in all probability is likely to commit” shall be omitted.

**4. Amendment of Section 6, Act XXVII of 1997. ---** In the said Act, for Section 6, the following shall be substituted, namely: ---  
“6. Terrorist act. --- A person is said to commit a terrorist act if he,  
(a) in order to, or if the effect of his action will be to, strike terror or create a sense of fear and insecurity in the people, or any section of the people, or to alienate any section of people, or to adversely affect harmony among different sections of the people, does any act or thing by using bombs, dynamite or other explosive or inflammable substances, or such fire-arms or other lethal weapons as may be notified, or poisons or noxious gases or chemicals, in such a manner as to cause, or be likely to cause, the death of, or injury to, any person or persons, or damage to, or destruction of, property on a large scale, or a widespread disruption of supplies of services essential to the life of the community, or threatens with the use of force public servants in order to prevent them from discharging their lawful duties; or  
(b) commits a scheduled offence, the effect of which will be, or be likely to be, to strike terror, or create a sense of fear and insecurity in the people, or any section of the people, or to alternate any section of the people, or to adversely affect harmony among different sections of the people; or  
(c) commits an act of gang rape, child molestation, or robbery coupled with rape as specified in the schedule to the Act.”

**5. Amendment of Section 7, Act XXVII of 1997. ---** IN the said Act, for Section 7, the following shall be substituted, namely: ---

"7. Punishment for terrorist act. --- Whoever commits a terrorist act, ---  
(i)referred to in paragraph (a) of Section 6, shall: ---  
(a)if such act has resulted in the death of any person be punished with death; and  
(b)in any other case, be punishable with imprisonment for a term which shall not be less than seven years but may extend to life imprisonment, and shall also be liable to fine; and  
(ii)referred to in Paragraphs (b) and (c) of Section 6 be liable to the punishment prescribed under the relevant law."

**6. Amendment of Section 10, Act XXVII of 1997.** --- In the said Act, in Section 10, the full stop at the end shall be replaced by a colon and thereafter the following proviso shall be added, namely:

**"Provided that** the concerned officer shall first record in writing his reasons for such belief and serve a copy thereof either on the person or on the premises."

**7. Amendment of Section 14, Act XXVII of 1997.** --- In the said Act, in Section 14, for sub-section (2), the following shall be substituted, namely: ---

"(2) A Judge shall be appointed for a period of two years after consultation with the Chief Justice of the High Court

**Provided that** the Judge may be removed from office prior to the expiry of the said period in consultation with the Chief Justice."

**8. Amendment of Section 16, Act XXVII of 1997.** --- In the said Act, in Section 16, for the words "his faith to the effect that he will decided the case honestly, faithfully according to his conscience and belief" thee words "the Constitution, law and his conscience" shall be substituted.

**9. Amendment of Section 19, Act XXVII of 1997.** --- In the said Act, in Section 19, ---

(i) for sub-section (10), the following shall be substituted, namely: ---  
"(10) any accused person may be tried in his absence if the Special Court, after such inquiry as it deems fit, is satisfied that such absence is deliberate and brought about with a view to impeding the court of justice:

**Provided that** the accused person shall not be tried under the sub-section unless a proclama-tion has been published in respect of him in at least three national daily newspapers out of which one shall be in the Urdu language requiring him to appear at a specified place within seven days failing which action may also be taken against him under Section 88 of the Code:

**Provided further that** the Special Court shall proceed with the trial after taking the necessary steps to appoint an advocate to defend the accused person who is not before the Court.

**Explanation.** --- An accused who is tried in his absence under this sub-section shall be deem-ed not to have admitted the commission of any offence for which he has been charged."; and

(iii)after sub-section (11), the following new sub-section shall be inserted, namely: --

-(11A) Nothing contained in sub-section (10) or sub-section (11) shall be construed

to deny the accused the right to consult or be defended by a legal practitioner of his own choice.”

**10. Amendment of Section 24, Act XXVII of 1997.** --- In the said Act, Section 24 shall be omitted.

**11. Amendment of Section 25, Act XXVII of 1997.** --- In the said Act, in Section 25: ---

(i) in subsection (1), for the words “an Appellate Tribunal” the words “a High Court” shall be substituted;

(ii) in subsection (2), for the words “Appellate Tribunal” the words “High Court” shall be substituted;

(iii) in subsection (3), for the words “an Appellate Tribunal” the words “High Court” shall be substituted;

(iv) in subsection (5), for the words “an Appellate Tribunal” the words “a High Court” shall be substituted;

(v) subsection (6) shall be omitted;

(vi) subsection (7) shall be omitted;

(vii) in subsection (8), for the words “an Appellate Tribunal” the words “a High Court” shall be substituted; and

(viii) after subsection (8) the following new subsections shall be added, namely: ---

“(9) Any appeal being before an Appellate Tribunal immediately before the commencement of the Anti-terrorism (Amendment) Act, 1998, shall be deemed to be pending in the High Court.”

**12. Amendment of Section 26, Act XXVII of 1997.** --- In the said Act, Section 26 shall be omitted.

**13. Amendment of Section 27, Act XXVII of 1997.** --- In the said Act, in Section 27 for the words “an Appellate Tribunal” the words “a High Court” and for the words “Appellate Tribunal” the words “High Court” shall be substituted.

**14. Amendment of Section 28, Act XXVII of 1997.** --- In the said Act, in Section 28, for the words “an Appellate Tribunal” the words “a High Court” shall be substituted.

**15. Amendment of Section 30, Act XXVII of 1997.** --- In the said Act, in subsection (2), the words “and High Court” and the words “and as Appellate Tribunal” shall be omitted.

**16. Amendment of Section 35, Act XXVII of 1997.** --- In the said Act, for Section 35, the following shall be substituted, namely: ---

“35. Power to make rules. --- (1) A High Court may make such rules, if any, as it may deem necessary for carrying out the purposes of this Act.

(2) The rules made under sub-section (1) shall be notified by the Government in the official Gazette.”

**17. Substitution of Section 37, Act XXVII of 1997.** --- In the said Act, for Section 37, the following shall be substituted, namely: ---

“37. Contempt of Court. --- A Special Court shall have the power to punish with imprisonment for a term which may extend to six months and with fine any person who: ---

- (a) abuses, interferes with or obstructs the process of the Court in any way or disobeys and order or direction of the Court;
- (b) scandalizes the Court otherwise does anything which tends to bring the court or a person constituting the Court into hatred, ridicule or contempt;
- (c) does anything which tends to prejudice the determination of a matter pending or most likely to come up before the Court; or
- (d) does anything which, by any other law, constitutes contempt of court.

**Explanation.** --- In this section, "Court" means "Special Court".