

**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW, JUSTICE, PARLIAMENTARY AFFAIRS AND HUMAN RIGHTS
DEPARTMENT MUZAFFARABAD**

Dated: 13th October, 2014

No. LD/Legis/Act/610-22/2014. The following Act of Assembly received the assent of the President on the 2nd day of October, 2014, is hereby published for general information.

(ACT XL OF 2014)

**An
Act**

to provide a law for the prevention of terrorism, sectarian violence and for speedy trial of heinous offences

WHEREAS it is expedient to provide for the prevention of terrorism, sectarian violence and for speedy trial of heinous offences and for matters connected therewith and incidental thereto;

It is hereby enacted as follows:

1. **Short title, Extent and Commencement.**-(1) This Act may be called the Azad Jammu and Kashmir Anti-Terrorism Act, 2014.
 - (2) It shall extend to the whole of Azad Jammu and Kashmir.
 - (3) It shall come into force at once.
2. **Definitions.**-In this Act, unless there is anything repugnant in the subject or context;-
 - (a) "Armed Forces" means the Military, Naval and Air Forces of Pakistan and the Reserves of such Forces;
 - (b) "Civil Armed Forces" means Azad Jammu and Kashmir Police or any other Agency established under the law or notified by the Government as such;
 - (c) "Code" means the Code of Criminal Procedure, 1898 (Act V of 1898);

- (d) “Child” means a person who at the time of the commission of the offence has not attained the age of the eighteen years;
- (e) “Court” means Anti-Terrorism Court established under Section 40;
- (f) “Explosive” means any bomb, grenade, dynamite or explosive substance capable of causing an injury to any person or damage to any property and includes any explosive substance as defined in the Explosives Act, 1884 (IV of 1884);
- (h) “Fine” means a pecuniary amount to be determined by the Court having regard to the facts and circumstances of the case;
- (i) “Government” means the Azad Government of the State of Jammu and Kashmir;
- (j) “Grievous” in relation to bodily injury, means any emasculation, mutilation, incapacitation, disfigurement or severe harm or hurt and in relation to property, means severe loss, damage or destruction;
- (k) “High Court” means the High Court of Azad Jammu and Kashmir;
- (l) “Hijacking” means any unlawful seizure or exercise of control, or any attempt at form of obstruction, directly or through any other person, from within or outside the aircraft;
- (m) “Hostage-taking” means the holding of a person captive with threats made to kill or harm that person if demands are not met;
- (n) “Kidnapping for Ransom” means the action of conveying any person from any place, without his consent, or by force compelling or by any deceitful means including him, to go from any place, and unlawfully detaining him and demanding or attempting to demand, money, pecuniary or other benefit from him or from

another person, as a condition of his release;

- (o) “Meeting” means meeting of two or more persons, whether in public or private;
- (p) “Money” included coins or notes in any currency, postal orders, money orders, bank credits, bank accounts, letters of credit, travelers cheques, bank cheques, bankers drafts, in any form electronic, digital or otherwise and such other kinds of monetary instruments or documents as the Government by order specify;
- (q) “Organization” means any group, combination or body of persons;
- (r) “Proscribed Organization” means any organization using a name which is listed in the First Schedule under Section 12;
- (s) “Property” means property of every description, whether corporal or incorporeal, moveable or immovable, tangible or intangible and includes shares, securities, bonds and deeds and instruments evidencing title to, or an interest in, property of any kind and money;
- (t) “Public Servant” shall have the same meaning as in Section 21 of the Azad Penal Code, 1860, (Act XLV of 1860) or in any other law for the time being in force;
- (u) “Schedule” means a Schedule to this Act;
- (v) “Scheduled Offence” means an offence as set out in the Third Schedule.
- (w) “Sectarian” means pertaining to, devoted to, peculiar to, or one which promotes the interest of a religious sect, or sect in a bigoted or prejudicial manner;
- (x) “Sectarian Hatred” means hatred against a group of persons defined by reference to religion, religious sect, religious persuasion, or religious

belief;

- (y) “Serious” means dangerous to life or property;
- (z) “Terrorism” or “Act of Terrorism” has the meaning as assigned to it in Section 5;
- (aa) “Terrorist” has the meaning as assigned to it in Section 5(7);
- (bb) “Terrorist Investigation” means an investigation of;
 - (a) the commission, preparation or investigation of acts of terrorism under the Act;
 - (b) an act which appears to have been done for the purposes of terrorism;
 - (c) the resources of a proscribed organization;
 - (d) the commission, preparation or investigation of an offence under the Act; or
 - (e) any other act for which investigation may be necessary for the purpose of the Act.
- (cc) “Terrorist property” means—
 - (i)(a) money or other property which is used or is likely to be used for the purposes of terrorism (including any resources of an organization concerned in terrorism or terrorist);
 - (b) proceeds the commission of acts of terrorism;
 - (c) proceeds of acts carried out for the purposes of terrorism; and
 - (ii) In sub-section (i) above--
 - (a) a reference to proceeds of an act, includes reference to any property which wholly part, and directly or indirectly, represents the proceeds of the act (including payments of other rewards in connection with the commission); and

- (b) the reference to an organization's resources includes a reference to any money or other property which is applied or made available, or is to be applied or made available, for use by the organization, and includes assets of any kind, whether tangible or intangible, movable or immovable, and legal documents or instruments in any form, whether written electronic or digital and shares, securities bonds, drafts and letters of credit and includes assets of any kind, whether tangible or intangible, movable or immovable and legal documents or instruments in any form, whether written, electronic or digital and shares, securities, bonds, drafts and letters of credit;
- (dd) "Weapon" means any item which can be used to injure or cause bodily harm, and includes any type of fire-arm, explosive, sword, dagger, knuckle-duster, stengun, bomb, grenade, rocket launcher, mortar or any chemical, biological weapon or any other thing which can be used for causing injury, hurt, harm or destruction of person or property;
- (ee) all other terms and expressions used but not defined in the Act, shall have the meanings as are assigned to them in the Azad Penal Code, 1860, or the Code of Criminal Procedure, 1898.

3. Calling in of Armed Forces and Civil Armed Forces in aid of Civil Powers.

(1) It shall be lawful for the Government to order, and subject to sub-section (2) to secure, the presence of Armed Forces and Civil Armed Forces in any area for the prevention and punishment of terrorist acts and Scheduled Offences in accordance with the provisions of this Act.

(2) If, in the opinion of the Government, the presence of Armed Forces or Civil Armed Forces, is necessary in

order to prevent the commission of terrorist acts or Scheduled Offences in any area, it may request the Government of Pakistan to direct the presence or posting of units or personnel of the Armed Forces or Civil Armed Forces, in such numbers as may be deemed necessary for the prevention or control of terrorist acts or Scheduled Offences.

(3) The Government may decide whether the requirements of the situation call for the deployment of:

- (i) the Civil Armed Forces; or
- (ii) the Armed Forces,

and so decide shall, by means of a notification in the Official Gazette issued under clause (i) or (ii) or both, authorize and direct the posting thereof.

(4) Any person who is a victim or legal heir of a victim and is aggrieved by the order of acquittal passed by any terrorism court may within thirty days, file an appeal in a high court against such order.

(5) If any order of acquittal is passed by anti-terrorism court in any case instituted upon complaint and the high court, on an application made to it by the complainant in this behalf grants special leave to appeal from the order of acquittal, the complainant may within thirty days present such appeal to the High Court.

4. **Use of Armed Forces and Civil Armed Forces to prevent Terrorism:** (1) Any police officer or member of the Armed Forces or Civil Armed Forces who is present or deployed in any area may, after giving sufficient warning, use the necessary force to prevent the commission of Terrorist acts or Scheduled Offences, and in so doing shall, in the case of an officer of the Armed Forces or Civil Armed Forces, exercise all the powers of a police officer under the Code.
- (2) In particular and without prejudice to generality of the provisions of sub-section (1), an officer of the Police, Armed Forces and Civil Armed Forces may:--

- (i) after giving prior warning use such force as may be deemed necessary or appropriate, bearing in mind all the facts and circumstances of the situation, against any person who is committing terrorist act or a Scheduled Offence, it shall be lawful for any such officer, or any senior officer, after forming reasonable apprehension that death or grievous hurt may be caused by such act or offence to fire or order to the firing upon any person or persons against whom he is authorized to use force in terms hereof:

Provided that an order to open fire in such circumstances shall be given by a police officer not below the rank of BS-17 and equivalent rank in the case of a member of Armed Forces or Civil Armed Forces or by a Magistrate on duty:

Provided further that the decision to fire or order firing shall be taken only by way of last resort, and shall in no case extend to the inflicting of more harm than is necessary to prevent the terrorist act or scheduled offence which has given rise to the reasonable apprehension of death or grievous hurt:

Provided further that all cases of firing which have resulted in death or grievous injury shall be reviewed by an internal inquiry committee constituted by the head of the law enforcement agency concerned.

- (ii) arrest, without warrant, any person who has committed an act of terrorism or a Scheduled Offence or against whom a reasonable suspicion exists that he has committed, or is about to commit, any such act or Scheduled Offence; and
- (iii) enter and search, without warrant any premises to make any arrest or to take possession of any property, fire-arm, weapon or article used or likely to be used in the commission of any terrorist act or scheduled offence.

(3) Nothing contained in sub-section (1) or (2) shall affect the provisions of Chapter IX of the Code and the provisions of Section 132 of the Code shall apply to any person acting under this Section.

5. Terrorism.- (1) In this Act, "Terrorism" means the use or threat of action where:

- (a) the action falls within the meaning of sub-section (2); and
- (b) the use or threat is designed to coerce and intimidate or overawe the Government or the public or a section of the public or community or sect or a foreign government or population or an international organization or create a sense of fear or insecurity in society; or
- (c) the use or threat is made for the purpose of advancing a religious, sectarian or ethnic cause or intimidating and terrorizing the public, social sectors, media persons, business community or attacking the civilian, including damaging property by ransacking, looting, arson or by any other means, Government officials, installations, security forces or law enforcing agencies:

Provided that nothing herein contained shall apply to a democratic and religious rally or a peaceful demonstration in accordance with law.

- (2) An "action" shall fall within the meaning of sub-section (1), if it;
- (a) involves the doing of anything that causes death;
 - (b) involves grievous violence against a person or grievous bodily injury or harm to a person;
 - (c) involves grievous damage to property, including Government premises, official installations, schools, hospitals, offices or any other public or private property including damaging property by ransacking, looting or arson or by any other means;

- (d) involves the doing of anything that is likely to cause death or endangers a person's life;
- (e) involves kidnapping for ransom, hostage-taking or hijacking;
- (f) involves use of explosive by any device including bomb blast or having any explosive substance without any lawful jurisdiction or having been unlawfully concerned with such explosive;
- (g) incites hatred and contempt on religious, sectarian or ethnic basis to stir up violence or cause internal disturbance.
- (h) involves taking the law in own hand, award of any punishment by an organization, individual or group whatsoever, not recognized by the law, with a view to coerce, intimidate or terrorize public, individuals, groups, communities, Government officials and institutions, including law enforcement agencies beyond the purview of the law of the land;
- (i) involves firing on religious congregations, mosques, imambargahs, churches, temples and all other places of worship, or random firing to spread panic, or involves any forcible takeover of mosques or other places of worship;
- (j) creates a serious risk to safety of the public or a section of the public, or is designed to frighten the general public and thereby prevent them from coming out and carrying on their lawful trade and daily business, and disrupts civic life;
- (k) involves the burning of vehicles or any other serious form of arson;
- (l) involves extortion of money ("bhatta") or property;
- (m) is designed to seriously interfere with or seriously disrupt a communications system or public utility service;

- (n) involves serious coercion or intimidation of a public servant in order to force him to discharge or to refrain from discharging his lawful duties;
 - (o) involves serious violence against a member of the police force, Armed Force, Civil Armed Forces or a public servant.
 - (p) involves in acts as part of armed resistance by groups or individuals against law enforcement agencies; or
 - (q) involves in dissemination, preaching ideas, teachings and beliefs as per own interpretation on FM stations or through any other means of communication without explicit approval of the Government or its concerned departments.
- (3) The use or threat of use of any action falling within sub-section (2), which involves the use of fire-arms, explosives or any other weapon, is terrorism, whether or not sub-section (1) (c) is satisfied.
- (4) Notwithstanding anything contained in sub-section (1), an action in violation of convention specified in Fifth Schedule shall be an act of terrorism under this Act.
- (5) In this section “action” includes an act or series of acts.
- (6) In this Act, terrorism includes any act done for the benefit of a proscribed organization.
- (7) A person who commits an offence under this Section or any other provision of this Act shall be guilty of an act of terrorism.
- (8) In this Act, a “terrorist” means.
- (a) an individual who has committed an offence of terrorism under this Act, and is or has been concerned in the commission, preparation or instigation of acts of terrorism.
 - (b) an individual who is or has been, whether before

or after the coming into force of this Act, concerned in the commission, preparation or instigation of acts of terrorism, shall also be included in the meaning given in clause (a) above.

(9) The case under this Act shall only be registered if the act of terrorism has been committed strictly in accordance with the provisions in letter and spirit.

6. Punishment for acts of Terrorism.-

(1) Whoever commits an act of terrorism under Section 5, whereby;

- (a) death of any person is caused, shall be punishable, on conviction, with death or with imprisonment for life, and with fine; or
- (b) he does anything likely to cause death or endangers life, but death or hurt is not caused, shall be punishable, on conviction, with imprisonment of either description for a term which shall be not less than ten years but may extend to imprisonment for life and with fine;
- (c) grievous bodily harm or injury is caused to any person, shall be punishable, on conviction, with imprisonment of either description for a term which shall not be less than ten years but may extend to imprisonment for life and shall also be liable to a fine; or
- (d) grievous damage to property is caused, shall be punishable on conviction, with imprisonment, of either description for a term not less than ten years but may extend to imprisonment for life and shall also be liable to a fine; or
- (e) the offence of kidnapping for ransom or hostage-taking has been committed, shall be punishable on conviction, with death or imprisonment for life; or
- (f) the offence of hijacking, has been committed, shall be punishable on conviction, with death or

imprisonment for life and fine; or

- (g) the act of terrorism committed falls under Section 5(2)(e), shall be punishable with imprisonment which shall not be less than fourteen years but may extend to imprisonment for life;
 - (h) the act of terrorism committed falls under section 5(2)(f) and (g), shall be punishable, on conviction, with imprisonment of not less than two years and not more than five years and with fine; or
 - (i) the act of terrorism committed falls under clauses (h) to (n) of sub-section (2) of section 5, shall be punishable, on conviction, to imprisonment of not less than five years but may extend to imprisonment for life and with fine; and
 - (j) any other act of terrorism not falling under clauses (a) to (h) above or under any other provision of this Act, shall be punishable on conviction, to imprisonment of not less than five years and not more than ten years or with fine or with both.
- (2) An accused convicted of an offence under this Act shall be punishable with imprisonment of ten years or more, including the offences of kidnapping for ransom and hijacking shall also be liable to forfeiture of property.

7. Prohibition of acts intended or likely to stir up Sectarian Hatred.- A person who:-

- (a) uses threatening, abusive or insulting words or behaviour; or
- (b) displays, publishes or distributes any written material which is threatening, abusive or insulting; or
- (c) distributes or shows or plays a recording of visual images or sounds which are threatening, abusive or insulting; or

- (d) has in his possession written material or a recording or visual images or sounds which are threatening, abusive or insulting with a view to their being displayed or published by himself or another, shall be guilty of an offence if:-
 - (i) he intends thereby to stir up sectarian hatred; or
 - (ii) having regard to all the circumstances, sectarian hatred is likely to be stirred up thereby.

8. Punishment for Offence under Section-7.- Whoever contravenes any provision of Section- 7 shall be punished with imprisonment for a term which may extend to five years and with fine.

9. Power to enter or Search.- If any officer of the police, Armed Forces or Civil Armed Forces is satisfied that there are reasonable grounds for suspecting that a person has possession of written material or a recording in contravention of Section 7, he may enter and search the premises where it is suspected the material or recording is situated and take possession of the same:

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.

10. Power to Order Forfeiture.-(1) The Court by which a person is convicted of an offence under Section 8 shall order to be forfeited any material or recording referred to therein.

(2) Where the person who collected the material or recording cannot be found or identified, the Court on the application of the officer seizing the material or recording, shall forfeit the material or recording to the state to be disposed of as directed by it.

11. Organization concerned in Terrorism.- (1) For the purposes of this Act, an organization is concerned in terrorism if it:

- (a) commits, facilitates or participates in acts of terrorism;
 - (b) prepares for terrorism;
 - (c) promotes or encourages terrorism;
 - (d) supports and assists any organization concerned with terrorism;
 - (e) patronizes and assists in the incitement of hatred and contempt on religious, sectarian or ethnic lines that stir up disorder;
 - (f) fails to expel from its ranks or ostracize those who commit acts of terrorism and presents them as heroic persons; or
 - (g) is otherwise concerned in terrorism.
- (2) An organization shall fall within the meaning of sub-section (1) if it,-
- (a) is owned or controlled, directly or indirectly, by a terrorist or any organization referred in sub-section (1) or
 - (b) acts on behalf of, or at the direction of, a terrorist or an organization referred in sub-section (1).

¹[**“12. Proscription of Organizations.-** (1) The

1 Subs. by the Azad Jammu and Kashmir Anti Terrorism (Amendment) Act, 2019. (Act XI of 2019) dt. 07.05.2019. The original extract of Sec. 12 is reproduced as under:-

“12. Proscription.- (1) For the purposes of this Act, an organization is proscribed if,

- (a) the Government, having reason to believe that an organization is concerned in terrorism, by order, lists it in the First Schedule.
- (b) it operates under the same name as an organization listed in the First Schedule or it operates under a different name; or
- (c) the First Schedule is amended by the Government in any way to enforce proscription:

Government may, by order published in the official Gazette, list an organization as a proscribed organization in the First Schedule on an *ex-parte* basis, if there are reasonable grounds to believe that it is—

- (a) concerned in terrorism; or
- (b) listed under the United Nations (Security Council) Act, 1948 (XIV of 1948); or
- (c) owned or controlled, directly or indirectly, by any individual or organization proscribed under this Act; or
- (d) acting on behalf of, or at the direction of, any individual or organization proscribed under this Act.

Explanation: The opinion concerning reasonable grounds to believe may be formed on the basis of information received from any credible source, whether domestic or foreign including Governmental and regulatory authorities, law enforcement agencies, financial intelligence units, banks and non-banking companies, and international institutions.

- (2) The grounds shall be communicated to the proscribed organization within three days of the passing of the order of proscription.”]

13. Right of Review.- (1) Where any proscribed organization is aggrieved by the order of the Government

Provided that if any or all office bearers activists or associates of a proscribed organization form a new organization under a different name, upon suspicion about their involvement in similar activities, the said organization shall also be deemed to be a proscribed organization and the Government may issue a formal notification of its proscription.

- (2) The Government may, by order, add or remove an organization from the First Schedule or amend it in any other way.”

made under Section 12, it may, within thirty days of such order, file a review application, in writing, before the Government, stating the grounds on which it is made, and the Government shall, after hearing the application, decide the matter within ninety days.

(2) An organization whose review application has been refused under sub-section (1) may file an appeal to the High Court within thirty days of the refusal of the review application.

(3) The Government shall appoint a Proscribed Organizations Review Committee to determine all review applications under sub-section (1).

14. Observation Order.-Where the Government has reason to believe that an organization is acting in a manner that it may be concerned in terrorism:

(1) The organization may be kept under observation, if:

(a) the name of the organization is listed in the Second Schedule by order of the Government; or

(b) it operates under the same name as an organization listed in the Second Schedule.

(2) An organization or a person aggrieved by the observation order passed under sub-section (1) may file a review application before the Government, which shall, after hearing the application, decide the matter within sixty days.

(3) Where the organization is under observation, the Government may further extend the period of observation, only after giving the organization an opportunity of being heard.

(4) Each observation period shall be for six months, and may be extended by the Government only after giving an opportunity of being heard to the organization concerned.

15. Measures to be taken against a Proscribed

Organization.- Where any organization shall be proscribed,-

- (1) Amongst other measures to be taken by the Government;
 - (a) its offices, if any, shall be sealed;
 - (b) its money or other property, if any, shall be frozen or seized;
 - (c) all literature, posters, banners or printed, electronic, digital or other material shall be seized; and
 - (d) publication, printing or dissemination of any press statements, press conferences or public utterances by or on behalf or in support of a proscribed organization shall be prohibited.
- (2) Upon proscription of an organization if the office bearers, activists, or the members or the associates of such organization are found continuing the activities of the proscribed organization, in addition to any other action under this Act or any other law for the time being in force to which they may be liable,--
 - (a) they shall not be issued any passport allowed to travel abroad;
 - (b) no bank .or financial institution or any other entity providing financial support shall provide any loan facility or financial support to such persons or issue the credit cards to such persons and the arms licenses, if already issued, shall be deemed to have been cancelled and the arms shall be deposited :forthwith in the nearest' Police Station, failing which such arms shall be confiscated and the holders of such 'arms shall be liable for the 'punishment provided under ' the Pakistan Arms Act, 1965 (WP-XX of 1965) as adapted in Azad Jammu and Kashmir, no fresh license, to such persons for any kind of weapon shall be issued.

(3) The Proscribed Organization shall submit all accounts of its income and expenditure for its political and social welfare activities and disclose all funding sources to the competent authority designated by the Government.

16. ¹[**“Proscription of Person”**].-²[(1) The Government may, by order published in the official Gazette, list a person as a proscribed person in the fourth Schedule on an ex-parte basis, if there are reasonable grounds to believe that such person is,-

- (a) concerned in terrorism; or
- (b) listed under the United Nations (Security Council) Act, 1948 (XIV of 1948); or
- (c) an activist, office bearer or an associate of an organization kept under observation under Section 14 or proscribed under Section 12; or
- (d) in any way concerned or suspected to be concerned with such organization or affiliated with any group or organization suspected to be involved in terrorism or sectarianism or acting on behalf of, or at the direction of, any person or organization proscribed under this Act.

Explanation: The opinion concerning reasonable grounds to believe may be formed on the basis of

1 In Sec. 16, for the title, “Security for Good Behaviour”, the title “Proscription of Person” subs. by the Azad Jammu and Kashmir Anti Terrorism (Amendment) Act, 2019. (Act XL of 2019) dt. 07.05.2019.

2 Subs. by Ibid. The original extract of subsection (1) of Sec. 16 is reproduced as under:-

“(1) Whenever the Government on an information received from any source that any person is an activist, office-bearer or an associate of an organization kept under observation under Section 14 or proscribed under Section 12, or in any way concerned or suspected to be concerned with such organization or affiliated with any group or organization suspected to be involved in terrorism or sectarianism, the Government may notify the name of such person or persons in a list entered in the Fourth Schedule.”

information received from any credible source, whether domestic or foreign including Governmental and regulatory authorities, law enforcement agencies, financial intelligence units, banks and non-banking companies, and international institutions.”]

¹[(1A) The grounds shall be communicated to the proscribed person within three days of the passing of the order of proscription.”]

(2) Where a person's name is listed in the IV Schedule, the Government, without prejudice to any other action which may lie against such person under this Act or any other law for the time being in force, may take following actions and exercise following powers, namely:-

(a) require such person to execute a bond with one or more sureties to the satisfaction of the Superintendent of Police in the territorial limits of which the said person ordinarily resides, or carried on business, for his good behaviour and not to involve in any act of terrorism or in any manner advance the objectives of the organisation referred to in sub-section (1) for such period not exceeding three years and in such amount as may be specified:

Provided that where he fails to execute the bond or cannot produce a surety or sureties to the satisfaction of the Superintendent of Police order him to be detained and produced within twenty-four hours before a court which shall order him to be detained in prison until he executes the bond or until a satisfactory surety or sureties if required, are available, or failing that the term of the order under clause (a) expires:

Provided further that where he is a minor,

1 Added by the Azad Jammu and Kashmir Anti Terrorism (Amendment) Act, 2019. (Act XI of 2019) dt. 07.05.2019.

the bond executed by a surety or sureties only may be accepted;

- (b) require any such person to seek prior permission from the officer in charge of the Police Station of the concerned area before moving from his permanent place of residence for any period of time and to keep him informed about the place he would be visiting and the persons, he would be meeting during the stay;
- (c) require:
 - (i) that his movements to be restricted to any place or area specified in the order;
 - (ii) him to report himself at such times and places and in such mode as may be specified in the order;
 - (iii) him to comply with both the directions; and
 - (iv) that he shall not reside within areas specified in the order;
- (d) direct that he shall not visit or go within surroundings specified in the order including any of the under mentioned places, without the written permission of the officer in charge of the Police Station within whose jurisdiction such place is situated, namely:-
 - (i) schools, colleges and other institutions where persons under twenty-one years of age or women are given education or other training or are housed permanently or temporarily;
 - (ii) theatres, cinemas, fairs, amusement parks, hotels, clubs, restaurants, tea shops and other place of public entertainment or resort;
 - (iii) airports, railway stations, bus stands,

telephone exchanges, television stations, radio stations and other such places;

- (iv) public or private parks and gardens and public or private playing fields; and
 - (v) the scene of any public meeting or procession of any assemblage of the public whether in an enclosed place or otherwise in connection with any public event festival or other celebrations;
- (e) check and probe the assets of such persons or their immediate family members i.e., parents, wives and children through police or any other Government agency, which shall exercise the powers as are available to it under the relevant law for the purposes of the investigation, to ascertain whether assets and sources of income are legitimate and are being spent on lawful objectives:

Provided that no order under clause (d) or (e) above shall be made operative for a period of more than three years; and

- (e) monitor and keep surveillance over the activities of such person through police or any other government agency or any person or authority designated for the purpose.

¹“(3) Where any person is aggrieved by the order of the Government made under sub-section (1), he may, within

1 Subs. by the Azad Jammu and Kashmir Anti Terrorism (Amendment) Act, 2019. (Act XI of 2019) dt. 07.05.2019. The original extract of subsection (3) of Sec. 16 is reproduced as under:-

“(3) Any person whose name has been notified in the list entered in the Fourth Schedule under sub-section (1) or is aggrieved by any direction or order of the Superintendent of Police made under sub-section (2), may within thirty days of such notification, direction or order, prefer an appeal to the Government which shall, after providing an opportunity of being heard to such person, decide the appeal within thirty days.”

thirty days of such order, file a review application, in writing, before the Government stating the grounds on which it is made and the Government shall, after hearing the applicant, decide the matter on reasonable ground within ninety days.”]

¹[(3A) A person whose review application has been refused under sub-section (3) may file an appeal to the High Court within thirty days of the refusal of the review application.”]

(4) Any person who violates any direction or order of the Government or any terms of bond referred to in sub-section (2), shall be punishable with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

17. Power to Arrest and Detain Suspected Persons.- (1)

The Government if satisfied that with a view to prevent any person whose name is included in the list referred to Section 16, it is necessary so to do, may, by order in writing, direct to arrest and detain in such custody as may be specified, such person for such period as may be specified in the order, and the Government if satisfied that for the aforesaid reasons it is necessary so to do, may, extend from time to time the period of such detention for a total period not exceeding the term given in the AJK Interim Constitution Act, 1974.

(2) The provision of Section 4(4)(2) of the AJK Interim Constitution Act, 1974 regarding safeguard as to arrest and detention shall mutatis mutandis apply to the arrest and detention of a person ordered under sub-section (1).

18. Preventive detention for inquiry.- (1)

The Government, or where the provisions of Section 4 have been invoked, the Armed Forces or Civil Armed Forces, as the case may be, subject to the specific or general

¹ Added by the Azad Jammu and Kashmir Anti Terrorism (Amendment) Act, 2019. (Act XI of 2019) dt. 07.05.2019.

order of the Government in this regard, for a period not exceeding three months and after recording reasons thereof, issue order for the preventive detention of any person who has been concerned in any offence under this Act relating to the security or defense of Pakistan or Azad Jammu and Kashmir or any part thereof or public order relating to target killing, kidnapping for ransom, and extortion/ bhatta, all the maintenance of supplies or services, or against whom the reasonable complaint has been made or credible information has been received, or a reasonable suspicion exists of his having been so concerned, for purpose of inquiry:

Provided that detention of such person including detention for further period after three months, shall be subject to the provision of Section 4 of the Interim Constitution Act, 1974.

(2) The inquiry under sub-section (1) may be conducted by a police officer not below the rank of Superintendent of Police or through a Joint Investigation Team (JIT) to be notified by the Government comprising a police officer not below the rank of Superintendent of Police and officers of other investigation agencies and the powers of the inquiry officer shall be vested on them:

Provided that where the detention order has been issued by the Armed Forces or Civil Armed Forces under sub-section (1) the inquiry shall be conducted by the JIT comprising members of all forces or Civil Armed Forces, as the case may be, intelligence agencies and other law enforcement agencies, including a police officer not below the rank of superintendent of police; and

(3) The provisions of sub-sections (1) and (2) shall remain enforced for such period as may be notified by the Government from time to time:

Provided that such period shall not exceed two years from the commencement of this Act.

(4) The detenue shall be produced in camera before

the presiding officer of the court or in his absence before the District and Sessions Judge within twenty-four hours of his detention, and before the presiding officer of the court if and when any extension in the period -of detention is requested.

(5) During inquiry the concerned police officer not below the rank of Superintendent of Police or equivalent officer of the law enforcement agencies or the members of JIT as the case may be, shall have all the powers relating to search, arrest of persons and seizure of property, and other relevant material connected with the commission of offence and shall have all the powers as Police Officer has in relation to the investigation of offences under the Code or any other law for the time being in force.

Provided that the detenue shall be kept in a detention centre so notified by the Government and the presiding officer of the court, referred to in sub-section (4) shall have the authority to inspect the detention centers to ensure that the custody is in accordance with the law for the time being in force.

(6) Any person detained under this Section shall be provided facility of medical checkup as may be prescribed by rules.

- 19. Prohibition on disposal of property.**-(1) If during the course of inquiry or investigation, the police officer not below the rank of Superintendent of Police or the Joint Investigation Team, as the case may be, has sufficient evidence to believe that any property which is subject matter of the inquiry or investigation is likely to be removed transferred or otherwise disposed of before art order of the appropriate authority for its seizure is obtained, such officer or the team may, be order in writhing, direct the owner or any person who is, for the time being, in possession thereof not to remove, transfer or otherwise dispose of such property in any manner except with the previous permission of such officer or the earn, as the case may be, and such order shall be

subject to any order made by, the Court having jurisdiction in the matter.

(2) Any contravention of an order made under sub-section (1) shall be punishable with rigorous imprisonment for a term which may extend to two years, or with fine, or with both.

20. Membership, support and meetings relating to a Proscribed Organization.- (1) A person is guilty of an offence if he belongs or professes to belong to a proscribed organization.

(2) A person guilty of an offence under sub-section (1) shall be liable to conviction for a term not exceeding six months imprisonment and a fine.

(3) A person commits an offence if he:

- (a) solicits or invites support for a proscribed organization, and the support is not, or is not restricted to, the provision of money or other property; or
- (b) arranges, manages or assists in managing or addressing a meeting which he knows is:
 - (i) to support a proscribed organization;
 - (ii) to further the activities of a proscribed organization; or
 - (iii) to be addressed by a person who belongs or professes to belong to a proscribed organization.

(4) A person commits an offence if he addresses a meeting, or delivers a sermon to a religious gathering, by any means whether verbal, written, electronic, digital or otherwise, and the purpose of his address or sermon, is to encourage support for a proscribed organization or to further its activities.

(5) A person commits an offence if he solicits, collects or raises money or other property for a proscribed organization.

(6) A person guilty of an offence under sub-section (3), (4) and (5) shall be liable on conviction to a term of imprisonment not less than one year and not more than five years and a fine.

21. Uniform.- (1) A person commits an offence if he,-

- (a) wears, carries or displays any article, symbol or any flag or banner connected with or associated with any proscribed organization; or
- (b) carries, wears or displays any uniform, item of clothing or dress in such a way or in such circumstances as to arouse reasonable suspicion that he is a member or supporter of a proscribed organization.

(2) A person who commits an offence under sub-section (1) shall be liable to imprisonment for a term which may extend to five years, or with fine or with both.

22. Fund raising.- A person commits an offence if he,-

- (a) invites another to provide money or other property, and
- (b) intends that it should be used, or has reasonable cause to suspect that it may be used, for the purpose of terrorism or by a terrorist or organization concerned in terrorism.
- (c) receives money or other property, and
- (d) intends that it should be used, or has reasonable cause to suspect that it may be used, for the purpose of terrorism or by a terrorist or organization concerned in terrorism.
- (e) provides money or other property; and
- (f) knows or has reasonable cause to suspect that it will or may be used for the purposes of terrorism or by a terrorist or organization concerned in terrorism.

Explanation.- In this Section a reference to the provision of money or other property is a reference to its being given, lent or otherwise made available, whether or not for consideration.

- 23. Use and Possession.**- A person commits an offence if:
- (1) he uses money or other property for the purposes of terrorism; or
 - (2) he,-
 - (a) possesses money or other property; and
 - (b) intends that it should be used, or has reasonable cause to suspect that it may be used, for the purpose of terrorism.
- 24. Funding Arrangements.**- A person commits an offence if he,-
- (a) enters into or becomes concerned in an arrangement as a result of which money or other property is made available or is to be made available to another, and
 - (b) has reasonable cause to suspect that it will or may be used for the purposes of terrorism.
- 25. Money laundering.**- (1) A person commits an offence if he enters into or becomes concerned in any arrangement which facilitates the retention or control, by or on behalf of another person, of terrorist property,-
- (a) by concealment,
 - (b) by removal from the jurisdiction,
 - (c) by transfer to nominees, or
 - (d) in any other way.
- (2) It is a defense for a person charged with an offence under sub-section (1) to prove that he did not know and had no reasonable cause to suspect that the arrangement related to terrorist property.
- 26. Disclosure of Information.**- (1) Where a person,-

- (a) believes or suspects that another person has committed an offence under this Act; or
- (b) bases his belief or suspicion on information which comes to his attention in the course of a trade, profession, business or employment;

he commits an offence if he does not disclose to a police officer, as soon as is reasonably practicable, his belief or suspicion, and the information on which it is based.

- (2) It is a defense for a person charged with an offence under sub-section (1) of this Section to prove that he had a reasonable excuse for not making the disclosure:

Provided that this sub-section does not require disclosure by a professional legal advisor of any information which he obtains in privileged circumstances.

- (3) A person may disclose to a police officer;
 - (i) a suspicion or belief that any money or other property is terrorist property or is derived from terrorist property; or
 - (ii) any matter on which the suspicion is based.

- (4) Sub-section (3) shall have effect notwithstanding any restriction on the disclosure of information imposed by any law for the time being in force.

27. Co-operation with the Police.- (1) A person does not commit an offence under Section 21 to 24, if he is acting with the express consent of a police officer not below the rank of a Deputy Superintendent/Assistant Superintendent.

- (2) Subject to sub-section (3) and (4) under this Section, a person does not commit an offence under Section 21 to 24, by involvement in a transaction or arrangement relating to money or other property if he

discloses to a police officer:

- (a) his suspicion or belief that the money or other property is terrorist property; and
 - (b) the information on which his suspicion or belief is based.
- (3) Sub-section (2) under this Section applies only where a person makes a disclosure:
- (a) after he becomes concerned in the transaction concerned;
 - (b) on his own initiative; and
 - (c) as soon as is reasonably practicable.
- (4) Sub-section (2) under this Section does not apply to a person if-
- (a) a police officer forbids him to continue his involvement in the transaction or arrangement to which the disclosure relates; and
 - (b) he continues his involvement.
- (5) It is a defense for a person charged with an offence under Section 21 to 23 to prove that:
- (a) he intended to make a disclosure; and
 - (b) there is reasonable excuse for his failure to do so.

28. Punishment under Section 21 to 24.- Any person who commits an offence under Sections 21 to 24 shall be punishable on conviction with imprisonment for a term not less than five years and not exceeding ten years and with fine.

29. Seizure and detention.-(1) The Government may, from time to time, designate an officer of the Government, by notification in the official Gazette, or direct any other person to freeze, seize or detain any money or other property for a period of fifteen days. If there are reasonable grounds to believe that,-

- (a) it is a terrorist property; or

(b) it is property of a person included in the Fourth Schedule.

(2) The refusal to effect freeze or seizure under this Section without just cause shall be an offence under this Act and shall be liable on conviction to imprisonment of upto five years or fine upto five hundred thousand rupees, or both.

(3) If a legal person commits an offence under sub-section (2), it shall be liable to a fine of upto five million rupees and every director, officer or employee or such entity found guilty under sub-section (2) shall be punished in terms thereof.

(4) The Officer or person effecting freeze or seizure shall, within forty eight hours of the freeze or seizure, issue notice thereof to all persons concerned with the money or other property frozen or seized and cause publication of such notice in one English newspaper and one Urdu newspaper having wide circulation in the area.

(5) No prosecution, suit or other proceedings shall lie against the Government, or the officer or the person referred to in sub-section (1) for anything done or intended to be done in good faith to effect freeze or seizure under this section.

(6) The provisions of sub-sections (1) to (5) shall mutatis mutandis apply to a request received by the Government of Pakistan from a foreign government to freeze, seize or detain a terrorist property or property of a person included in the Fourth Schedule.

Explanation.- The authorized officer under this Section shall not be less than an officer of the rank of Superintendent of Police or equivalent.

30. Application by Authorized Officer to a Court.- (1) The officer or person referred to under sub-section (1) of Section 29 may apply to a Court for an order under this Section in relation to any money or other property frozen or seized under Section 29.

- (2) An order under this Section,-
 - (a) shall authorize, the further detention, under Section 29 of the money or other property frozen to which it relates for a period specified in the order, if the continued detention of the money or other property frozen is justified pending completion of an investigation of its origin or derivation;
 - (b) shall specify a period which ends not later than the period of three months beginning with the date of the order; and
 - (c) shall require notice to be given to the person from whom the money or other property frozen or seized and to any other person who is affected by and specified in the order.
- (3) Any cash detained under Section 29 if detained for a further specified period under this Section shall be held in a profit and loss account and the profit and loss so earned shall be added to it on its release or forfeiture.

31. Forfeiture.- (1) The Court by or before which a person is convicted claim offence under any of the Sections 22 to 27 may make a forfeiture order in accordance with the provisions of this Section.

- (2) Where a person is convicted of an offence under Section 22 (1) or (2) or Section 23, the Court may order the forfeiture of any money or other property—
 - (a) which, at the time of the offence, he had in his possession or under his control; and
 - (b) which, at that time, he intended should be used, or had reasonable cause to suspect might be used, for the purposes of terrorism.
- (3) Where a person has been convicted under Section 22(3), the Court may order forfeiture of any money or other property:
 - (a) which, at the time of the offence, he had in his

possession or under his control; and

(b) which, at the time, he knew or had reasonable cause to suspect would or might be used for the purposes of terrorism.

(4) Where a person is convicted of an offence under Section 24, the Court may order the forfeiture of the money or other property.

(a) to which the arrangement in question related: and

(b) which, at the time of the offence, he knew or had reasonable cause to suspect would or might be used for the purposes of terrorism

(5) Where a person is convicted of an offence under Section 25, the Court may order the forfeiture of the money or other property to which the arrangement in question related.

(6) Where a person is convicted of an offence under any of the Sections 22 to 25, the Court may order forfeiture of any money or other property which wholly or partly and directly or indirectly is received by any person as a payment or other reward in connection with the commission of the offence.

(7) Any person other than an accused, claiming the ownership or interest in any property or assets, suspected to be terrorist property, may within a period of fifteen days of freezing of the account or of taking into possession or control of such property or assets, as the case may be or within such extended period as the court may, for reasons to be recorded allow filed his claim before the court. The court after giving notice to the prosecution and hearing the parties, shall decide the claim.

32. Authorized Officer may apply to Court for forfeiture.

(1) The Officer or person referred to sub-section (1) of Section 29 may apply to the Court for an order forfeiting the money or other property being detained under

Section 29 and 31.

(2) The Court may grant an application only if satisfied on the balance of probabilities that the money or other property of a kind as defined in Section 31 and before so doing must give an opportunity to be heard to any person,-

- (a) who is not a party to the proceedings, and
- (b) who claims to be the owner of or otherwise interested in any of the money or other property which can be forfeited under this Section.

(3) An order may be made under this Section, whether or not proceedings are brought against any person for an offence with which the money or other property is connected.

33. Appeal against Forfeiture Order.- (1) Any party to the proceedings in which a forfeiture order is made under Section 31 or Section 32 may appeal to the High Court against such an order.

(2) An appeal must be brought before the end of the period of thirty days beginning with the date on which the forfeiture order was made.

34. Deposit of Money or other property in a fund.- (1) Any Money or other Property to which a forfeiture order under Section 32 and 33 applies, alongwith any addition, return, profit and loss accrued, shall be deposited into a special fund to be notified by the Government,-

- (a) after the expiry of the limitation period within which an appeal against the forfeiture order may be brought under Section 33 (2); or
- (b) where an appeal brought under Section 33 has been determined and disposed of.

(2) Any fund constituted by the Government under sub-section (1) may also be used to, compensate victims of acts of terrorism or in the case of deceased victims,

their dependents.

(3) The Government may, by rules made under this Act, prescribe the manner of administration of the fund and management or disposal of the Money or Property forfeited under this Act.

35. Deproscription. (1) After three years of the disposal of the appeal, if any, or where no appeal was filed, from the date of the order of proscription, or from the date of an refusal of an application of deproscription, the proscribed organization may apply in writing to the Government for the exercise of its power under Section 12(2) to remove the organization from the First Schedule, where the proscribed organization feels that it can prove to the satisfaction of the Government that the reasons for its proscription have ceased to exist.

(2) The Government shall decide such application within a period of ninety days, after providing a reasonable opportunity of hearing to the applicant.

36. Directing terrorist activities.- (1) A person commits an offence if he,-

(a) directs, at any level, whilst residing in Azad Jammu and Kashmir and Pakistan or abroad. activities of an organization concerned with the preparation, instigation or commission of acts of terrorism; or

(b) directs. from within the state, Pakistan or abroad activities connected with the commission, preparation or instigation of an act of terrorism.

(2) Any person guilty of on offence under sub-section (1) shall be liable on conviction to imprisonment for life and to forfeiture or confiscation of his assets within or outside Azad Jammu and Kashmir and Pakistan.

37. Printing, publishing, or disseminating any material to incite hatred or giving projection to any person convicted for a terrorist act or any proscribed organization or an organization placed under

observation or anyone concerned in terrorism.- (1) A person commits an offence if he prints, publishes or disseminates any material, whether by audio or video-cassettes or any form of data, storage device, FM radio station or by any visible sign or by written, photographic, electronic, digital, wall-chalking or any other method or means of communications which glorifies terrorists or terrorist activities or incites religious, sectarian or ethnic hatred or gives projection to any person convicted for a terrorist act, or any person or organization concerned in terrorism or proscribed organization or an organization placed under observation:

Provided that a factual news report, made in good faith, shall not be construed to mean projection for the purposes of this Section.

(2) Any person guilty of an offence under sub-section (1) shall be punishable on conviction with imprisonment which may extend to five years and with fine.

38. Responsibility for creating civil commotion.-(1) A person commits an offence, if he makes any call for action or shut-down, imposed through the use of threats or force resulting in damage or destruction of property or injury to person, to intimidate citizens and prevent them from carrying out their lawful trade or business activity.

(2) A person guilty of an offence under sub-section (1) shall on conviction be punishable with imprisonment for a term not less than five years and not more than ten years and shall pay compensation as may be determined by the Court, from the funds of the organization to which he belongs or from his own personal resources or assets for the hurt or damage or destruction caused as a result of the commission of the offence under sub-section (1).

(3) A person commits an offence if he addresses a meeting or gathering or delivers a sermon to religious gathering by any means whether verbal, written,

electronic, digital or otherwise to incite religious, sectarian or ethnic hatred and contempt and shall on conviction, be punishable with imprisonment not less than five years and not more than ten years or fine or with both.

- 39. Jurisdiction of Court.**-(1) Notwithstanding anything contained in the Code or in any other law, a Scheduled Offence committed in an area shall be triable only by the Court exercising territorial jurisdiction in relation to such area.

(2) Notwithstanding anything contained in sub-section (1), if, in respect of a case involving a Scheduled offence committed in any area, the Government, having regard to the facts and circumstances of the case, is satisfied that in order to ensure a fair trial, or for the protection and safety of witnesses, that such offence should be tried by the Court established in relation to any other area, the Government may make a declaration to that effect.

Explanation: Where the Court is established in relation to two or more areas, such Court shall be deemed, for the purpose of this sub-section, to have been established in relation to each of such areas.

(3) Where a declaration is made in respect of an offence committed in an area in any prosecution in respect of such offence shall be instituted only in the Court established in relation to such area, and, if any prosecution in respect of such offence is pending immediately before such declaration in any other Court, the same shall stand transferred to such Court and such Court shall proceed with such case from the stage at which it was pending at that time without the necessity of recalling any witnesses.

- 40. Establishment of Court .-** (1) The Government may establish by notification one or more Courts or authorize any Sessions Court or Ehtesab Court to exercise powers as Anti Terrorism Court under this Act in relation to each territorial area as specified by the

High Court.

(2) Where more than one courts have been established in any area, the Government in consultation with High Court shall designate a judge of any such court to be an administrative judge and all cases triable under this Act pertaining to the said area shall be filed before the said court and such judge may either try the cases himself, or assign any case, or cases, for trial to any other anti-terrorism court at any time prior to the framing of the charge. The cases shall be assigned to a court one case at a time:

Provided that in order to ensure that the time of the court is not wasted if for some reason a given case cannot be proceeded, more than one case can be assigned to it at any time or from time to time.

(3) In respect of a case assigned to a Court under sub section (2), all orders made or proceedings taken before the assignment shall be deemed to have been made or taken by the Court to which the case has been assigned.

(4) Notwithstanding anything contained in sub-section (2) and sub-section (3), the Government shall in addition to the existing Courts or such other Courts as may be established in the area, establish one such additional Court under the Act at any place and appoint a Judge of the High Court as a Judge of Court in consultation with the High Court, and where a judge of the High Court is appointed as a Judge for any area under this Act, he shall be the administrative Judge for that area and such administrative Judge, in addition to the powers exercisable under this Act, either *suo moto* or on the application of any party, at any stage of the proceedings whether before or after the framing of charge for sufficient cause including as mentioned in sub-section (1) of Section 71, transfer, withdraw or recall any case pending before any other Court in that area and may either try the case himself or make it over for trial in any other Court in that area.

(5) The Court to which a case is transferred or recalled for trial under sub-section (4) shall proceed with the case from the stage at which it was pending immediately before such transfer or recall and it shall not be bound to recall or rehear any witness who has given evidence and may act on the evidence already recorded.

41. Composition and Appointment of Presiding Officers of Anti-Terrorism Court.- (1) An Anti-Terrorism Court shall consist of a Judge, being a person who:-

- (i) is or has been a Sessions Judge or an Additional Sessions Judge, or
- (ii) is a Judicial Magistrate First Class vested with powers under Section 30 of the Code; or
- (iii) has for a period of not less than ten years been an advocate of High Court.

(2) The Government shall, after consultation with the High Court, appoint a Judge of each Court or authorize any judge qualified under sub-section (1) to act as presiding officer of Anti Terrorism Court.

(3) A Judge shall hold office for a period of two and a half years but may be appointed for such further term or part of term as the Government may determine.

(4) A Judge may be removed from his office prior to the completion of the period for which he has been appointed after consultation with the High Court.

(5) In case a judge is on leave or for any other reason temporarily unable to perform his duties, the Government may, after consultation with the High Court, authorize the Sessions Judge, having jurisdiction at the principal seat of the Court, to conduct proceedings of urgent nature so long as such judge is unable to perform his duties.

42. Place of Sitting.- (1) Subject to sub-sections (2) and (3), a Court shall ordinarily sit at such place or places as the Government may, by order, specify in that behalf.

(2) The Government may direct that for the trial of a particular offence, the Court shall sit at such place including the place of occurrence of an offence as it may specify.

(3) Except in a case where a place of sitting has been specified under sub-section (2), a Court may, if it considers it expedient or desirable so to do either *suo moto* or on the application of the public prosecutor sit, for holding the trial of a case at any place including a mosque other than the ordinary place of its sitting.

43. Oath by Anti-Terrorism Court.- A Judge of a Court shall, at the commencement of a proceeding under this Act, make oath to the effect that he shall decide the case honestly, faithfully and in accordance with the Constitution, law and his conscience.

44. Powers of Anti-Terrorism Court with respect to other Offences.- When trying any Scheduled Offence, a Court may also try any offence other than the Scheduled Offence with which the accused may, under the Code, be charged at the same trial.

45. Public Prosecutors.- (1) The Government shall appoint in relation to each Court, a Public Prosecutor and may also appoint one or more Additional Public Prosecutors:

Provided that the Government may also appoint, for any case or class of cases, a Special Prosecutors.

(2) Every person appointed as a Public Prosecutor or an Additional Public Prosecutor or a Special Public Prosecutor shall be deemed to be a Public Prosecutor within the meaning of Section 492 of the Code, and the provisions of the Code shall have effect accordingly.

46. Procedure and Powers of Anti Terrorism Court.- (1) An investigating officer under this Act shall be an officer or Police Officer not below the rank of Inspector or equivalent or, if the Government deems necessary JIT to be constituted by the Government shall be headed by an investigating officer of police not below the rank of superintendent of police (BPS-18) and other officers of

JIT may include equivalent ranks from intelligences agencies, Armed Forces and Civil Armed Forces. The JIT shall comprise five members and for the meetings purposes the quorum shall consist of three members.

(2) The investigating officer to the JIT, as the case may be, shall complete the investigation in respect of cases triable by the court within thirty working days. The report under Section 173 of the Code shall be signed and forwarded by the investigating officer of police directly to the court:

Provided that where the provisions of Section 3 and 4 have been invoked, the investigation shall be conducted by the JIT comprising members of Armed Forces or Civil Armed Forces, as the case may be, intelligence agencies and other law enforcement agencies including an investigating officer of police not below the rank of inspector who shall sign the report under Section 173 of the Code and forward it to the Court:

Provided further that, where investigation is not completed within period of thirty days from the date of recording of the first information report under Section 154 of the Code, the investigating officer of the JIT shall, within three days after expiration of such period, forward to the Court through the Public Prosecutor, an interim report under Section 173 of the Code, stating therein the result of investigation made until then and the Court shall commence the trial on the basis of such interim report, unless, for reasons to be recorded, the Court decides that the trial may not so commence. The interim report shall be signed by the investigating office of police.

(3) Notwithstanding anything contained in any other law for the time being in force, the Government may, in result of any case registered by or under investigation with, the police or any other investigation agency or authority, by order in writing, entrust inquiry or such investigation to such agency or authority as it may deem

fit and thereupon the Police, or any other investigation agency or the authority shall transfer the record of the case to such agency or authority.

(4) Where any person has been arrested by the Armed Forces or Civil Armed Forces under Section 4, he shall be handed over to the investigating officer of the Police station designated for the purpose by the provincial government in each district.

(5) The Joint Investigating Team referred to in sub-sections (1) and (2) shall have and exercise same powers as are vested in an officer incharge of a Police Station under the Code.

(6) Any default on the part of an officer-in-charge of a police station, an investigation officer or any other person required by law to perform any functions in connection with investigation, that result in, or has the effect of, delaying investigation or submission of the report under sub-section (2), shall be deemed to be a willful disobedience of the order of the Court and the person committing the default shall be liable to be punished for contempt of Court.

(7) The Court may directly take cognizance of a case triable by such Court without the case being sent to it under Section 190 of the Code.

(8) Where, in a case triable by the Court, an accused has been released from police custody, or custody of any other investigating agency joined in an investigation under Section 169 of the Code, or has been remanded to judicial custody, the Court may, on good grounds being shown by a Public Prosecutor or a Law Officer of the Government for reasons to be recorded in writing, make an order for placing him in policecustody, or custody of any other investigating Agency joined in investigation for the purpose of further investigation in the case.

(9) The Court shall be deemed to be a Magistrate for purpose of sub-section (8).

(10) The Court shall, on taking cognizance of a case,

proceed with the trial from day to day and shall decide the case within seven days, failing which the matter shall be brought to the notice of the Chief Justice of High Court for appropriate directions, keeping in view the facts and circumstances of the case.

(11) The Court shall not give more than two adjournments during the trial of the case and that also imposition of exemplary costs, if the defense counsel does not appear after two consecutive adjournments, the Court may appoint a State Counsel with at least seven years standing in the criminal matters for the defense of the accused from the panel of advocates maintained by the Court for the purpose in consultation with the Government and shall proceed with the trial of the case.

(12) Non compliance with the provisions of sub-section (10) or (11) may render the presiding officer of the Court liable to disciplinary action by the High Court.

(13) Notwithstanding anything contained in Section 7 of the Opioids Act, 1908 (VI of 1908) as adapted in Azad Jammu and Kashmir, or any other law for the time being in force, if the consent or sanction of the appropriate authority, where required, is not received within thirty days of the submission of challan in the Court, the same shall be deemed to have been given or accorded and the Court shall proceed with the trial of the case.

(14) The Court shall not, merely by reason of a change in its composition or transfer of a case under sub-section (3) of Section 71, be bound to recall and re-hear the Witness who has given evidence and may act on the evidence already recorded.

(15) Any accused person may be tried in his absence if the Court after such inquiry as it deems fit, is satisfied that such absence is deliberated and brought about with a view to impeding the course of justice:

Provided that the accused person shall not be

tried under this sub-section unless a proclamation has been published in respect of him in at least in one daily newspaper 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 Court shall proceed with the trial after taking the necessary steps to appoint an Advocate at the expense of the State 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 deemed not to have admitted the commission of any offence of which he has been charged.

(16) The advocate appointed under the second proviso to sub-section (15) shall be a person selected by the Court for the purpose and he shall be engaged at the expense of the Government.

(17) Nothing contained in sub-section (15) or sub-section (16) shall be construed to deny the accused the right to consult or be defended by a legal practitioner of his own choice.

(18) If, within sixty days from the date of his conviction, any person tried under sub-section (15) appears voluntarily, or is apprehended and brought before the Court and proves to its satisfaction that he did not abscond or conceal himself for the purpose of avoiding the proceedings against him, the Court shall set aside his conviction and proceed to try him in accordance with law for the offence with which he is charged:

Provided that the Court may exercise its powers under this sub-section in a case in which a person as aforesaid appears before it after the expiration of the said period and satisfied it that he could not appear within the said period by reason of circumstances beyond his control.

(19) Subject to the other provisions of this Act, the Court shall for the purpose of trial of any offence, have all the powers of a Court of Sessions and shall try such offence as if it were a Court of Sessions as far as may be in accordance with the procedure prescribed in the Code for trial before a Court of Sessions.

- 47. Mode of making searches and arrests.**-The provisions of the Code, except that of Section 103, shall mutatis mutandis apply to all searches and arrests by police officer and officer of equivalent rank of the law enforcement agencies made under this Act.
- 48. Pre-trial scrutiny.**- Before commencement of the trial, the prosecutor shall scrutinize the case file to ensure that all pre-trial formalities have been completed so that the actual trial proceeds un-interrupted from day to day.
- 49. Protection to Judges, Council, Public Prosecutor, Witnesses and persons concerned with Court Proceedings.**- (1) The Court may, subject to the availability of resources, make such necessary orders to take such measures, as it deems fit, within available resources, for the protection of a witness, judge, public prosecutor, counsel and other persons concerned in proceedings for an offence under this Act, which may also include the following measures:
- (a) Proceedings may be held in camera, or under restricted entry of members of the public, where necessary for the protection of the judge, member, witnesses or a victim's family members or to prevent persons from crowding or storming the Court to intimidate the judge or to create a threatening atmosphere;
 - (b) The names of judges, member, counsel, public prosecutor, witnesses and persons concerned with Court proceedings shall not be published; and
 - (c) During any inquiry, investigation or Court

proceedings. whenever the matter of the identification of the accused arises, adequate protection shall be provided to a witness identifying any accused, in order to protect the identity of the witness from the accused.

(2) For purposes of protection of the judges, members, accused, witnesses, prosecutors and defense counsel and anyone concerned with the Court proceedings, the Government may adopt such other measures as may be appropriate or may be prescribed and the Armed Forces shall also provide comprehensive protection and security to the judges, accused, witnesses, prosecutors, investigators, defense counsel and all those concerned in the Court proceedings. These measures may include the following, namely,-

- (a) screens may be used during trial to shield witnesses, Judges and Prosecutors from public view;
- (b) trial may be held in jail premises or through video link;
- (c) witness protection programmes may be established by the Government through law or rules.
- (d) The Government shall take necessary steps to ensure that prisoners in Jails do not have access to mobile phones.

(3) The Government shall extend protection to a judge, , a counsel, public; prosecutor and the witnesses during the investigation of an offence and proceedings under this Act, and thereafter, as may considered necessary.

(4) The provisions of this Section shall have effect notwithstanding anything contained in any other law for the time being in force, including the Qanoon-e-Shahadat Order, 1984 (P.O. No. 10 of 1984) as adapted in Azad Jammu and Kashmir.

50. Cordons for Terrorist Investigation.- (1) An area is a Cordoned area for the purposes of a terrorist investigation under the Act, if it is so designated under this Section.

(2) A designation may be made only by an officer not below the rank of a deputy superintendent of police or a member of a joint investigation team if he considers it expedient for the purposes of a terrorist investigation.

(3) A designation is made orally, the officer making it shall confirm it in writing, as soon as is reasonably practicable.

(4) The officer making a designation shall arrange for the demarcation of the cordoned area, so far as is reasonably practicable.

(5) An area may be designated a cordoned area for a maximum period of fourteen days, which may be extended in writing from time to time, with each extension specifying the additional period:

Provided that a designation shall have no effect after 28 days beginning with the day on which it was made.

(6) Where a person knows or has reasonable cause to suspect that a terrorist investigation is being conducted or is proposed to be conducted, a person commits an offence if he ,-

(a) discloses to another, or others, anything which is likely to prejudice an investigation; or

(b) interferes with material which is likely to be relevant to an investigation.

(7) Whosoever commits an offence under sub-section (6) shall be liable on conviction to imprisonment for a term not less than six months and not exceeding two years, and fine.

(8) It is a defense for a person charged with an offence under sub-section (6) to prove,-

(a) that he did not know and had no reasonable

cause to suspect that the disclosure or interference was likely to affect a terrorist investigation; or

- (b) that he had reasonable excuse for the disclosure or interference.
- (9) For the purposes of this Section-
 - (a) a reference to conducting a terrorist investigation includes a reference to taking part in the conduct of, or assisting, a terrorist investigation; and
 - (b) a person interferes with any material if he falsifies it, conceals it, destroys it or disposes of it, or if he causes or permits another to do any of these things.

51. Terrorist investigation.- A policeman in uniform, or a member of a Joint Investigating Team may,-

- (a) order a person in a cordoned area to leave immediately;
- (b) order a person immediately to leave the premises which are wholly or partly in or adjacent to a cordoned area;
- (c) order the driver or person in charge of a vehicle in a cordoned area to move it from the area immediately;
- (d) arrange for the removal of a vehicle from the cordoned area;
- (e) arrange for the movement of a vehicle within a cordoned area;
- (f) prohibit or restrict access to a cordoned area by pedestrians or vehicles;
- (g) enter and search any premises in a cordoned area if he suspects anyone concerned with terrorism is hiding there;
- (h) search and arrest any person he reasonably suspects to be a person concerned in terrorism;

Provided that any search of a person shall be done by a Police person of the same sex; or

- (i) take possession of any property in a cordoned area he reasonably suspects is likely to be used for the purposes of terrorism.

52. Training.- (l) Weapons Training,-

A person commits an offence if he provides, without valid authorization from the competent authority, any instruction or training in the making or use of,-

- (a) fire-arms;
- (b) explosives; or
- (c) chemical, biological, and other weapons.

(2) A person commits an offence if he provides without valid authorization from the competent authority, any instruction or training to any child under sub-section (1) and, on conviction, shall be liable to a term of imprisonment of not less than ten years and fine.

(3) A person commits an offence if he receives instruction or training from anyone, without valid authorization from the competent authority, to give such instruction or training or invites another, specifically or generally, to receive such unauthorized instruction or training in the making or use of-

- (a) fire-arms;
- (b) explosives or
- (c) chemical, biological, and other weapons.

(4) A child commits an offence if he provides, without valid authorization from the competent authority, any instruction or training, or if he receives such unauthorized instruction or training or invites another specifically or generally to receive such unauthorized instruction or training in the making or use of,-

- (a) fire-arms;

- (b) explosives; or
- (c) chemical biological and other weapons.
- (5) A child guilty of an offence under sub-section (4) shall be liable on conviction to imprisonment for a term not less than six months and not exceeding five years.
- (6) A person guilty of an offence under sub-sections (1) and (3) shall be liable on conviction to imprisonment for a term not exceeding ten years, or fine or with both.
- (7) Training in Terrorism,-
 - (a) A person commits an offence if he provides, generally or specifically, any instruction or training in acts of terrorism;
 - (b) A person commits an offence if he receives any instruction or training in acts of terrorism or invites another, specifically or generally, to receive such instruction or training;
 - (c) A person guilty of an offence under clauses (a) and (b) shall, on conviction, be liable to imprisonment of either description for a term of not less than one year and not more than ten years and fine;
 - (d) A person is guilty of an offence if he provides, any instruction or training in acts of terrorism to a child, and on conviction, shall be liable to imprisonment of either description for a term not less than one year and not more than ten years and fine;
 - (e) A child commits an offence if he provides, generally or specifically, any instruction or training in acts of terrorism, and on conviction, shall be liable to imprisonment for a term not less than six months and not more than five years; and
 - (f) A child commits an offence if he receives, generally or specifically, instructions or training in acts of terrorism, and on conviction, shall be

liable to imprisonment for a term not less than six months and not more than five years.

(8) A Court by which a person is convicted of an offence under this Section, may order the forfeiture of anything or property which it considers to have been in the person's possession for purposes connected with the offence, after giving any person, other than the convicted person, who claims to be the owner or is otherwise interested, an opportunity of being heard.

53. Bail.-(1) Notwithstanding the provisions of Sections 439, 491, 496, 497, 498, 495-A and 561-A of the Code, no Court, other than the Court, a High Court or the Supreme Court of Azad Jammu and Kashmir, shall have the power or jurisdiction to grant bail to or otherwise release an accused person in a case triable by the Court.

(2) All offences under this Act punishable with death or imprisonment exceeding three years shall be non-bailable:

Provided that if there appear reasonable grounds for believing that any person accused of non-bailable offence has been guilty of an offence punishable with death or imprisonment for life or imprisonment for not less than ten years, such person shall not be released on bail.

(3) Subject to sub-section (2), the Court may admit a person to bail, unless satisfied that there are substantial grounds for believing that the person, if released on bail (whether subject to conditions or not), would-

- (a) fail to surrender to custody;
- (b) commit an offence while on bail;
- (c) interfere with a witness otherwise obstruct or attempt to obstruct the course of justice, whether in relation to himself or another person; or
- (d) fail to comply with the conditions of release (if

any).

(4) In exercising its powers in relation to a person seeking bail under the Act, the Court shall have regard to such of the following considerations as well as to any others which it considers relevant,-

- (a) the nature and seriousness of the offence with which the person is charged;
- (b) the character, antecedents, associations and community ties of the person;
- (c) the time which the person has already spent in custody and the time which he is likely to spend in custody if he is not admitted to bail; and
- (d) the strength of the evidence of his having committed the offence.

(5) Without prejudice to any other power to impose conditions on admission to bail, the Court admitting a person to bail under this Section may impose such conditions as it considers,-

- (a) likely to result in the person's appearance at the time and place required including every high bail sureties; or
- (b) necessary in the interests of justice or for the prevention of crime, including surveillance of the person granted bail to monitor his activities and requiring him to report to the concerned police station at specified intervals as determined by the Court.

(6) It shall be lawful for the person to be held in military or police protective custody in accordance with the conditions of his bail.

(7) The Government or the Court may, under this Section, at any time, in respect of a person charged of an offence under the Act, if it considers it necessary, by special or general order, direct special arrangements to be made as to the place at which the person is to be

held in order,

- (a) to prevent his escape; or
- (b) to ensure his safety or the safety of others.

- 54. Remand.-** (1) Where a person is detained for investigation, the Investigating Officer within twenty-four hours of the arrest, excluding the time necessary for the journey from the place of arrest to the Court shall produce the accused before the Court, and may apply for remand of the accused to police custody, or custody of any other Investigating Agency joined in the investigation for which the maximum period allowed may be fifteen days:

Provided that, where an accused cannot within twenty-four hours be produced before the Court, a temporary order for police custody, or custody of any other Investigating Agency joined in the investigation not exceeding twenty-four hours may be obtained from the nearest Magistrate for the purposes of producing the accused before the Court within that period.

- (2) No extension of the time of the remand of the accused in police custody, or custody of any other Investigating Agency joined in the investigation shall be allowed, unless it can be shown by the Investigating Officer, to the satisfaction of the Court that further evidence may be available and the Court is satisfied that no bodily harm has been or will be caused to the accused:

Provided that the total period of such remand shall not exceed ninety days.

- (3) The Court shall be deemed to be a Magistrate for purposes of sub-section (1).

- 55. Power to call information etc.-**(1) The Superintendent of Police during the course of investigation or an equivalent officer of security forces operating in aid of civil power under section 3 and 4, may by an order in writing, on the request of the Joint Investigation Team,-

- (a) call for information from any person for the purpose of satisfying himself whether there has been any contravention of the provisions of this Act or any rule or order made there under;
- (b) require any person to produce or deliver any document or thing useful or relevant to the inquiry or investigation;
- (c) examine any person acquainted with the facts;
- (d) with the permission of the Anti-Terrorism Court, require any bank of financial institution, notwithstanding anything contained in any other law for the time being in force, to provide any information relating to any person, including copies of entries made in the bank's or a financial institution's book, including information of transactions saved in electronic or digital form which are reasonably believed to be connected with commission of an offence under this Act and the keeper of such books or records shall be obliged to certify the copies in accordance with law;
- (e) require information or obtain record of telephone and mobile phone data, e-mail, MMS and, CNIC and encrypted messages or any other information suspected to be linked in any manner with commission of an offence under this Act, from any service provider company of department.
- (d) with the permission of the Anti-Terrorism Court, require any bank of financial institution, notwithstanding anything contained in any other law for the time being in force, to provide any information relating to any person, including copies of entries made in the bank's or a financial institution's book, including information of transactions saved in electronic or digital form which are reasonably believed to be connected with commission of an offence under this Act and the keeper of such books or records shall be

obliged to certify the copies in accordance with law; and

- (f) require information or obtain record of telephone and mobile phone data, e-mail, MMS and, CNIC and encrypted messages or any other information suspected to be linked in any manner with commission of an offence under this Act, from any service provider company of department.

56. Remissions.- Notwithstanding anything contained in any law or prison rules for time being in force, no remission in any sentence shall be allowed to a person, who is convicted and sentenced for any offence under the Act.

57. Trial of offences.- All offences under this Act shall be tried exclusively by the Anti Terrorism Court established under this Act.

Provided that in case of a child convicted and sentences for an offence under this Act, on satisfaction of Government, may be granted remission, as deemed appropriate.

58. Conditional admissibility of confession.- Notwithstanding anything contained in the Qanoon-e-Shahadat Order, 1984 (President's Order No. 10 of 1984) as adapted in Azad Jammu and Kashmir or any other law for the time being in force, where in any Court proceedings held under this Act the evidence which includes circumstantial and other evidence produced raises the presumption that there is a reasonable probability that the accused has committed the offence, any confession made by the accused during investigation without being compelled, before a police officer not below the rank of a Superintendent of Police, may be admissible in evidence against him, if the Court so deems fit:

Provided that the Superintendent of Police before recording any such confession had explained to the person making it that he is not bound to make a

confession and that if he does so it may be used as evidence against him and that no Superintendent of Police has recorded such confession unless, upon questioning the person making it, the Superintendent of Police had reason to believe that it was made voluntarily; and that when he recorded the confession, he made a memorandum at the foot of such record to the following effect:-

“I have explained to (name...), that he is not bound to make a confession and that, he does so, any confession he may make may be used as evidence against him and I believe that this confession was voluntarily made. It was taken in my presence, and was read over to the person making it and admitted by him to be correct, and it contains a full and true account of the statement made by him.”

(Signed)

Superintendent of Police.”

- 59. Aid and abetment.**- Whoever aids or abets any offence, under this Act shall be punishable with the maximum term of same imprisonment provided for the offence or the fine; provided for such offence or with both.
- 60. Harboring.**- (1) A person commits an offence if he harbors any person who has committed an offence under this Act.
- (2) A person guilty of an offence under sub-section (1) shall be liable on conviction to punishment as provided in Sections 216 and 216-A of the Azad Penal Code (Act XLV of 1860).
- 61. Offences triable by way of Summary Procedure.**- All offences under the Act punishable with imprisonment for a term of not more than six months with or without fine shall be tried by way of summary procedure.
- 62. Punishment for an Absconder.**- whoever being accused of an offence under this Act, absconds and avoids arrest or evades appearance before any inquiry, investigations

or Court proceedings or conceals himself, and obstructs the course of justice, shall be liable to imprisonment for a term not less than five years and not more than 10 year or with fine or with both.

- 63. Trial.**- (1) While trying any offence under this Act, a Court may also try another offence which an accused may, under the Code be charged, at the same trial if the offence is connected with such other offence.

(2) If, in the course of any trial under this Act of any offence it is found that the accused person has committed any other offence under this Act or any other law for the time being in force, the Court may convict an accused for such other offence and pass any sentence authorized by this Act or, as the case may be, such other law, for the punishment thereof.

- 64. Manner and place of execution of Sentence.**- The Government may specify the manner, mode and place of execution of any sentence passed under this Act, having regard to the deterrent effect which such execution is likely to have.

- 65. Power to transfer Cases to regular Courts.**- Where, after taking cognizance of an offence, the Court is of opinion that the offence is not a Scheduled Offence, it shall, notwithstanding that it has no jurisdiction to try such offence, transfer the case for trial of such offence to any Court having jurisdiction under the Code, and the court to which the case is transferred may proceed with the trial of the offence as if it had taken cognizance of the offence.

- 66. Appeal.**- (1) An appeal against the final judgment of the Court shall lie to High Court.

(2) Copies of the judgment of the Court shall be supplied to the accused and the Public Prosecutor free of cost on the day the judgment is pronounced and the record of the trial shall be transmitted to the High Court within three days of the decision.

(3) An appeal under sub-section (1) may be preferred

by a person sentenced by the Court to High Court within fifteen days of the passing of the sentence.

(4) The Advocate-General, Additional Advocate General, Assistant Advocate General or an Advocate of High Court or a Supreme Court appointed as Public Prosecutor, Additional Public Prosecutor or a Special Public Prosecutor may, on being directed by the Government file an appeal against an order of acquittal or a sentence passed by the Court within thirty days of such order.

(5) Any person who is a victim or legal heir of a victim and is aggrieved by the order of acquittal passed by the Court, may within thirty days, file an appeal in a High Court against such order.

(6) If an order of acquittal is passed by the Court in any case instituted upon complaint and the High Court, on an application made to it by the complainant in this behalf, grant special leave to appeal from the order of acquittal, the complainant may within thirty days present such an appeal to the High Court.

(7) An appeal under this Section shall be heard and decided by a High Court within seven working days.

(8) Pending the appeal the High Court shall not release the accused on bail.

(9) For the purposes of hearing appeals under this Section the High Court shall establish a Special Bench or Benches consisting of not less than two Judges.

(10) While hearing an appeal, the Bench shall not grant more than two consecutive adjournments.

67. Punishment for defective investigation and reward for successful investigation.-(1) If the Court or a High Court comes to the conclusion during the course of or at the conclusion of the trial that the investigating officer, or other concerned officers have failed to carry out the investigation properly or diligently or have failed to pursue the case properly and in breach of their duties,

it shall be lawful for such court or as the case may be, High Court to punish the delinquent officers with imprisonment which may extend to two years, or with fine or with both by resort to summary proceedings.

(2) Incentive system shall be introduced by the Government providing for appropriate rewards to investigating officers who conduct successful investigation.

68. Presumption of proof against accused.--Any person having in possession any explosive substance with or without explosive devices without lawful justification or having been unlawfully concerned with such explosive substance and devices, shall be presumed, unless contrary is proved, that the explosive substance was for the purpose of terrorism.

69. Punishment for false implication.-- Where an investigating officer dishonestly and falsely involves, implicates or arrests a person alleged to have committed any scheduled offence shall be punishable with imprisonment for a term which may extend to two years or with fine or with both:

Provided that action against such investigating officer shall not be taken without prior approval of the Government.

70. Conviction on the basis of electronic or forensic evidence etc.-- Notwithstanding anything contained in this Act or Qanoon-e-Shahadat Order, 1984 (P.O No. 10 of 1984) as enforced in Azad Jammu and Kashmir, or any other law for the time being in force, a person accused of an offence under this Act may be convicted on the basis of electronic or forensic evidence or such other evidence that may have become available because of modern devices or techniques.

Provided that the Court is fully satisfied as to the genuineness of such evidence.

71. Transfer of Cases.-- (1) Notwithstanding anything contained in this Act, on the application of any party to

the proceedings the High Court may, if considers it expedient so to do in the interest of justice, or where the convenience or safety of the witnesses or the safety of the accused so requires, transfer any case from one Court to another Court within or outside the area.

(2) A Court to which a case is transferred under sub-section (1) shall proceed with the case from the stage at which it was pending immediately before such transfer and it shall not be bound to recall and rehear any witness who has given evidence and may act on the evidence already recorded:

Provided that nothing herein contained shall affect the powers of the presiding officer of the Court to call any witness as is available under the law.

(3) The Government may in the interest of justice and for protection and safety of witnesses and investigators, transfer the investigation of any case from one place to any other place in Azad Jammu and Kashmir.

(4) The investigating officer or the agency to which case is transferred under sub-section (3), may proceed from the stage of inquiry or investigation was left or may proceed with the case as if it had been originally entrusted to him or the agency, as the case may be.

(5) On completion and before submission of report under Section 173 of the Code, the Government may direct the case falling in the jurisdiction of a particular Anti Terrorism Court may be forwarded for trial to another Anti terrorism Court anywhere in Azad Jammu and Kashmir, as may be specified by the Government in this behalf, in the public interests or for the safety and protection of judges, public prosecutors or witnesses.

72. Impounding of passport of person charge-sheeted under the Act.- Notwithstanding any contained in any other law for the time being in force, the passport of a person, who is accused of an offence under this Act, shall be deemed to have been impounded for such

period as the Court may deem fit.

- 73. Trial before Anti-Terrorism Court to have precedence.**-A trial under this Act of an offence by the Anti-Terrorism Court, and the appearance of an accused before it, shall have precedence over the trial of any other case against the accused in any other Court, except the High Court on its original side.
- 74. Modified application of Certain Provisions of the Code.**-(1) Notwithstanding anything contained in the Code or in any other law, every Scheduled Offence shall be deemed to be a cognizable offence within the meaning of clause (f) of Section 4 of the Code and the words "cognizable case" as defined in that clause shall be construed accordingly.
- (2) Sections 374 to 379 of the Code shall apply in relation to a case involving a Scheduled Offence subject to the modification that the references to a "Court of Sessions" wherever occurring therein, shall be construed as reference to a "Court and High Court".
- 75. Finality of Judgment.**- A judgment or order passed, or sentence awarded, by the Court, subject to the result of an appeal under this Act shall be final and shall not be called in question in any Court.
- 76. Overriding effect of Act.**-(1) The provisions of this Act shall have effect notwithstanding anything contained in the Code or any other law but, save as expressly provided in this Act, the provisions of the Code shall, in so far as they are not inconsistent with the provisions of this Act, apply to the proceedings before the Court, and for the purpose of the said provisions of the Code, the Court shall be deemed to be a Court of Sessions.
- (2) In particular and without prejudice to the generality of the provisions contained in sub-section (1), the provisions of Section 350 of the Code shall, as far as may be, apply to the proceedings before the Court, and for this purpose any reference in those provisions to a Magistrate shall be construed as a reference to the Court.

- 77. Delegation.**-The Government may, by notification, delegate, subject to such conditions as may be specified therein, all or any of the powers exercisable by it under this Act.
- 78. Power to amend the Schedule.**-The Government may, by notification, amend the First, Second, Third and Fifth Schedule so as to add any entry thereto or modify or omit any entry therein.
- 79. Power to make rules.**- The Government may, by notification in the official gazette, make rules for carrying out the purpose of this Act.
- 80. Contempt of Court.**- The 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 any 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.
- 81. Punishment for Terrorist Act Committed before this Act.**-Where a person has committed an offence before the commencement of this Act which if committed after the date on which this Act comes into force would constitute a Terrorist Act hereunder he shall be tried under this Act but shall be liable to punishment as authorized by law at the time the offence was committed.
- 82. Indemnity.**- No suit, prosecution or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be

done under this Act.

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

- 84. Amendment of Criminal Law Amendment Act, 1908 (XIV of 1908).** - In the Criminal law Amendment Act, 1908 (XIV), the following amendments shall be made, namely:--

- (I) In Section 15, clause (2) in sub-section (2), in clause (a) for the words “violence or intimidation” the words “terrorism stirring up sectarianism, violence or intimidation which endanger or threaten public order” shall be substituted.
- (II) For Section 16, the following shall be substituted namely:-

- “16 Declaration of an association to be unlawful.**- (1) If the Government is of the opinion that an association is an unlawful association it may call upon the association to show cause within fourteen days why it should not be declared as unlawful association for the purpose of this Act.

(2) If after hearing the association, the Government is of the opinion that the association is an unlawful association it may declare such association to be an unlawful association.

(3) If the Government is of the opinion that in the interest of the maintenance of public order or to prevent injury to the people it is just and necessary to take immediate action, it may, pending passing of order under sub-section (2), by an ad interim order, declare an association to be unlawful.

(4) An association aggrieved by an order under sub-section (2) may file an appeal before a

Board appointed by the High Court consisting of a Chairman and two other persons each of whom is or has been Judge of the High Court.

(5) The Board shall decide the appeal within thirty days and may pass such order as it may deem fit.

(III) In section 17,-

(i) In sub-section (1) for the words “six months” the words “five years” shall be substituted; and

(ii) In sub-section (2) for the words “three years” the words “seven years” shall be substituted.

85. Repeal: The Azad Jammu and Kashmir Anti Terrorism Ordinance, 2014 (Ordinance XIV of 2014) is hereby repealed.

Sd/-
(Ch. Muhammad Nawaz)
Section Officer Law

AZAD JAMMU AND KASHMIR ANTI-TERRORISM ACT, 2014

THE FIRST SCHEDULE

(List of Proscribed Organizations)

[See Section 12]

THE SECOND SCHEDULE

(List of Organizations under Observation)

[See Section 14 (1) (a)]

THE THIRD SCHEDULE

(Scheduled Offences)

[See Section 2(t)]

1. Any act of terrorism within the meaning of this Act including those offences which may be added or amended in accordance with the provisions of Section 70 of this Act.
2. Any other offence punishable under this Act.
3. Any attempt to commit, or any aid or abetment of, or any conspiracy to commit, any of the aforesaid offences.
4. Without prejudice to the generality of the above paragraph, the Court to the exclusion of any other Court shall try the offences relating to the following, namely:-
 - (i) Abduction or kidnapping for ransom;
 - (ii) use of fire-arms or explosives by any device, including bomb blast in a mosque, imambargah, church, temple or any other place of worship, whether or not any hurt or damage is caused thereby; or
 - (iii) firing or use of explosives by any device, including bomb blast in the Court premises.

The Forth Schedule

[See Section 16]

The Fifth Schedule

[See Section 5(4)]

- (a) Convention for the Suppression of Unlawful Seizure of Aircraft, done at The Hague on the 16th December, 1970;
- (b) Convention for the Suppression of Unlawful acts against the Safety Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including diplomatic Agents, adopted by the General Assembly of the United Nations on the 14th December, 1973;
- (c) Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including diplomatic Agents, adopted by the General Assembly of the United Nations on the 14th December, 1973;
- (d) International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on the 17th December, 1979.
- (e) Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on the 24th February, 1988;
- (f) Convention for the suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on the 10th March, 1988;
- (g) Protocol for the Suppression of Unlawful Acts

against the Safety of Fixed Platforms located on the Continents Shelf, done at Rome on the 10th March, 1988;

- (h) International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations at New York on the 15th December, 1997; and
 - (i) Such other convention as may be specified by the Government of Pakistan by notification in the official Gazette.
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