

[TO BE INTRODUCED IN THE NATIONAL ASSEMBLY]

A

Bill

further to amend the Pakistan Army Act, 1952;

WHEREAS extraordinary situation and circumstances exist which demand special measures for speedy trial of certain offences relating to terrorism, waging of war or insurrection against Pakistan and prevention of acts threatening the security of Pakistan by any terrorist or terrorist group using the name of religion or a sect and members of such armed groups, wings and militias;

AND WHEREAS there exists grave and unprecedented threat to the integrity of Pakistan by the raising of arms and insurgency using the name of religion and a sect by groups of foreign and locally funded elements including warriors using the name of the religion or a sect;

AND WHEREAS it is expedient that the said terrorists groups including any such terrorists fighting while using the name of religion or a sect captured or to be captured in combat with the Armed Forces and other law enforcement agencies or otherwise are tried by the court under this Act;

AND WHEREAS Article 245 of the Constitution of Islamic Republic of Pakistan, 1973 enjoins upon the Armed Forces to combat against any threat of war;

It is hereby enacted as follows:-

- 1. Short title and commencement.**—(1) This Act may be called the Pakistan Army (Amendment) Act, 2015.

(2) It shall come into force at once.

(3) The provisions of this Amendment Act shall remain in force for a period of two years from the date of its commencement and shall cease to form part of the Act and shall stand repealed on the expiration of the said period unless extended, by resolution passed by each House of the Parliament.

2. Amendment of section 2, Act XXXIX of 1952.— In the Pakistan Army Act, 1952 (XXXIX of 1952), hereinafter referred to as the said Act, in section 2,—

(1) in sub-section (1),—

(a) in clause (d), after sub-clause (ii), the following new sub-clauses shall be inserted, namely:—

“(iii) any person who is or claims or is known to belong to any terrorist group or organization using the name of religion or a sect and raises arms or wages war against Pakistan or attacks the Armed Forces of Pakistan and law enforcement agencies, or attacks any civil or military installations in Pakistan or kidnaps any person for ransom or causes death of any person or injury, or is in possession, storage, fabrication or transport of explosives, fire-arms, instruments, articles, suicide jackets or vehicles designed to be used for terrorist acts, or receives or provides funding from any foreign or local sources for such illegal activities and acts or does any act to overawe the state or any section of the public or a sect or a religious minority or to create terror or insecurity in Pakistan or attempts to commit any of the said acts, within or outside Pakistan shall be punished under this Act;

- (iv) any person who is or claims or is known to belong to any terrorist group or organization using the name of religion or a sect, commits an offence mentioned at serial Nos. (i), (ii), (iii), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xv), (xvi), (xvii) and (xx) in the Schedule to the Protection of Pakistan Act, 2014 (X of 2014):

Provided that any person who is alleged to have abetted, aided or conspired in the commission of any offence falling under sub-clause (iii) or sub-clause (iv) shall be tried under this Act wherever he may have committed that offence:

Provided further that no person accused of an offence falling under sub-clause (iii) or sub-clause (iv) shall be prosecuted without the prior sanction of the Federal Government.

Explanation: In this Act, the expression 'sect' means a sect of religion and does not include any political party registered under any law for the time being in force.”;

- (2) after sub-section (3), the following new sub-sections shall be added, namely:-

“(4) The Federal Government shall have the power to transfer any proceedings in respect of any person who is accused of any offence falling under sub-clause (iii) or sub-clause (iv) of clause (d) of sub-section (1), pending in any court to a court under this Act.

(5) Any proceedings transferred under sub-section (4) shall be deemed to have been instituted under this Act.

(6) Where a case is transferred under sub-section (4) it shall not be necessary to record evidence which has already been recorded."

3. **Amendment of section 60, Act XXXIX of 1952.-** In the said Act, in section 60, in clause (k), after the word "law" occurring at the end, the words "and any other law for the time being in force" shall be added.

STATEMENT OF OBJECTS AND REASONS

An extraordinary situation and circumstances exist which demand special measures for speedy trial of certain offences relating to terrorism, waging of war or insurrection against Pakistan and prevention of acts threatening the security of Pakistan by any terrorist group using the name of religion or a sect and members of such armed groups, wings and militia. There exists grave and unprecedented threat to the integrity of Pakistan by the raising of arms and insurgency using the name of religion and a sect by groups of foreign and locally funded elements including warriors using the name of the religion or a sect who are to be severely dealt with under the law.

The Bill is designed to achieve the said object.

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