

[AS INTRODUCED IN THE NATIONAL ASSEMBLY]

A

Bill

further to amend the Anti-terrorism Act, 1997

WHEREAS it is expedient to further amend the Anti-terrorism Act, 1997 (XXXVII of 1997) for the purposes hereinafter appearing;

It is hereby enacted as under:-

1. **Short title and commencement.**- (1) This Act may be called the Anti-terrorism (Amendment) Bill, 2020.

(2) It shall come into force at once.

2. **Amendment of section 2, XXVII of 1997.**- In the Anti-terrorism Act, 1997 (XXVII of 1997), hereinafter referred to as "the Act", in section 2, the existing clause (pa) shall be re-numbered as clause (paa) and before the aforesaid re-numbered clause the following new clause shall be inserted, namely:-

"(pa) 'Person' means any natural or legal person including government body, autonomous or semi-autonomous entity, regulatory authority, body corporate partnership association, trust, agency or any other undertaking responsible for caring out the purposes of this Act"

3. **Amendment of section 11O, Act XXVII of 1997.**- In the Act, in section 11O,-

(a) in sub-section (2), the words "to penalty of fine not exceeding ten million rupees" the words "on conviction to a term not exceeding ten years or with fine not exceeding twenty-five million rupees or with both" shall be substituted;

(b) in sub-section (3), for the word "to penalty of fine not exceeding ten million rupees and every director, officer or employee of such person found guilty of the violation shall be punished in terms thereof", the words "on conviction to fine not exceeding fifty million rupees and every director, officer or employees of such person found guilty of the violation shall be liable on conviction to a term not exceeding ten years or with fine not exceeding twenty five million rupees or with both" shall be substituted; and

(c) after sub-section (3), the following new sub-section shall be inserted, namely -

"(4) Notwithstanding anything contained in sub-section (2), if any public servant is found negligent in complying with the provision of sub-section (1) such public servant shall be proceeded against under respective service rules for administrative action."

4. **Insertion of section 11000, Act XXVII of 1997.**- In the Act, after section 1100, the following new section shall be inserted namely:-

"11000. **Violation of UN Security Council Resolutions.**- (1) A person is guilty of an offence if he, in any way whatsoever, refuses or fails to comply with the orders of the Federal Government under section 2 of United Nations (Security Council) Act, 1948 (XIV of 1948).

(2) A person guilty of an offence under sub-section (1), shall be liable to conviction to imprisonment for a term not exceeding ten years or with fine not exceeding twenty-five million rupees or with both.

(3) If a legal person commits an offence under sub-section (1), such person shall be liable on conviction to fine not exceeding fifty million rupees and every director, officer or employee of such legal person found guilty of the violation shall be liable on conviction to imprisonment for a term not exceeding ten years or with fine not exceeding twenty five million rupees or with both".

(4). Notwithstanding anything contained in sub-section (2), of 11000, if any public servant is found negligent in complying with the provisions of sub-section (1), such public servant shall be proceeded against under respective service rules for administrative action."

STATEMENT OF OBJECTS AND REASONS

The Anti-Terrorism Act (ATA), 1997, though comprehensive in its scope, lacks certain provisions in relation to the implementation of United Nations Security Council Resolutions (UNSCRs) 1267 and 1373. The UNSCRs 1267 and 1373 were adopted under Article 41 of Chapter VII of the United Nations Charter making them obligatory for all members of the United Nations. Through UNSCR 1267, member states of the United Nations implement the sanctions measures of assets freeze (targeted financial sanctions), arms embargo and travel ban on the entities and individuals who are designated on the sanctions list. UNSCR 1373 requires member states to implement counter terrorism measures, especially countering the financing of terrorism through their domestic laws. The above obligation is implemented in Pakistan through Anti Terrorism Act, 1997. The penalties already provided in the said Act are not dissuasive for violations of assets seizure provision in section 11-O and the provided amount of fine is insufficient.

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