

NATIONAL ASSEMBLY SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON INTERIOR ON THE ANTI-TERRORISM (AMENDMENT) BILL, 2019

I, Chairman of Standing Committee on Interior have the honor to present this report on the Bill further to amend the Anti-terrorism Act, 1997 (Act XXVII of 1997) [The Anti-Terrorism (Amendment) Bill, 2019] (Government Bill), referred to the Committee on 7th November, 2019.

2. The Committee comprises the following:

1) Raja Khurram Shahzad Nawaz	Chairman
2) Mr. Sher Akbar Khan	Member
3) Mehar Ghulam Muhammad Lali	Member
4) Mr. Raza Nasrullah	Member
5) Khawaja Sheraz Mehmood	Member
6) Mr. Rahat Aman Ullah Bhatti	Member
7) Malik Karamat Ali Khokhar	Member
8) Sardar Talib Hassan Nakai	Member
9) Ms. Nafeesa Inayatullah Khan Khattak	Member
10) Mr. Muhammad Akhtar Mengal	Member
11) Nawabzada Shazain Bugti	Member
12) Malik Sohail Khan	Member
13) Syed Iftikhar Ul Hassan	Member
14) Mr. Mohammad Pervaiz Malik	Member
15) Mr. Nadeem Abbas	Member
16) Ms. Maryam Aurangzaib	Member
17) Syed Agha Rafiullah	Member
18) Nawab Muhammad Yousuf Talpur	Member
19) Mr. Abdul Qadir Patel	Member
20) Mr. Asmatullah	Member
21) Mr. Ijaz Ahmad Shah	Ex-officio Member
Minister for Interior	

3. The Committee considered the Bill as introduced in the National Assembly placed at **Annex-A**, in its meeting held on 12-12-2019, 24-12-2019, 27-01-2020, 03-02-2020 and recommends that the Bill as introduced may be passed by the Assembly. Note of Dissent submitted by Mr. Abdul Qadir Patel and Syed Agha Rafiullah is placed at **Annex B**.

- Sd -

(TAHIR HUSSAIN)
Secretary

Islamabad, the 14th February, 2020

- Sd -

(RAJA KHURRAM SHAHZAD NAWAZ)
Chairman

Standing Committee on Interior

[AS REPORTED BY STANDING COMMITTEE]

A

BILL

further to amend the Anti-terrorism Act, 1997

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

It is hereby enacted as follows:-

1. Short title and commencement.-

(1) This Act may be called the Anti-terrorism (Amendment) Act, 2020.

(2) It shall come into force at once.

2. Amendment of section 2, Act XXVII of 1997.- In the Anti-terrorism Act, 1997, (XXVII of 1997), hereinafter referred to as the Act, in section 2,-

(a) The existing clause (a) shall be re-numbered as clause (aa) and before clause (aa), re-numbered as aforesaid, the following new clause shall be inserted, namely:-

“(a) “agent” means a natural or a legal person providing informal money or value transfer services including *hundi or hawala*”; and

(b) After clause (e), the following new clause shall be inserted, namely:-

(ea) “economic terrorism” means the transfer of money or funds from Pakistan to destinations abroad through any informal channel, including

hundi or hawala, where the total amount transferred by any one agent, through a single or multiple transactions over a period of one month, is equal to or exceeds fifty million Rupees;”.

3. Amendment of section 6, Act XXVII of 1997.- In the said Act, in section 6, in sub-section (2),-

- (a) In clause (o), the word “or”, at the end, shall be omitted; and
- (b) In clause (p), for the full stop, at the end, a semi colon and the word the “and” shall be substituted and thereafter the following new clause shall be added, namely:-
 - (q) involves economic terrorism.”.

4. Insertion of section 9A, Act XXVII of 1997.- In the said Act, after section 9, the following new section shall be inserted, namely:-

“9A. Preventive detention for inquiry.- (1) Any person against whom there are reasonable grounds of believing that he is connected with an offence under this Act may be detained for inquiry for a period not exceeding three months.

(2) The detention under sub-section (1), may be authorized through a specific or general order passed by the Secretary, Ministry of Interior or the Home Secretary of the Province, or where the provisions of section 4 have been invoked, the armed forces or civil armed forces, as the case may be, upon the recommendation of committee to be notified by the Secretary, Ministry of Interior under sub-section (9).

(3) The detention under sub-section (1), including detention for further period after three months, shall be subject to the provisions of Article 10 of the Constitution.

(4) 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. The Police officer or JIT, as the case may be, shall have such powers as are given in section 5 of the Federal Investigation Agency Act, 1974 (VIII of 1975):

Provided that where the detention order has been issued by the armed forces or civil armed forces under sub-section (2), the inquiry 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 a Police officer not below the rank of Superintendent of Police.

(5) The detenu shall be produced in camera before the presiding officer of the Court or in his absence before the District and Sessions Judge or the Magistrate appointed under the Shariah Nizam-e-Adl Regulation, 2009, as the case may be 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.

(6) The Police officer or JIT, as the case may be, conducting inquiry under sub-section (4) shall have all the powers relating to search or arrest of person and seizure of property and other relevant material connected with the commission of any offence and shall have all the powers which a Police officer have in relation to the investigation of offences under this Act or Code or any other law for the time being in force:

Provided that the detenu shall be kept in a detention centre as notified by the Government and the presiding officer of the Court or the District and Sessions Judge or the Magistrate, as the case may be, referred to in sub-section (5) shall have the authority to inspect the detention centre to ensure that the custody is in accordance with the law for the time being in force.

(7) Any person detained under this section shall be provided with such facility of medical check-up as may be prescribed.

(8) Where any person is aggrieved by the order under sub-section (1) he may file a review application in writing before -

- (a) Minister for Interior in case he is detained by the order of Secretary Interior; or
- (b) Secretary, Ministry of Interior in case he is detained by the order of Home Secretary.

(9) The Committee mentioned in sub-section (2) shall be as follows:-

(a) In case the detention order is made by the Secretary Ministry of Interior,-

- | | | |
|--------|-----------------------|-------------|
| (i) | Secretary Interior | Chairman |
| (ii) | Director General FIA | Member |
| (iii) | Member Customs | Member |
| (iv) | Director General ASF | Member |
| (v) | Director General ANF | Member |
| (vi) | Representative of ISI | Member |
| (vii) | Representative of IB | Member |
| (viii) | Representative of FMU | Member; and |

(b) In case the detention order is made by the Home Secretary,-

- | | |
|-------------------------------------|----------|
| (i) Home Secretary Concerned | Chairman |
| (ii) Addl. IGP (Special Branch) | Member |
| (iii) Zonal Director FIA | Member |
| (iv) Collector Customs (Preventive) | Member |
| (v) Head of CTD | Member |
| (vi) Representative of CAF | Member |
| (vii) Sector Commander ISI | Member |
| (viii) Joint Director IB | Member |

STATEMENT OF OBJECTS AND REASONS

Subject: ANTI-TERRORISM (AMENDMENT) BILL, 2019.

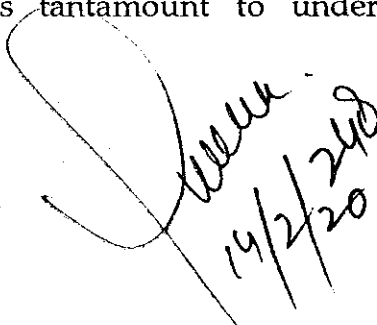
The Anti-Terrorism Act, 1997, though comprehensive in its scope, lacks the definition of "agent", economic terrorism" and provision regarding detention of criminals for the purposes of inquiry.

2. The proposed amendments will further enhance the applicability of Anti Terrorism Act in cases of transfer of money or funds through informal channels including Hawala and hundi. In addition, the insertion of new section regarding preventive detention will empower the Federal and Provincial authorities to detain the persons for inquiry as well as to review the applications of aggrieved persons against the detention orders.

Jjaz Ahmad Shah
Minister for Interior

DISSENTING NOTE IN THE BILL, NAMELY, THE ANTI-TERRORISM ACT, 1997.

The Bill in question is general in nature, and things have not been described in clear terms, so it is supposed that if it is passed in this shape, it will not be used in just manners, rather it might be used for victimization. Further, definition of agent gives a sense to legalise informal channel of transfer of money, which include hundi or hawala', and provision of this Bill shall only apply to those transaction, which is carried through any informal channel. In the Bill, it has not been mentioned that such transaction have either been used or supposed to be use in any activity of terrorism abroad. Absolute powers are being given to Federal Secretary, Interior, and Provincial Home Secretaries to detain anyone for ninety days, this is too longer period, whereas, the maximum custody of person in murder charges is 14 days. People in large have already witnessed unlawful custody of many under NAB 90 days. This law requires that grounds of detention shall be provided to the detainee within 24 hours, and he shall be allowed to render services of lawyer forthwith. Furthermore, in the Bill, timeframe to decide an appeal has not been specified, it should be specified. It is pertinent to mentioned here that Article 10 shall only invoke when further custody of a person would be make after the expiry of 90 days. This is tantamount to undermined the Constitution.


14/2/20

Annex B

DISSENTING NOTE IN THE BILL, NAMELY, THE ANTI-TERRORISM ACT, 1997.

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C.P.
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