

Anti-terrorism (Amendment) Ordinance, 2002

[President Pervez Musharraf on November 16, 2002, promulgated the Anti-Terrorism (Amendment) Ordinance 2002. Following is the text of the Ordinance that came into force immediately]

WHEREAS it is expedient further to amend the Anti-terrorism Act, 1997 (XXVII of 1997), for the purposes hereinafter appearing; AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitution Order No. 1 of 1999, read with the Provisional Constitution (Amendment) Order No. 9 of 1999, and in exercise of all powers enabling him in that behalf, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:

1 - Short title and commencement: (1) This Ordinance may be called the Anti-terrorism (Amendment) Ordinance, 2002. (2) It shall come into force at once.

2 - Insertion of new section, Act XVII of 1997.- In the Anti-terrorism Act, 1997 (XXVII of 1997), hereinafter referred to as the said Act, after section 11E, the following new Section shall be inserted, namely:- "11EE. Security for good behaviour.- (1) Whenever the Federal or Provincial Government on an information received from any source that any person is an activist, office-bearer or an associate of an organisation kept under observation under section 11D or proscribed under section 11E, or in any way concerned or suspected to be concerned with such organisation or affiliated with any group or organisation suspected to be involved in terrorism or sectarianism, such Government may notify the name of such person or person in a list entered in the Fourth Schedule.

(2) Where a person's name is listed in the Fourth Schedule, the Federal or Provincial Government, as the case may be, 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 District Police Officer 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 District Police Officer 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, 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 (f) 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.

(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 Federal or Provincial Government made under sub-section (2), may within thirty days of such notification, direction or order, prefer an appeal to the Federal or Provincial Government, as the case may be, and such Government after providing an opportunity of being heard to such person decide the appeal within thirty days.

(4) Any person who violates any direction or order of the Federal or Provincial 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."

3 - Insertion of new section, Act XXVII of 1997. - In the said Act, after section 11EE, the following new section shall be inserted, namely:- "11EE. Power to arrest and detain suspected persons. (1) Government if satisfied that with a view to prevent any person whose name is included in the list referred to section 11EE, 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 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 twelve months. (2) The provisions of Article 10 of the Constitution of the Islamic Republic of Pakistan shall mutatis mutandis apply to the arrest and detention of a person ordered under sub-section (1)."

4 - Insertion of new Schedule, Act, XXVII of 1997. In the said Act, after the Third Schedule and the entries relating thereto, the following shall be added, namely:- THE FOURTH SCHEDULE (See section 11EE)

General Pervez Musharraf

President

Source: [Jang](#), November 18, 2002