

ANTI- TERRORISM ACT, 1997

The following Anti-Terrorism Act, 1997, passed by the National Assembly and as well as Senate of Pakistan to combat terrorism in the country.

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:

COMMENTS

Non-obstinate clauses of Act override general provisions of other laws.⁸

1. Short title, extent and commencement---(a) This' Act may be called the Anti-Terrorism Act, 1997

(b) It extends to the whole of Pakistan.

(c) 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 there Reserves of such Forces;

(b) "civil armed forces" means the Frontier Constabulary, Frontier Crops, Pakistan, Coast

Guards, Pakistan Rangers or any other civil armed force notified by the Federal Government as such;

(c) "Code" means the Code of Criminal Procedure, 1898 (Act V of 1898);

(d) "Government" means the Federal Government;

[9(da) "High Court" means the High Court having territorial jurisdiction in respect of the area for which a Special Court has been established;] and

(e) "scheduled offence" means an a terrorist or sectarian related offences as set out in the Act or the Schedule hereto;]

(f) "Sectarian hatred" means hatred against a group of persons in Pakistan defined by

reference to religion, religious sect, religious persuasion, or regional belief;

(g) "Special Court" means a Special Court constituted under section 14; and

(h) "terrorist act" has the meaning assigned to it in section 6.

3.Declaration of intent.---If, at any time in the opinion of the Federal Government, the commission of terrorist acts and scheduled offences have become common place in Pakistan it may, by notification in the official Gazette, declare that it is expedient for purposes of the prevention and punishment thereof to have resort to the provisions of this Act and thereupon the powers contered hereunder shall be available for use in accordance herewith.

8. NLR 2000 Criminal Lah. 25.

9. Inst. by Ordinance, IX of 1998

1. Subs. by Ordinance. IX of 1998.

4. Calling in of armed forces and civil armed forces in aid of civil power.---(1)

It shall be lawful for the Federal Government to order, and subject to sub-section.

(2) For the Provincial Government 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.

(3) If, in the opinion of the Provincial 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 Federal Government to direct the presence or posting of units or personal 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.

(4) The Federal Government may decide whether the requirement of the situation call for the deployment of---

(i) the civil armed forces; or

(ii) the armed forces and on so deciding shall, by means of a notification in the official Gazette issued under clauses (i) or (ii), authorize and direct the posting thereof.

5. 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 the 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, or in all probability is likely to commit a terrorist act or a scheduled offence, and it shall be lawful for any such officer, or any superior officer, to fire, or order the firing upon any person or persons against whom he is authorized to use force in terms hereof;

(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 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.

6. Terrorist act.---Whoever, to strike in the people, or any section of the people, or to alienate any section of the people or adversely affect harmony among different sections of the people, does may act or thing by using bombs, dynamite or other explosive or inflammable substances, or fire-arms, or other lethal weapons or poisons or noxious gases or chemicals or other substances of a hazardous nature in such a manner as to cause, or to be likely to cause the death of, or injury to, any person or persons, or damage to or destruction of, property or disruption of any supplies of services, essential to the life of the community or displays fire-arms, or threatens with the use off force public servants in order to prevent them from discharging their lawful duties commits a terrorist act.

COMMENTS

Fact that victim of murder was a public servant would be sufficient to attract provisions of Anti- Terrorism Act (1997). It would immaterial that the victim at time of occurrence was not on duty and that alleged murder had no nexus with performance of duties by victim in his capacity as a public servant. 2

Application moved before Judge, Anti-Terrorism Court, for re-transfer of case with contention that jurisdiction under Anti-Terrorism Act, 1997, did not arise, inter alia, because the victim was neither a public servant nor did he suffer death sentence while performing official duties. Such application dismissed by Judge, Anti-Terrorism Court and High Court declining its interference with his order. Supreme Court upholding order of High Court and declining its leave to appeal. It was held that the jurisdiction to decide whether a particular case falls or does not fall within purview of judge, Anti-Terrorism Act, also lies Presiding Officer of Anti-Terrorism Court, and such question can be re-agitated before the concerned Anti-Terrorist Court who would pass appropriate orders uninhibited by observations of High Court in its order. 3

7. Punishment for Terrorist Act.---Whoever commits a terrorist act shall---

(1) if such act has resulted in the death of any person be punished with death; and
(ii) in any other case be punishable with imprisonment for a term which shall not be less than seven years but may extend to life imprisonment, and shall also be liable to fine.

8. Prohibition of acts intended or likely to stir up sectarian hatred.---A person who--(a) uses threatening, abusive or insulting words or behaviors, 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 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---

2. NLR 2000 Criminal Lah. 25.
3. NLR 2000 Criminal SC 35.

- (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.

9. Punishment for offence under section 9.---Whoever contravenes any provision of section shall be punished with rigorous imprisonment for a term which may extend to seven years, or with fine, or with both.

10. Power to enter or search.---If an officer of the police, armed forces or civil armed forces is satisfied that there are reasonable grounds for suspecting that person has possession of written material or a recording in contravention of section he may enter and search the premises where it is suspected the material or recording is situated and take possession of the same.

11. Power to order forfeiture.---(1) A special court by which a person is convicted of an offence under section 9 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 Special Court on the application of the officers seizing the material or recording shall forfeit the material or recording to the State to be disposed of as directed by it.

12. Jurisdiction of Special Court.---(1) Notwithstanding anything contained in the Code or in any other law, a scheduled offence committed in' area in a Province shall be tribal only be the Special 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 of offence should be tried by a Special Court established in relation to any other area, the Government may make a declaration to the effect.

Explanation. ---Where a Special Court is established in relation to two or more areas, such Special 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 a Province, any prosecution in respect of such offence shall be instituted only in the Special Court established in relations 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 Special Court and such Special Court shall proceed with such case from the stage at which it was pending at that without the necessity of recalling any witnesses.

n. Establishment of Special Courts.---(1) For the purpose of providing for the speedy trial of scheduled offences committed in any area, the Government" or if so directed by the Government, the Provincial Government, may establish, by notification, one or more Special Courts in relation to such area:---

- (a) within such area; or
 - (b) if the Government having regard to the exigencies of the situation prevailing in such area considers it expedient so to do, at any place outside such area.
- (2) Notwithstanding anything contained in sub-section (1), if, having regard to the exigencies of the situation prevailing in a Province, the Government is of the opinion that it is expedient to establish in relation to two or more areas, in the Province, a Special Court outside the said area or areas, for the trial of such scheduled offences committed in the area or areas it may, by notification, establish in relation to such area or areas a Special Court at such place outside the said area, or areas, as may be specified in the notification.
- (3) Where more Special Courts than one have been established for one area the Government shall authorize of Judge of any such Court to distribute case among such Courts.

14. Composition and appointment of Presiding Officers of Special Courts.---

- (1) A Special 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) has exercised the powers of a District Magistrate or an Additional District Magistrate and has successfully completed an advance course in Shariat, (Islamic Law) conducted by the International Islamic University Islamabad; or
 - (iii) has for a period of not less than ten years been an advocate.
- (2) The Federal Government shall make appointments to the post of Judges of Special Court after consultation with the Chief Justice of the High Court.
- Explanation. --- The qualification of being an advocate for a period of not less than ten years may be relaxed in the case of a suitable person who is a graduate from an Islamic University and has studies Islamic Shariat and Fiqh as a major subject.

15. Place of sitting.---(1) Subject to sub-section (3), a Special Court shall ordinarily sit at such place of places as the Government may, by order, specify in that behalf.

(2) The Government may direct that for the trial of a particular case 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 Special Court may if it considers it expedient or desirable so to do either suo motu 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.

16. Oath by Special Courts.---A Judge, of a Special Court shall, at the commencement of a proceeding under this Act, make oath, in the case of a Muslim, on the Holy Quran, to the effect that he shall decide the case honestly, faithfully and considering himself accountable to Almighty Allah, and in case of a non-Muslim in accordance with his - faith to the effect that he will decide the case honestly and faithfully according to his conscience and beliefs.

17. Powers of Special Courts with respect to other offences.--- When trying any scheduled offence, a Special Court may also try any offence other than the scheduled offence with which the accused may, under the Code, charged at the same trial.

18. Public prosecutors.---(1) The Government shall appoint in the relation to each Special 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 Public Prosecutor.

(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.

19. Procedure and powers of Special Court.----(1) The officer-in-charge of a police-station shall complete the investigation in respect of a case triable by a Special Court within seven working days and forward directly to the Special Court a report under section 173 of the Code:

Provided that the Special Court may extend the time within which such report is to be forwarded in a case where good reason are shown for not being able to do so within the time specified in this sub-section.

(2) Any default on the part of an officer-in-charge of a police-station.. an investigating officer or any other person required by law to perform any functions in the effect of, delaying investigation or submission of the report under sub-section (1), shall be deemed to be 2. Willful disobedience of the orders of the Special Courts and the person committing the default shall be liable to be punished for contempt of Court.

(3) The Special 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.

(4) In a case triable by a Special Court, orders for detention of an accused in police custody under section 167 of the Code shall be obtained from the Special Court concerned which shall record reasons for authorizing or refusing such detention:

Provided that, where an accused cannot within twenty-four hours may be obtained from the nearest Magistrate for the purpose of producing the accused before the Special Court within that period.

(5) Where, in a case triable by a Special Court, an accused has been released from police custody under section 169 of the Code has been remanded to judicial custody, the Special 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 police custody for the purpose of further investigation in the case.

(6) A Special Court shall be deemed to be a Magistrate for purpose of Sub-section (4) and (5).

(7) A The Special Court shall, on taking cognizance of a case, proceed with the trial from day to-day and shall decide the case within seven working days.

(8) A Special Court shall not adjourn any trial for any purpose unless such adjournment is, in its opinion, necessary in the interest of justice and no adjournment is, in its opinion, necessary in the interest of justice and no adjournment shall, in any case, be granted for more than two working days.

(9) . A Special Court shall not, merely by reason of a change in its composition or transfer of a case under sub-section (1) of section 10, be bound to recall and re-hear any witness who has given evidence and may act on the evidence already recorded.

(10) Any accused person may be tried in his absence if the Special Court, after such inquiry as it deems fit, is satisfied that---

(a) such absence is deliberate and brought about with a view to impeding the course of justice; or

(b) the behavior of the accused in Court has been such as to impede the course of justice and the Special Court has not that account ordered his removal from the Court. Provided that, in case a case referred to on clause (a), the accused person shall not be tried unless a proclamation has been published in respect of him in at least three national daily newspapers out of which one shall be in the Urdu language 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 Special Court will proceed with the trial after taking the necessary steps to appoint an advocate to defend the accused person who is not before the Court.

Explanation.---A accused who is tried in his absence under sub-section (10) shall be deemed not to have admitted the commission of any offence for which he has been charged.

(11) The advocate appointed under the second proviso to sub-section (10) shall be a person selected by the Special Court for the purpose and he shall be engaged at the expense of the Government.

(12) If, within sixty days from the date of his conviction, any person tried under sub-section (10) appears voluntarily, or is apprehended and brought before the Special Court and proves to its satisfaction that he did not abscond or counsel himself or the purpose of avoiding the proceeding against him, the Special Court and proves to its satisfaction that he did not abscond or conceal himself for the purpose of avoiding the proceeding against him, the Special 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 Special 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 satisfies it that he could not appear within the said period by reason of circumstances beyond his control.

(13) Where a scheduled offence is punishable with imprisonment for a term not exceeding three years, or with fine, or with both, a Special Court may notwithstanding anything contained in sub-section (1) of section 260 or section 262 of the Code shall, so far as may be, apply to such trial:

Provided that, in the case of a Conviction in a summary trial under this section, it shall be lawful for a Special Court to pass a sentence of rigorous imprisonment for a term not exceeding two years:

Provided further that a Special Court shall not try in a summary way any case which was pending in any Court immediately before the commencement of this Act, and is transferred to the special under section (10).

(14) Subject to the other provisions of this Act, a Special Court shall, for the purpose of trial of any offence, have all the powers of a Court 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.

20. Punishment.---A person convicted for an offence by the Special Court shall be awarded the maximum punishment prescribed by a law for the offence unless for reasons to be recorded the Court decides to award a lesser punishment.

21. Protection of witnesses.---(1) A Special Court trying an offence under this Act may, on application by a witness in any proceedings before it or by the public prosecutor in relation to such witness or on its own motion; give such directions it deems fit for the protection of the witness.

(2) Any person who fails to comply with any direction issued under sub-section (1) of any person who threatens or otherwise causes harassment to any such witness shall be guilty of an offence punishable by way of summary procedure with imprisonment which may extend to two years, or with fine or with hold.

22. 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 deferent effect which such execution is likely to have.

23. Power to transfer cases to regular Courts.---Where, after taking cognizance of an offence, a Special 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.

24. Appellate Tribunals.---There shall be one or more Appellate Tribunals for each Province consisting of one or two Judges of the High Court to be nominated by the Chief Justice of the said Court and notified by the Government.

Explanation. ---In this section "High Court" means the High Court of the Province for which Special Court has been constituted.

25. Appeal.---(1). An appeal against the final judgment of Special Court shall lie to an Appellate Tribunal.

(2) Copies of the judgment of a Special Court shall be supplied to prosecutor free of cost on the day the judgment is pronounced and the record of the trial shall be transmitted to the Appellate Tribunal within three days of the decision.

(3) An appeal under sub-section (1) may be preferred by person sentenced by a Special Court to an Appellate Tribunal within seven days of the passing of the sentence.

(4) The Attorney-General may, on being directed by the 'Federal or a Provincial Government, file an appeal against an order of acquittal or a sentence passed by a Special Court within fifteen days of such order.

(5) An appeal under this section shall be heard and decided by an appellate Tribunal within seven working days.

(6) An Appellate Tribunal shall sit at such places, and have jurisdiction within such territorial limits, as may be fixed by the Government.

(7) Subject to sub-section (8); an Appellate Tribunal shall, in exercise of its appellate jurisdiction, subject to the provisions of this Act, have all the powers conferred on an Appellate Court under Chapter XXXI of the Code.

(8) Pending the appeal the Appellate Tribunal shall not release the accused on bail.

26. Admissibility of confession made before Police.---Notwithstanding anything contained in the Qanun-e-Shahadat, 1984 (P.O. 10 of 1984), a confession made by a person accused of an offence punishable under section 7 or section 8 of this Act or an offence covered by sub-paragraph (a) of paragraph 2, or paragraph 3 of the schedule to this Act, or robbery or dacioty with murder or rape before a police-officer not below the rank of a Deputy Superintendent of Police may be proved against such person:

Provided that Special Court may, for admission of the confession in evidence, require the police-officer to produce a video-tape together with the devices used for recording, the confession.

27. Punishment for defective investigation.---If a Special Court of an Appellate Tribunal 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, Appellate Tribunal to punish the delinquent officers imprisonment which may extend to two years, or with fine, or with both by resort to summary proceedings.

28. Transfer of cases.---(1) Notwithstanding anything contained in this Act, an Appellate Tribunal may, if it 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 Special Court to another Special Court within or outside the area.

(2) A Special 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.

29. Trial before Special Court to have precedence.---A trial under this Act an offence by a Special 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.

30. Modified application of certain provision of the Code.---(1) Notwithstanding anything contained in the Code or in any other law, every scheduled offence shall deemed to be a cognizable offence within the meaning of clause if of section 4 of the Code and the worlds "cognizable case" as denied 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" and "High Court", wherever occurring therein, shall be construed as reference to a "Special Court" and an Appellate Tribunal.

(3) Notwithstanding the provisions of sections 439,497,498, 198A and 561A of the Code, no Court other than a Special Court shall have the power or jurisdiction to grant bail to, or otherwise release, an accused person in a case triable by a Special Court.

(4) A Special Court shall not release an accused person on bail of there are reasonable a grounds for believing that he has been guilty of the offence with which he has been charged, and nor shall an accused person be released unless the prosecution has been given notice to show cause why he should not be so released and the accused has furnished sound sureties.

31. Finality of Judgment.-- A judgment or order passed, or sentence awarded, by a Special Court, subject to the result of an appeal under this Act shall be' final and shall not be called in question in any Court.

32. 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 a Special Court; and the purpose of the said provisions of the Code, a Special Court shall be deemed to be a Court of Sessions.

(2) In particular and without prejudice to the generality of the provisions contained in subsection (1) the provisions of section 350 of the Code shall, as far as may be, apply to the proceedings before a Special Court, and for this purpose any reference in those provisions to a Magistrate shall be construed as a reference to a Special Court.

33. Delegation.--- The Government may, by notification, delegate, subject such conditions as may be specified therein, all or any of the powers exercisable by it under this Act.

34. Power to amend the Schedule.---The Government may, by notification,' amend the Schedule so as to add any entry thereto or modify or omit any entry therein.

35. Power to make rules.---(1) The Government may, by notification, make such rules, if any, as it may deem necessary for carrying out the purposes of this Act.

36. Savings.---(1) Nothing contained in this Act shall affect the jurisdiction by, or the procedure applicable to, any Court or other authority under any law relation to the Naval, Military or Air Forces or any other armed force of the Government.

(2) For the removal of any doubt, it is hereby declared that, for the purposes of any such law as is referred to in sub-section (1), a Special Court shall be deemed to be Court of ordinary criminal jurisdiction.

37. Contempt of Court.---(I) A Special Court and an Appellate Tribunal shall have the power to punish with rigorous imprisonment for a term which may extend to six months and with fine any person who--

(a) abuses, interferes or obstructs the determination of a matter pending or most likely to come up before the Court or Tribunal; or

(b) does anything which, by any other law, constitutes contempt of Court or Tribunal.

Explanation.---In this section, "Court" means a Special Court and "Tribunal" means an Appellate Tribunal.

38. 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 there under he shall be tried under this Act but shall be liable to punishment as authorized by law at the time the offence was committed.

39. Indemnity.---No suit, prosecution or other legal proceedings shall lie against any person in respect of anything which is in good faith done or intended to be done under this Act.

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

(I) In section 15, in clause (2) in sub-clause (a) for the Words "violence or intimidation" the words "terrorist, 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 either the Federal Government or the Provincial 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 Federal Government or the Provincial 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 Federal Government or the Provincial 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 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 Chief Justice of the High Court of the Province consisting of a Chairman and two other persons each of whom is or has been a 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 (I) for the words "six months" the word "five years" shall be substituted; and

(ii) in sub-section (2) for the words "three years" the words "seven years" shall be substituted.

(IV) In sections 17 A, 17D and 17E for the words "Provincial Government" where occurring the words "Federal Government or the Provincial Government" shall be substituted.

SCHEDULE AMENDED BY NOTIFICATION

NO. S.R.O. 1237 (1)/97, dated 13.12.1998

Any offence punishable under any of the following sections of the Pakistan Penal Code (Act XLV of 1860), namely:---

(a) Section 302---

(i) if committed with a cannon, grenade, bomb or rocket; or

(ii) if the victim is a member of police, armed forces or civil armed forces or is a public servant; or

(iii) if committed during or while committing the offence of robbery or dacoit and committed after the commencement of this Act; or

4 [(b) Sections 109, 120A, 120B, 121, 121A, 122, 123] 295A, 365, 365A, 402A, 402B and 402C; and

(c) Sections 392 to 395, 397 to 398, if in committing the offence, the offender or any of the offenders commits the offence of murder or Zina-bil-jabr punishable under section 6, 7, 8 or 10 of the Offence of Zina (Enforcement of Hudood) Ordinance, 1979 (VII of 1979) and committed after the commencement of this Act.

"(2A) Any offence punishable under section 6, 7, 8 or 10 of the Offence of Zina (Enforcement of Hudood) Ordinance, 1979 (VII of 1979), if committed in committing any of the offence punishable under sections 392 to 398 of the Pakistan Penal Code (Act XLV of 1860) and committed after the commencement of this Act."

3. An offence punishable under sub-section (4) of section 10 of the Offence of Zina (Enforcement of Hudood) Ordinance, 1979 (Ord. VII of 1979), if committed after the enforcement of this Act]

4. Subs. by Notification No. SRO 1312 (1)/99, dated 2.12.1999.