



The Anti-Terrorism Act, 1997

An act to provide for the prevention of terrorism, sectarian violence and for speedy trial of heinous offences;

6. Terrorism. -(1) In this Act, “terrorism” means the use or threat of action where: -

- a. the action falls within the meaning of sub-section (2); and
- b. the use or threat is designed to coerce and intimidate or overawe the Government or the public or a section of the public or community or sect 5 [or a foreign government or population or an international organisation] or create a sense of fear or insecurity in society; or
- c. the use or threat is made for the purpose of advancing a religious, sectarian or ethnic cause 1 [or intimidating and terrorizing the public, social sectors, media persons, business community or attacking the civilians, including damaging property by ransacking, looting, arson or by any other means, government officials, installations, security forces or law enforcement agencies:]

[Provided that nothing herein contained shall apply to a democratic and religious rally or a peaceful demonstration in accordance with law.]

(2) An “action” shall fall within the meaning of sub-section (1), if it: -

- a. involves the doing of anything that causes death;
- b. involves grievous violence against a person or grievous bodily injury or harm to a person;
- c. involves grievous damage to property 2[including government premises, official installations, schools, hospitals, offices or any other public or private property including damaging property by ransacking, looting or arson or by any others means;]
- d. involves the doing of anything that is likely to cause death or endangers person’s life;
- e. involves kidnapping for ransom, hostage-taking or hijacking; (ee) involves use of explosive by any device including bomb blast 2[or having any explosive substance without any lawful justification or having been unlawfully concerned with such explosive]];
- f. incites hatred and contempt on religious, sectarian or ethnic basis to strip up violence or cause internal disturbance;



- g. involves taking the law in own hand, award of any punishment by an organization, individual or group whatsoever, not recognized by the law, with a view to coerce, intimidate or terrorize public, individuals, groups, communities, government officials and institutions, including law enforcement agencies beyond the purview of the law of the land;]
- h. involves firing on religious congregation, mosques, imambargahs, churches, temples and all other places of worship, or random firing to spread panic, or involves any forcible takeover of mosques or other places of worship;
- i. creates a serious risk to safety of the public or a section of the public, or is designed to frighten the general public and thereby prevent them from coming out and carrying on their lawful trade and daily business, and disrupts civic life;
- j. involves the burning of vehicles or any other serious form of arson;
- k. involves extortion of money (“bhatta”) or property;
- l. is designed to seriously interfere with or seriously disrupt a communication system or public utility service;
- m. involves serious coercion or intimidation of a public servant in order to force him to discharge or to refrain from discharging his lawful duties; 1*
- n. involves serious violence against a member of the police force, armed forces, civil armed forces, or a public servant;
- o. involves in acts as part of armed resistance by groups or individuals against law enforcement agencies; or
- p. involves in dissemination, preaching ideas, teachings and beliefs as per own interpretation on FM stations or through any other means of communication without explicit approval of the government or its concerned departments.

(3) The use or threat of use of any action falling within sub-section (2) which involves the use of firearms, explosive or any other weapon is terrorism, whether or not sub-section (1) (c) is satisfied.

(3A) Notwithstanding anything contained in sub-section (1), an action in violation of a convention specified in the Fifth Schedule shall be an act of terrorism under this Act.]

(4) In this section “action” includes an act or a series of acts.



(5) In this Act, terrorism includes any act done for the benefit of a proscribed organization.

(6) A person who commits an offence under this section or any other provision of this Act, shall be guilty of an act of terrorism.

(7) In this Act, a “terrorist” means: -

- a. [an individual] who has committed an offence of terrorism under this Act, and is or has been concerned in the commission, preparation, 1[facilitation, funding] or instigation of acts of terrorism;
- b. [an individual] who is or has been, whether before or after the coming into force of this Act, concerned in the commission, preparation, 1[facilitation, funding] or instigation of acts of terrorism, shall also be included in the meaning given in clause (a) above.]

7. Punishment for acts of terrorism. -

(1) Whoever commits an act of terrorism under section 6, whereby-

- a. death of any person is caused, shall be punishable, on conviction, with death or with imprisonment for life, and with fine; or
- b. he does anything likely to cause death or endangers life, but death or hurt is not caused, shall be punishable, on conviction, with imprisonment of either description for a term which shall be not less than 5[ten years] but may extend to 5[imprisonments for life] and with fine; or
- c. grievous bodily harm or injury is caused to any person, shall be punishable, on conviction, with imprisonment of either description for a term which shall not be less than 5[ten years] but may extend to imprisonment for life and shall also be liable to a fine; or
- d. grievous damage to property is caused, shall be punishable on conviction, with imprisonment, of either description for a term not less than ten year and not exceeding 1[but may extend to imprisonment for life] and shall also be liable to a fine; or
- e. the offence of kidnapping for ransom or hostage-taking has been committed, shall be punishable, on conviction, with death or imprisonment for life 2* * * ; or



- f. the offence of hijacking, has been committed, shall be punishable, on conviction, with death or imprisonment for life 2* * * and fine; (ff) the act of terrorism committed falls under section 6 (2) (ee), shall be punishable with imprisonment which shall not be less than fourteen years but may extend to imprisonment for life;]
- g. the act of terrorism committed falls under section 6 (2) (f) and (g), shall be punishable, on conviction, with imprisonment of not less than 1[two years] and not more than 1[five years] and with fine; or
- h. the act of terrorism committed falls under clauses (h) to (n) of sub-section (2) of section 6, shall be punishable on conviction, to imprisonment of not less than 1[five years] but may 1[extend to imprisonment for life] and with fine;
- i. any other act of terrorism not falling under clauses (a) to (h) above or under any other provision of this Act, shall be punishable, on conviction, to imprisonment of not less than 1[five years] and not more than 1[ten years] or with fine or with both.[

(2) An accused, convicted of an offence under this Act shall be punishable with imprisonment of ten years or more, including the offences of kidnapping for ransom and hijacking shall also be liable to forfeiture of property.]

8. Prohibition of acts intended or likely to stir up sectarian hatred. A person who-

- a. uses threatening, abusive or insulting words or behaviours; or displays, publishes or distributes any written material which is threatening, abusive or insulting; or
- b. distributes or shows or plays a recording of visual images or sounds which are threatening, abusive or insulting; or
- c. 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-
 - (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 8. Whoever contravenes any provision of section 8 shall be punished with 1* imprisonment for a term which may extend to 2[five] years 3[and with fine]



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