

[AS PASSED BY THE NATIONAL ASSEMBLY]

A

BILL

further to amend the Constitution of the Islamic Republic of Pakistan;

WHEREAS extraordinary situation and circumstances exist which demand special measures for speedy trial of certain offences relating to terrorism, waging of war or insurrection against Pakistan and prevention of acts threatening the security of Pakistan by any terrorist or terrorist group, armed group, wing and militia or their members using the name of religion or a sect;

AND WHEREAS there exists grave and unprecedented threat to the integrity of Pakistan and objectives set out in the Preamble to the Constitution by the framers of the Constitution, from the terrorist groups by raising of arms and insurgency using the name of religion or a sect or from the foreign and locally funded anti-state elements;

AND WHEREAS it is expedient that the said terrorists groups including any such terrorists fighting while using the name of religion or a sect, captured or to be captured in combat with the Armed Forces or otherwise are tried by the courts established under the Acts mentioned hereinafter in section 2;

AND WHEREAS the people of Pakistan have expressed their firm resolve through their chosen representatives in the all parties conferences held in aftermath of the sad and terrible terrorist attack on the Army Public School at Peshawar on 16 December 2014 to permanently wipe out and eradicate terrorists from Pakistan, it is expedient to provide constitutional protection to the necessary measures taken hereunder in the interest of security and integrity of Pakistan;

It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act may be called the Constitution (Twenty-first Amendment) Act, 2015.

(2) It shall come into force at once.

(3) The provisions of this Act shall remain in force for a period of two years from the date of its commencement and shall cease to form part of the Constitution and shall stand repealed on the expiration of the said period.

2. Amendment of Article 175 of the Constitution.- In the Constitution of the Islamic Republic of Pakistan, hereinafter called the Constitution, in Article 175, in clause(3), for the full stop at the end a colon shall be substituted and thereafter, the following proviso shall be inserted, namely:-

“Provided that the provisions of this Article shall have no application to the trial of persons under any of the Acts mentioned at serial No. 6, 7, 8 and 9 of sub-part III of Part I of the First Schedule, who claims, or is known, to belong to any terrorist group or organization using the name of religion or a sect.

Explanation: In this proviso, the expression ‘sect’ means a sect of religion and does not include any religious or political party regulated under the Political Parties Order, 2002.”

3. Amendment in the First Schedule of the Constitution.- In the Constitution, in the First Schedule, in sub-part III of Part I, after serial No. 5, the following new entries shall be added, namely:-

- “6. The Pakistan Army Act, 1952 (XXXIX of 1952).
7. The Pakistan Air Force Act, 1953 (VI of 1953).
8. The Pakistan Navy Ordinance, 1961 (XXXV of 1961).
9. The Protection of Pakistan Act, 2014 (X of 2014).”.

STATEMENT OF OBJECTS AND REASONS

An extraordinary situation and circumstances exist which demand special measures for speedy trial of offences relating to terrorism, waging of war or insurrection against Pakistan and prevention of acts threatening the security of Pakistan. There exists grave and unprecedented threat to the territorial integrity of Pakistan by miscreants, terrorists and foreign funded elements. Since there is an extraordinary situation as stated above it is expedient that an appropriate amendment is made in the Constitution.

The Bill is designed to achieve the aforesaid objects.

PERVAIZ RASHID

Minister for Law, Justice and Human Rights
Minister-in-charge