

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW, JUSTICE, PARLIAMENTARY AFFAIRS AND HUMAN RIGHTS
DEPARTMENT MUZAFFARABAD

Dated: 7th May, 2019

No. LD/Legis-Act/143-154/2019. The following Act of Assembly received the assent of the President on the 3rd day of May 2019, is hereby published for general information.

(ACT XI OF 2019)

An
Act
to amend the Azad Jammu and Kashmir Anti Terrorism Act, 2014

WHEREAS, it is expedient to amend the Azad Jammu and Kashmir Anti Terrorism Act, 2014 (Act XL of 2014), in the manner hereinafter appearing;

It is hereby enacted as follows:-

1. Short title, Extent and Commencement.- (1) This Act may be called the Azad Jammu and Kashmir Anti Terrorism (Amendment) Act, 2019.

(2) It shall extend to the whole of Azad Jammu and Kashmir.

(3) It shall come into force at once.

2. Substitution of Section 12, Act XL of 2014.- In the Azad Jammu and Kashmir Anti Terrorism Act, 2014 (Act XL of 2014), hereinafter referred to as the said Act, for Section 12, the following shall be substituted, namely:-

“12. Proscription of Organizations.- (1) The Government may, by order published in the official Gazette, list an organization as a proscribed organization in the First Schedule on an ex-parte basis, if there are reasonable grounds to believe that it is—

(a) concerned in terrorism; or

(b) listed under the United Nations (Security Council) Act, 1948 (XIV of 1948); or

(c) owned or controlled, directly or indirectly, by any individual or organization proscribed under this Act; or

(d) acting on behalf of, or at the direction of, any individual or organization proscribed under this Act.

Explanation: The opinion concerning reasonable grounds to believe may be formed on the basis of information received from any credible source, whether domestic or foreign including Governmental and ___ regulatory authorities, law enforcement agencies, financial intelligence units, banks and non-banking companies, and international institutions.

(2) The grounds shall be communicated to the proscribed organization within three days of the passing of the order of proscription.”

Amendment of Section 16, Act XL of 2014.- In the said Act, in Section 16,-

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for the title “Security for good behavior’, the title “Proscription of person” shall be substituted;

for sub-section (1), the following shall be substituted, namely:-

“(1) — The Government may, by order published in the official Gazette, list a person as a proscribed person in the fourth Schedule on an ex-parte basis, if there are reasonable grounds to believe that such person is,-

(a) concerned in terrorism; or

(b) listed under the United Nations (Security Council) Act, 1948 (XIV of 1948); or

(c) an activist, office bearer or an associate of an organization kept under observation under Section 14 or proscribed under Section 12; or

(d) in any way concerned or suspected to be concerned with such organization or affiliated with any group or organization suspected to be involved in terrorism or sectarianism or acting on behalf of, or at the direction of, any person or organization proscribed under this Act.

(iii)

(iv)

(v)

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Explanation: The opinion concerning reasonable grounds to believe may be formed on the basis of information received from any credible source, whether domestic or foreign including Governmental and regulatory authorities, law enforcement agencies, financial intelligence units, banks and non-banking companies, and international institutions.”

after sub-section (1), as substituted above, the following new sub-section (1A), shall be added, namely:-

“(1A) The grounds shall be communicated to the proscribed person within three days of the passing of the order of proscription.”

for sub-section (3), the following shall be substituted, namely:-

“(3) | Where any person is aggrieved by the order of the Government made under sub-section (1), he may, within thirty days of such order, file a review application, in writing, before the Government stating the grounds on which it is made and the Government shall, after hearing the applicant, decide the matter on reasonable ground within ninety days.”

after sub-section (3), as substituted above, the following new sub-section (3A) shall be added, namely:-

“(3A) A person whose review application has been refused under sub-section (3) may file an appeal to the High Court within thirty days of the refusal of the review application.”

Sd/-
(Ch. Muhammad Nawaz)
Section Officer (Legislation)