



THE PREVENTION OF ANTI-NATIONAL ACTIVITIES ACT, 1974



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THE PREVENTION OF ANTI-NATIONAL ACTIVITIES ACT, 1974.

¹ACT NO. VII OF 1974

[9th February, 1974]

An Act to provide for the more effective prevention of certain anti-national and treasonable activities.

WHEREAS the freedom of association guaranteed by Article 17 of the Constitution is subject to any reasonable restrictions imposed by law in the interest of morality or public order;

AND WHEREAS it is expedient to provide for the more effective prevention of certain anti-national and treasonable activities of individuals and associations and for matters connected therewith;

It is hereby enacted as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Prevention of Anti-National Activities Act, 1974.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions. In this Act, unless there is anything repugnant in the subject or context,—

- (a) "anti-national activity", in relation to an individual or association means anything done by such individual or association, whether by committing an act or by words, either spoken or written, or by signs or by visible representation or otherwise,—
 - (i) which is intended, or supports any claim, to bring about, on any ground whatsoever, the secession of a part of the territory of Pakistan from the Federation, or which incites any individual or group of individuals to bring about secession;
 - (ii) which disclaims, questions disrupts or is intended to disrupt the sovereignty and territorial integrity of Pakistan;
 - (iii) which in any manner encourages or incites, or is intended or is likely or tends to encourage or incite, the public or any group thereof to create, open or continue any regional front or '*mahaz*' of any kind based on racial, linguistic or similar ideologies and considerations with a view to disrupting the unity of the people of Pakistan; or

¹ For Statement of Objects and Reasons, see Gaz. of P., 1974, Ext., Pt. III, P1770.

(iv) which in any manner propagates or advocates that the citizens of Pakistan comprise more than one nationality;

(b) "association" means any combination or body of individuals;

(c) "prescribed" means prescribed by rules made under this Act;

(d) "secession of a part of the territory of Pakistan from the Federation" includes the assertion of any claim to determine whether such part will remain a part of the territory of Pakistan;

(e) "Tribunal" means the Tribunal constituted under section 5;

(f) "anti-national association" means any association which has for its object, or which indulges in, any anti-national activity, or which encourages or aids persons to undertake any anti-national activity, or of which members undertake such activity.

CHAPTER II ANTI-NATIONAL ASSOCIATIONS

3. Declaration of an association as anti-national. —(1) If the Federal Government is satisfied that any association is, or has become, an anti-national association, it may, by notification in the official Gazette, declare such association to be anti-national.

(2) Every such notification shall specify the grounds on which it is issued and such other particulars as the Federal Government may consider necessary:

Provided that nothing in this sub-section shall require the Federal Government to disclose any fact which it considers to be against the public interest to disclose.

(3) Every such notification shall have effect from the date of its publication in the official Gazette.

(4) Every such notification shall be served on such association in such manner as the Federal Government may think fit, and all or any of the following modes may be followed in effecting such service, namely:—

(a) affixing a copy of the notification to some conspicuous part of the office, if any, of the association; or

(b) serving a copy of the notification, where possible, on the principal office-bearers, if any of the association; or

(c) such other manner as may be prescribed.

4. Reference to Tribunal. —(1) Where any association has been declared anti-national by notification issued under section 3, the Federal Government shall, within thirty days from the date of the publication of the notification, refer the notification to the Tribunal for the purpose of adjudicating whether or not there is sufficient cause for declaring the association anti-national.

(2) On receipt of a reference under sub-section (1), the Tribunal shall, by notice in writing, call upon the association affected to show cause, within thirty days from the date of the service of such notice, why the association should not be declared anti-national.

(3) After considering the cause, if any, shown by the association or the office-bearers or members thereof, the Tribunal shall hold an inquiry in the manner specified in section 9 and, after calling for such further information as it may consider necessary from the Federal Government or from any office-bearer or member of the association, it shall decide whether or not there is sufficient cause for declaring the association anti-national and make, as expeditiously as possible and in any case within a period of six months from the date of the issue of the notification under section 3, such order as it may deem fit either confirming the declaration made in the notification or cancelling the declaration.

(4) The order of the Tribunal made under sub-section (3) shall be published in the official Gazette.

5. Tribunal. —(1) The Federal Government may, by notification in the official Gazette, constitute, as and when necessary, a Tribunal to be known as the Anti-National Activities Prevention Tribunal consisting of a person who is a Judge of a High Court, to be appointed by the Federal Government in consultation with the Chief Justice of the High Court of which he is a Judge.

(2) If, for any reason, a vacancy occurs in the Tribunal, then the Federal Government shall appoint another person in accordance with the provisions of this section to fill the vacancy and the proceedings may be continued before the Tribunal from the stage at which the vacancy occurs.

(3) The Federal Government shall make available to the Tribunal such staff as may be necessary for the discharge of its functions under this Act.

(4) Subject to the provisions of section 9, the Tribunal shall have power to regulate its own procedure in all matters arising out of the discharge of its functions, including the place at which it will hold its sittings.

(5) The Tribunal shall, for the purpose of making an inquiry under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 ([Act V of 1908](#)), while trying a suit in respect of the following matters, namely:—

- (a) the summoning and enforcing the attendance of any witness and examining him on oath;
- (b) the discovery and production of any document or other material object;
- (c) the reception of evidence on affidavit;
- (d) the requisitioning of any public record from any court or office;
- (e) the issuing of commission for the examination of a witness.

(6) Any proceeding before the Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Pakistan penal Code ([Act XLV of 1860](#)), and the Tribunal shall be deemed to be a civil court for the purposes of section 195 and Chapter XXXV of the Code of Criminal Procedure, 1898 ([Act V of 1898](#)).

6. Finality, and cancellation, of notification.—(1) Subject to the provisions of sub-section (2), a notification issued under section 3 shall, if the declaration made therein is confirmed by the Tribunal by an order made under section 4, become final.

(2) Notwithstanding anything contained in sub-section (1), the Federal Government may, at any time, either on its own motion or on the application of any person aggrieved thereby, cancel a notification issued under section 3, whether or not the declaration made therein has been confirmed by the Tribunal.

7. Power to prohibit the use of funds of an anti-national association.—(1) Where any association has been declared anti-national by a notification issued under section 3 and the Federal Government is satisfied, after such inquiry as it may think fit, that any person has custody of any money, securities or credits which are being used or are intended to be used for the purposes of the anti-national association, the Federal Government may, by order in writing, prohibit such person from paying, delivering, transferring or otherwise dealing in any manner whatsoever with such moneys, securities or credits or with moneys, securities or credits which may come into his custody after the making of the order, save in accordance with the written orders of the Federal Government; and a copy of such order shall be served upon the person so prohibited in the manner specified in sub-section (3).

(2) The Federal Government may endorse a copy of an order made under sub-section (1) for investigation to any officer of the Government, and such copy shall be a warrant whereunder such officer may enter in or upon any premises of the person to whom the order is directed, examine the books of such person, search for moneys, securities or credits, and make inquiries from such person or any officer, agent or servant of such person, touching the origin of any dealings in any moneys, securities or credits which the investigation officer may suspect are being used or are intended to be used for the purposes of the anti-national association.

(3) A copy of an order made under sub-section (1) shall be served in the manner provided in the Code of Criminal Procedure, 1898 ([Act V of 1898](#)) for the service of a summon or, where the person to be served is a corporation, company, bank or other association, it shall be served on any secretary, director or other officer or person concerned with the management thereof, or by leaving it or sending it by post addressed to the corporation, company, bank or other association at its registered office, or where there is no registered office, at the place where it carries on business.

(4) Any person aggrieved by an order made under sub-section (1) may, within ninety days from the date of the service of such order, make an application to the District Judge within the local limits of whose jurisdiction such person voluntarily resides or carries on business or personally works for gain, to establish that the moneys, securities or credits to which the orders relates are not being used, or are not intended to be used, for the purposes of the anti-national association and the District Judge shall decide the question.

(5) Except so far as is necessary for the purposes of any proceedings under this section, no information obtained in the course of any investigation made under sub-section (2) shall be divulged by any person without the consent of the Federal Government.

(6) In this section, "security" includes a document whereby any person acknowledges that he is under a legal liability to pay money, or whereunder any person obtains a legal right to the payment of money.