



## THE TERRORIST AFFECTED AREAS (SPECIAL COURTS) ACT, 1992



### CONTENTS

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1. Short title, extent and commencement.
2. Definitions.
3. Declaration of terrorist affected area.
4. Use of police and Civil Armed Forces, etc.
5. Power of police, civil armed forces, etc.
6. Establishment of Special Courts.
7. Composition and appointment of presiding officers of Special Court.
8. Place of sitting.
9. Jurisdiction of Special Court.
10. Transfer of cases.
11. Powers of Special Courts with respect to other offences.
12. Public prosecutors.
13. Procedure and powers of Special Court.
14. Protection of witnesses.
15. Manner and place of execution of sentence.
16. Power to transfer cases to regular courts.
17. Appeal.
18. Trial before Special Court to have precedence.
19. Modified application of certain provisions of the Code.
20. Overriding effect of Act.
21. Delegation.
22. Power to amend the Schedule.
23. Power to make rules.
24. Saving.
25. Presumption as to certain offences.
26. Contempt of Court.
27. Indemnity.

**THE SCHEDULE.**  
See section 2(f)

# **TERRORIST AFFECTED AREAS (SPECIAL COURTS), ACT 1992**

## **ACT NO. X OF 1992**

*An Act to provide for the suppression of acts of terrorism, subversion and other heinous offences in the terrorist affected areas*

WHEREAS it is expedient to provide for the suppression of acts of terrorism, subversion and other heinous offences in the terrorist affected areas and for matters connected therewith or incidental thereto

It is hereby enacted as follows :—

**1. Short title, extent and commencement.**—(1) This Act may be called the Terrorist Affected Areas (Special Courts) Act, 1992.

(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) “Code” means the Code of Criminal Procedure, 1898 ([Act V of 1898](#));

(b) “Government” means the Federal Government;

(c) “civil armed forces” means the Pakistan Rangers, the Frontiers Crops, Pakistan Coast Guards, Frontier Constabulary or any other force notified by the Government as such;

(d) “notification” means a notification published in the official Gazette;

(e) “Public Prosecutor” means a Public Prosecutor or an Additional Public Prosecutor or a Special Public Prosecutor appointed under section 12;

(f) “schedule offence” means an offence specified in the Schedule being an offence committed in a terrorist affected area;

(g) “Special Court” means a Special Court established under section 6;

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- (h) “terrorist affected area” means an area declared as a terrorist affected area under section 3;
- (i) “Zone” means a zone constituted under section 3;
- (j) words and expressions used but not defined in this Act and defined in the Code shall have the meanings respectively assigned to them in the Code.

(2) Any reference in this Act to the Code or any provision thereof shall, in relation to an area in which the Code or such provision is not in force, be construed as a reference to the corresponding law or the relevant provisions of the corresponding law, if any, in force in that area.

**3. Declaration of terrorist affected areas.** If the Government is of the opinion that offences of the nature specified in the Schedule are being committed in any area on such a scale and in such a manner that it is expedient for the purpose of coping with such offences to have recourse to the provisions of this Act, it may, by notification,—

- (a) declare such area to be a terrorist affected area;
- (b) constitute such area into a single zone or into as many zones as it may deem fit; and
- (c) direct the Provincial Government of the Province in which such zone is situated to appoint a Magistrate for each zone or a number of such zones.

**4. Use of Police and Civil Armed Forces, etc.—** (1) If a Magistrate on receiving a police report or other information is of the opinion—

- (a) that any person in the zone is harbouring criminals, keeping as hostage any person who has been kidnapped or abducted, indulging in violence constituting a cognizable offence or acting in breach of an order for the time being in force prohibiting the assembly of more than five persons or violation of curfew or transporting weapons or fire arms, ammunition or explosive substances or carrying weapons or fire arms, ammunition or explosive substances on his person, whether openly or concealed, in breach of law or for un-lawful purposes;
- (b) that it is necessary to destroy any illicit arms dump or prepared or fortified position or shelter from which armed attacks are made or are likely to be made or any structure used as training camp for armed insurgents or utilized as a hide-out by armed

gangs of dacoits or anti state elements or absconders wanted for any offence;

- (c) that it is necessary to arrest any person who has committed a cognizable offence or against whom a reasonable suspicion exists that he has committed or is about to commit a cognizable offence; or
- (d) that it is necessary to enter and search without warrant any place to make arrest of any such person or to secure release of any person illegally confined or detained or for recovery of any property reasonably suspected to be crime property or recovery of any arms, ammunition or explosive substances or lethal weapons believed to be unlawfully kept;

may be verbal orders require such person to comply with law, desist from indulging in unlawful activity, surrender himself or anything in his control.

(2) If his orders under subsection (1) are not complied with, the Magistrate after such warning as may be sufficient in his opinion and use of force become necessary for the purpose of securing compliance with the said orders, may direct the officer or Junior Commissioned Officer or the police or civil armed forces officers at his disposal to secure such compliance and to use necessary force, even to the extent of causing death,—

- (a) against any person referred to in clause (a) of the said sub section;
- (b) to destroy any illicit arms dumps prepared or fortified position or shelter from which armed attacks are made or are likely to be made or any structure used as training camp for armed insurgents or utilized as a hide-out by armed gangs of dacoits or anti-state elements or absconders wanted for any offence;
- (c) to arrest without warrant any person referred to in clause of the said sub-section; or
- (d) to enter and search, without warrant, any place to make arrest of any such person or to secure release of any person illegally confined or detained or for recovery of any property reasonably suspected to be crime property or any arms, ammunition or explosive substances or lethal weapons believed to be unlawfully kept.

**5. Power of police, civil armed forces, etc.—**(1) When the Magistrate cannot be communicated with, any police officer not below the rank of Sub-Inspector or an officer of equivalent rank in the civil armed

forces or a Naib Subedar may, after sufficient warning, use necessary force even to the extent of causing death,—

- (a) against any person referred to in clauses (a) of sub section (I) of section 4; or
- (b) to destroy any illicit arms dump prepared or fortified position or shelter from which armed attacks are made or are likely to be made, or any structure used as training camp for armed insurgents or utilized as a hide-out by armed gangs of dacoits or anti-state elements or absconders wanted for any offence; or
- (c) to arrest without warrant, any person referred to in clause of sub section (1) of section 4; or
- (d) to enter and search without warrant any place to make arrest of any such person to secure release of any person illegally confined or detained or for recovery of any property reasonably suspected to be crime property or any arms, ammunition or explosive substances or lethal weapons believed to be unlawfully kept.

(2) The officer referred to in sub-section (1) shall, at the first opportunity as and when it becomes practicable for him to communicate with Magistrate, do so and shall thenceforward obey the instructions of the Magistrate as to whether he shall or shall not continue such action.

**6. Establishment of Special Courts.**— (1) For the purpose of providing for speedy trial of scheduled offences committed in a zone, the Government may established by notification, a Special Court in relation to such zone—

- (a) within such zone; or
- (b) if the Government having regard to the exigencies of the situation prevailing in such zone considers it expedient so to do, at any place outside such zone but within the province in which such zone is situated.

(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 a zone, or in the relation to two or more zones, in the province, a Special Court outside the said zone or zones, for the trial of such scheduled offences committed in the zone or zones the trial whereof within the zone or any of the zones —

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