



# THE TERRITORIAL WATERS AND MARITIME ZONES ACT, 1976



## CONTENTS

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### SECTIONS:

1. Short title and commencement.
2. Territorial waters.
3. Use of territorial waters by foreign ships.
4. Contiguous Zone.
5. Continental Shelf.
6. Exclusive Economic Zone.
7. Historic waters.
8. Maritime boundaries between Pakistan and States having coasts opposite or adjacent to those of Pakistan.
9. Publication of charts.
10. Offences.
11. Offences by companies.
12. Place of trial.
13. Previous sanction of the Federal Government for Prosecution.
14. Power to make rules.

# THE TERRITORIAL WATERS AND MARITIME ZONES ACT 1976.

<sup>1</sup>ACT No. LXXXII OF 1976

[31<sup>st</sup> December, 1976]

## **An Act to provide for the declaration of the territorial waters and maritime zones of Pakistan.**

WHEREAS it is expedient to provide for the declaration of the territorial waters and maritime zones of Pakistan and for matters connected therewith ;

It is hereby enacted as follows :—

**1. Short title and commencement.**— (1) This Act may be called the Territorial Waters and Maritime Zones Act, 1976.

(2) It shall come into force at once.

**2. Territorial waters.**—(1) The sovereignty of Pakistan extends and has always extended to the territorial waters of Pakistan, hereinafter referred to as the territorial waters, as well as to the air space over, and the bed and subsoil of, such waters.

(2) The limit of the territorial waters is twelve nautical miles beyond the land territory and internal waters of Pakistan measured from the baseline.

(3) The baseline from which such limit shall be measured and the waters on the landward side of which shall form part of the internal waters of Pakistan shall be specified by the Federal Government by notification in the official Gazette.

(4) Where a single island, rock or a composite group thereof constituting a part of the territory of Pakistan is situated off the main coast, the baseline referred to in sub-section (3) shall be drawn along the outer seaward limits of such island, rock or composite group.

**3. Use of territorial waters by foreign ships.**—(1) Without prejudice to the provisions of any other law for the time being in force and subject to the provisions of sub-section (2) and sub-section (3), all foreign ships shall enjoy the right of innocent passage through the territorial waters.

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<sup>1</sup>For Statement and Reasons, see Gaz., of P., 1976, Ext. Pt., III, p. 1455.

*Explanation.*—For the purposes of this section, passage is innocent so long as it is not prejudicial to the peace, good order or security of Pakistan.

(2) Foreign warships, including submarines and other under water vehicles and Foreign Military Aircraft may enter or pass through the territorial waters and the air space over such waters with the prior permission of the Federal Government:

Provided that submarines and other under water vehicles shall navigate on the surface and show their flag while passing through such waters.

(3) Foreign super ankers, nuclear powered ships and ships carrying nuclear or other inherently dangerous or noxious substances or materials may enter or pass through the territorial waters after giving prior notice to the Federal Government.

(4) The Federal Government may, if satisfied that it is necessary so to do in the interest of the peace, good order or security of Pakistan or any part thereof, suspend, by notification in the official Gazette, subject to such exceptions and qualifications, if any, as may be specified in the notification, the entry of all or any class of foreign ships into such area of the territorial waters as may be specified in the notification.

**4. Contiguous Zone.**—(1) The Contiguous Zone of Pakistan, hereinafter referred to as the Contiguous Zone, is an area adjacent to and beyond the territorial waters and extending seawards to a line twenty-four nautical miles measured from the baseline declared under sub-section (3) of section 2.

(2) The Federal Government may exercise such powers and take such measures in or in respect of the Contiguous Zone as it may consider necessary to prevent and punish the contravention of, and an attempt to contravene, any law in force in Pakistan relating to—

- (a) the security of Pakistan ;
- (b) immigration and sanitation ; and
- (c) customs and other fiscal matters.

(3) The Federal Government may, by notification in the official Gazette,—

- (a) extend to the Contiguous Zone any law relating to any matter referred to in clause (a) or clause (b) or clause (c) of sub-section (2), for the time being in

force in Pakistan or any part thereof, with such modifications, if any, as may be specified in the notification ; and

- (b) make such provisions as it may consider necessary for facilitating the enforcement of such law and any law so extended shall have effect as if the Contiguous Zone formed part of the territory of Pakistan.

**5. Continental Shelf.**—(1) The Continental Shelf of Pakistan, hereinafter referred to as the Continental Shelf, shall comprise the seabed and sub-soil of the submarine areas that extend beyond the limit of the territorial waters of Pakistan throughout the natural prolongation of the land territory of Pakistan to the outer edge of the continental margin or, where the outer edge of the continental margin does not extend up to a distance of two hundred nautical miles from the baseline declared under sub-section (3) of section 2, up to that distance.

(2) Pakistan has, and always had, full and exclusive sovereign rights in respect of its Continental Shelf including—

- <sup>1</sup>[(a) exclusive sovereign rights for the purpose of exploring and exploiting minerals and other non-living resources of the bed and sub-soil together with living organisms belonging to the sedentary species;]
- (b) exclusive rights and jurisdiction to authorize, regulate and control scientific research ;
- (c) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, off-shore terminals installations and other structures and devices necessary for the exploration and exploitation of the resources of the Continental Shelf, for the convenience of shipping or for any other purpose ; and
- (d) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution.

<sup>2</sup>[Explanation.—For the purpose of this sub-section, the expression “living organisms” shall mean those organisms which, at the harvestable stage, are either immobile under the sea-bed or are unable to move except in constant physical contact with the sea-bed or the sub-soil.]

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<sup>1</sup>Subs. by the Territorial Waters and Maritime Zones Act, 1977 (5 of 1977), s. 2, for cl. (a).

<sup>2</sup>Explanation added, *ibid*.

(3) No person, including a foreign Government shall, except under, and in accordance with the terms of, any agreement with the Federal Government of a licence or letter of authority granted by the Federal Government, explore the Continental Shelf or exploit its resources or carry out any search or excavation or conduct any research within the Continental Shelf or drill therein or construct, maintain or operate therein for any purpose whatsoever any artificial islands, off shore terminal, installation or other structure or device.

(4) The Federal Government may, by notification in the official Gazette,-

- (a)** declare any area of the Continental Shelf <sup>1</sup>[\* \* \*] to be a designated area ; and
- (b)** make such provisions as it may deem necessary with respect to all or any of the following matters, namely :—
  - (i)** the exploration, development, exploitation and protection of the resources of the Continental Shelf within such designated area ;
  - (ii)** the safety and protection of artificial islands, off-shore terminals, installations and other structures and devices in such designated area ;
  - (iii)** the protection of marine environment of such designated area ;
  - (iv)** customs and other fiscal matters in relation to such designated area ; and
  - (v)** the regulation of entry into and passage through the designated area of foreign ships by the establishment of fairways, sealanes, traffic separation schemes or any other mode of ensuring freedom of navigation which is not prejudicial to the interests of Pakistan.

(5) The Federal Government may, by notification in the official Gazette,-

- (a)** extend to the whole or any part of the Continental Shelf any law for the time being in force in Pakistan or any part thereof, with such modifications, if any, as may be specified in the notification ; and

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<sup>1</sup>Omitted by Act 5 of 97, s. 2.