

***REPORT OF THE STANDING COMMITTEE ON
INTERIOR & NARCOTICS CONTROL***

THE CRIMINAL LAW (AMENDMENT) BILL, 2016

Report No.9

PRESENTED BY

SENATOR A. REHMAN MALIK
CHAIRMAN

SENATE SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON INTERIOR AND NARCOTICS CONTROL ON THE PROHIBITION OF CORPORAL PUNISHMENT BILL, 2016

I, Chairman of the Standing Committee on Interior and Narcotics Control, have the honour to present the report "The Criminal Law (Amendment) Bill 2016" moved by Minister of State for Interior in the Senate House on 9th September, 2016; the Bill was referred to the Standing Committee on Interior and Narcotics Control for consideration and report thereof.

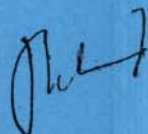
The composition of the Standing Committee on Cabinet Secretariat is as under:-

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| 1. | Senator A. Rehman Malik | Chairman |
| 2. | Senator Shahi Syed | Member |
| 3. | Senator Mir Israrullah Khan Zehri | Member |
| 4. | Senator Muhammad Saleh Shah | Member |
| 5. | Senator Muhammad Talha Mehmood | Member |
| 6. | Senator Col. (R) Syed Tahir Hussain Mashhadi | Member |
| 7. | Senator Dr. Jehanzeb Jamaldini | Member |
| 8. | Senator Chaudhary Tanvir Khan | Member |
| 9. | Senator Muhammad Javed Abbasi | Member |
| 10. | Senator Muhammad Ali Khan Saif | Member |
| 11. | Senator Mukhtiar Ahmed Dhamrah @ Aajiz | Member |
| 12. | Senator Syed Shibli Faraz | Member |
| 13. | Minister for Interior | Ex-officio Member |

The Committee considered and discussed the Bill in detail in its meetings held on 22nd November, 2016. The following members of the Committee attended the meeting.

| | | |
|----|--|-------------------|
| 1. | Senator Abdul Rehman Malik | Chairman |
| 2. | Senator Shahi Syed | Member |
| 3. | Senator Mir Israrullah Khan Zehri | Member |
| 4. | Senator Col. @ Syed Tahir Hussain Mashhadi | Member |
| 5. | Senator Dr. Jehanzeb Jamaldini | Member |
| 6. | Senator Chaudhary Tanvir Khan | Member |
| 7. | Senator Syed Shibli Faraz | Member |
| 8. | Senator Saleem Mandviwala | Mover |
| 9. | Minister of State for Interior | Ex-officio Member |

The Committee read the whole Bill clause by clause by clause. During the reading a few objections were raised that are given below:



Note of Dissent:

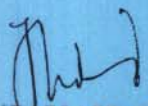
Two of the Senator Col. (R) Syed Tahir Hussain Mashhadi and Senator Syed Shibli Faraz objected to the following clauses:

Article 2(1)(c) does not specify the amount of fine and provides “imprisonment or with fine” so it is left at the behest of the Judge/Magistrate to fix the fine. In their view it should be “imprisonment with fine.”

On Article 5. Amendment of P.O No.10 of 1984, “Conviction on the basis of modern devices or techniques”, Senator Col. (R) Tahir Hussain Mashhadi commented that it must be corroborated with evidence of eye witnesses because mere use of modern devices may lead to faulty evidence and leaves an error of judgment. Whereas the Ministry stressed that the Judge can’t take isolated evidence rather the corroborative evidence prevails in all cases.

RECOMMENDATIONS

The majority of the Committee members endorsed the Bill and recommended that the Bill may be passed by the House.


(JAVAID IQBAL)
Secretary Committee
23.11.2016


(SENATOR A. REHMAN MALIK)
Chairman
23.11.2016

[AS PASSED BY THE NATIONAL ASSEMBLY]

A

BILL

further to amend certain laws

WHEREAS, it is expedient further to amend certain laws for the purpose hereinafter appearing:

It is hereby enacted as follows: -

1. Short title and commencement.- (1) This Act may be called the Criminal Laws (Amendment) Act, 2016.

(2) It shall come into force at once.

2. Amendment of Act XLV of 1860.- In the Pakistan Penal Code, 1860 (Act XLV of 1860),-

(1) in section 182, for the words, commas and full stop "extend to six months, or with fine which may extended to three thousand rupees, or with both.", the following shall be substituted, namely:-

"extend to-

- (a) seven years in case the offence in which false information is given is punishable with death;
- (b) five years in case the offence in which false information is given is punishable with imprisonment for life; or
- (c) one-fourth of the longest term of imprisonment or with fine as is provided for the offence in which false information is given and such offence is not covered under clause (a) or clause (b).",

(2) for section 298, the following shall be substituted, namely:-

"298. Uttering words, etc. with deliberate intent to wound religious feelings.- Whoever, with deliberate intention of wounding or outraging the religious feelings of any persons or inciting religious, sectarian or ethnic hatred, utters any words by using loudspeaker or sound amplifier or any other device or makes any sound in the hearing of that person or makes any gesture in the

sight of that person or persons, shall be punished with imprisonment of either description for a term which may extend to three years but shall not be less than one year, or with 0.5 million fine, or with both.”; and

- (3) in section 498B, for the full-stop at the end, a colon shall be substituted and thereafter the following proviso shall be added, namely:-

“Provided that in case of a female child as defined in the Child Marriage Restraint Act, 1992 (XIX of 1929), or a non-Muslim woman, the accused shall be punished with imprisonment of either description for a term which may extend to ten years but shall not be less than five years and shall also be liable to fine which may extend to one million rupees.”.

3. Amendment of Act V of 1861.- In the Police Act, 1861 (V of 1861), in its application to the Islamabad Capital Territory,-

- (1) in section 23, after the word “nuisances”, the semicolon, words and comma “; to prevent sectarianism and hate speech and proliferation of hate material by any person, organized group, any organization or proscribed organization” shall be inserted;
- (2) in section 29, for the words and commas “to a penalty not exceeding three months’ pay, or to imprisonment with or without hard labour, for a period not exceeding three months, or to both”, the words “to imprisonment for a term which may extend to three years and with 0.1 million fine” shall be substituted; and
- (3) in section 32,-
- (a) for the words “ the last three preceding sections” the words, figures and comma “section 30, 30A or section 31” shall be substituted; and
- (b) for the words “a fine not exceeding two hundred rupees” the words “imprisonment for a term which may extend to three years and with fine” shall be substituted.

4. Amendment of Schedule-II, Act V of 1898.- In the Code of Criminal Procedure, 1898 (Act V of 1898), in Schedule-II, in the Table, in Column I,-

- (1) against section 182, for the entry in column 7 and 8, the following shall be substituted, namely:-

| 7 | 8 |
|--|--|
| <p>"extend to-</p> <p>(a) seven years in case the offence in which false information is given is punishable with death;</p> <p>(b) five years in case the offence in which false information is given is punishable with imprisonment for life; or</p> <p>(c) one-fourth of the longest term of imprisonment or with fine as is provided for the offence in which false information is given and such offence is not covered under clause (a) or clause (b).".</p> | <p>Court of Sessions</p> <p>Court of Sessions</p> <p>Magistrate of the first class</p> |

- (2) against section 298, for the entry in column 7, the following shall be substituted, namely:-

"imprisonment of either description for a term which may extend to three years but shall not be less than one year, or with fine, or with both.";

- (3) against section 498B, in column 7, after the figure "500,000/-", the words "and in case of a female child or a non-Muslim woman, imprisonment upto ten years and not less than five years and fine upto one million rupees" shall be inserted; and
- (4) against section 511, under the heading "Offences Against Other Laws", in column 5, the words, figures and commas "Except in cases under the Arms Act, 1878, section 19, which shall be bail able shall be omitted.

5. Amendment of P.O No. 10 of 1984.- In the Qanoon-e-Shahdat, 1984 (P.O. No.10 of 1984), in Article 164, for the full-stop at the end, a colon shall be substituted and thereafter the following proviso shall be added, namely:-

"Provided that conviction on the basis of modern devices or techniques may be lawful."

6. Amendment of XXVII of 1997.- In the Anti-terrorism Act, 1997 (XXVII of 1997), after section 11W, the following new section shall be inserted, namely:-

"11WW. Lynching.- (1) Whenever any individuals, an organized group or a mob by taking the law in own hands inflict punishment on a person accused or suspected of a crime by causing him a hurt or his death, every such individual, a member of such group or a mob is said to commit lynching.

(2) Whoever, commits lynching under sub-section (1) shall be punished with imprisonment for a term which may extend to three years or with fine or with both in addition to any other punishment to which he may be liable under any other law for the time being in force."

7. Amendment of Act X of 2014.- In the Protection of Pakistan Act, 2014 (X of 2014), in section 6, after the word "Government", the words "or a Provincial Government" shall be inserted and in section 15, in sub-section (2), after the word "hurt" the words "is recovered" shall be inserted and shall be deemed always to have been so inserted.

STATEMENT OF OBJECT AND REASON

The whole nation is suffering from the trauma of brutal terrorist attacks. Terrorism, Sectarianism and extremism have gripped the whole country and these acts have become the order of the day. The country is passing through an extraordinary situation which requires stringent measures to be taken in order to curb this menace which has infiltrated into our society. Some drastic amendments were made in the Anti-terrorism Act, 1997 in the year 2013 and also in the year 2014. The Protection of Pakistan Act, 2014 was also passed after heated debates during its enforcement as an Ordinance. The sole purpose behind all this was to provide protection for people of Pakistan and prevention of acts threatening the security of Pakistan.

2. In these extraordinary circumstances the leadership of all the parliamentary parties have resolved upon for taking special measures to root out the evil of terrorism from the country with an exemplary deterrence. This noble objective cannot be achieved without strengthening the criminal justice system, the Police and the law of evidence. Thereafter, some amendments are proposed in the Pakistan Penal Code, 1860 (Act XIV of 1860), the Police Act, 1861 (V of 1861), the Code of Criminal Procedure, 1898 (Act V of 1898), the Qanoon-e-Shahdat, 1984 (P.O.No.10 of 1984), and the Protection of Pakistan Act, 2014 (X of 2014) to achieve these objectives.

BALIGH UR REHMAN
Minister of State for Interior
and Narcotics Control

NATIONAL ASSEMBLY SECRETARIAT

Objection on minutes of 3rd November, 2015

I would like to see the audio record of the minutes as I believe the Criminal Law (Amendment) Bill was not passed and the audio record would help/clarify. I, therefore, record my objection on the said Bill as full deliberations were not held.

Sd/-
(Dr. Arif Alvi)
Member
National Assembly
NA-250