

**SENATE OF PAKISTAN
HOUSE OF THE FEDERATION**

Report No.19



***Report of the Senate Standing Committee on Interior and Narcotics
Control on the issue "The Code of Criminal Procedure (Amendment)
Bill, 2017" introduced by Senator Mohammad Azam Khan Swati on
13th March, 2017***

PRESENTED BY

**SENATOR A. REHMAN MALIK
CHAIRMAN**

SENATE SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON INTERIOR & NARCOTICS CONTROL

I, Chairman of the Standing Committee on Interior and Narcotics Control, have the honour to present the report on "The Code of Criminal Procedure (Amendment) Bill, 2017" regarding the mechanism of registering the FIRs introduced by Senator Mohammad Azam Khan Swati on 13th March, 2017 and referred by the House to the Standing Committee on Interior and Narcotics Control for consideration and report thereof.

2. The composition of the Standing Committee on Interior & Narcotics Control is as under:-

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

3. The matter was taken up in the meeting of the Standing Committee held on 10th April, 2017.

4. The Committee disposed of the matter on 10th April, 2017 and allowed to submit the report to the House. The following members of the Committee attended the meeting.

1. Senator A. Rehman Malik	Chairman
2. Senator Shahi Syed	Member
3. Senator Col. (R) Syed Tahir Hussain Mashhadi	Member
4. Senator Dr. Jehanzeb Jamaldini	Member
5. Senator Chaudhary Tanvir Khan	Member
6. Senator Muhammad Javed Abbasi	Member
7. Senator Muhammad Ali Khan Saif	Member
8. Senator Mian Muhammad Ateeq Shaikh	Mover
9. Senator Mohammad Azam Khan Swati	Mover

SUMMARY

The Mover explained the objects and reasons of the Bill and said that different impediments come on way when a complainant tries to register an FIR. The culture of police is a great hurdle and the complainant is left on sweet will of the SHO to register the FIR or not. So the Bill aims at registration of first information report thus a way out for a bona fide complainant to achieve justice.


The Committee disagreed for providing a mechanism of registering an FIR in such an easy way and giving a tool in the hands of law enforcing agencies. The following clause of the Bill, makes it compulsory and binding for the SHO to reduce the complaints to the FIR.


“(2) No officer in-charge of a police station shall refuse, on any ground whatsoever, to reduce information relating to the commission of cognizable offence to writing, under sub-section(1) and, the information so provided shall be reduced to writing without under delay.”

Such a binding on SHO may lead to misuse of FIRs and open a door to the unnecessary litigation leading to miscarriage of justice. The Committee opined that in case, a bona fide complainant is not properly treated and the SHO refuses to register the FIR, the complainant can contact the Judicial Magistrate for registering the FIR. The Mover agreed to the contention of the Committee.

RECOMMENDATION

The Committee disposed of the Bill with the recommendation that the Bill may not be passed. The Bill is annexed.


(JAVAID IQBAL)
Secretary Committee


(SENATOR A. REHMAN MALIK)
Chairman

[TO BE INTRODUCED IN THE SENATE]

A

Bill

further to amend the Code of Criminal Procedure, 1898

WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1898 (V of 1898), for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act may be called the Code of Criminal Procedure (Amendment) Act, 2017.

(2) It shall come into force at once.

2. Amendment of section 154, Act V of 1898.- In the Code of Criminal Procedure, 1898 (V of 1898), hereinafter referred to as the said Code, the existing section 154 shall be numbered as sub-section "(1)" and after sub-section (1) numbered as aforesaid, the following new sub-sections shall be inserted, namely:-

"(2) No officer in-charge of a police station shall refuse, on any ground whatsoever, to reduce information relating to the commission of cognizable offence to writing, under sub-section (1) and, the information so provided shall be reduced to writing without undue delay.

(3) After recording of the first information report, a Magistrate empowered under section 190 may, record statement of the informant on oath, stating therein that the information provided under sub-section (1) are true and has been provided honestly to the police:

Provided that no proceeding shall be invalid or called into question on the ground that statement on oath has not been recorded under this sub-section:

Provided further that statement under this sub-section shall have no evidentiary value elsewhere except its using against the informant under section 154A.

(4) The Court having jurisdiction to do so, upon complaint under the provisions of this Code, may direct for initiating proceeding against the officer in-charge of a police station, responsible for not proceeding in accordance with sub-sections (1) and (2) of this section; for the offence under section 166 of the Pakistan Penal Code, 1860 (XLV of 1860) and other offences, if any, according to law.

