

[AS INTRODUCED IN THE SENATE]

A

BILL

further to amend the Pakistan penal Code, 1860 and the Code of criminal Procedure, 1898

WHEREAS it is expedient further to amend the Pakistan Penal Code, 1860 (Act XLV of 1860) and the Code of Criminal Procedure, 1898 (Act 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 Criminal Laws (Amendment) Act, 2017.

(2) It shall come into force at once.

2. Amendment of section 272, Act XLV of 1860. - In the Pakistan Penal Code, 1860 (XLV of 1860), hereinafter referred to as the said Code, in section 272, for the words and commas "six months, or with fine which may extend to three thousand rupees, or with both", the words "two years and with fine which may extend to two hundred thousand rupees" shall be substituted.

3. Amendment of section 273, Act XLV of 1860.- In the said Code, in section 273, for the words and commas "six months, or with fine which may extend to three thousand rupees, or with both", the words "two years and with fine which may extend to two hundred thousand rupees" shall be substituted.

4. Amendment of section 274, Act XLV of 1860.- In the said Code, in section 274, for the words and commas "six months, or with fine which may extend to three thousand rupees, or with both", the words "five years and with fine which may extend to three million rupees" shall be substituted.

5. Amendment of section 275, Act XLV of 1860.- In the said Code, in section 275, for the words and commas "six months, or with fine which may extend to three thousand rupees, or with both", the words "five years and with fine which may extend to three million rupees" shall be substituted.

6. Amendment of section 276, Act XLV of 1860.- In the said Code, in section 276, for the word "three" word "fifty" shall be substituted.

7. Insertion of new section 320A, Act XLV of 1860.- In the said Code, after section 320, the following new section shall be inserted, namely:-

"320A. Punishment for Qatl-i-Khata by transfusion of unsafe blood.- Whoever commits Qatl-i-Khata by transfusion of unsafe blood, shall, having regard to the facts and circumstances of the case, in addition to diyat, be punished with imprisonment of either description for a term which may extend to ten years.

Explanation: For the purposes of this section,-

- (a) Blood means human blood stored, given and sold by the blood bank regulated by the Government and its functionaries; and
- (b) Unsafe blood means human blood which is unhealthy and contains human immunodeficiency (HIV), Hepatitis B and C viruses or ineffective agents like malarial parasites and Treponema palladium (syphilis) or such other viruses or ineffective agents as the Government may, by notification in the official gazette specify."

8. Insertion of new section 337JJ, Act XLV of 1860.- In the said Code, after section 337J, the following new section shall be inserted, namely:-

"337JJ. Punishment for causing hurt by transfusion of unsafe blood.- Whoever causes hurt to any person by transfusion of unsafe blood, shall, in addition to the punishment of arsh or daman provided for the hurt caused, be punished, having regard to the nature of the hurt caused, with imprisonment of either description for a term which may extend to ten years.

Explanation: For the purposes of this section,-

- (a) Blood means human blood stored, given and sold by the blood bank regulated by the Government and its functionaries; and
- (b) Unsafe blood means human blood which is unhealthy and contains human immunodeficiency (HIV), Hepatitis B and C viruses or ineffective agents like malarial parasites and Treponema palladium (syphilis) or such other viruses or ineffective agents as the Government may, by notification in the official gazette specify".

STATEMENT OF OBJECTS AND REASONS

Right to life is the foremost, fundamental and inalienable right of every citizen as guaranteed by the Constitution of Pakistan. Right to life can only be protected when causes adverse to this right is eliminated. Unfortunately the people of Pakistan are exposed to adulterated and unhygienic food. The adulterated, noxious and unhygienic food causes fatal diseases which ultimately results the death of the people. The irony is that the adulteration is not limited only to food items, but also extends to drugs which results further dire consequences for the people.

Apart from adulteration of food and drugs, patients with need of blood are also exposed to unhealthy and unsafe blood. Transfusion of unsafe blood to the patient is one of the worst criminal acts which are performed by some of the people attached with medical profession. Prevention and control of adulterated food, adulterated drugs, unsafe blood and their business is the need of the day. The present Bill is brought to address the issue of adulterated food, drugs and unsafe blood. In this Bill, apart from adulterated food and drugs, punishment for transfusion of unsafe blood has been provided in case of death or hurt occurs to patients due to transfusion of unsafe blood. The Bill has suggested more severe punishments for those who are involved in these crimes so that to prevent the commission of such crimes.

The Bill has been designed to achieve the aforesaid objectives.

SENATOR MOHAMMAD AZAM KHAN SWATI
Member-in-Charge