

SENATE OF PAKISTAN



REPORT OF THE STANDING COMMITTEE ON INTERIOR

ON

**“The Pakistan Penal Code (Amendment) Bill, 2017”
introduced by Senator Sirajul Haq**

Report No.32

PRESENTED BY

SENATOR A. REHMAN MALIK
CHAIRMAN

SENATE SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON INTERIOR

I, Chairman of the Standing Committee on Interior, have the honour to present the report on "The Pakistan Penal Code (Amendment) Bill, 2017 introduced by Senator Sirajul Haq on 16th January, 2017" and referred by the House to the Standing Committee on Interior for consideration and report thereof.

2. The composition of the Standing Committee on Interior 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 Sardar Fateh Muhammad Muhammad Hassani	Member
12.	Senator Syed Shibli Faraz	Member
13.	Minister for Interior	Ex-officio Member

3. The Standing Committee presented the report to the House on 28th March, 2017. The Standing Committee recommended the Senate may pass the Bill as introduced in the Senate. Thereafter, the Member gave notice under rules 100 and 113 for consideration and passage of the Bill. Meanwhile, he submitted a notice under rule 105 for moving consequential amendments to the said Bill.

4. The motions for consideration and passing of the Bill along-with consequential amendments notice given of by Senator Sirajul Haq, were included in the Orders of the Day for Monday, the 18th September, 2017. However, the Acting Chairman referred back the Bill to the Standing Committee concerned for reconsideration and report.

5. The Bill was taken up for consideration in the meetings of the Standing Committee held on 23rd October, 3rd and 17th November, 2017.

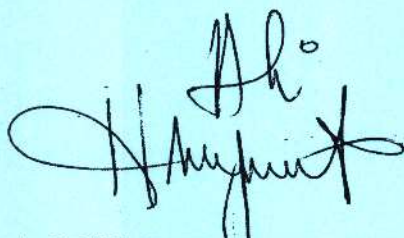
6. The Committee approved amendments proposed by the Senator Sirajul Haq in the Bill; however, Ministry of Interior and Law & Justice supported the Bill.


7. The Committee disposed of the matter on 3rd November, 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 Mir Israrullah Khan Zehri	Member
3.	Senator Col. (R) Syed Tahir Hussain Mashhadi	Member
4.	Senator Dr. Jehanzeb Jamaldini	Member
5.	Senator Muhammad Javed Abbasi	Member
6.	Senator Syed Shibli Faraz	Member
7.	Minister for Interior	Ex-officio Member
8.	Senator Sirajul Haq	Mover
9.	Senator Maulana Hafiz Hamdullah	Mover
10.	Senator Muhammad Azam Khan Swati	Mover
11.	Senator Sajjad Hussain Turi	Special Invitee

8. The Chairman Committee put up a question to the Committee in its meeting held on 17th November, 2017 that the report do stand adopted and Committee adopted the same.

9. In view of above the Committee recommends that the Bill as introduced in the Senate with the title "The Pakistan Penal Code (Amendment) Bill, 2017" and after amending the title of the bill by the Committee the Bill namely "The Criminal Laws (Amendment) Bill, 2017", as reported by the Committee, may be passed by the Senate. (Copy of Bill as reported by the Committee is Annexed-'A' and Bill as introduced in the Senate with proposed amendment is Annexed - 'B').


(HYDER ALI SUNDRANI)
DS/Secretary Committee


(SENATOR A. REHMAN MALIK)
Chairman
Senate Standing Committee on Interior

ANNEXURE - A

[AS REPORTED BY THE COMMITTEE]

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 292, Act XLV of 1860.- In the Pakistan Penal Code, 1860 (XLV of 1860), hereinafter referred to as the Code, in section 292, for the words and commas "three months, or with fine, or with both", the words "three years and with fine of two hundred thousand rupees" shall be substituted.

3. Amendment in section 293, Act XLV of 1860.- In the Code, in section 293, for the words "under the age of twenty years", the words "of any age" shall be substituted and for the words and commas "six months, or with fine, or with both", the words "two years and with fine of one hundred thousand rupees" shall be substituted.

4. Amendment in section 294, Act XLV of 1860.- In the Code, in section 294,-
(i) after the words "to the annoyance of others", the words "or otherwise" shall be inserted;
(ii) in paragraph (b), for the word "recites", the word "performs" shall be substituted; and

- (iii) for the words and commas "three months, or with fine, or with both" the words and commas "one year, or with fine of one hundred thousand rupees, or with both" shall be substituted.

5. Amendment of Schedule II, Act V of 1898.- In the Code of Criminal Procedure, 1898 (V of 1898), in Schedule II,

- (i) against section 292, for the entry in column 7, the following shall be substituted, namely:-

"Imprisonment of either description for 3 years and with fine of 200000 rupees";

- (ii) against section 293, for the entry in column 7, the following shall be substituted, namely:-

"Imprisonment of either description for 2 years and with fine of 100000 rupees"; and

- (iii) against section 294, for the entry in column 7, the following shall be substituted, namely:-

"Imprisonment of either description for 1 year, or with fine of 100000 rupees, or with both".

STATEMENT OF OBJECTS AND REASONS

With the passage of time, obscenity has not only disturbed the individual life but it has become a terrible act of annoyance for the whole society, especially for women folks.

Article 14 of the Constitution of the Islamic Republic of Pakistan clearly states that "the dignity of man and, subject to law, the privacy of home, shall be inviolable".

In Article 37(g) of the Constitution, it is stated that "the State shall prevent prostitution, gambling and taking of injurious drugs, printing, publication, circulation and display of obscene literature and advertisements;" Sections 292, 293 and 294 of the Pakistan Penal Code (PPC) directly relate to the persons who sells, lets to hire, distributes, publicly exhibits or in any manner puts into circulation or for purposes of sale, hire, distribution, public exhibition or circulation, makes, produces or has in his possession any obscene book, pamphlet, paper, drawing, painting, representation or

figure or any other obscene object whatsoever, or imports, exports or conveys any obscene object for any of the purposes aforesaid, or knowing or having reason to believe that such object will be sold, let to hire, distributed or has reason to believe that any such obscene objects are, for any of the purposes aforesaid, made, produced, purchased, kept, imported, exported, conveyed, publicly exhibited or in any manner put into circulation, or is ready to engage in any act which is an offence under this section, or that any such obscene object can be procured from or through any person, or offers or attempts to do any act which is an offence under above sections.

It is clear from the contents of the sections that above sections relate to the above Articles of the Constitution, but unfortunately, punishments and fines thereof are nominal. Through the above amendments, enhancement of punishments has been proposed.

SENATOR SIRAJUL HAQ
Member-In-Charge

[AS INTRODUCED IN THE SENATE]

A

BILL

further to amend the Pakistan Penal Code, 1860

WHEREAS it is expedient further to amend the Pakistan Penal Code, 1860 (XLV of 1860) for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act may be called the Pakistan Penal Code (Amendment) Act, 2017.

(2) It shall come into force at once.

2. Amendment of section 292, Act XLV of 1860.- In the Pakistan Penal Code, 1860 (XLV of 1860), hereinafter referred to as the Code, in section 292, for the words and commas "three months, or with fine, or with both", the words "three years and with fine of two hundred thousand rupees" shall be substituted.

3. Amendment in section 293, Act XLV of 1860.- In the Code, in section 293, for the words "under the age of twenty years", the words "of any age" shall be substituted and for the words and commas "six months, or with fine, or with both", the words "two years and with fine of one hundred thousand rupees" shall be substituted.

4. Amendment in section 294, Act XLV of 1860.- In the Code, in section 294,-

- (i) after the words "to the annoyance of others", the words "or otherwise" shall be inserted;
- (ii) in paragraph (b), for the word "recites", the word "performs" shall be substituted; and
- (iii) for the words and commas "three months, or with fine, or with both" the words and commas "one year, or with fine of one hundred thousand rupees, or with both" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

With the passage of time, obscenity has not only disturbed the individual life but it has become a terrible act of annoyance for the whole society, especially for women folks.

Article 14 of the Constitution of the Islamic Republic of Pakistan clearly states that "the dignity of man and, subject to law, the privacy of home, shall be inviolable".

In Article 37(g) of the Constitution, it is stated that "the State shall prevent prostitution, gambling and taking of injurious drugs, printing, publication, circulation and display of obscene literature and advertisements;" Sections 292, 293 and 294 of the Pakistan Penal Code (PPC) directly relate to the persons who sells, lets to hire, distributes, publicly exhibits or in any manner puts into circulation or for purposes of sale, hire, distribution, public exhibition or circulation, makes, produces or has in his possession any obscene book, pamphlet, paper, drawing, painting, representation or figure or any other obscene object whatsoever, or imports, exports or conveys any obscene object for any of the purposes aforesaid, or knowing or having reason to believe that such object will be sold, let to hire, distributed or has reason to believe that any such obscene objects are, for any of the purposes aforesaid, made, produced, purchased, kept, imported, exported, conveyed, publicly exhibited or in any manner put into circulation, or is ready to engage in any act which is an offence under this section, or that any such obscene object can be procured from or through any person, or offers or attempts to do any act which is an offence under above sections.

It is clear from the contents of the sections that above sections relate to the above Articles of the Constitution, but unfortunately, punishments and fines thereof are nominal. Through the above amendments, enhancement of punishments has been proposed.

SENATOR SIRAJUL HAQ
Member-In-Charge

**LIST OF AMENDMENTS TO THE PAKISTAN PENAL CODE
(AMENDMENT) BILL, 2017.**

(As reported by the Standing Committee)

LIST OF AMENDMENTS

LONG TITLE

1. **SENATOR SIRAJUL HAQ** to move -
that in the Pakistan Penal Code (Amendment) Bill, 2017, as reported by the Standing Committee, in the long title after the figure "1860" occurring at the end, the words and figure "and the Code of Criminal Procedure, 1898" shall be added.

PREAMBLE

2. **SENATOR SIRAJUL HAQ** to move -
that in the Pakistan Penal Code (Amendment) Bill, 2017, as reported by the Standing Committee, in the Preamble after the brackets, roman figure, word and figure "(XLV of 1860)", the words, brackets, roman figure and figures "and the Code of Criminal Procedure, 1898 (V of 1898)" shall be inserted.

SHORT TITLE

3. **SENATOR SIRAJUL HAQ** to move -
that in the Pakistan Penal Code (Amendment) Bill, 2017, as reported by the Standing Committee, for the Short Title "the Pakistan Penal Code (Amendment) Bill, 2017", the Short Title "the Criminal Laws (Amendment) Act, 2017" shall be substituted.

INSERTION OF NEW CLAUSE 5

4. **SENATOR SIRAJUL HAQ** to move -
that in the Pakistan Penal Code (Amendment) Bill, 2017, as reported by the Standing Committee, after clause 4, the following new clause 5, shall be added, namely:-

"5. Amendment of Schedule II, Act V of 1898.- In the Code of Criminal Procedure, 1898 (V of 1898), In Schedule II,

- (i) against section 292, for the entry in column 7, the following shall be substituted, namely:-

"Imprisonment of either description for 3 years and with fine of 200000 rupees";

- (ii) against section 293, for the entry in column 7, the following shall be substituted, namely:-

"Imprisonment of either description for 2 years and with fine of 100000 rupees"; and

- (iii) against section 294, for the entry in column 7, the following shall be substituted, namely:-

"Imprisonment of either description for 1 year, or with fine of 100000 rupees, or with both".