

SENATE OF PAKISTAN



REPORT OF THE STANDING COMMITTEE ON INTERIOR

**“The Criminal Laws (Amendment) Bill, 2017” (further to
amend the Pakistan Penal Code, 1860 and the Code of
Criminal Procedure, 1898) introduced by
Senator Karim Ahmed Khawaja**

Report No.35

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 Criminal Laws (Amendment) Bill, 2017" (further to amend the Pakistan Penal Code, 1860 and the Code of Criminal Procedure, 1898) introduced by Senator Karim Ahmed Khawaja on 6th November, 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 Committee had already passed the Bill and a report was presented in the House and the same was referred by the House for reconsideration obtaining the opinions of Council of Islamic Ideology.

4. The Committee taken up the Bill for consideration in its meetings held on 4th and 14th December, 2017, whereby the Committee decided that Chairman, Council of Islamic Ideology may attend next meeting of the Committee on the agenda item with a clear/definite view point with regard to Islamic concept.



Cont...P/3

5. Subsequently the Bill was taken up for further consideration in the Committee meeting held on 28th December, 2017. The following Members of the Committee and Mover 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 Muhammad Javed Abbasi	Member
6.	Senator Dr. Muhammad Ali Khan Saif	Member
7.	Senator Sardar Fateh Muhammad Muhammad Hassani	Member
8.	Senator Syed Shibli Faraz	Member
9.	Senator Karim Ahmed Khawaja	Mover

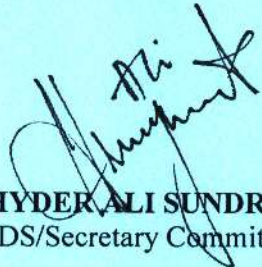
6. Expert psychologists Brigadier Dr. Mowadat Hussain Rana, Dr Malik Mubbashar, IG Islamabad, Mr. Sultan Azam Temuri and majority of Members (six) took the position that suicide is a mental condition and could not be considered an act of crime, whereas Secretary Interior said that State could not allow its citizens under whatsoever circumstances to take their lives, punishment for suicide would act as a deterrence and that omission of Section 325 would tantamount to legalizing suicide. Chairman Council of Islamic Ideology was of the opinion that a person who attempted to commit suicide but had a proven mental illness could not be considered to have committed a sin and therefore would not be penalized under Islamic injunctions.

7. After discussion and deliberation the Committee approved the Criminal Laws (Amendment) Act, 2017 which stands to omit Section 325 of the Pakistan Penal Code, 1860 and entries to Section 325 in Code of Criminal Procedure, 1898. The Bill moved by Senator Karim Ahmed Khwaja in the Senate on 6th November, 2017 states that "attempt to commit suicide is the last stage of frustration and it is the duty of the Welfare State to provide relief to its citizens instead of criminalizing the one who is already suffering and is in need of rehabilitation. The Bill passed in the Committee by six-to-one was referred back to the House.

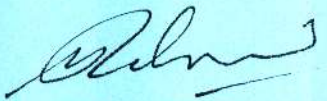


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8. The Committee recommends that the Bill titled "The Pakistan Penal Code (Amendment) Bill, 2017" as introduced in the Senate may be passed by the House. (Bill as introduced in the Senate is Annexed – 'A').



(HYDER ALI SUNDRANI)
DS/Secretary Committee



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

*SENATE OF PAKISTAN
HOUSE OF THE FEDERATION*

Report No.26



Report of the Senate Standing Committee on Interior on "The Criminal Laws (Amendment) Bill, 2017" moved by Senator Karim Ahmed Khawaja on 21st August, 2017."

PRESENTED BY

*SENATOR A. REHMAN MALIK
CHAIRMAN*

SENATE SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON INTERIOR

1. Chairman of the Standing Committee on Interior, have the honour to present the report on "The Criminal Laws (Amendment) Bill, 2017" moved by Senator Karim Ahmed Khawaja on 21st August, 2017 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 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 Mahmood	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 13th September, 2017 and 27th September, 2017.

4. The Committee disposed of the matter on 27th September, 2017 and allowed to submit the report to the House. The following members of the Committee attended the meeting.

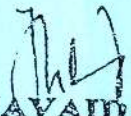
1.	Senator Abdul Rehman Malik	Chairman
2.	Senator Shahi Syed	Member
3.	Senator Muhammad Saleh Shah	Member
4.	Senator Muhammad Javed Abbasi	Member
5.	Senator Muhammad Ali Khan Saif	Member
6.	Senator Mukhtiar Ahmed Dhamrah @ Aajiz	Member
7.	State Minister for Interior and Narcotics Control	Ex-Officio Member
8.	Senator Karim Ahmed Khawaja	Mover

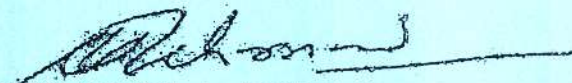
SUMMARY

The proposed legislation was discussed in detail. The Mover briefed that attempt to commit suicide is the symptom of a diseased state of mind and requires mental health interventions, but at present it continues to be treated as a criminal offence under section 325 of the Pakistan Penal Code. Therefore there is a need for decriminalizing the attempted suicide by omitting section 325 of the Pakistan Penal Code, 1860 and provisions relating to section 325 in code of Criminal Procedure, 1898. The Committee viewed it as a diseased state of mind requiring proper treatment and the patient can be fully rehabilitated to lead a healthy and happy life.

RECOMMENDATION

The Committee disposed of the Bill with the recommendation that the Bill may be passed as proposed by the Mover. The Bill is annexed.


(JAVAID IQBAL)
Secretary Committee


(SENATOR A. REHMAN MALIK)
Chairman

INTRODUCED ON 21-08-2017

[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 (XLV of 1860) and 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 Criminal Laws (Amendment) Act, 2017.

(2) It shall come into force at once.

2. **Omission of section 325, Act XLV of 1860.**-In the Pakistan Penal Code, 1860 (XLV of 1860), section 325 shall be omitted.

3. **Amendment of Schedule II, Act V of 1898.**- In the Code of Criminal Procedure, 1898 (V of 1898), in Schedule II, the entries relating to section 325 shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Attempt to commit suicide is the last stage of frustration. It is the duty of the welfare State to provide relief to its citizens instead of criminalizing the one who is already suffering. It is, therefore, expedient to omit section 325 of the Pakistan Penal Code, 1860, the entries relating to section 325 in Code of Criminal Procedure, 1898 and provide rehabilitation facilities.

The Bill strives to achieve the aforesaid objectives.

SENATOR KARIM AHMED KHAWAJA

Member-in-Charge