

**[AS PASSED BY 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, 2018.

(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.