

SENATE OF PAKISTAN



REPORT OF THE SENATE STANDING COMMITTEE ON INTERIOR

ON

[THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL, 2023]
PRIVATE MEMBER BILL INTRODUCED BY
SENATOR ZEESHAN KHANZADA ON 16TH JANUARY, 2023

PRESENTED BY

SENATOR MOHSIN AZIZ
CHAIRMAN SSC ON INTERIOR

SENATE SECRETARIAT

**SUBJECT: REPORT OF THE SENATE STANDING COMMITTEE ON INTERIOR
ON THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL,
2023.**

I, Senator Mohsin Aziz, Chairman Senate Standing Committee on Interior, have the honor to present report of the Committee on a Bill further to amend the Code of Criminal Procedure, 1898-[The Code of Criminal Procedure (Amendment) Bill, 2023]. This is a Private Member Bill introduced by Senator Zeeshan Khanzada in the Senate sitting held on 16th January, 2023 and referred to the Senate Standing Committee on Interior for consideration and report.

The composition of the Committee is as under: -

Senator Mohsin Aziz	Chairman
Senator Syed Yousuf Raza Gillani	Member
Senator Azam Nazeer Tarar	Member
Senator Samina Mumtaz Zehri	Member
Senator Moula Bux Chandio	Member
Senator Saifullah Abro	Member
Senator Rana Maqbool Ahmad	Member
Senator Faisal Saleem Rehman	Member
Senator Shahadat Awan	Member
Senator Faisal Subzwari	Member
Senator Fawzia Arshad	Member
Senator Sarfraz Ahmed Bugti	Member
Senator Dilawar Khan	Member
Senator Kamil Ali Agha	Member
<u>Minister for Interior</u>	<u>Ex-Officio Member</u>

3. The Committee included the Bill in its agenda for the meetings of the Committee held on 31st January, 2023, 13th April, 2023 and 8th June, 2023. On all the three occasions, the Mover did not appear before the Committee without any leave of absence. Therefore, in the meeting of the Committee held on 8th June, 2023, in terms of Standing Order No.2.23, the Committee considered the Bill in absence of the Mover. Standing Order No.2.23 reads as under:

"Where the Mover whose legislative or non-legislative business, is referred from the House to the Committee, fails to attend two consecutive committee meetings in which his/her business is taken up on the agenda, the Committee may, if the Mover absents himself from the third consecutive committee meeting, despite telephonic intimation and Notices, the said matter may be taken up and disposed off in absence of the Mover and a report in this context be laid in the House within the stipulated time period for which the matter was originally referred."

4. On 8th June, 2023, the meeting was attended by the following members:

The meeting was attended by the following Members:

1. Senator Mohsin Aziz	Chairman
2. Senator Shahadat Awan	Member
3. Senator Kamil Ali Agha	Member
4. Senator Faizal Saleem Rehman	Member
5. Senator Rana Maqbool Ahmad	Member
6. Senator Samina Mumtaz Zehri	Member

5. According to the working paper submitted by the Ministry of Interior through File No.05/35/2022-Law, the ICT Administration and the Government of Punjab have not endorsed the instant amendment with the point of view that the clause is very important viz-a-viz the law and order point of view as it empowers the SHO to arrest the person who has no ostensible means.

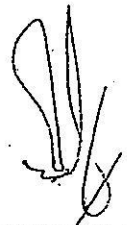
of subsistence or cannot give satisfactory account of himself with respect to any matter of attention by the police, so the clause is a vital instrument to check any suspect, thus, it leads to the arrest of many fugitives, accused ones in various cases and those having intentions or preparing to commit offences. The Government of Khyber Pakhtunkhwa endorsed the omission of expression "vagabonds" however with regard to sub-clause (b) of sub-section (1) of section 55, Home Department proposed that instead of omitting clause (b) of sub-section (1) the words "any person" may be replaced with the words "habitual offender".

6. Secretary Ministry of Interior stated that the view points of Government of Sindh and Balochistan have not been received however; the Ministry of Interior does not support the proposed amendment.

7. The Committee members after going through the proposed amendment and the points of view submitted by the ICT Administration, Government of Punjab and Sindh and the Ministry of Interior did not support the Bill and recommended that the Senate may not pass the Bill. The Bill as introduced in the Senate is at Annexure-A. The Committee also gave approval of presentation of report of the Committee to the House. Hence, this report is presented to the House.



(MUHAMMAD AZAM)
Secretary Committee



(SENATOR MOUSIN AZIZ)
Chairman Committee

INTRODUCED ON 16.01.2023.

[AS 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, 2023.

(2) It shall come into force at once.

2. Amendment of section 55, Act V of 1898.- In the Code of Criminal Procedure, 1898 (V of 1898), in section 55,-

- (i) in the marginal note, the expression "vagabonds," shall be omitted; and
- (ii) in sub-section (1), clause (b) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The provisions of section 55 of the Code of Criminal Procedure are conflicting with fundamental rights guaranteed under the Constitution of Pakistan. This amendment Bill therefore proposes to repeal the said provisions of the colonial era to safeguard fundamental rights of citizens.

2. This Bill therefore seeks to achieve the aforesaid objectives.

**SENATOR ZEESHAN KHAN ZADA
MEMBER-IN-CHARGE**