

[AS PASSED BY THE NATIONAL ASSEMBLY]

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 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 Law (Amendment) Act, 2011.

(2) It shall come into force at once.

2. **Substitution of section 310A, Act XLV of 1860.**- In the Pakistan Penal Code (Act XLV of 1860), hereinafter referred to as the Code, in Chapter XVI, for section 310A, the following shall be substituted, namely:-

“310-A. Punishment for giving a female in marriage or otherwise in badla-e-sulh, wanni or swara.- Whoever gives a female in marriage or otherwise compels her to enter into marriage, as badal-e-sulh, wanni, or swara or any other custom or practice under any name, in consideration of settling a civil dispute or a criminal liability, shall be punished with imprisonment of either description for a term which may extend to seven years but shall not be less than three years and shall also be liable to fine of *five hundred thousand rupees.*”

3. **Insertion of new Chapter XXA, Act XLV of 1860.**- In the Code, after Chapter XX, the following new Chapter shall be inserted, namely:-

“Chapter XXA
OF OFFENCES AGAINST WOMEN

498A. Prohibition of depriving woman from inheriting property.- Whoever by deceitful or illegal means deprives any woman from inheriting any movable or immovable property at the time of opening of succession shall be punished with imprisonment for either description for a term which may extend to ten years but not be less than *five years* or with a fine of one million rupees or both.

498B. Prohibition of forced marriage.- Whoever coerces or in any manner whatsoever compels a woman to enter into marriage shall be punished with imprisonment of either description for a term, which may extend to seven years or for a term which shall not be less than three years and shall also be liable to fine of *five hundred thousand rupees.*

498C. Prohibition of marriage with the Holy Quran.- Whoever compels or arranges or facilitates the marriage of a woman with the Holy Quran shall be punished with imprisonment of either description which may extend to seven years which shall not be less than three years and shall be liable to fine of *five hundred thousand rupees.*

Explanation.- Oath by a woman on Holy Quran to remain un-married for the rest of her life or, not to claim her share of inheritance shall be deemed to be marriage with the Holy Quran.”

4. **Insertion of new section 402D, Act V of 1898.**- In the Code of Criminal Procedure (Act V of 1898), hereinafter referred to as the said Code, after section 402C, the following new section shall be inserted, namely:-

“402D. Provincial Government not to interfere in sentences of rape.- Notwithstanding anything contained in sections 401, 402 or 402B, the Provincial Government shall not suspend, remit or commute any sentence passed under section 376 of the Pakistan Penal Code (Act XLV of 1860).”

5. **Amendment of Schedule II, Act V of 1898.**- In the said Code, in Schedule II,-

(i) for section 310A, in column 1 and the entries relating thereto in columns (2) to (8), the following shall be substituted, namely:-

1.	2.	3.	4.	5.	6.	7.	8.
“310A	Giving a female forcefully in marriage or otherwise in badal-e-sulh, wanni or swara	Shall not arrest without warrant	Warrant	Not bailable	Not compoundable	Imprisonment of either description which may extend to 7 years but shall not be less than 3 years and fine of rupees 500,000/-	Court of Sessions or Magistrate of first class”

(ii) after section 498, in column 1 and the entries relating thereto in column (2) to (8), the following shall be inserted, namely:-

1.	2.	3.	4.	5.	6.	7.	8.
“498A	Prohibition of depriving woman from inheriting property	Shall not arrest without warrant	Warrant	Not bailable	Not compoundable	Imprisonment of either description for a term which may extend to 10 years but not be less than 5 years or with a fine, of rupees 10,00,000/- or both.”	Court of Sessions”

498B	Prohibition of forced marriage	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description which may extend to 7 years and but shall not be less than 3 years and fine of rupees 500,000/-”	Court of Sessions or Magistrate of first class.
498C	Prohibition of marriage with the Holy Quran	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description which may extend to 7 years but shall not be less than 3 years and a fine of rupees 500,000/-”	Ditto.

STATEMENT OF OBJECTS AND REASONS

There are several practices and customs in vogue in the country which are not only against human dignity, but also volatile human rights. Such customary norms are likewise contrary to Islamic Injunctions. It is, therefore, necessary that such inhumane practices and customs are done away forthwith and the persons continuing such practices be dealt with severely by providing penal and financial liabilities. The present Bill intends to achieve these objects.

Dr. Donya Aziz,
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Member-in-Charge