

[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, 2017.

(2) It shall come into force at once.

2. Amendment of section 46, Act V of 1898.- In the Code of Criminal Procedure, 1898 (V of 1898), hereinafter referred to as the said Code, in section 46, after sub-section (3), the following new sub-section shall be inserted, namely:-

“(4) Notwithstanding anything contained in this Code or any other law for the time being in force, no woman shall be arrested without warrant, unless there appear reasonable grounds for believing that she has been guilty of an offence punishable with death or imprisonment for life or imprisonment for not less than ten years:

Provided that a police officer may arrest a woman under sub-section (1) of section 57 of this Code, in the situations and for the purposes mentioned in the said sub-section.”

3. Amendment of section 57, Act V of 1898.- In the said Code, in section 57, in sub-section (2), in the proviso for the full stop occurring at the end, a colon shall be substituted, and thereafter the following new proviso shall be inserted, namely:-

“Provided further that if such person is a woman, no bond shall be required from her and she shall be released forthwith.”

STATEMENT OF OBJECTS AND REASONS

In the Constitution of the Islamic Republic of Pakistan, Article 14 has protected the dignity of man, woman and privacy of home. Unfortunately our law enforcement agencies and particularly police, arrest persons on pity matters and in most cases on baseless allegations of the complainants. In such circumstances, women also become victims of the police arrest. Such women include breastfeeding mothers, pregnant and others, suffering from female related problems and diseases. Islam has given very sacred status to women in the form of mother, sister, daughter and wife etc. Generally the ratio of women involvement in criminal activities is negligibly low compared to men. Therefore it is needed that the sanctity and sacred status of women be protected from the high handed and arbitrary acts of police and other law enforcement agencies.

The Bill has been designed to achieve the aforesaid objectives.

SENATOR MUHAMMAD AZAM KHAN SWATI
Member-in-Charge