

[AS INTRODUCED IN THE SENATE]

A

BILL

to prohibit the practice of Witchcraft

WHEREAS it is expedient to eradicate social evils by prohibiting Witchcraft practices, which is against the teachings of the Holy Quran and Sunnah;

It is hereby enacted as follows:-

1. Short title, extent and commencement.- (1) This Act may be called the Prevention of Witchcraft Act, 2017.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions.- (1) In this Act, unless there is anything repugnant in the subject or context,-

(a) "Aamil" means any person who,-

(i) by his statements or actions represents himself to have the power of Witchcraft,

(ii) makes, uses, has in his possession or represents himself to possess any instruments of Witchcraft,

(iii) supplies to any other person any instrument of Witchcraft,

(iv) advises and teaches any other person upon the use of Witchcraft or any instrument of Witchcraft,

(v) threatens to use or resorts to the use of Witchcraft or any instrument of Witchcraft upon or against any person or property, or

(vi) represents himself as demonologist, sorcerer or magician;

(b) "Advertisement" means pamphlets, handbills, billboards, wall chalking, signboard, shop board, visiting cards, social media, print and electric media etc., for drawing the attention of public to promote the business of Witchcraft, Black Magic, Astana and Amulets etc.;

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- (c) "Amulets" means any matter expressed or described upon any substance by means of letters, words, numbers, figures, symbols or mark, or by more than one of those means, intended to be used, or which may be used for the purpose of Witchcraft (Saafli Amal);
- (d) "AsaabZadd", "Hunted" means the person and place which is under the control of supernatural being;
- (e) "Astana" includes house, shop, flat, room, tent, porch, graveyard, abandoned area ruins, cremation area cave, ambo etc., wherein the Aamil lives, practices and sets his instruments of Witchcraft;
- (f) "Bewitched" means putting a person into effect of magic and hypnotizing any person;
- (g) "Corpse" means the dead body of a human;
- (h) "Government" means the Federal Government of Pakistan;
- (i) "Grave" means crater and cavity; dug for the purpose of burring of human body irrespective to the shape, form and figure but one or more bodies should be buried into it;
- (j) "Hurt", "Harm" Whoever causes pain, harm, disease, infirmity or injury to any person or impairs, disables or dismembers any organ of the body or part thereof of any person without causing his death by committing Witchcraft, is said to cause hurt;
- (k) "Offence" means a thing made punishable by this Act;
- (l) "rules" means rules framed under this Act;
- (m) "section" means a section of this Act;
- (n) "supernatural being" means invisible creations includes genie, devils, satan, evil spirit, familiar sprit, wraith, ignisfatuus etc;
- (o) "Unexplained condition" means the condition of a person which cannot be identified by five senses or any state of mind which cannot be explained;

Explanation: unexplained condition includes hallucination, fear, perception, sensation and illusion etc.;

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- (p) "Witchcraft" includes sorcery, enchantment, bewitching, the use of instrument of Witchcraft, the purported exercise of any occult power and the purported possession of any occult knowledge and includes every act by which a relation and connection can be made with devils, demons and wraith; declaring them trouble shooters and getting any exertion by spelling and amulets; and
- (q) "Witchcraft Practice" use of instrument of Witchcraft; every act and omission of the purpose of committing Witchcraft; giving impression and to get believe that the person is Aamil.

(2) Other expressions used in the Act or rules framed under it but not defined herein, unless their context provides otherwise, shall have meanings assigned to the expressions in the Pakistan Penal Code 1860, the Code of Criminal Procedure, 1898 and Qanoon-e-Shahadat Order, 1984, as the case may be.

3. Prohibition to practice Witchcraft.- Whoever commits Witchcraft or Witchcraft practice or makes preparation of Witchcraft practice shall be punished with imprisonment for a term which may extend to seven years but not less than two years and with fine which may extend to two hundred thousand rupees but not less than fifty thousand rupees.

4. Prohibition to possess certain items.-Whoever,-

- (a) collects, makes, sells or uses or assists or takes part in collecting selling, marking or using any material or thing which he intends to use either by himself or by some other person for the purpose of Witchcraft or Witchcraft practice;
- (b) has in his possession of material or thing which he intends to use either by himself or by some other person for the purpose of Witchcraft or Witchcraft practice;
- (c) is found in possession of anything commonly used for the purpose of Witchcraft or Witchcraft practice shall be deemed to have intended such thing to use for the purpose of Witchcraft or Witchcraft practice;

shall be punished with imprisonment which may extend to three months, or with fine which may extend to twenty five thousand rupees or with both.

5. Offences relating to sacred things.- Whoever commits, wilfully,-

- (a) disrespect of Holy Qur'an or any Quranic verse;
- (b) reverse reading of Holy Qur'an or any Quranic verse;
- (c) writing and reverse writing of Qur'an or any Quranic verse; or
- (d) defiles, damages or desecrates a copy of the Holy Qur'an or of an extract for the purpose of Witchcraft or Witchcraft practice.

shall be punished with life imprisonment and shall also be liable to fine.

6. Prohibition to open a grave.- Whoever opens a grave or pulls out corpse or any part of it for the purpose of committing Witchcraft or Witchcraft practice shall be punished with imprisonment for a term which may extend to seven years and with fine which may extend to one hundred thousand rupees:

Provided that opening a grave for the purpose of eating the corpse or any part of it for the purpose of committing Witchcraft or Witchcraft practice shall be punished with imprisonment for a term which may extend to fourteen years and with fine which may extend to one million rupees.

7. Prohibition of witchcraft practice in demolished grave.- Whoever sits in an opened grave, either empty or having corpse, for the purpose of Witchcraft practice shall be punished with imprisonment which may extend to three years or with fine which may extend to one hundred thousand rupees or with both.

8. Prohibition to take bath on a grave or corpse.- Whoever takes bath on or inside an opened grave either empty or having corpse or on the corpse for the purpose of Witchcraft or Witchcraft practice shall be punished with imprisonment which may extend to two years or with fine which may extend to one hundred thousand rupees or with both.

9. Theft of coffin or shroud.- Whoever, takes out coffin or shroud or any part thereof out of the grave without any authorization or for the purpose of Witchcraft, shall be punished with imprisonment which may extend to five years or with fine which may extend to five hundred thousand rupees or with both.

10. Prohibition on advertisement, publication, buying or selling books of Witchcraft.- Whoever makes advertisement, publication, buys or sells books of teaching Witchcraft, Witchcraft practice and black magic shall be punished with imprisonment which may extend to one year and with fine which may extend to one hundred thousand rupees.

Provided that the books containing material of prevention from witchcraft and bewitched are not included.

11. Punishment for wrongful confinement.- Whoever wrongfully confines any person for the purpose of Witchcraft or Witchcraft practice, shall be punished with imprisonment which may extend to three years, or with fine which may extend to five hundred thousand rupees, or with both.

12. Punishment for causing injury.- Whoever, by his own or on the advice of any person pretending to have the knowledge of Witchcraft or in the exercise of any Witchcraft, shall use or cause to be put into operation such means or processes as he think or may have been advised or may believe to be calculated to injure any person or any property shall be punished with imprisonment which may extend to two years or with fine which may extend to one hundred thousand rupees or with both.

13. To give protection to Aamil.- Whoever wilfully and with malicious intent gives protection, shelter and cover to an Aamil shall be punished with imprisonment which may extend to six month, or with fine which may extend to fifty thousand rupees or with both.

14. Punishment for false accusation.- Whoever,-

- (a) names or indicates or accuses or threatens to accuse any person as being an Aamil and offender under this Act; or
- (b) imputes to any person the use of Witchcraft or offender under this Act in causing any death, injury, damage or calamity; or
- (c) asserts that any person has, by committing adultery, caused in some non-natural way death, injury, damage or calamity;

shall be liable to punish with imprisonment which may extend to two years or with fine which may extend to two hundred thousand rupees or with both.

15. Punishment for accumulating property or consent.- Whoever, by bewitching any person by hypnotism, fraudulently or dishonestly induces the person so bewitched by hypnotizing to deliver any property to any person, or to consent that any person shall retain any property, or intentionally induces the person so bewitched and hypnotized to do or omit to do anything which he would not do or omit if he were not so bewitched and hypnotized, and which act or omission causes or is likely to cause damage or harm or hurt to that person or any other person in body, mind, reputation or property, shall be punished with imprisonment of which may extend to five years, or fine which may extend to five hundred thousand rupees or with both.

16. Punishment of abetment.- Whoever abets any offence punishable under this Act shall, whether or not the offence abetted is committed, be punishable with the same punishment as is provided for the offence which has been abetted.

Explanation: For the purpose of this Act, 'abetment' has the meaning assigned to it in the Pakistan Penal Code, 1860 (XLV of 1860).

17. Cognizance of an Offence.- (1) Notwithstanding anything contained in the Code, an offence punishable under this Act shall be triable under the provisions of the said Code, by concerned District and Sessions Judge, or any other Judge specially empowered in this behalf.

(2) The Police shall undertake inquires or investigate into any violation of the provisions of this Act, either on its own accord or upon complaint from any person or any organization.

(3) The Court under sub-section (1) may take cognizance of any offence under this Act on its own or on an application made by an officer in-charge of the concerned Police Station.

(4) The offences under this Act shall be cognizable and non-bailable.

18. Application of provisions of the Code of Criminal Procedure, 1898 (V of 1898).- Any proceedings under this Act shall be carried out in accordance with the relevant provisions of the Code of Criminal Procedure, 1898 (V of 1898).

19. Removal of difficulties.- If any difficulty arises in giving effect to any provision of this Act, the Government may make such order not inconsistent with the provisions of this Act as may appear to it to be necessary for the purpose of removing such difficulty.

20. Act to Over-ride other Laws.- Notwithstanding the provisions for any other law for time being in force, the provisions of this Act shall have an overriding effect.

21. Power to make Rules.- The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

A large number of witchcraft practices currently taking place throughout the country causing significant harm and exploitation of people especially in vulnerable sections of society. Practices such as Black Magic, Spells, Sorcery, Wizardry and other Sifli Amliyaat which are offensive to human dignity and life are widely prevalent these days, and also result in severe financial exploitation and mental agony for victims. Such practices have no place in a civilised society governed by the rule of law.

Security of person and right to life with dignity is guaranteed by the Constitution of Pakistan under Article 9 and 14 respectively. The wide existence of such practices directly infringes such right. With several increasing incidents of this nature coming in to light, it is imperative that criminalisation of such practices be specified along with spreading awareness about the dangerous and extremely serious consequences of such practices.

The Bill strives to make the promotion, propagation or performance of witchcraft practices a criminal offence, which cause grave physical or mental harm to citizens of Pakistan, financial or sexual exploitation, or offend their basic human dignity, with a promise to cure or provide a benefit or with a threat of adverse consequences, by invoking purported supernatural powers. Stringent punishment to those guilty of such offences will ensure effective deterrence thereby preventing the recurrence of such practices, gradually leading to their eradication.

The said bill seeks to achieve the aforementioned objectives.

SENATOR CHAUDHARY TANVIR KHAN
Member In-charge