

[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 of 1898), for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement.- This Act may be called the Criminal Law (Amendment) Act, 2017.

(2) It shall come into force at once.

2. Substitution of section 379, Act XLV of 1860.- In the Pakistan Penal Code, 1860 (Act XLV of 1860), for section 379, the following shall be substituted, namely :-

“379. Punishment for theft.- Whoever commits theft shall be punished, if value of subject-matter of the theft committed is -

- (a) less than one hundred thousand Rupees, with imprisonment of either description for a term which may extend to five years or with fine which shall not be less than double of the value of such subject-matter of theft or with both; or
- (b) more than one hundred thousand Rupees but less than five hundred thousand Rupees, with imprisonment of either description for a term which may extend to seven years or with fine which shall not be less than double of the value of such subject-matter of theft or with both; or
- (c) more than five hundred thousand Rupees but less than five million Rupees, with imprisonment of either description for a term which may extend to ten years or with fine which shall not be less than double of the value of such subject-matter of theft or with both; or

- (d) more than five million Rupees but less than ten million Rupees, with imprisonment of either description for a term which may extend to fourteen years or with fine which shall not be less than double of the value of such subject-matter of theft or with both; or
- (e) more than ten million Rupees; with imprisonment for life or with fine which shall not be less than double of the value of such subject-matter of theft or with both.

3. Amendment of Schedule II, Act V of 1898.- In the Code of Criminal Procedure, 1898 (Act V of 1898), in Schedule II, for section 379 in column I and the entries relating thereto in columns 2 to 8, the following shall be substituted, namely:-

"379.	Theft	May arrest without warrant	Warrant	Not bailable	Not compoundable	(a) Imprisonment of either description upto 5 years or fine which shall not be less than double of the value of subject-matter of theft or with both.	a) Any Magistrate
						(b) Imprisonment of either description upto 7 years or fine which shall not be less than double of the value of subject-matter of theft or with both.	(b) Court of Sessions
						(c) Imprisonment of either description upto 10 years or fine which shall not be less than double of the value of subject-matter of theft or with both.	(c) Court of Sessions
						(d) Imprisonment of either description	(d) Court of Sessions

						upto 14 years or fine which shall not be less than double of the value of subject-matter of theft or with both.	
						(e) Imprisonment for 14 years or fine which shall not be less than double of the value of subject matter of theft or with both.	(e) Court of Sessions."

STATEMENT OF OBJECTS AND REASONS

In the existing section 379 of the Pakistan Penal Code, there is provision of 3 years imprisonment of either description, or with fine or both. However, the said punishment has failed to control the crime of theft or to create an effective deterrent. Nowadays, there are gangs of thieves who are operating locally as well as inter-district or inter-provincial level making it difficult to control such crime when the police is equally inefficient or in collusion with such gangs. Consequently, the general public is the worst sufferer as there are no punishment which either creating any deterrence or punishment in punitive effect reforming such offenders. Therefore, it is necessary to introduce system of punishment with quantum and financial implications of the offences to create an effective deterrent as well as make theft a non-beneficial activity.

2. The Bill seeks to achieve the above-said objectives.

Ms. Kishwar Zehra
Member-in-Charge