

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 (XLV of 1860) and 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 Criminal Laws (Amendment) Act, 2020.

(2) It shall come into force at once.

2. Substitution of section 376, Act XLV of 1860.— (1) In the Pakistan Penal Code, 1860 (XLV of 1860), hereinafter referred to as the Penal Code, for section 376, the following shall be substituted, namely:-

"376. Punishment for rape.— (1) Whoever commits rape shall be punished with death or imprisonment for life without parole till death and shall also be liable to fine.

(2) When rape is committed by two or more persons in furtherance of common intention, each of such persons shall be punished with death or imprisonment for life without parole till death."

3. Substitution of section 377, Act XLV of 1860.— (1) In the Penal Code, for section 377, the following shall be substituted, namely:-

"377. Unnatural offence.— (1) Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which shall not be less than two years or more than ten years, and shall also be liable to fine.

(2) In addition to punishment provided in sub-section (1) whoever voluntarily has carnal intercourse against the order of nature with any boy under 18 years of age shall be punished with death or imprisonment for life without parole till death and shall also be liable to fine.

Explanation: Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section."

4. **Substitution of section 265-M, Act V of 1898.-** In the Code of Criminal Procedure, 1898 (V of 1898), hereinafter referred to as the Code, for section 265-M, the following shall be substituted, namely:-

"265-M. Time of holding sittings.- (1) For the exercise of its original criminal jurisdiction, every High Court shall hold sittings on such days and at such convenient intervals as the Chief Justice of such Court from time to time appoints.

(2) For the exercise of its original criminal jurisdiction under offences 376 and 377 Pakistan Penal Code, every High Court shall hold sittings on daily basis without any intervals and trial shall be completed in four weeks."

5. **Substitution of section 381, Act V of 1898.-** In the Code, for section 381, the following shall be substituted, namely:-

"381. Execution of order passed under section 376.- (1) When a sentence of death passed by a Court of Sessions is submitted to the High Court for confirmation, such Court of Session shall, on receiving the order of confirmation or other order of the High Court thereon, cause such order to be carried into effect by issuing a warrant or taking such other steps as may be necessary.

(2) The sentence of death passed under section 376 and 377 of Pakistan Penal Code by the High Court shall be carried into effect at public place by issuing a warrant or taking such other steps as may be necessary:

Provided that the sentence of death, except in cases of rape, shall not be executed if the heirs of the deceased pardon the convict or enter into a compromise with him even at the last moment before execution of the sentence."

6. **Amendment in section 411-A, Act V of 1898.-** In the Code, after section 411-A, the following shall be added, namely:

"Notwithstanding anything contained herein, an appeal shall lie to the Supreme Court from any order under section 376 and 377 of Pakistan Penal Code by a Divisional Court of the High Court and shall be decided within two weeks."

7. Amendment of Schedule II, Act V of 1898.— (1) In the Code, in Schedule II,-

- (i) against section 376, for the entries in columns 7 and 8, the following shall be substituted, namely:-

7	8
"death or imprisonment of either description for a term which shall be imprisonment for life without parole till death and shall also be liable to fine.	Division bench of High Court"

- (ii) against section 377, for the entries in columns 7 and 8, the following shall be substituted, namely:-

7	8
"death or imprisonment for life without parole till death shall also be liable to fine." or "imprisonment of either description for ten years, and fine.	Division bench of High Court"

STATEMENT OF OBJECTS AND REASONS

Rape is a heinous crime; an act of violence that ruins the lives of victims. In Pakistan, rape cases are reported and registered, however, the conviction rates of the accused are abysmally low. Recent events relating to sexual abuse and rape throughout the country, particularly against the children, have necessitated that tough punishments should be doled out to the perpetrators. Current penalties are less compared to the magnitude of the crime. The Bill aims to increase the punishment of rape as one of the deterrent to this heinous crime.

SENATOR MUHAMMAD JAVED ABBASI

Member in Charge