

INTRODUCED ON 16.01.2023.
[AS INTRODUCED IN THE SENATE]

A

BILL

*further to amend the Pakistan Penal Code, 1860 and the Code of
Criminal Procedure, 1898*

WHEREAS it is expedient and substantial to bring meaningful and significant amendments in 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, 2023.

(2) It shall come into force at once.

2. Amendment of section 375, Act XLV of 1860. - In the Pakistan Penal Code, 1860 (XLV of 1860) hereinafter referred to as the Penal Code, in section 375,-

(i) in paragraph (c) for the expression ";or" a full stop "." shall be substituted;

(ii) paragraph (d) shall be omitted; and

(iii) at the end the following Explanation 5, shall be added, namely:-

"Explanation 5. Penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape."

3. Amendment of section 375A, Act XLV of 1860. - In the Penal Code, in section 375A, for the expression "or for imprisonment for the remainder period of natural life" the expression "executed through public hanging" shall be substituted.

4. Amendment of section 376, Act XLV of 1860. - In the Penal Code, in section 376, in sub-section (1) after the words "with death" the expression "executed through public hanging" shall be inserted, thereafter the expression "or for imprisonment for the remainder period of his natural life" shall be omitted.

5. Amendment of schedule II, Act V of 1898.- In the Code of Criminal Procedure 1898 (V of 1898), in schedule II,-

- (i) against section 375A, for the entry in column 7, for the expression "or imprisonment for the remainder period of natural life" the expression "executed through public hanging" shall be substituted; and
- (ii) against section 376, for the entry in column 7, after the word "death" the expression "executed through public hanging" shall be inserted and the expression "or imprisonment for the remainder period of natural life" shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The Anti-Rape (Investigation and Trial) Act, 2021, established special courts and the use of modern devices during investigation and trial in rape cases. Through the said Act, the definition of Rape has been revisited and some amendments has been made to deter the rapists in the contemporary circumstances. There is no denying the fact that rape being a heinous crime needs stringent laws to avert the wrong doers. To create an existential deterrence and bring the definition of rape in accordance to the Islamic Sharia, the death sentence is proposed to be executed through public hanging and keeping in mind the fragile economics and criminal justice system the imprisonment for the remainder period of life is omitted.

2. This Bill has been developed to achieve the aforesaid objectives.

**SENATOR MUSHTAQ AHMED
MEMBER-IN-CHARGE**