

**INTRODUCED ON 10.04.2023.**  
**[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 further to amend the Pakistan Penal Code 1860 and the Code of Criminal Procedure, 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. Insertion of new section 376B, in Act XLV of 1860.-** In the Pakistan Penal Code, 1860 (XLV of 1860), after section 376A, the following new section shall be added, namely:-

**'376B. Punishment for non-treatment of a rape victim.-**

Whoever, being in charge of a hospital, public or private, refuses to provide the first-aid or free-of-cost medical treatment and to prepare a report of the medico-legal examination without delay, of a victim of an offense under section 375, shall be punished with imprisonment for a term which may extend to one year or with fine or with both.”,

**3. Amendment of schedule-II, Act V of 1898.-** In the Code of Criminal Procedure, 1898 (V of 1898) in schedule-II, in the Table, after entry 376A, the following entry shall be inserted, namely: -

|      |  |                                     |       |       |       |   |       |
|------|--|-------------------------------------|-------|-------|-------|---|-------|
| 376B | Punish<br>ment for<br>non-<br>treatme<br>nt of a<br>rape<br>victim | May<br>arrest<br>without<br>warrant | Ditto | Ditto | Ditto | Imprisonment for a<br>term that may<br>extend to one year<br>or with fine or with<br>both | Ditto |
|------|--|-------------------------------------|-------|-------|-------|---|-------|

**STATEMENT OF OBJECTS AND REASONS**

Sexual assault is a traumatic event that affects people in different ways, both mentally and physically. So doctors and nurses know care immediately after an assault needs to be understanding, compassionate and sensitive. This is particularly so during forensic examinations where the main purpose is to collect evidence as quickly as possible after, but within 72 hours, of the assault. This evidence may be vital to secure a conviction and may be lost or contaminated if there is a delay.

Unfortunately, various cases have been reported in our country where victims of rape or sexual violence seeking emergency medical assistance following an attack, are either saddled with thousands of rupees in medical bills or blatantly refused from getting the required medical treatment.

The purpose of this amendment is to penalize the medical professionals for the criminal negligence they observe in treating such sensitive cases which is a mandatory component of their official duty.

**SENATOR SAMINA MUMTAZ ZEHRI  
MEMBER IN CHARGE**