

**INTRODUCED ON 07.08.2023.**

**[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 (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. Omission of section 124A, Act XLV of 1860.** - In the Pakistan Penal Code, 1860 (XLV of 1860), section 124A shall be omitted.

**3. Amendment of schedule II, Act V of 1898.** - In the Code of Criminal Procedure, 1898 (V of 1898), in schedule II, the entries related to section 124A shall be omitted.

**STATEMENT OF OBJECTS AND REASONS**

The law of sedition is not new, and was originally drafted in the year 1839 by Thomas Macaulay. It was inserted as Section 124-A into the Pakistan Penal Code in 1870 through Penal Code (Amendment) Act, 1870. It is a draconian provision, as the same has been used, since then, as a tool to suppress and bar common people from expressing their opinion regarding biased and unjust policies of Federal and Provincial Governments from time to time. The British introduced it to strengthen their control on their citizens and prevent them from freely expressing their opinions regarding the conduct and policies of their Government. After independence, no Government has ever tried to remove this section.

2. Recently, the Lahore High Court, in its judgment, Haroon Farooq vs. Federation of Pakistan (2023 LHC 1450) deliberated upon the said subject, and after extensive deliberations, declared Section 124-A of Pakistan Penal Code, 1860 and its corresponding entries in Code of Criminal Procedure, 1898 ultra vires to Article 19 and 19-A of the Constitution of the Islamic Republic of Pakistan and, subsequently, struck down. Hence, in the light of the aforesaid, the said amendment has been brought.

3. This Bill is aimed to achieve the above-said objective.

**SENATOR FAWZIA ARSHAD  
MEMBER IN CHARGE**