

SENATE OF PAKISTAN



REPORT OF THE SENATE STANDING COMMITTEE ON INTERIOR

ON

A BILL FURTHER TO AMEND THE PAKISTAN PENAL CODE, 1860 AND THE
CODE OF CRIMINAL PROCEDURE, 1898
[THE CRIMINAL LAWS (AMENDMENT) BILL, 2024]
(AMENDMENTS IN SECTIONS 292, 293, & 294 OF PPC AND SUBSEQUENT
AMENDMENT IN CR.P.C)
INTRODUCED BY
SENATOR SHAHADAT AWAN
ON 1ST JANUARY, 2024.

PRESENTED BY

SENATOR MOHSIN AZIZ
CHAIRMAN SSC ON INTERIOR

SENATE SECRETARIAT

SUBJECT: REPORT OF THE SENATE STANDING COMMITTEE ON INTERIOR ON THE CRIMINAL LAWS (AMENDMENT) BILL, 2024

I, Senator Mohsin Aziz, Chairman Senate Standing Committee on Interior, have the honor to present report of the Committee on a Bill further to amend the Pakistan Penal Code, 1860 and the Code of Criminal Procedure, 1898 [The Criminal Laws (Amendment) Bill, 2024], (Amendments in Sections 292, 293, & 294 of PPC and subsequent amendment in Cr.P.C), introduced by Senator Shahadat Awan on 1st January, 2024.

2. The composition of the Committee is as under: -

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| Senator Mohsin Aziz | Chairman |
| Senator Syed Yousuf Raza Gillani | Member |
| Senator Azam Nazeer Tarar | Member |
| Senator Samina Mumtaz Zehri | Member |
| Senator Sherry Rehman | Member |
| Senator Saifullah Abro | Member |
| Senator Faisal Saleem Rehman | Member |
| Senator Shahadat Awan | Member |
| Senator Faisal Subzwari | Member |
| Senator Fawzia Arshad | Member |
| Senator Danesh Kumra | Member |
| Senator Dilawar Khan | Member |
| Senator Kamil Ali Agha | Member |
| <u>Minister for Interior</u> | <u>Ex-Officio Member</u> |

3. The Committee considered the Bill in its meeting held on 22nd February, 2024.


The meeting was attended by the following Members:


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| 1. Senator Mohsin Aziz | Chairman |
| 2. Senator Samina Mumtaz Zehri | Member |
| 3. Senator Shahadat Awan | Member/Mover |

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|---------------------------|--------|
| 4. Senator Saifullah Abro | Member |
| 5. Senator Fawzia Arshad | Member |
| 6. Senator Kamil Ali Agha | Member |
| 7. Senator Danesh Kumar | Member |

4. The Mover briefed the Committee about the objects and reasons of the Bill. He was of the view that with the passage of time, obscenity has not only disturbed the individual life but it has become a terrible act of annoyance for the whole society, especially for women folks. Article 14 of the Constitution of the Islamic Republic of Pakistan clearly states that "the dignity of man and, subject to law, the privacy of home, shall be inviolable". In Article 37(g) of the Constitution, it is stated that "the state shall prevent prostitution, gambling and taking of injurious drugs, printing, publication, circulation and display of obscene literature and advertisement;" Sections 292, 293, and 294 of the Pakistan Penal Code (PPC) directly relates to the persons who sells, lets to hire, distributes, publicly exhibits or in any manner puts into circulation or for purposes of sale, hire, distribution, public exhibition or circulation, makes produces or has in his possession any obscene book, pamphlet, paper, drawing, painting, representation or figure or any other obscene object whatsoever, or imports, exports or conveys any obscene object for any of the purposes aforesaid, made, produced, purchased, kept, imported, exported, conveyed, publicly exhibited or in any manner put into circulation, or is ready to engage in any act which is an offence under this section, or that any such obscene object can be procured from or through any person, or offers or attempts to do any act which is an offence under above sections. The Mover was of the view that it is clear from the contents of the sections that above section relate to the above Articles of the Constitution, but unfortunately, punishments and fines thereof are nominal. Through the above amendments, enhancements of punishments have been proposed.

5. The Ministry of Interior did not oppose the Bill. The Committee discussed the Bill at length and the members were of the unanimous view that the punishments for such offences are required to be enhanced to create deterrence in the society.
6. The Chairman Committee was however of the view that the existing punishments are being enhanced manifold which will be misused by the law enforcement agencies. Moreover, the Chairman was of the view that obscenity is very vague and subjective term and every one can interpret obscenity as per his own religious and cultural background so this issue needs further clarification and we also need to clarify the term obscenity in the law so that misuse of the term can be avoided.
7. After deliberation and discussion, the Committee unanimously reduced some of the punishments as under:
- The punishment of THREE YEARS as proposed in section 292 PPC vide clause 2 of the Bill was reduced to TWO YEARS. The punishment of ONE YEAR as proposed in section 294 PPC vide clause 4 of the Bill was reduced to SIX MONTHS.
8. In view of the above, the Bill was put to the vote of the Committee with the above amendments which was unanimously recommended by the Committee as amended. The Committee recommended that the Senate may pass the Bill as reported by the Committee. The Bill as introduced in the Senate is at Annexure-A. The Bill as reported by the Committee is at Annexure-B. The Committee also gave approval of presentation of report of the Committee to the House. Hence, this report is presented to the House.


(MUHAMMAD AZAM)
Secretary Committee


(SENATOR MOHSIN AZIZ)
Chairman Committee

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Annexure - A

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, 2024.

(2) It shall come into force at once.

2. **Amendment of section 292, Act XLV of 1860.** - In the Pakistan Penal Code, 1860 (XLV of 1860), hereinafter referred to as the Code, in section 292, for the words and commas "three months fine, or with fine, or with both", the words "three years and with fine of two hundred thousand rupees" shall be substituted.

3. **Amendment of section 293, Act XLV of 1860.** - In the Code, in section 293, for the expression "under the age of twenty years", the words "of any age" shall be substituted and for the words and commas "six months, or with fine, or with both", the words "two years and with fine of one hundred thousand rupees" shall be substituted.

4. **Amendment of section 294, Act XLV of 1860.** - In the Code, in section 294, -

- (i) after the words "to the annoyance of others", the words "or otherwise" shall be inserted;
- (ii) in paragraph (b), for the word "recites", the word "performs" shall be substituted; and
- (iii) for the words and commas "three months, or with fine, or with both" the words and commas "one year, or with fine of one hundred thousand rupees, or with both" shall be substituted

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 292, for the entry in column 7, the following shall be substituted, namely: -
"Imprisonment of either description for 3 years and with fine of 200000 rupees";
- (ii) against section 293, for the entry in column 7, the following shall be substituted, namely: -
"Imprisonment of either description for 2 years and with fine of 100000 rupees"; and

- (iii) against section 294, for the entry in column 7, the following shall be substituted, namely:-

"Imprisonment of either description for 1 year, or with fine of 100000 rupees or with both".

STATEMENT OF OBJECTS AND REASONS

With the passage of time, obscenity has not only disturbed the individual life but it has become a terrible act of annoyance for the whole society, especially for women folks.

Article 14 of the Constitution of the Islamic Republic of Pakistan clearly states that "the dignity of man and, subject to law, the privacy of home, shall be inviolable".

In Article 37(g) of the Constitution, it is stated that "the state shall prevent prostitution, gambling and taking of injurious drugs, printing, publication, circulation and display of obscene literature and advertisement;" Sections 292, 293, and 294 of the Pakistan Penal Code (PPC) directly relates to the persons who sells, lets to hire, distributes, publicly exhibits or in any manner puts into circulation or for purposes of sale, hire, distribution, public exhibition or circulation, makes produces or has in his possession any obscene book, pamphlet, paper, drawing, painting, representation or figure or any other obscene object whatsoever, or imports, exports or conveys any obscene object for any of the purposes aforesaid, made, produced, purchased, kept, imported, exported, conveyed, publically exhibited or in any manner put into circulation, or is ready to engage in any act which is an offence under this section, or that any such obscene object can be procured from or through any person, or offers or attempts to do any act which is an offence under above sections.

It is clear from the contents of the sections that above section relate to the above Articles of the Constitution, but unfortunately, punishments and fines thereof are nominal. Through the above amendments, enhancements of punishments has been proposed.

SENATOR SHAHADAT AWAN
Member-in-Charge

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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. **Amendment of section 292, Act XLV of 1860.**— In the Pakistan Penal Code, 1860 (XLV of 1860), hereinafter referred to as the Code, in section 292, for the words and commas "three months fine, or with fine, or with both", the words "TWO YEARS" and with fine of two hundred thousand rupees" shall be substituted.
3. **Amendment of section 293, Act XLV of 1860.**— In the Code, in section 293, for the expression "under the age of twenty years", the words "of any age" shall be substituted and for the words and commas "six months, or with fine, or with both", the words "two years and with fine of one hundred thousand rupees" shall be substituted.
4. **Amendment of section 294, Act XLV of 1860.**— In the Code, in section 294,-
 - (i) after the words "to the annoyance of others", the words "or otherwise" shall be inserted;
 - (ii) in paragraph (b), for the word "recites", the word "performs" shall be substituted; and
 - (iii) for the words and commas "SIX MONTHS, or with fine, or with both" the words and commas "one year, or with fine of one hundred thousand rupees, or with both" shall be substituted
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 292, for the entry in column 7, the following shall be substituted, namely:-
"Imprisonment of either description for TWO YEARS and with fine of 200000 rupees";
 - (ii) against section 293, for the entry in column 7, the following shall be substituted, namely:-
"Imprisonment of either description for 2 years and with fine of 100000 rupees"; and

- (iii) against section 294, for the entry in column 7, the following shall be substituted, namely:-

"Imprisonment of either description for **SIX MONTHS**, or with fine of 100000-rupees or with both".

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With the passage of time, obscenity has not only disturbed the individual life but it has become a terrible act of annoyance for the whole society, especially for women folks.

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