

[AS PASSED BY 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, 2024.

(2) It shall come into force at once.

2. Insertion of new sections 52B, 52C and 52D, Act XLV of 1860.- In the Pakistan Penal Code, 1860 (XLV of 1860), hereinafter referred to as the Penal Code, after section 52A, the following new sections shall be inserted, namely:-

"52B. "False imprisonment" .- Means a commission of false imprisonment by a person or persons when he or they engage in the act of restraint on another person which confines that person in a restricted area.

52C. "Private jail" .- Means:

- i. a private place allocated in any area by an influential person, landlord, political person; tribal chief, any owner of a land, any Jirga head or any member of tribal leaders for the illegal and inhuman confinement and false imprisonment of peasants, laborers, workers, immigrants, Internally Displaced Persons, poor people, local persons, poor victims for keeping as hostage or otherwise in disputes referred to Jirga or any other person; or
- ii. a private detention center in a room, building, underground dungeon or cell where peasants, laborers, workers, immigrants, Internally Displaced Persons, poor people, victims of any dispute referred to Jirga, locals or any other person are illegally or forcibly kept by an influential person under a false imprisonment; or

- iii. a safe house where one may engage in secret activities and inhuman acts against innocent people or a place used for incarceration:

Provided that it also includes an area in possession of any relative or acquaintance of an influential person.

52D. "Influential person".- Means a person who can exert political influence in any manner or respect, a feudal landlord, tribal chief, any owner of a land, a bigwig, a head of Jirga, any tribal leader, kingpin or the most important person in a group or undertaking."

3. Insertion of new sections 348A, 348B and 348C, Act XLV of 1860. - In the Penal Code, after section 348, the following new sections shall be inserted, namely:-

"348A. False imprisonments by an influential person.- Whoever, being an influential person shall operate a private jail within the state for the purpose of keeping peasants, laborers, workers, immigrants, Internally Displaced Persons, poor people, local persons, poor victims for keeping as hostage or otherwise in disputes referred to Jirga or any other person for any purpose is said to commit "false imprisonment" of that person.

348B. Punishment for setting up a private jail.- Whoever, being an influential person sets up a private jail in order to imprison any person in a false imprisonment manner shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine which may extend to one million rupees.

348C. Punishment for false imprisonment.- Whoever, being an influential person imprisons any person in a false imprisonment manner inside a private jail shall be punished with imprisonment of either description for a term which may extend to five years and shall also be liable to fine which may extend to two million rupees."

4. 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 348, the following new entries shall be inserted, namely:-

348B	Punishment for setting up a private jail	May arrest without warrant	Ditto	Ditto	Ditto	Imprisonment of either description for a term which may extend to three years and shall also be liable to fine which may extend to one million rupees.	Ditto
348C	Punishment for false imprisonment	May arrest without warrant	Ditto	Ditto	Ditto	Imprisonment of either description for a term which may extend to five years and shall also be liable to fine which may extend to two million rupees.	Ditto

STATEMENT OF OBJECTS AND REASONS

Whereas the Constitution of the Islamic Republic of Pakistan provides for and guarantees the dignity of a man in Article 14; Pakistan is party to United Nations International Covenant on Civil and Political Rights and it's imperative to make a law for the effective implementation of Article 7, 8 and 9 of the convention. Pakistan is also signatory to the Universal Declaration of Human Rights and it's imperative to make a law for the effective implementation of Article 3, 4 and 5 of the UDHR: In this regard, It is expedient to enact a law for the abolition of illegal, unlawful and inhuman private jails, private detention centers or safe houses established by influential persons including, feudal landlords, tribal chiefs, Jirga head or any owner of a land in any capacity and in any area of the country or in connivance with his acquaintance where all kinds of human rights violations take place in its worst form during a false imprisonment. This practice is grossly inhuman, illegal and unwarranted hence it needs to be criminalized.

The Bill has been designed to achieve the aforementioned purpose.

SENATOR SAMINA MUMTAZ ZEHRI
SENATOR MUSHTAQ AHMED
MEMBERS IN CHARGE