

SENATE OF PAKISTAN



REPORT OF THE STANDING COMMITTEE ON INTERIOR

ON

**“THE CRIMINAL LAWS (AMENDMENT) BILL, 2017” MOVED
BY SENATOR MOHAMMAD AZAM KHAN SWATI**

Report No.42

PRESENTED BY

SENATOR A. REHMAN MALIK
CHAIRMAN

SENATE SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON INTERIOR

I, Chairman of the Standing Committee on Interior, have the honour to present the report on "the issue raised by Senator Mohammad Azam Khan Swati on 6th November, 2017 regarding **"The Criminal Laws (Amendment) Bill, 2017"** and referred by the House to the Standing Committee on Interior for consideration and report thereof.

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

1.	Senator A. Rehman Malik	Chairman
2.	Senator Shahi Syed	Member
3.	Senator Mir Israrullah Khan Zehri	Member
4.	Senator Muhammad Saleh Shah	Member
5.	Senator Muhammad Talha Mehmoood	Member
6.	Senator Col. (R) Syed Tahir Hussain Mashhadi	Member
7.	Senator Dr. Jehanzeb Jamaldini	Member
8.	Senator Chaudhary Tanvir Khan	Member
9.	Senator Muhammad Javed Abbasi	Member
10.	Senator Muhammad Ali Khan Saif	Member
11.	Senator Sardar Fateh Muhammad Muhammad Hassani	Member
12.	Senator Syed Shibli Faraz	Member
13.	Minister for Interior	Ex-officio Member

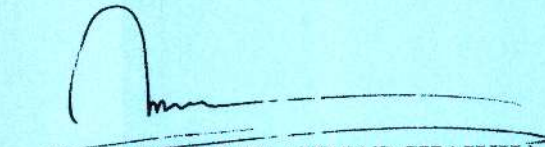
3. The matter was taken up for consideration in the Committee meetings held on 14th December, 2017 and 20th February, 2018. The following Members of the Committee attended the meeting:-

1.	Senator A. Rehman Malik	Chairman
2.	Senator Shahi Syed	Member
3.	Senator Muhammad Javed Abbasi	Member
4.	Senator Sardar Fateh Muhammad Muhammad Hassani	Member
5.	Senator Dr. Jehanzeb Jamaldini	Member
6.	Senator Muhammad Saleh Shah	Member



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4. The Mover did not attend the meeting held on 20th February, 2018, however through his written request addressed to the Chairman (Committee) desired for withdrawal of his subject bill. Upon which the matter was placed before the Committee which decided to dispose off the Bill as withdrawn by the Mover. (Bill as introduced in the Senate is Annexed – 'A')



(MUGHEES AHMAD SHAIKH)
DS/Secretary (Committee)



(SENATOR A. REHMAN MALIK)
Chairman(Committee)

As
[TO BE 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 (Act XLV of 1860) and the Code of Criminal Procedure, 1898 (Act 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, 2017.

(2) It shall come into force at once.

2. Amendment of section 272, Act XLV of 1860. - In the Pakistan Penal Code, 1860 (XLV of 1860), hereinafter referred to as the said Code, in section 272, for the words and commas "six months, or with fine which may extend to three thousand rupees, or with both", the words "two years and with fine which may extend to two hundred thousand rupees" shall be substituted.

3. Amendment of section 273, Act XLV of 1860.- In the said Code, in section 273, for the words and commas "six months, or with fine which may extend to three thousand rupees, or with both", the words "two years and with fine which may extend to two hundred thousand rupees" shall be substituted.

4. Amendment of section 274, Act XLV of 1860.- In the said Code, in section 274, for the words and commas "six months, or with fine which may extend to three thousand rupees, or with both", the words "five years and with fine which may extend to three million rupees" shall be substituted.

5. Amendment of section 275, Act XLV of 1860.- In the said Code, in section 275, for the words and commas "six months, or with fine which may extend to three thousand rupees, or with both", the words "five years and with fine which may extend to three million rupees" shall be substituted.

6. Amendment of section 276, Act XLV of 1860.- In the said Code, in section 276, for the word "three" word "fifty" shall be substituted.

7. Insertion of new section 320A, Act XLV of 1860.- In the said Code, after section 320, the following new section shall be inserted, namely:-

"320A. Punishment for Qatl-i-Khata by transfusion of unsafe blood.- Whoever commits Qatl-i-Khata by transfusion of unsafe blood, shall, having regard to the facts and circumstances of the case, in addition to diyat, be punished with imprisonment of either description for a term which may extend to ten years.

Explanation: For the purposes of this section,-

- (a) Blood means human blood stored, given and sold by the blood bank regulated by the Government and its functionaries; and
- (b) Unsafe blood means human blood which is unhealthy and contains human immunodeficiency (HIV), Hepatitis B and C viruses or ineffective agents like malarial parasites and Treponema palladium (syphilis) or such other viruses or ineffective agents as the Government may, by notification in the official gazette specify."

8. Insertion of new section 337JJ, Act XLV of 1860.- In the said Code, after section 337J, the following new section shall be inserted, namely:-

"337JJ. Punishment for causing hurt by transfusion of unsafe blood.- Whoever causes hurt to any person by transfusion of unsafe blood, shall, in addition to the punishment of arsh or daman provided for the hurt caused, be punished, having regard to the nature of the hurt caused, with imprisonment of either description for a term which may extend to ten years.

Explanation: For the purposes of this section,-

- (a) Blood means human blood stored, given and sold by the blood bank regulated by the Government and its functionaries; and
- (b) Unsafe blood means human blood which is unhealthy and contains human immunodeficiency (HIV), Hepatitis B and C viruses or ineffective agents like malarial parasites and Treponema palladium (syphilis) or such other viruses or ineffective agents as the Government may, by notification in the official gazette specify".

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

- (i) for sections 272, 273, 274, 275 and 276 in column I and entries relating thereto in column 2 to 8, the following shall be substituted, namely:-

1	2	3	4	5	6	7	8
272	Adulterating food or drink intended for sale, so as to make the same noxious.	May arrest without warrant	Warrant	Not bailable	Not Compoundable	Imprisonment of either description for two years and with fine which may extend to two hundred thousand rupees	Magistrate of the first class
273	Selling any food or drink as food and drink, knowing the same to be noxious.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto
274	Adulterating any drug or medical preparation intended for sale so as to lessen its efficacy, or to change its operation, or to make it noxious.	Ditto	Ditto		Ditto	Imprisonment of either description for five years and with fine which may extend to three million rupees.	Court of session or Magistrate of the first class.
275	Offering for sale or issuing from dispensary any drug or medical preparation known to have been adulterated.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto

1	2	3	4	5	6	7	8
276	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation.	Shall not arrest without warrant.	Summons	Bailable	Ditto	Imprisonment of either description for 6 months, or fine of 50,000 rupees, or both.	Magistrate of the first class.

- (ii) after section 320 in column 1 and entries relating thereto in column 2 to 8, the following new section and entries relating thereto shall be inserted, namely:-

1	2	3	4	5	6	7	8
320A	Qatl-i-khata by transfusion of unsafe blood	Ditto	Ditto	Not bailable	Ditto	Ditto	Ditto

- (ii) after section 337J in column 1 and entries relating thereto in column 2 to 8, the following new section and entries relating thereto shall be inserted, namely:-

1	2	3	4	5	6	7	8
337JJ	Hurt by transfusion of unsafe blood.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto

STATEMENT OF OBJECTS AND REASONS

Right to life is the foremost, fundamental and inalienable right of every citizen as guaranteed by the Constitution of Pakistan. Right to life can only be protected when causes adverse to this right is eliminated. Unfortunately the people of Pakistan are exposed to adulterated and unhygienic food. The adulterated, noxious and unhygienic food causes fatal diseases which ultimately results the death of the people. The irony is that the adulteration is not limited only to food items, but also extends to drugs which results further dire consequences for the people.

Apart from adulteration of food and drugs, patients with need of blood are also exposed to unhealthy and unsafe blood. Transfusion of unsafe blood to the patient is one of the worst criminal acts which are performed by some of the people attached with medical profession. Prevention and control of adulterated food, adulterated drugs, unsafe blood and their business is the need of the day. The present Bill is brought to address the issue of adulterated food, drugs and unsafe blood. In this Bill, apart from adulterated food and drugs, punishment for transfusion of unsafe blood has been provided in case of death or hurt occurs to patients due to transfusion of unsafe blood. The Bill has suggested more severe punishments for those who are involved in these crimes so that to prevent the commission of such crimes.

The Bill has been designed to achieve the aforesaid objectives.

SENATOR MOHAMMAD AZAM KHAN SWATI
Member-in-Charge