



House of the Federation

SENATE SECRETARIAT

**REPORT OF THE
SENATE STANDING COMMITTEE ON INTERIOR**

(REPORT NO. 23)

The Bill titled "The Criminal Laws (Amendment) Bill, 2019 (Substitution of Section 489F of PPC and Amendment of Schedule-II of Cr. PC)" Introduced by Senator Mian Muhammad Ateeq Shaikh in the House on 6th May, 2019

PRESENTED BY

**SENATOR A. REHMAN MALIK
Chairman
Standing Committee on Interior**

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Report of Senate Standing Committee on Interior on the Bill titled "The Criminal Laws (Amendment) Bill, 2019 (Substitution of Section 489F of PPC and amendment of Schedule-II of Cr. PC)" introduced by Senator Mian Muhammad Ateeq Shaikh in the House on 6th May, 2019

I, Chairman of Senate Standing Committee on Interior, have the Honour to present report on the Bill titled "The Criminal Laws (Amendment) Bill, 2019 (Substitution of Section 489F of PPC and amendment of Schedule-II of Cr. PC)" Introduced by Senator Mian Muhammad Ateeq Shaikh in the House on 6th May, 2019".

2. The Bill was referred to the Standing Committee by the House on 6th May, 2019 for consideration and report back to the House.

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

i.	Senator A. Rehman Malik	Chairman
ii.	Senator Kalsoom Parveen	Member
iii.	Senator Muhammad Javed Abbasi	Member
iv.	Senator Chaudhary Tanvir Khan	Member
v.	Senator Muhammad Asad Ali Khan Junejo	Member
vi.	Senator Rana Maqbool Ahmad	Member
vii.	Senator Muhammad Talha Mehmood	Member
viii.	Senator Farooq Hamid Naek	Member
ix.	Senator Dr. Shehzad Waseem	Member
x.	Senator Haji Momin Khan Afridi	Member
xi.	Senator Muhammad Ateeq Shaikh	Member
xii.	Senator Kauda Babur	Member
xiii.	Senator Sardar Muhammad Shafiq Tareen	Member
xiv.	Minister for Interior	Ex-Officio Member

4. The Committee considered and discussed the Bill in its meeting held on 8th July, 2019. The following Members of the Committee and Mover of the Bill attended the meeting: -

5. The following members attended the meeting: -

i.	Senator Abdul Rehman Malik	Chairman
ii.	Senator Kalsoom Perveen	Member
iii.	Senator Muhammad Javed Abbasi	Member
iv.	Senator Sardar Muhammad Shafiq Tareen	Member
v.	Senator Rana Maqbool Ahmed	Member / Mover
vi.	Senator Mian Muhammad Ateeq Shaikh	Member / Mover
vii.	Senator Dr. Shehzad Waseem	Member
viii.	Senator Muhammad Asad Ali Khan Junejo	Member
ix.	Senator Kauda Babur	Member

6. The Committee considered the Bill titled "The Criminal Laws (Amendment) Bill, 2019 (Substitution of Section 489F of PPC and amendment of Schedule-II of Cr. PC)" Introduced by Senator Mian Muhammad Ateeq Shaikh in the House on 6th May, 2019.

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7. Senator Rana Maqbool Ahmad briefed the Committee on the Bill titled "The Criminal Laws (Amendment) Bill, 2019 (Substitution of Section 489F of PPC and amendment of Schedule-II of Cr. PC)" Introduced by Senator Mian Muhammad Ateeq Shaikh in the House on 6th May, 2019.

8. The Committee considered "The Criminal Laws (Amendment) Bill, 2019 (Substitution of Section 489F of PPC and amendment of Schedule-II of Cr. PC)", introduced by Senator Mian Muhammad Ateeq Shaikh and referred to the Committee on 6th May, 2019, by the Senate House.

9. Senator Mian Muhammad Ateeq Shaikh briefed the Committee that the substitution of Section 489F was being made to check the menace of issuing cheques without making arrangements of funds for honouring such cheques by their bankers. However, the deterrent effect and is losing its importance. Consequently, the punishment is neither proportionate to amount of the cheque and there amount is in million of rupees. Thus, it was necessary to provide more effective punishment proportionate to the amount of the cheque to establish financial discipline and fulfillment of financial liabilities as the civil claims are not suitable remedy due to lengthy litigation at subordinate judiciary level. He informed that the Bill proposes that, for section 489F, the following shall be substitute: -

Where amount is less than Rs. 1,000,000/- (One Million)	03 years imprisonment with fine not less than double of the amount mentioned in check
Where amount is more than Rs. 1,000,000/- but less than Rs. 5,000,000/- (Fifty Million)	Upto 05 years imprisonment with fine not less than double of the amount mentioned in cheque
Where amount is more than Rs. 5,000,000/- but less than Rs. 10,000,000/- (Ten Million)	Upto 07 years imprisonment with fine not less than double of the amount mentioned in cheque
Where amount is Rs. 10,000,000/- or more (Ten Million)	Upto 10 years imprisonment with fine not less than double of the amount mentioned in cheque

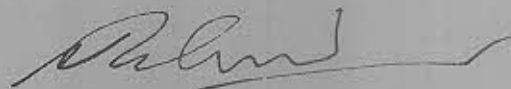
10. The Chairman Committee, after a detailed discussion, put the Bill for vote of the Committee.

11. The Committee unanimously recommended that the House may pass the Bill.

12. The Chairman Committee disposed of the matter.



(TANVIR AHMED)
D.G./Secretary Committee



(SENATOR A. REHMAN MALIK)
Chairman Committee

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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, 2019.

(2) It shall come into force at once.

2. Substitution of section 489F, Act XLV of 1860.- In the Pakistan Penal Code, 1860 (XLV of 1860), for section 489F, the following shall be substituted, namely:-

"489F. Dishonestly issuing a cheque.- Whoever dishonestly issues a cheque towards repayment of a loan or fulfillment of an obligation and which is dishonoured on presentation shall be punishable,-

- (a) if the amount mentioned in the cheque is less than one million Rupees, with imprisonment of either description for a term which may extend to three years or with fine which shall not be less than double of the amount mentioned in the cheque or with both; or
- (b) if the amount mentioned in the cheque is one million Rupees or more but less than five million Rupees, with Imprisonment of either description for a term which may extend to five years or with fine which shall not be less than double of the amount mentioned in the cheque or with both; or
- (c) if the amount mentioned in the cheque is five million Rupees or more but less than ten million Rupees, with imprisonment of either description for a term which may extend to seven years or with fine which shall not be less than double of the amount mentioned in the cheque or with both; or
- (d) if the amount mentioned in the cheque is ten million Rupees or more, with imprisonment of either description for a term which may extend to ten years or with fine which shall not be less than double of the amount mentioned in the cheque or with both, unless he can establish, for which the burden of proof shall rest on him, that he had made arrangements with his bank to ensure that the cheque would be honoured and that the bank was at fault is not honouring the cheque."

3. **Amendment of Schedule II, Act V of 1898.**- In the Code of Criminal Procedure, 1898 (V of 1898), in Schedule II, for section 489F, in column 1 and the entries relating thereto in columns 2 to 8, the following shall be substituted, namely:-

489F.	Dishonestly issuing a cheque	Ditto	Ditto	Ditto	Ditto	<p>(a) Imprisonment of either description upto 3 years or fine which shall not be less than double of the amount mentioned in the cheque or with both;</p> <p>(b) Imprisonment of either description upto 5 years or fine which shall not be less than double of the amount mentioned in the cheque or with both;</p> <p>(c) Imprisonment of either description upto 7 years or fine which shall not be less than double of the amount mentioned in the cheque or with both; and</p> <p>(d) Imprisonment of either description upto 10 years or fine which shall not be less than double of the amount mentioned in the cheque or with both.</p>	<p>(a) Magistrate of the First Class</p> <p>(b) Court of Sessions</p> <p>(c) Court of Sessions</p> <p>(d) Court of Sessions".</p>
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STATEMENT OF OBJECTS AND REASONS

Section 489F was added to check the menace of issuing cheques without making arrangements of funds for honouring such cheques by their bankers. However, deterrent effect of section 489F is losing its importance where the amount payable through cheques amount is in millions of rupees. Consequently, the punishment is neither proportionate to amount of cheque and even where there amount in millions of rupees, makers of such cheques prefer to stay in prisons instead of showing any interest in repayment of their loans or other liabilities, etc., during business transactions. Thus, it is necessary to provide more effective punishment proportionate to amount of cheques so that section 489F should remain an effective measure to establish financial discipline and fulfilment of financial liabilities as the civil claims are not suitable remedy due to lengthy litigation at subordinate judiciary level.

2. Bill seeks to achieve the above-said objectives.

SENATOR MIAN MUHAMMAD ATEEQ SHAIKH
Member-in-charge