

SENATE OF PAKISTAN



REPORT NO. 45

REPORT OF THE SENATE STANDING COMMITTEE ON LAW AND JUSTICE



“THE PAKISTAN PENAL CODE (AMENDMENT) BILL, 2020”

PRESENTED BY

Senator Muhammad Javed Abbasi

Chairman

Standing Committee on Law and Justice

SENATE SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON "THE PAKISTAN PENAL CODE (AMENDMENT) BILL, 2020"

I, Senator Muhammad Javed Abbasi, Chairman Standing Committee on Law and Justice, have the honor to submit, on behalf of the Committee, this report on "The Pakistan Penal Code (Amendment) Bill, 2020" (Omission of Section 124A), introduced by Senator Mian Raza Rabbani, in the Senate sitting held on 8th June, 2020 and referred to the Committee for consideration and report.

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

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| 1. Senator Muhammad Javed Abbasi | Chairman |
| 2. Senator Mian Raza Rabbani | Member |
| 3. Senator Farooq Hamid Naek | Member |
| 4. Senator Zeeshan Khanzada | Member |
| 5. Senator Sirajul Haq | Member |
| 6. Senator Syed Muzafar Hussain Shah | Member |
| 7. Senator Ayesha Raza Farooq | Member |
| 8. Senator Dr. Ghous Muhammad Khan Niazi | Member |
| 9. Senator Mustafa Nawaz Khokhar | Member |
| 10. Senator Sana Jamali | Member |
| 11. Senator Walid Iqbal | Member |
| 12. Senator Muhammad Ali Khan Saif | Member |
| 13. Senator Musadik Masood Malik | Member |
| 14. Minister for Law and Justice | Ex-Officio Member |

3. The Committee considered the Bill in its various meetings and held conclusive discussion in the meeting on 29th January 2021, under the chairmanship of Senator Muhammad Javed Abbasi, with the following in attendance:


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| 1. Senator Muhammad Javed Abbasi | Chairman |
| 2. Senator Sana Jamali | Member |
| 3. Senator Zeeshan Khanzada | Member |
| 4. Senator Mustafa Nawaz Khokhar | Member |

4. The Chairman Committee briefed the Members about amendment proposed in Pakistan Penal Code by Senator Mian Raza Rabbani and explained that the Britain introduced sedition as an offense to curtail criticism on their government. However, in current scenario there is no need of such provision in the Code. Senator Zeeshan Khanzada deliberated that it is the right of citizens to criticize the government. Ministry of Interior briefed that the Bill was circulated to all provinces and ICT administration for comments, to which only ICT administration responded and contested the amendment on the grounds that the existing provisions of Pakistan Penal Code on Sedition in section 124A did not infringe the fundamental right of speech provided in the Constitution. Senator Mustafa Nawaz Khokhar supported the Bill by noting that the colonial legislation may be omitted.

5. After detailed deliberations, the Committee decided to put the Bill to vote whereupon it was passed by majority, except Senator Zeeshan Khanzada, who abstained and endorsed the opinion of Ministry of Interior.

6. The Committee recommends that "The Pakistan Penal Code (Amendment) Bill, 2020" (Omission of Section 124A) as introduced in the Senate may be passed by the Senate of Pakistan. The Committee also gave approval for presentation of this report to the House. Copy of the Bill is annexed.


(Haris Rehman)
DS / Secretary Committee


(Senator Muhammad Javed Abbasi)
Chairman, Standing Committee on Law and Justice

AS
[TO BE INTRODUCED IN THE SENATE]

A

BILL

further to amend the Pakistan Penal Code, 1860

WHEREAS it is expedient further to amend the Pakistan Penal Code, 1860 (XLV of 1860) for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act may be called the Pakistan Penal Code (Amendment) Act, 2020.

(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.

STATEMENT OF OBJECTS AND REASONS

This section is a part of the inherited colonial structure of governance that continues in Pakistan. This section was for the natives who had to be kept under control lest they incited rebelling against the masters.

This law served a brutal occupying force and today is being applied with increasing regularity to crush political dissent and make the citizen submit to unquestionable obedience.

Today the relationship between the rulers and rules is no longer one of master and subject. Respect for the Government cannot be regulated. It arises from the stat respect for individual freedom and the ability to govern.

SENATOR MIAN RAZA RABBANI
Member-In-Charge