

(REPORT 47 OF 2020)



House of the Federation

SENATE SECRETARIAT

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

ON

**“THE CRIMINAL LAWS (AMENDMENT) BILL, 2020
[SECTION 376 and 377, ACT XLV OF 1860]”**

PRESENTED BY

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

SENATE SECRETARIAT

REPORT OF SENATE STANDING COMMITTEE ON INTERIOR ON
"THE CRIMINAL LAWS (AMENDMENT) BILL, 2020 [SECTIONS
376 AND 377, ACT XLV OF 1860]" INTRODUCED BY SENATOR
MUHAMMAD JAVED ABBASI

I, Chairman of Senate Standing Committee on Interior, have the Honour to present report on "The Criminal Laws (Amendment) Bill, 2020 [Sections 376 and 377, Act XLV of 1860] introduced by Senator Muhammad Javed Abbasi in the House on 26th October, 2020.

2. The Bill, upon introduction in the Senate, was referred to the Standing Committee for consideration and report back to the House.

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

1.	Senator A. Rehman Malik	Chairman
2.	Senator Muhammad Javed Abbasi	Member
3.	Senator Muhammad Azam Khan Swati	Member
4.	Senator Muhammad Tahir Bizinjo	Member
5.	Senator Mian Muhammad Ateeq Shaikh	Member
6.	Senator Rana Maqbool Ahmad	Member
7.	Senator Muhammad Talha Mehmood	Member
8.	Senator Farooq Hamid Naek	Member
9.	Senator Kauda Babar	Member
10.	Senator Sardar Muhammad Shafiq Tareen	Member
11.	Senator Dr. Shahzad Waseem	Member
12.	Senator Nusrat Shaheen	Member
13.	Senator Haji Momin Khan Afridi	Member
14.	Minister for Interior	Ex-Officio Member

4. The Committee considered and discussed the Bill in its meeting held on 02nd February, 2021. The following attended the Committee: -

1.	Senator A. Rehman Malik	Chairman
2.	Senator Shahzad Waseem	Member
3.	Senator Muhammad Javed Abbasi	Member/Mover
4.	Senator Sardar Muhammad Shafiq Tareen	Member
5.	Senator Nusrat Shaheen	Member

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5. The Mover briefed the committee on the salient features of the Bill. He stated that rape is a heinous crime; an act of violence that ruins the lives of victims. In Pakistan, rape cases are reported and registered, however, the conviction rates of the accused are abysmally low. Recent events relating to sexual abuse and rape throughout the country, particularly against the children, have necessitated that tough punishments should be doled out to the perpetrators but , unfortunately , current penalties are less as compared to the magnitude of the crime. He clarified that the culprit of this crime shall be punished with death or imprisonment for life without parole till death, every High Court shall hold sittings on daily basis to complete the trial of such cases within four weeks and the culprit shall be hanged in public place.

6. Senator Shahzad Waseem, Leader of the House in the Senate, did not endorse the proposed Bill. He stated that the President of Pakistan has already approved Anti-Rape (Investigation and Trial) Ordinance, 2020 and the Pakistan Penal Code (Amendment) Ordinance, 2020 also address a broad range of offences related to rape, establishment of special courts, speedy trial, in-camera trial, strict punishments and compensation for the victim. He was of the view that the Bill was the similar legislation which has already been completed by the Federal Government in its recent initiatives so there was no need to present the Bill on such legislation which already exists.

7. The Chairman Committee advised that Senate Secretariat may club the proposed Bill with the government Bill which has already been notified by the Ministry of Interior so that a consensus legislation could be made in the House.

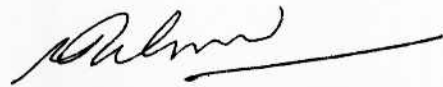
8. The Committee discussed all aspects of the Bill in its meeting.

9. In view of the above, the Committee recommends that "The Criminal Laws (Amendment) Bill, 2020 [Sections 376 and 377, Act XLV of 1860]" as introduced in the House, may be passed by the Senate. (Copy of the Bill is enclosed).



(TANVIR AHMED)

D.G./Secretary Committee



(SENATOR A. REHMAN MALIK)

Chairman Committee

ISLAMABAD, THE
02nd February, 2021.

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, 2020.

(2) It shall come into force at once.

2. Substitution of section 376, Act XLV of 1860.— (1) In the Pakistan Penal Code, 1860 (XLV of 1860), hereinafter referred to as the Penal Code, for section 376, the following shall be substituted, namely:—

"376. Punishment for rape.—(1) Whoever commits rape shall be punished with death or imprisonment for life without parole till death and shall also be liable to fine.

(2) When rape is committed by two or more persons in furtherance of common intention, each of such persons shall be punished with death or imprisonment for life without parole till death."

3. Substitution of section 377, Act XLV of 1860.— (1) In the Penal Code, for section 377, the following shall be substituted, namely:—

"377. Unnatural offence.— (1) Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which shall not be less than two years or more than ten years, and shall also be liable to fine.

(2) In addition to punishment provided in sub-section (1) whoever voluntarily has carnal intercourse against the order of nature with any boy under 18 years of age shall be punished with death or imprisonment for life without parole till death and shall also be liable to fine.

Explanation: Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section."

4. **Substitution of section 265-M, Act V of 1898.-** In the Code of Criminal Procedure, 1898 (V of 1898), hereinafter referred to as the Code, for section 265-M, the following shall be substituted, namely:-

"265-M. Time of holding sittings.- (1) For the exercise of its original criminal jurisdiction, every High Court shall hold sittings on such days and at such convenient intervals as the Chief Justice of such Court from time to time appoints.

(2) For the exercise of its original criminal jurisdiction under offences 376 and 377 Pakistan Penal Code, every High Court shall hold sittings on dally basis without any intervals and trial shall be completed in four weeks."

5. **Substitution of section 381, Act V of 1898.-** In the Code, for section 381, the following shall be substituted, namely:-

"381. Execution of order passed under section 376.- (1) When a sentence of death passed by a Court of Sessions is submitted to the High Court for confirmation, such Court of Session shall, on receiving the order of confirmation or other order of the High Court thereon, cause such order to be carried into effect by issuing a warrant or taking such other steps as may be necessary.

(2) The sentence of death passed under section 376 and 377 of Pakistan Penal Code by the High Court shall be carried into effect at public place by issuing a warrant or taking such other steps as may be necessary:

Provided that the sentence of death, except in cases of rape, shall not be executed if the heirs of the deceased pardon the convict or enter into a compromise with him even at the last moment before execution of the sentence."

6. **Amendment in section 411-A, Act V of 1898.-** In the Code, after section 411-A, the following shall be added, namely:

"Notwithstanding anything contained herein, an appeal shall lie to the Supreme Court from any order under section 376 and 377 of Pakistan Penal Code by a Divisional Court of the High Court and shall be decided within two weeks."

7. Amendment of Schedule II, Act V of 1898.— (1) In the Code, in Schedule II,-

- (i) against section 376, for the entries in columns 7 and 8, the following shall be substituted, namely:-

7	8
"death or imprisonment of either description for a term which shall be imprisonment for life without parole till death and shall also be liable to fine.	Division bench of High Court"

- (ii) against section 377, for the entries in columns 7 and 8, the following shall be substituted, namely:-

7	8
"death or imprisonment for life without parole till death shall also be liable to fine." or "imprisonment of either description for ten years, and fine.	Division bench of High Court"

STATEMENT OF OBJECTS AND REASONS

Rape is a heinous crime; an act of violence that ruins the lives of victims. In Pakistan, rape cases are reported and registered, however, the conviction rates of the accused are abysmally low. Recent events relating to sexual abuse and rape throughout the country, particularly against the children, have necessitated that tough punishments should be doled out to the perpetrators. Current penalties are less compared to the magnitude of the crime. The Bill aims to increase the punishment of rape as one of the deterrent to this heinous crime.

SENATOR MUHAMMAD JAVED ABBASI
Member In Charge