

SENATE OF PAKISTAN



REPORT OF THE SENATE STANDING COMMITTEE ON INTERIOR

ON

THE CRIMINAL LAWS (AMENDMENT) BILL, 2021.
(Amendments of Section 325 of PPC and Schedule II of Cr.P.C)
[Introduced by Senator Shahadat Awan on 27th September, 2021]

PRESENTED BY

SENATOR MOHSIN AZIZ
CHAIRMAN SSC ON INTERIOR

SENATE SECRETARIAT

Subject: REPORT OF THE SENATE STANDING COMMITTEE ON INTERIOR ON THE CRIMINAL LAWS (AMENDMENT) BILL, 2021 (Amendments of Section 325 of PPC and Schedule II of Cr.P.C)

I, Senator Mohsin Aziz, Chairman Senate Standing Committee on Interior, have the honor to present report of the Committee on the Criminal Laws (Amendment) Bill, 2021 (Amendments of Section 325 of PPC and Schedule II of Cr.P.C), introduced by Senator Shahadat Awan in the Senate on 27th September, 2021. Upon introduction, the Bill was referred to the SSC on Interior for consideration and report.

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

Senator Mohsin Aziz	Chairman
Senator Syed Yousuf Raza Gillani	Member
Senator Azam Nazeer Tarar	Member
Senator Samina Mumtaz Zehri	Member
Senator Moula Bux Chandio	Member
Senator Saifullah Abro	Member
Senator Rana Maqbool Ahmad	Member
Senator Faisal Saleem Rehman	Member
Senator Shahadat Awan	Member
Senator Muhammad Talha Mehmood	Member
Senator Fawzia Arshad	Member
Senator Syed Faisal Ali Subzwari	Member
Senator Sarfraz Ahmed Bugti	Member
Senator Dilawar Khan	Member
<u>Minister for Interior</u>	<u>Ex-Officio Member</u>

3. The background of the instant Bill is that the SSC on Interior earlier presented its report to the House but on 27th December, 2021, at the time of consideration of the Bill in the House on a motion moved by the Mover, the House referred the Bill back to the Committee with the direction to re-consider the same in the light of the opinion of the Council of Islamic Ideology.

4. On the direction of the House, the Secretary Committee sought opinion of the Council of Islamic Ideology on the Bill through letter No.F.10(2)/2021-24/C-I dated 29th December, 2021 whereupon, the Council submitted its opinion on the Bill through their letter No.179(2019)/R-CCI dated 6th January, 2022. The Council of Islamic Ideology opined that commission of suicide is a major sin which needs to be discouraged in the society so in order to maintain a deterrence, the punishment of commission of suicide should remain intact, however,

 

the Council was of the opinion that a proviso should be added with section 325 PPC that if the person who attempted to commit suicide was found psychologically ill after his medical examination then such accused should not be punished.

5. The Committee re-considered the Bill in its meeting held on 4th February, 2022. The meeting was attended by the following:-

Senator Mohsin Aziz	Chairman
Senator Syed Yousuf Raza Gillani	Member
Senator Azam Nazeer Tarar	Member
Senator Saifullah Abro	Member
Senator Rana Maqbool Ahmad	Member
Senator Shahadat Awan	Member/Mover
Senator Muhammad Talha Mehmood	Member
Senator Fawzia Arshad	Member
Senator Sarfraz Ahmed Bugti	Member
Senator Dilawar Khan	Member
Minister for Interior	

6. The senior officers of the Ministry of Interior, Ministry of Law and Justice, D.G (Research) CII were also present in the meeting. The Mover once again submitted his statement of objects and reasons of introduction of the Bill. He also presented before the Committee 'Fatwas' of renowned religious scholars and religious institutions in favor of his amendment. All the Members of the Committee unanimously supported the amendment. The Members were of the view that in cases of attempt to commit suicide, if the committer gets himself/herself hurt then no hospital or clinic gives him medical treatment due to the reason that it becomes police case which ultimately results into the loss of life of the committer. The Members were of the view that in order to save the humanity, it is necessary that there should not be any legal complications to give the medical treatment to the victim and that can only happen if section 325 is omitted from PPC. The Members were also of the considered opinion that the punishment of attempt to commit suicide is not by way of *Hadd* rather it is by way of *Taazir* so it can be omitted. The Mover also referred that in most of the countries the punishment for commission of suicide has already been abolished.

7. The stance of the Ministry of Interior, received in writing through their F.No.7/28/2021-Law was that the ratio of commission of suicides is very high especially in the under developed countries. The logic behind inclusion of Section 325 in Pakistan Penal Code was to discourage such tendency in mentally normal persons. The Ministry recommended that the Bill may not be passed. The detailed opinion of the Ministry is part of record.



8. The Director General (Research) of the Council of Islamic Ideology was of the view that the punishment should remain intact but the mentally ill people should be exempted from such punishment as provided in Section 325. The Members were of the view that the opinion of the CII is not logical as mentally abnormal persons have already been exempted from punishment of any crime under the PPC so there is no logic to add a separate proviso to Section 325.

9. After detailed deliberations and discussion, the Committee unanimously voted in favor of the Bill and **unanimously recommended that the Bill as introduced in the Senate may be passed.**

10. In view of the above recommendation, the Committee also gave approval for presentation of report to the House. Hence, this report is presented to the House.



(MUHAMMAD AZAM)
Secretary Committee



(SENATOR MOHSIN AZIZ)
Chairman Committee

71000000 011 21-07-2021

^{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 (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, 2021.

(2) It shall come into force at once.
2. **Omission of section 325, Act XLV of 1860.**- In the Pakistan Penal Code, 1860 (XLV of 1860), section 325 shall be omitted.
3. **Amendment of Schedule II, Act V of 1898.**- In the Code of Criminal Procedure, 1898 (V of 1898), in Schedule II, the entries relating to section 325 shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Suicide is the act of killing oneself, most often as a result of depression or other mental illness. According to a study, there is one completed suicide in every 40 seconds while five percent of people in the world try to kill themselves at least once during their lifetime. Around 79% suicides are from low or middle income countries. Despite the crucial nature of the act of suicide and reasons behind it, Pakistan Penal Code vide section 325, incriminates the person committing it and prescribes the sentence of simple imprisonment for a term which may extend to one year, or with fine, or with both. The issue of suicide ought to be dealt as disease and should be treated as one. Additionally, punishment is meant to create deterrence for a healthy person not for a mentally disturbed individual. The objective of this amendment in Pakistan Penal Code is to decriminalize the suicide attempt by any person as it is always done with some depression or mental illness or disorders.

SENATOR SHAHADAT AWAN
Member-in-Charge