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PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY OF PAKISTAN

Islamabad, the 2nd February, 1973

The following Acts of the National Assembly received the assent of the President on the 31st January, 1973, and are hereby published for general information :—

ACT No. VI OF 1973

An Act further to amend the Pakistan Penal Code and the Code of Criminal Procedure, 1898.

WHEREAS it is expedient further to amend the Pakistan Penal Code (*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, extent and commencement.—(1) This Act may be called the Criminal Law (Amendment) Act, 1973.

(2) It extends to the whole of Pakistan.

(3) It shall come into force on such day as the Federal Government may, by notification in the official Gazette, appoint in this behalf.

2. Amendment of the Pakistan Penal Code.—In the Pakistan Penal Code (*Act XLV of 1860*),—

(i) for section 153A the following shall be substituted, namely :—

“153A. *Promoting enmity between different groups, etc.*—Whoever,—

(a) by words, either spoken or written, or by signs, or by visible representations or otherwise, promotes or incites, or attempts to promote or incite, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities; or

(b) commits, or incites any other person to commit, any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities or any group of persons identifiable as such on any ground whatsoever and which disturbs or is likely to disturb public tranquillity; or

(c) organizes, or incites any other person to organize, any exercise, movement, drill or other similar activity intending that the participants in any such activity shall use or be trained to use criminal force or violence or knowing it to be likely that the participants in any such activity will use or be trained to use criminal force or violence, or participates, or incites any other person to participate, in any such activity intending to use or be trained to use criminal force or violence or knowing it to be likely that the participants in any such activity will use or be trained to use criminal force or violence, against any religious, racial, language or regional group or caste or community or any group of persons identifiable as such on any ground whatsoever and any such activity for any reason whatsoever causes or is likely to cause fear or alarm or a feeling of insecurity amongst members of such religious, racial, language or regional group or caste or community,

shall be punished with imprisonment for a term which may extend to five years and with fine.

Explanation.—It does not amount to an offence within the meaning of this section to point out, without malicious intention and with an honest view to their removal, matters which are producing, or have a tendency to produce, feelings of enmity or hatred between different religious, racial, language or regional groups or castes or communities.”; and

(ii) for section 505 the following shall be substituted, namely :—

“505. *Statement conducing to public mischief.*—(1) Whoever makes, publishes or circulates any statement, rumour or report,—

- (a) with intent to cause or incite, or which is likely to cause or incite, any officer, soldier, sailor or airman in the Army, Navy or Air Force of Pakistan to mutiny or otherwise disregard or fail in his duty as such; or
- (b) with intent to cause, or which is likely to cause, fear or alarm to the public or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquillity; or
- (c) with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community,

shall be punished with imprisonment for a term which may extend to seven years and with fine.

- (2) Whoever makes, publishes or circulates any statement or report containing rumour or alarming news with intent to create or promote, or which is likely to create or promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, shall be punished with imprisonment for a term which may extend to seven years and with fine.

Explanation.—It does not amount to an offence within the meaning of this section, when the person making, publishing or circulating any such statement, rumour or report has reasonable grounds for believing that such statement, rumour or report is true and makes, publishes or circulates it in good faith and without any such intent as aforesaid.”.

3. Amendment of the Code of Criminal Procedure, 1898.—In the Code of Criminal Procedure, 1898 (*Act V of 1898*),—

- (i) in section 99A, in sub-section (1), after the words “any treasonable or seditious matter”, the words “or any matter which is prejudicial to national integration” shall be inserted; and
- (ii) in Schedule II,—
 - (a) for the entries in columns 2, 3 and 7 relating to section 153A the entries “Promoting enmity between groups”, “May arrest without warrant” and “Imprisonment of either description for 5 years and fine” shall, respectively, be substituted;
 - (b) for the entry in column 3 relating to section 154 the entry “Shall not arrest without warrant” shall be substituted;

(c) after the entries relating to section 364, the following entries shall be inserted, namely :—

1	2	3	4	5	6	7	8
"364A. Kidnapping or abducting a person under the age of ten.		Ditto	Ditto	Ditto	Ditto	Death or imprisonment for life or rigorous imprisonment for a term which may extend to 14 years and shall not be less than 7 years.	Ditto";

- (d) for the entries in columns 3 and 7 relating to section 505 the entries "May arrest without warrant" and "Imprisonment of either description for 7 years and fine" shall, respectively, be substituted; and
- (e) for the entries in columns 3 and 7 relating to section 506 as applicable to "Criminal intimidation" (first paragraph) the entries "shall not arrest without warrant" and "Imprisonment of either description for 2 years, or fine, or both" shall, respectively, be substituted.

4. **Repeal.**—The Criminal Law (Amendment) Ordinance, 1972 (LIII of 1972), is hereby repealed.

ASLAM ABDULLAH KHAN,
Secretary.

GOVERNMENT OF PAKISTAN
MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS
(Law Division)

Islamabad, the 2nd February, 1973

No. F. 24 (1)73-Pub.—The following Ordinance made by the President on the 2nd February, 1973, is hereby published for general information :—

ORDINANCE No. 1 OF 1973

AN
ORDINANCE

further to amend the Pakistan Citizenship Act, 1951

WHEREAS it is expedient further to amend the Pakistan Citizenship Act, 1951 (II of 1951), for the purposes hereinafter appearing;

AND WHEREAS the National Assembly is not in session;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 94 of the Interim Constitution of the Islamic Republic of Pakistan, the President is pleased to make and promulgate the following Ordinance :—

1. **Short title and commencement.**—(1) This Ordinance may be called the Pakistan Citizenship (Amendment) Ordinance, 1973.

(2) It shall come into force at once.

2. Amendment of section 8, Act II of 1951.—In the Pakistan Citizenship Act, 1951 (II of 1951), hereinafter referred to as the said Act, section 8 shall be renumbered as sub-section (1) of that section and, after sub-section (1) renumbered as aforesaid, the following new sub-section shall be added, namely :—

“(2) A subject of the State of Jammu and Kashmir who, being under the protection of a Pakistan passport, is resident in the United Kingdom or such other country as the Federal Government may, by notification in the official Gazette, specify in this behalf, shall, without prejudice to his rights and status as a subject of that State, be deemed to be a citizen of Pakistan.”

3. General Amendment, Act II of 1951.—In the said Act, for the words “Central Government” wherever occurring the words “Federal Government” shall be substituted.

ZULFIKAR ALI BHUTTO, H. Pk.,

President.

MOHAMMAD GUL, SOA, SK,

Secretary.