

SENATE OF PAKISTAN



REPORT OF THE SENATE STANDING COMMITTEE ON INTERIOR

ON

**THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL, 2022
(AMENDMENT OF SECTION 46 OF CR.P.C)
INTRODUCED BY SENATOR FAWZIA ARSHAD
ON 30-05-2022**

PRESENTED BY

**SENATOR MOHSIN AZIZ
CHAIRMAN SSC ON INTERIOR**

SENATE SECRETARIAT

SUBJECT: REPORT OF THE SENATE STANDING COMMITTEE ON INTERIOR ON THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL, 2022 (AMENDMENT OF SECTION 46 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 Bill further to amend the Code of Criminal Procedure, 1898, the Code of Criminal Procedure (Amendment) Bill, 2022 (Amendment of section 46). The Bill was introduced by Senator Fawzia Arshad in the Senate sitting held on 30th May, 2022 whereupon, 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 Faisal Subzwari	Member
Senator Fawzia Arshad	Member
Senator Sarfraz Ahmed Bugti	Member
Senator Dilawar Khan	Member
Senator Kamil Ali Agha	Member
<u>Minister for Interior</u>	<u>Ex-Officio Member</u>

3. The Committee considered the Bill in its meeting held on 22nd August, 2022. The meeting was attended by the following:-

1. Senator Mohsin Aziz	Chairman
2. Senator Shahadat Awan	Member
3. Senator Fawzia Arshad	Member/Mover
4. Senator Saifullah Abro	Member
5. Senator Faisal Saleem Rehman	Member
6. Senator Moula Bux Chandio	Member
7. Senator Kamil Ali Agha	Member
8. Senator Dilawar Khan	Member

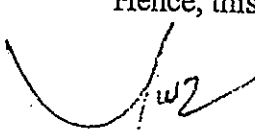
Secretary, Ministry of Interior and the representatives of Ministry of Law and Justice also attended the meeting.

4. The Mover briefed the Committee about the objects and reasons of the Bill. She informed the Committee that the intent of the Bill is that whenever a female is to be arrested, unless the circumstances otherwise require or unless the police officer is a female, the police officer shall not touch the person of the woman to arrest her.

5. Senator Shahadat Awan informed the Mover that this provision already exists in the law as well as in the Police Rules. He read out the relevant police rule which deals with the arrest of women.

6. After going through the already existing legal provisions which cover the instant amendment, the Chairman suggested that the Mover may withdraw her Bill. The Mover agreed with the suggestion so the Committee recommended that the Code of Criminal Procedure (Amendment) Bill, 2022 (amendment of section 46 of Cr.P.C) introduced by Senator Fawzia Arshad on 30-05-2022 may be withdrawn by the Mover. The Committee also gave approval of presentation of report of the Committee to the House.

7. Hence, this report is presented to the House.


(MUHAMMAD AZAM)
Secretary Committee


(SENATOR MOHSIN AZIZ)
Chairman Committee

[TO BE INTRODUCED IN THE SENATE]

**A
Bill**

further to amend the Code of Criminal Procedure, 1898

WHEREAS it is expedient further to amend 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 shall be called the Code of Criminal Procedure (Amendment) Act, 2022.

(2) It shall come into force at once.

2. Amendment of section 46, Act V of 1898.- In the Code of Criminal Procedure, 1898 (V of 1898), in section 46, in sub-section (1), for the full stop "." occurring at the end, a colon ":" shall be substituted and thereafter the following proviso shall be added, namely:-

"Provided that where a woman is to be arrested, unless the circumstances indicate to the contrary, her submission to the custody on an oral intimation of arrest shall be presumed and, unless the circumstances otherwise require or unless the police officer is a female, the police officer shall not touch the person of the woman for making her arrest."

STATEMENT OF OBJECTS AND REASONS

Section 46 of the Code of Criminal Procedure relates to how arrest of a person is to be made by Police. A proviso is being added so as to provide that where a woman is to be arrested, unless the circumstances otherwise require or unless the police officer is a female, the police officer shall not touch the person of the woman to arrest her. Hence, this Bill seeks to achieve the aforesaid objectives.

**SENATOR FAWZIA ARSHAD
MEMBER-IN-CHARGE**