

LI

REPORT NO. 12/2022-23

SENATE OF PAKISTAN



REPORT OF THE SENATE STANDING COMMITTEE ON INTERIOR

ON

**THE ANTI-RAPE (INVESTIGATION AND TRIAL) (AMENDMENT) BILL, 2022
(INSERTION OF NEW SECTIONS 24A, 24B AND 24C)
INTRODUCED BY SENATOR MOHSIN AZIZ
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 ANTI-RAPE (INVESTIGATION AND TRIAL) (AMENDMENT) BILL, 2022 (INSERTION OF NEW SECTIONS 24A, 24B AND 24C)

I, Senator Mohsin Aziz, Chairman Senate Standing Committee on Interior, have the honor to present report of the Committee on the Bill to amend the Anti-Rape (Investigation and Trial) Act, 2021 (Act No.XXX of 2021), the Anti-Rape (Investigation and Trial) (Amendment) Bill, 2022 (Insertion of new sections 24A, 24B and 24C). The Bill was introduced by myself 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 26th August, 2022. The meeting was attended by the following:-

1. Senator Mohsin Aziz	Chairman/Mover
2. Senator Shahadat Awan	Member
3. Senator Fawzia Arshad	Member

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 and the office of District Attorney, Islamabad also attended the meeting.

4. Since, the Bill was introduced by myself, therefore, I requested Senator Kamil Ali Agha to preside over the meeting while considering the Bill.

5. The point of view of the office of the District Attorney, Islamabad on the Bill was as under:-

“The proposed restriction should only be imposed upon the habitual or desperate sex offenders only on declaration by the court while sentencing the accused. To impose such restrictions straight away on all categories of sex offenders does not seem appropriate as the offenders may include juveniles, 1st offenders, incidental offenders, the persons victim of wrong cases or the cases got registered due to the enmity, pressure etc. of anyone influential etc. The sentencing court should have the power to prescribe or reduce the period of such restrictions in the case tried by it while the MOI should have such power generally for any class of the offenders or for any particular offender as well, if so referred for the purpose in special circumstances.”

6. The Mover briefed the Committee that the word “sex offender” has been defined in the Act whereas there is no other category of sex offender like juvenile, 1st offender, incidental offender etc. has been provided in the Act, therefore, he has used the term “sex offender” in the Bill. Moreover, the mover questioned as to whether the Ministry of Law and Justice has notified any reporting mechanism as provided in the Section 25 of the Act. The representative of the Ministry of Law and Justice was not sure of the fact as to whether any mechanism has been devised by the Government or not. However, he opposed the Bill.

7. Secretary Interior was of the view that since the extent of the Bill is whole of Pakistan, therefore, the response from the provincial Governments should be on record which has been sought for and awaited.

8. Senator Shahadat Awan was of the view that the Bill should always be passed after consultation from stakeholders i.e. the provinces in this case so that there may not be any complication in the implementation of the amendment.

9. The other Committee members were of the view that the object of the Bill is to curb the menace and to bring the culprits on record during their movement which was the actual intent of the main Act so there is no harm in passing the Bill.

10. Thereafter, the Bill was put on vote which was passed by the Committee unanimously as Senator Shahadat Awan did not further press his observation.

11. The Committee recommended by majority of votes that the Anti-Rape (Investigation and Trial) (Amendment) Bill, 2022 (insertion of new sections 24A, 24B and 24C), introduced by Senator Mohsin Aziz on 30-05-2022, may be passed as introduced in the Senate. The Committee also gave approval of presentation of report of the Committee to the House.

12. 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

to amend the Anti-Rape (Investigation and Trial) Act, 2021

WHEREAS it is expedient to amend the Anti-Rape (Investigation and Trial) Act, 2021 (XXX of 2021), for the purposes hereinafter appearing:

It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act may be called the Anti-Rape (Investigation and Trial) (Amendment) Act, 2022.

(2) It shall come into force at once.

2. Insertion of new sections 24A, 24B and 24C, Act XXX of 2021.- In the Anti-Rape (Investigation and Trial) Act, 2021 (XXX of 2021), after section 24, the following new sections 24A, 24B and 24C shall be inserted, namely:-

"24A. Responsibility of sex offender to inform local police in case of travel within Pakistan.- (1) The sex offender who intends to be absent from his home address for a period of more than three days shall be responsible to inform the local police station twelve hours before leaving that address.

(2) The information shall include-

- (a) date on which the sex offender will leave the home address;
- (b) travel arrangements during the period;
- (c) temporary address or addresses where the sex offender intends to reside during the period;
- (d) date of return to the home address; and
- (e) any other information as may be prescribed by rules.

(3) The sex offender shall within twelve hours after his arrival at the temporary address, inform the nearest police station, about his arrival.

(4) Where a sex offender has informed a date of return to his home address, but returns to that address on a date other than that informed date, he shall inform the date of his actual return to the police within twelve hours of his actual return.

(5) Nothing in this section requires a sex offender to provide any information which falls to be provided in accordance with a requirement under section 24B.

24B. Information requirements for sex offender in case of travel outside Pakistan.

(1) The Ministry of Law and Justice may by rules make provisions requiring sex offender who leave Pakistan-

- (a) to provide information under sub-section (2), before he leaves; and
- (b) if he subsequently returns to Pakistan, to provide information under sub-section (3).

(2) The information under this sub-section shall disclose-

- (a) date on which the sex offender will leave Pakistan;
- (b) name of country or, if there is more than one, the first country to which he intends to travel and his point of arrival in that country, and
- (c) any other information which the sex offender holds about his departure from Pakistan or his movements while outside Pakistan.

(3) Any information under this sub-section shall disclose the information prescribed by the rules about the sex offender's return to Pakistan.

24C. Information period for sex offender. - The information period for a sex offender shall be an indefinite period starting from the date of conviction:

Provided that Special Court may reduce the information period in respect of any sex offender but such period shall not be less than ten years in any case."

STATEMENT OF OBJECTS AND REASONS

The Parliament in its joint sitting has recently passed Anti-Rape (Investigation and Trial) Act, 2021 which requires establishment of Register of Sex Offenders. However, there is a dire need to strictly monitor the movement and activities of such offenders where they can potentially gain access to victims and abuse them sexually. Hence, this Bill seeks to achieve the above objectives.

**SENATOR MOHSIN AZIZ
MEMBER-IN-CHARGE**