

SENATE OF PAKISTAN



REPORT OF THE SENATE STANDING COMMITTEE ON INTERIOR

ON

[THE ANTI-RAPE (INVESTIGATION AND TRIAL) (AMENDMENT) BILL,
2023]

PRIVATE MEMBER BILL INTRODUCED BY
SENATOR SAMINA MUMTAZ ZEHRI ON 10TH APRIL, 2023

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, 2023.

I, Senator Mohsin Aziz, Chairman Senate Standing Committee on Interior, have the honor to present report of the Committee on a Bill further to amend the Anti-Rape (Investigation and Trial) Act, 2021 [The Anti-Rape (Investigation and Trial) (Amendment) Bill, 2023]. This is a Private Member Bill introduced by Senator Samina Mumtaz Zehri in the Senate sitting held on 10th April, 2023 and referred to the Senate Standing Committee 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 8th June, 2023. The meeting was attended by the following Members:

1. Senator Mohsin Aziz	Chairman
2. Senator Shahadat Awan	Member
3. Senator Kamil Ali Agha	Member
4. Senator Faisal Saleem Rehman	Member
5. Senator Rana Maqbool Ahmad	Member
6. Senator Samina Mumtaz Zehri	Member/Mover

4. The Mover briefed the Committee about the objects and reasons of the Bill. The Mover was of the view that she has proposed the instant amendment keeping in view the increasing incidents of rape throughout the country and the circumstances through which the victim and her family goes through in getting first aid and medical examination.

5. Secretary Interior was of the view that Medico Legal Examination can only be conducted by specialized Medico Legal Officers and only authorized MLOs can issue MLR. He was of the view that MLOs are deputed in every DHQ and it is not possible to post an MLO in every BHU and THQ due to shortage of doctors in Pakistan. Moreover, he opposed the inclusion of words private hospitals as MLRs can only be issued by the Government hospitals by an authorized MLO.

6. Senator Shahadat Awan also endorsed the points raised by the Secretary Interior; however, he supported the Bill to the extent of providing first aid to the victim by any Government hospital/facility and to the extent of issuance of initial medical report of the victim in the light of medical examination by any doctor in a Government hospital. He was of the view that if private hospitals are authorized to issue medical certificates of rape victims then these may not be admissible at later stage during trial of the cases.



7. The Mover was of the view that there are few Government healthcare facilities especially in rural and far flung areas so there should be provision in law that rape victim may be given first aid treatment by any private or government hospital.

8. Senator Rana Maqbool Ahmad was of the view that there is an issue of staffing in far flung Government hospitals so there is hardly any lady doctor posted in remote areas.

9. After discussion, the members of the Committee were of the view that the proposal of authorizing the private hospitals to give medical treatment to rape victim may be omitted from the Bill and instead of preparing of medico legal report by any hospital only the preparing of medical report may be suggested as MLR cannot be issued by any doctor.

10. The Committee was of the view that it is a very important issue and this Committee has on number of occasions has taken up the issue of rape incidents in the country which are increasing so to cater for the needs of immediate first aid to rape victim and of timely medical examination such provisions should be provided in the law. The Committee was of the view that if there is an issue of staffing then the Government should work on it and this Bill would be a leap forward towards this goal.

11. Senator Kamil Ali Agha was of the view that Private hospitals should also be bound to treat any patient who came in emergency as their national duty because the private hospitals are earning a lot from this country so as their social responsibility. He further stated that the intent of the Mover is very good but to post a medico legal officer in every Government facility is not possible and this is not even the case in developed countries like UK.



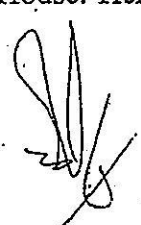
12. After detailed discussion, the Committee with the consent of the Mover amended the Bill as under:

"Provided that even in the absence of an anti-rape crisis cell, all Government hospitals shall immediately provide the first-aid or free of cost medical treatment and to prepare a report followed by the medico legal examination by an authorized Medico Legal Officer (MLO) without delay of a rape victim coming/brought for emergency treatment in that hospital and shall immediately and compulsorily inform the police of such incident."

13. After detailed discussion, the Committee unanimously recommended that the House may pass the Bill as reported by the Committee with amendment. The Bill as introduced in the Senate is at Annexure-A and the Bill as reported by the Committee is at Annexure-B. The Committee also gave approval of presentation of report of the Committee to the House. Hence, this report is presented to the House.



(MUHAMMAD AZAM)
Secretary Committee



(SENATOR MOHSIN AZIZ)
Chairman Committee

Amended

INTRODUCED ON 10.04.2023.

[AS INTRODUCED IN SENATE]

**A
Bill**

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

WHEREAS it is expedient further 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, 2023.

(2) It shall come into force at once.

2. Amendment of section 4, Act XXX of 2021:- In the Anti-Rape (Investigation and Trial) Act, 2021 (XXX of 2021), in section 4, in sub-section (1), for the full stop "." at the end, a colon ":" shall be substituted and thereafter, the following proviso shall be added, namely:-

"Provided that even in the absence of an anti-rape crisis cell, all hospitals, public or private, shall immediately, provide the first-aid or free-of-cost medical treatment and to prepare a report of the medico-legal examination without delay, of a rape victim coming/brought for emergency treatment in that hospital and shall immediately and compulsorily inform the police of such incident."

STATEMENT OF OBJECTS AND REASONS

Sexual assault is a traumatic event that affects people in different ways, both mentally and physically. So doctors and nurses know care immediately after an assault needs to be understanding, compassionate and sensitive. This is particularly so during forensic examinations where the main purpose is to collect evidence as quickly as possible after, but within 72 hours, of the assault. This evidence may be vital to secure a conviction and may be lost or contaminated if there is a delay.

2. Unfortunately, various cases have been reported in our country where victims of rape or sexual violence seeking emergency medical assistance following an attack, are either saddled with thousands of rupees in medical bills or blatantly refused from getting the required medical treatment.

3. The purpose of this amendment is to penalize the medical professionals for the criminal negligence they observe in treating such sensitive cases which is a mandatory component of their official duty.

**SENATOR SAMINA MUMTAZ ZEHRI
MEMBER-IN-CHARGE**

[AS REPORTED BY THE COMMITTEE]

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SENATOR SAMINA MUMTAZ ZEHRI
MEMBER IN CHARGE