

# SENATE OF PAKISTAN



## REPORT OF THE SENATE STANDING COMMITTEE ON INTERIOR

ON

BILL FURTHER TO AMEND THE PAKISTAN PENAL CODE, 1860 AND THE  
CODE OF CRIMINAL PROCEDURE, 1898,  
[THE CRIMINAL LAWS (AMENDMENT), BILL, 2022]  
INTRODUCED BY  
SENATOR MUSHTAQ AHMAD ON 7TH AUGUST, 2023.

## SENATE SECRETARIAT

I, have the honor to present report of the Committee on Bill further to amend the Pakistan Penal Code, 1860 and the Code of Criminal Procedure, 1898, [The Criminal Laws (Amendment), Bill, 2022]. This Private Member Bill was passed by the National Assembly and transmitted to the Senate and in the Senate the Bill was introduced by Senator Mushtaq Ahmad on 7th August, 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. Since the Hon'ble Chairman Committee was out of country so under sub-rule (3) of Rule 175 of the Rules of Procedure and Conduct of Business in the Senate, 2012 the members decided that Senator Faisal Saleem Rehman may Chair the meeting as Convener.


4. The Committee considered the Bill in its meeting held on 9<sup>th</sup> August, 2023. The meeting was attended by the following members:

|                                 |                 |
|---------------------------------|-----------------|
| 1. Senator Faisal Saleem Rehman | Member/Convener |
| 2. Senator Rana Maqbool Ahmad   | Member          |
| 3. Senator Fawzia Arshad        | Member          |
| 4. Senator Mushtaq Ahmad        | Mover           |

5. The Mover briefed the Committee about the objects and reasons of the Bill. He informed the Committee that the Bill is aimed to enhance the punishments for the offences relating to obscenity. He was of the view that with the passage of time, obscenity has not only disturbed the individual life but it has become a terrible act of annoyance for the whole society, especially for women folks. The Mover further briefed that Article 14 of the Constitution clearly states that the dignity of man subject to law and the privacy of home shall be inviolable and under Article 37(g) State is obliged to prevent obscene literature and advertisements. Therefore, the amendments in sections 292, 293 and 294 of PPC which deals with sale of obscene books, sale of obscene objects to young persons and performance of obscene acts and songs have been proposed in order to enhance the punishments of such offences. Consequential amendments in Schedule II of Cr.P.C have also been proposed.

6. The representatives of the Ministry of Interior did not oppose the Bill. After detailed discussion, the Committee unanimously recommended that the Bill as passed by the National Assembly may also be passed by the Senate.

  
(MUHAMMAD AZAM)  
Secretary Committee

  
(SENATOR FAISAL SALEEM REHMAN)  
Convener

[AS PASSED BY THE NATIONAL ASSEMBLY]

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 Law (Amendment) Act 2022.

(2) It shall come into force at once.

2. Amendment of section 292, Act XLV of 1860.- In the Pakistan Penal Code, 1860 (XLV of 1860), hereinafter referred to as the Code, in section 292, for the words and commas "three months, or with fine, or with both", the words "three years and with fine of two hundred thousand rupees", shall be substituted.

3. Amendment in section 293, Act XLV of 1860.- In the Code, in section 293, for the words "under the age of twenty years", the words "of any age" shall be substituted and for the words and commas "six months, or with fine, or with both", the words "two years and with fine of one hundred thousand rupees", shall be substituted.

4. Amendment in section 294, Act XLV of 1860.- In the Code, in section 294,-

- (i) after the words "to the annoyance of others", the words "or otherwise" shall be inserted; and
- (ii) in paragraph (b), for the word "recites", the word "performs" shall be substituted.
- (iii) for the expression "imprisonment of either description for a term which may extend to three months, or with fine or with both" the expression "Imprisonment of either description for one year, or with fine of one hundred thousand rupees, or with both".

5. Amendment of Schedule II, Act V of 1898.- In the Code of Criminal Procedure, 1898 (V of 1898), in Schedule II,-

- (i) against section 292, for the entry in column 7, the expression "Imprisonment of either description for three years and with fine of two hundred thousand rupees", shall be substituted;

- (ii) against section 293, for the entry in column 7, the expression "Imprisonment of either description for two years and with fine of one hundred thousand rupees" shall be substituted; and
- (iii) against section 294, for the entry in column 7, the expression "Imprisonment of either description for one year, or with fine of one hundred thousand rupees, or with both", shall be substituted.

### STATEMENT OF OBJECTS AND REASONS

With the passage of time, obscenity has not only disturbed the individual life but it has become a terrible act of annoyance for the whole society, especially for women folks.

Article 14 of the Constitution of the Islamic Republic of Pakistan clearly states that "the dignity of man subject to law, the privacy of home, shall be inviolable".

In Article 37(g) of the Constitution, stated that "the State shall prevent prostitution, gambling and taking of injurious drugs, printing, publication circulation and display of obscene literature and advertisements".

Unfortunately, punishments in sections 292, 293 and 294 of the Pakistan Penal Code for acts of obscenity are nominal. Through the above amendments, enhancement of punishments has been proposed.

Sd/-

**MOULANA ABDUL AKBAR CHITRALI**  
Member National Assembly