

SENATE OF PAKISTAN



REPORT OF THE SENATE STANDING COMMITTEE ON INTERIOR

ON

[THE CRIMINAL LAWS (AMENDMENT), BILL, 2023]
[Omission of Section 124A PPC and subsequent amendment in Schedule-II Cr.P.C]
PRIVATE MEMBER BILL
INTRODUCED BY
SENATOR FAWZIA ARSHAD
ON 7TH AUGUST, 2023

PRESENTED BY

SENATOR MOHSIN AZIZ
CHAIRMAN SSC ON INTERIOR

SENATE SECRETARIAT

SUBJECT: REPORT OF THE SENATE STANDING COMMITTEE ON INTERIOR ON THE CRIMINAL LAWS (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 Pakistan Penal Code, 1860 and the Code of Criminal Procedure, 1898, [The Criminal Laws (Amendment), Bill, 2023], introduced by Senator Fawzia Arshad on 7th August, 2023. [**Omission of section 124A PPC and subsequent amendment in Schedule-II of Cr.P.C**].

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 Sherry Rehman	Member
Senator Saifullah Abro	Member
Senator Faisal Saleem Rehman	Member
Senator Shahadat Awan	Member
Senator Faisal Subzwari	Member
Senator Fawzia Arshad	Member
Senator Danesh Kumra	Member
Senator Dilawar Khan	Member
Senator Kamil Ali Agha	Member
<u>Minister for Interior</u>	<u>Ex-Officio Member</u>

3. The Committee finally considered the Bill in its meeting held on 28th September,

2023. The meeting was attended by the following Members:

1. Senator Mohsin Aziz	Chairman
2. Senator Saifullah Abro	Member
3. Senator Shahadat Awan	Member
4. Senator Kamil Ali Agha	Member
5. Senator Danesh Kumar	Member
6. Senator Fawzia Arshad	Member/Mover
7. Senator Samina Mumtaz Zehri	Member
8. Senator Sherry Rehman	Member
9. Senator Dilawar Khan	Member

4. The Mover was present in the meeting but she left the meeting by authorizing Senator Saifullah Abro on her behalf.

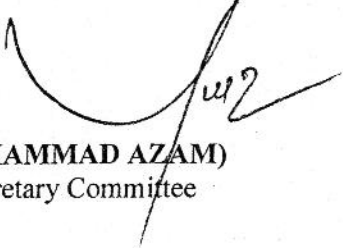
5. According to the brief submitted by the Ministry of Interior through their File No.02/10/2023-Law, the ICT Administration and Public Prosecution Department, Government of the Punjab have not endorsed the Bill as introduced whereas the Central Police Office, Punjab has endorsed the Bill. The Ministry of Interior also did not support the Bill.

6. Special Secretary, Ministry of Interior informed the Committee that the Hon'ble Lahore High Court Lahore had passed a judgment to omit the section 124A PPC but the Government of Pakistan has challenged the decision of the Lahore High Court in Writ Petition No.59599/2022 so the matter is *sub-judice* which should not be discussed till final verdict of the appellate court.

7. The Bill was put to the vote of the Committee and the Committee was of the unanimous view that since the matter is *sub-judice* as informed by the Ministry of Interior,



therefore, the Bill may not be considered at this stage. **The Committee recommended that the Bill as introduced in the Senate may not be passed.** The Bill as introduced in the Senate is at Annexure-A. 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

INTRODUCED ON 07.08.2023.

[AS INTRODUCED IN THE SENATE]

**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 Laws (Amendment) Act, 2023.
(2) It shall come into force at once.
- 2. Omission of section 124A, Act XLV of 1860.** - In the Pakistan Penal Code, 1860 (XLV of 1860), section 124A shall be omitted.
- 3. Amendment of schedule II, Act V of 1898.** - In the Code of Criminal Procedure, 1898 (V of 1898), in schedule II, the entries related to section 124A shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The law of sedition is not new, and was originally drafted in the year 1839 by Thomas Macaulay. It was inserted as Section 124-A into the Pakistan Penal Code in 1870 through Penal Code (Amendment) Act, 1870. It is a draconian provision, as the same has been used, since then, as a tool to suppress and bar common people from expressing their opinion regarding biased and unjust policies of Federal and Provincial Governments from time to time. The British introduced it to strengthen their control on their citizens and prevent them from freely expressing their opinions regarding the conduct and policies of their Government. After independence, no Government has ever tried to remove this section.

2. Recently, the Lahore High Court, in its judgment, Haroon Farooq vs. Federation of Pakistan (2023 LHC 1450) deliberated upon the said subject, and after extensive deliberations, declared Section 124-A of Pakistan Penal Code, 1860 and its corresponding entries in Code of Criminal Procedure, 1898 ultra vires to Article 19 and 19-A of the Constitution of the Islamic Republic of Pakistan and, subsequently, struck down. Hence, in the light of the aforesaid, the said amendment has been brought.

3. This Bill is aimed to achieve the above-said objective.

**SENATOR FAWZIA ARSHAD
MEMBER IN CHARGE**