

SENATE OF PAKISTAN



REPORT OF THE SENATE STANDING COMMITTEE ON INTERIOR

ON

[THE CRIMINAL LAWS (AMENDMENT), BILL, 2023]

[Insertion of Sections 52B, 52C, 52D, 348A, 348B and 348C in PPC and subsequent
amendment in Schedule-II of Cr.P.C]

PRIVATE MEMBER BILL

INTRODUCED BY

SENATORS MUSHTAQ AHMED KHAN AND 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 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 Senators Mushtaq Ahmed Khan and Samina Mumtaz Zehri on 10th April, 2023. **[[Insertion of Sections 52B, 52C, 52D, 348A, 348B and 348C in 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:

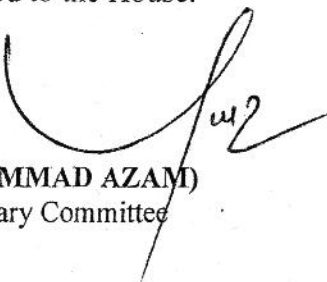
1. Senator Mohsin Aziz	Chairman
2. Senator Saifullah Abro	Member
3. Senator Shahadat Awan	Member
4. Senator Kamil Ali Agha	Member
5. Senator Danesh Kumar	Member
6. Senator Fawzia Arshad	Member
7. Senator Samina Mumtaz Zehri	Member/Mover
8. Senator Sherry Rehman	Member
9. Senator Dilawar Khan	Member
10.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

4. The Movers briefed the Committee about the objects and reasons of the Bill. Senator Mushtaq Ahmed was of the view that in earlier meeting when the Bill was considered the Government supported the Bill in principle with minor improvement but now the Government is opposing the Bill. He was of the view that phenomenon of private prisons is very common in Interior Sindh and Balochistan and even in Punjab in the form of brickkiln bonded labour. He was of the view that the intensity of this crime is very high so there is need to include special provisions in PPC and Cr.P.C to penalize this offence.

5. According to the Brief submitted by the Ministry of Interior through their File No.2/6/2023-Law, the Ministry of Interior did not support the Bill as sufficient rules and procedure are available regarding kidnapping, wrong confinement i.e. sections 340, 359, 360, 361 and 363 PPC. The Special Secretary MOI was of the view that there are laws which are required to be implemented as making of new laws will not serve the purposes.



6. The draftsman of the M/O Law and Justice was of the view that there is no offence specially defined in PPC regarding private prisons and no sentence is provided for this offence.
7. Senator Saifullah Abro was of the view that in fact this issue is not prevailing in Sindh and Balochistan rather it exists in whole country especially in the feudal lords this thing is very common and ordinary affair for them. The feudal system is the root cause of this menace in the society. He supported the Bill.
8. Senator Shahadat Awan and Senator Sherry Rehman supported the Bill as there is no existing specific law in this area. Senators Kamil Ali Agha, Dilawar Khan and Samina Mumtaz Zehri also supported the Bill.
9. The Secretary Committee was directed to go through the Bill and rectify the same with drafting point of view, if required. Thereafter, the Bill was put to the vote of the Committee which was unanimously recommended by the Committee with the recommendation that the Bill as reported by the Committee may be passed by the Senate. 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

INTRODUCED ON 10.04.2023.

[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. Insertion of new sections 52B, 52C and 52D, Act XLV of 1860.- In the Pakistan Penal Code, 1860 (XLV of 1860), hereinafter referred to as the Penal Code, after section 52A, the following new sections shall be inserted, namely:-

"52B. "False imprisonment" .- Means a commission of false imprisonment by a person or persons when he or they engage in the act of restraint on another person which confines that person in a restricted area. False imprisonment is an act punishable under tort law.

52C. "Private jail" .- Means:

- i. a private place allocated in any area by an influential person, landlord, political person, tribal chief, any owner of a land, any Jirga head or any member of tribal leaders for the illegal and inhuman confinement and false imprisonment of peasants, laborers, workers, immigrants, Internally Displaced Persons, poor people, local persons, poor victims for keeping as hostage or otherwise in disputes referred to Jirga or any other person; or
- ii. a private detention center in a room, building, underground dungeon or cell where peasants, laborers, workers, immigrants, Internally Displaced Persons, poor people, victims of any dispute referred to Jirga, locals or any other person are illegally or forcibly kept by an influential person under a false imprisonment; or

- iii. a safe house where one may engage in secret activities and inhuman acts against innocent people or a place used for incarceration:

Provided that it also includes an area in possession of any relative or acquaintance of an influential person.

52D. "Influential person".- Means a person who can exert political influence in any manner or respect, a feudal landlord, tribal chief, any owner of a land, a bigwig, a head of Jirga, any tribal leader, kingpin or the most important person in a group or undertaking."

3. Insertion of new sections 348A, 348B and 348C, Act XLV of 1860. - In the Penal Code, after section 348, the following new sections shall be inserted, namely:-

"348A. False imprisonments by an influential person.- Whoever, being an influential person shall operate a private jail within the state for the purpose of keeping peasants, laborers, workers, immigrants, Internally Displaced Persons, poor people, local persons, poor victims for keeping as hostage or otherwise in disputes referred to Jirga or any other person for any purpose is said to commit "false imprisonment" of that person.

348B. Punishment for setting up a private jail.- Whoever, being an influential person sets up a private jail in order to imprison any \ person in a false manner shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine which may extend to one million rupees.

348C. Punishment for false imprisonment.- Whoever, being an influential person imprisons any person in a false manner inside a private jail shall be punished with Imprisonment of either description for a term which may extend to five years and shall also be liable to fine which may extend to two million rupees."

3. **Amendment of Schedule-II, Act V of 1898.-** In the Code of Criminal Procedure, 1898 (V of 1898) in schedule-II, in the Table, after entry 348, the following new entries shall be inserted, namely:-

348B	Punishment for setting up a private jail	May arrest without warrant	Ditto	Ditto	Ditto	Imprisonment of either description for a term which may extend to three years and shall also be liable to fine which may extend to one million rupees.	Ditto
348C	Punishment for false imprisonment	May arrest without warrant	Ditto	Ditto	Ditto	Imprisonment of either description for a term which may extend to five years and shall also be liable to fine which may extend to two million rupees.	Ditto

STATEMENT OF OBJECTS AND REASONS

Whereas the Constitution of the Islamic Republic of Pakistan provides for and guarantees the dignity of a man in Article 14; Pakistan is party to United Nations International Covenant on Civil and Political Rights and it's imperative to make a law for the effective implementation of Article 7, 8 and 9 of the convention. Pakistan is also signatory to the Universal Declaration of Human Rights and it's imperative to make a law for the effective implementation of Article 3, 4 and 5 of the UDHR. In this regard, It is expedient to enact a law for the abolition of illegal, unlawful and inhuman private jails, private detention centers or safe houses established by influential persons including, feudal landlords, tribal chiefs, Jirga head or any owner of a land in any capacity and in any area of the country or in connivance with his acquaintance where all kinds of human rights violations take place in its worst form during a false imprisonment. This practice is grossly inhuman, illegal and unwarranted hence it needs to be criminalized.

The Bill has been designed to achieve the aforementioned purpose.

**SENATOR SAMINA MUMTAZ ZEHRI
SENATOR MUSHTAQ AHMED
MEMBERS IN CHARGE**

[AS REPORTED BY THE COMMITTEE]

**A
Bill**

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"52B. "False imprisonment" .- Means a commission of false imprisonment by a person or persons when he or they engage in the act of restraint on another person which confines that person in a restricted area.

52C. "Private jail" .- Means:

- i. a private place allocated in any area by an influential person, landlord, political person; tribal chief, any owner of a land, any Jirga head or any member of tribal leaders for the illegal and inhuman confinement and false imprisonment of peasants, laborers, workers, immigrants, Internally Displaced Persons, poor people, local persons, poor victims for keeping as hostage or otherwise in disputes referred to Jirga or any other person; or
- ii. a private detention center in a room, building, underground dungeon or cell where peasants, laborers, workers, immigrants, Internally Displaced Persons, poor people, victims of any dispute referred to Jirga, locals or any other person are illegally or forcibly kept by an influential person under a false imprisonment; or

- iii. a safe house where one may engage in secret activities and inhuman acts against innocent people or a place used for incarceration:

Provided that it also includes an area in possession of any relative or acquaintance of an influential person.

52D. "Influential person".- Means a person who can exert political influence in any manner or respect, a feudal landlord, tribal chief, any owner of a land, a bigwig, a head of Jirga, any tribal leader, kingpin or the most important person in a group or undertaking."

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348B. Punishment for setting up a private jail.- Whoever, being an influential person sets up a private jail in order to imprison any person in a false imprisonment manner shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine which may extend to one million rupees.

348C. Punishment for false imprisonment.- Whoever, being an influential person imprisons any person in a false imprisonment manner inside a private jail shall be punished with imprisonment of either description for a term which may extend to five years and shall also be liable to fine which may extend to two million rupees."

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348B	Punishment for setting up a private jail	May arrest without warrant	Ditto	Ditto	Ditto	Imprisonment of either description for a term which may extend to three years and shall also be liable to fine which may extend to one million rupees.	Ditto
348C	Punishment for false imprisonment	May arrest without warrant	Ditto	Ditto	Ditto	Imprisonment of either description for a term which may extend to five years and shall also be liable to fine which may extend to two million rupees.	Ditto

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SENATOR MUSHTAQ AHMED
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