

(11)  
REPORT NO. 16/2023-24

# SENATE OF PAKISTAN



## REPORT OF THE SENATE STANDING COMMITTEE ON INTERIOR

ON

Anti-Rape (Investigation and Trial) Act, 2021 [The Anti-Rape (Investigation and Trial) (Amendment) Bill, 2023 [Amendment in Section 2, insertion of new sections 13A, 13B, and 13C and amendment of section 21].

PRIVATE MEMBER BILL  
INTRODUCED BY  
SENATOR HUMAYUN KHAN MOHMAND  
ON 24<sup>TH</sup> JULY, 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 Anti-Rape (Investigation and Trial) Act, 2021 [The Anti-Rape (Investigation and Trial) (Amendment) Bill, 2023 introduced by Senator Humayun Khan Mohmand on 24<sup>th</sup> July, 2023. [Amendment in Section 2, insertion of new sections 13A, 13B, and 13C and amendment of section 21].

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 25<sup>th</sup> October, 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 Humayun Mohmand	Member/Mover
7. Senator Fawzia Arshad	Member
8. Senator Baharmand Khan Tangi	Member
9. Minister for Interior	Ex-officio Member

4. The Mover briefed the Committee about the objects and reasons of the Bill. Senator Humayun Mohamand further explained that DNA has been cornerstone of any investigation on rape cases all over the world. The DNA analysis can help identify the person responsible for the assault by comparing the DNA profile obtained from the crime scene to a database of known DNA profiles. DNA analysis can also be used to exclude innocent individuals who may have been wrongly accused or suspected. Moreover, In 2017, the Provincial Assembly of Sindh passed a law which inserted new sections related to compulsory DNA testing of rape victims in the Code of Criminal Procedure 1898 (Cr.PC), which helped the Sindh police in arresting offenders involved in committing rape against women and children. It is an exemplary law which should be implemented throughout Pakistan, and in the spirit of which, this amendment has been brought, for the benefit of the people of this country. As Anti-Rape (Investigation and Trial) Act, 2021 is applicable throughout Pakistan, so, this amendment has been brought in this Act.

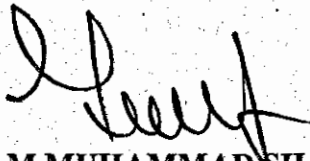
5. Moreover, the District Attorney ICT, Mr. Mehfooz Paracha added that investigation officer should first go for FIR against the accused and then provide the victim with

medical aid if required and provide the certified copy to rape victim as well. And medico legal officer should immediately take the samples from victim's body to test through DNA for evidences of any rape or sexual assault. Senator Kamil Ali Agha opined that as soon as information is received the medico legal team should investigate through DNA test.

6. Furthermore, Senator Azam Nazir Tarar proposed that Section 13B & 13C may be

omitted from the bill as DNA collection in 13A is itself a mechanism to test the accused, which should be left open ended on the Medico legal team to take sample anywhere from the victim's body. Senator Kamil Ali Agha suggested that provision may also be removed as it will impact the investigation process. The Chairperson Committee suggested to include the explanation that DNA shall be collected on examination preferably within 72 hours of the occurrence of the incident.

7. 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.



(GHULAM MUHAMMAD SHAR)  
Acting Secretary Committee



(SENATOR MOHSIN AZIZ)  
Chairman Committee

[AS REPORTED BY COMMITTEE]

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 2, Act XXX of 2021.**- In Anti-Rape (Investigation and Trial) Act, 2021 (XXX of 2021), hereinafter referred to as the said Act, in section 2, after clause (c), the following new clause shall be inserted, namely:-

"(ca) "DNA testing" means the procedure followed in the forensic laboratory, as recognized by the Federal Government or Provincial Government, as the case may be, to develop a DNA profile;"

**3. Insertion of new sections 13A, 13B and 13C, Act XXX of 2021.**- In the said Act, after section 13, the following new sections shall be inserted, namely:-

**"13A. Mandatory DNA Testing in Rape Cases.**- (1) It shall be compulsory for every police officer to get the rape victim tested through the laboratories recognized by the Federal Government or the Provincial Government, as the case may be.

(2) - The DNA samples shall be collected preferably within 72 hours of the occurrence of the incident.

**4. Amendment of section 21, Act XXX of 2021.**- In the said Act, in section 21, for the full-stop occurring at the end, a colon shall be substituted and thereafter, the following proviso shall be inserted, namely:-

"Provided that if such police officer fails to fulfill his obligation, he shall be guilty of an offence punishable with imprisonment of either description for a term which may extend to three years and with fine."

**STATEMENT OF OBJECTS AND REASONS**

In 2017, the Provincial Assembly of Sindh passed a law which inserted new sections related to compulsory DNA testing of rape victims in the Code of Criminal Procedure 1898 (Cr.PC), which helped the Sindh police in arresting offenders involved in committing rape against women and children. It is an

exemplary law which should be implemented throughout Pakistan, and in the spirit of which, this amendment has been brought, for the benefit of the people of this country. As Anti-Rape (Investigation and Trial) Act, 2021 is applicable throughout Pakistan, so, this amendment has been brought in this Act.

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

**SENATOR MOHAMMAD HUMAYUN MOHMAND  
MEMBER-IN-CHARGE**

Annexure - A

**INTRODUCED ON 24.07.2023.**

**[AS INTRODUCED IN THE 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 2, Act XXX of 2021.-** In Anti-Rape (Investigation and Trial) Act, 2021 (XXX of 2021), hereinafter referred to as the said Act, in section 2, after clause (c), the following new clause shall be inserted, namely:-

**“(ca) “DNA testing”** means the procedure followed in the forensic laboratory, as recognized by the Federal Government or Provincial Government, as the case may be, to develop a DNA profile;”

**3. Insertion of new sections 13A, 13B and 13C, Act XXX of 2021.-** In the said Act, after section 13, the following new sections shall be inserted, namely:-

**“13A. Mandatory DNA Testing in Rape Cases.-** (1) It shall be compulsory for every police officer to get the rape victim tested through the laboratories recognized by the Federal Government or the Provincial Government, as the case may be.

(2) The DNA samples shall be collected within 72 hours of the occurrence of the incident:

Provided that in case, the concerned police officer has been unable to collect the sample within the prescribed time-period, then the sample must be collected within seven days from the day of the crime, and if delay has been more than a week, then within the shortest possible time, for the purpose of investigation of the crime.

**13B. Sources of collecting samples for DNA Testing.-**The samples for DNA testing may be collected from the following sources, namely:-

- (a) bodily substances;
- (b) scene of occurrence or scene of crime;
- (c) clothing and other objects; or
- (d) such other sources as may be specified by rules.

**13C. Preservation of DNA evidence.-** (1) The DNA sample and its results shall be preserved in privacy in the hospital or the Forensic Lab, as the case may be.

(2) The corresponding record of all DNA sample and DNA testing results shall be maintained in the Police Stations of Punjab, Sindh, Khyber Pakhtunkhwa, Balochistan and the Islamabad Capital Territory in confidentiality and under the control of an officer not below the rank of BPS-19."

**4. Amendment of section 21, Act XXX of 2021.-** In the said Act, in section 21, for the full-stop occurring at the end, a colon shall be substituted and thereafter, the following proviso shall be inserted, namely:-

"Provided that if such police officer fails to fulfill his obligation, he shall be guilty of an offence punishable with imprisonment of either description which may extend to three years and with fine."

#### **STATEMENT OF OBJECTS AND REASONS**

In 2017, the Provincial Assembly of Sindh passed a law which inserted new sections related to compulsory DNA testing of rape victims in the Code of Criminal Procedure 1898 (Cr.PC), which helped the Sindh police in arresting offenders involved in committing rape against women and children. It is an exemplary law which should be implemented throughout Pakistan, and in the spirit of which, this amendment has been brought, for the benefit of the people of this country. As Anti-Rape (Investigation and Trial) Act, 2021 is applicable throughout Pakistan, so, this amendment has been brought in this Act.

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

**SENATOR MOHAMMAD HUMAYUN MOHMAND  
MEMBER-IN-CHARGE**