

(II)

REPORT NO. 17/2023-24

SENATE OF PAKISTAN



REPORT OF THE SENATE STANDING COMMITTEE ON INTERIOR

ON

[THE CRIMINAL LAWS (AMENDMENT), BILL, 2023]
Pakistan Penal Code, 1860 and the Code of Criminal Procedure, 1898 [Amendment
in Section 182 of PPC and Schedule-II of Cr.P.C]

PRIVATE MEMBER BILL

INTRODUCED BY
SENATOR BAHARMAND KHAN TANGI
ON 24TH 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 Pakistan Penal Code, 1860 and the Code of Criminal Procedure, 1898, [The Criminal Laws (Amendment), Bill, 2023], introduced by Senator Baharamand Khan Tangi on 24th July, 2023. [Amendment in Section 182 of PPC and 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 25th 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 Mohammad Humayun Mohmand	Member
7. Senator Fawzia Arshad	Member
8. Senator Baharmand Khan Tangi	Member/Mover
9. Minister for Interior	Ex-officio Member

4. The Mover briefed the Committee about the objects and reasons of the Bill. Senator Bahramand Khan Tangi, the mover of the bill, stated that the increasing trend of false accusations and malicious criminal prosecution has become an alarming issue these days. It was discussed that many of innocent people are languishing in jails due to such malicious and fake FIRs. The FIRs are being lodged due to influence and power. In the Criminal Justice system of Pakistan there are provisions regarding a fact where a person if provides information to any public servant which he knows or believes to be false, intending thereby to cause, or knowing it to be likely to cause injury to other person. The Criminal Law (Amendment) Bill, 2023 has been formulated to dissuade those designs trying to indict any person with an illicit intentions and without empirical evidence of the labeled offence. To discourage the like minds the amendment bill has proposed increase in the punishment of the said offences by amending Section 182 of the Pakistan Penal Code and Schedule-II of the Code of Criminal Procedure.

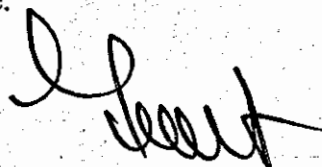
5. Moreover, the District Attorney ICT informed the Committee that ICT is supporting the bill conditionally with amendments. The District Attorney ICT further explained



that punishment for false FIR offence has been aggrandized from 5 years to 7 and from 7 years to 10 years accordingly as rights of accused shall be saved.

6. Furthermore, Senator Saifullah Abro discussed that institution of police had been established to support the needy and poor masses not the elite or rich class of society who has access to the power corridors. In this, he supported the bill that those who lodge false or fabricated FIR, he must be punished according to this law. The Draftsman of Ministry of Law and Justice also supported the bill with explanation as suggested by the ICT. Senator Kamil Ali Agha and Senator Shahdat Ali Awan also supported the bill with amendments as suggested by the ICT.

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

INTRODUCED ON 24.07.2023.

[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 and substantial to bring meaningful and significant amendments in 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. Amendment of section 182, Act XLV of 1860. - In the Pakistan Penal Code, 1860 (XLV of 1860), in section 182,

- (i) in clause (a) for the word "seven" the word "ten" shall be substituted;
- (ii) in clause (b) for the word "five" the word "seven" shall be substituted; and
- (iii) in clause (c) for the expression "one-fourth" the expression "one-half" shall be substituted.

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

- (i) against section 182 for the entry in column 7, in clause (a) for the word "seven" the word "ten" shall be substituted;
- (ii) against section 182 for the entry in column 7, in clause (b) for the word "five" the word "seven" shall be substituted; and
- (iii) against section 182 for the entry in column 7, in clause (c) for the expression "one-fourth" the expression "one-half" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

It has been observed that the ratio of false accusation and malicious criminal prosecution has been increased these days. In the Criminal Justice system of Pakistan there are provisions regarding a fact where a person if provides information to any public servant which he knows or believes to be false, intending thereby to cause, or knowing it to be likely to cause injury to other person. The wrong doing has been deterred by the code through a punishment proportionate to the offence

false fully

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charged for. The Criminal Law (Amendment) Bill, 2023 has been formulated to dissuade those designs trying to indict any person with an illicit intension and without empirical evidence of the labeled offence. To discourage the like minds the amendment bill has proposed increase in the punishment of the said offence.

2. This Bill has been developed to achieve the aforesaid objectives.

**SENATOR BAHRAMAND KHAN TANGI
MEMBER-IN-CHARGE**

[AS REPORTED BY THE COMMITTEE]

A

BILL

further to amend the Pakistan Penal Code, 1860 and the Code of Criminal Procedure 1898

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2. Amendment of section 182, Act XLV of 1860. - In the Pakistan Penal Code, 1860 (XLV of 1860), in section 182,

- (i) in clause (a) for the word "seven" the word "ten" shall be substituted;
- (ii) in clause (b) for the word "five" the word "seven" shall be substituted; and
- (iii) in clause (c) for the expression "one-fourth" the expression "one-half" shall be substituted **and thereafter following explanation may be**

added:

Explanation: "Mere failure of the information, complaint, FIR or case on technical ground or insufficient evidence or failure to produce admissible evidence in support of the information, complaint, FIR or the case, shall not be the sufficient ground to proceed under this section unless it is proved that the informer or the complainant as the case may be, knew or believed that the information, the complaint, the FIR or the case as the case may be, was false".

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

- (i) against section 182 for the entry in column 7, in clause (a) for the word "seven" the word "ten" shall be substituted;
- (ii) against section 182 for the entry in column 7, in clause (b) for the word "five" the word "seven" shall be substituted; and
- (iii) against section 182 for the entry in column 7, in clause (c) for the expression "one-fourth" the expression "one-half" shall be substituted.

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It has been observed that the ratio of false accusation and malicious criminal prosecution has been increased these days. In the Criminal Justice system of Pakistan there are provisions regarding a fact where a person if provides information to any public servant which he knows or believes to be false, intending thereby to cause, or knowing it to be likely to cause injury to other person. The wrong doing has been deterred by the code through a punishment proportionate to the offence false fully charged for. The Criminal Law (Amendment) Bill, 2023 has been formulated to dissuade those designs trying to indict any person with an illicit intension and without empirical evidence of the labeled offence. To discourage the like minds the amendment bill has proposed increase in the punishment of the said offence.

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**SENATOR BAHRAMAND KHAN TANGI
MEMBER-IN-CHARGE**