

(II)

REPORT NO. R.O./2023-24

# SENATE OF PAKISTAN



## REPORT OF THE SENATE STANDING COMMITTEE ON INTERIOR

ON

**A BILL FURTHER TO AMEND THE CODE OF CRIMINAL  
PROCEDURE, 1898,  
[THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL, 2023],  
INTRODUCED BY  
SENATOR MIAN RAZA RABBANI  
ON 13TH NOVEMBER, 2023.**

**PRESENTED BY**

**SENATOR MOHSIN AZIZ  
CHAIRMAN SSC ON INTERIOR**

## SENATE SECRETARIAT

**SUBJECT: REPORT OF THE SENATE STANDING COMMITTEE ON INTERIOR ON THE CODE OF CRIMINAL PROCEDURE (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 Code of Criminal Procedure, 1898, [the Code of Criminal Procedure (Amendment) Bill, 2023], introduced by Senator Mian Raza Rabbani on 13th November, 2023.

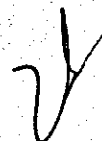
2. The composition of the Committee is as under: -

<b>Senator Mohsin Aziz</b>	<b>Chairman</b>
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 considered the Bill in its meeting held on 14<sup>th</sup> December, 2023.

The meeting was attended by the following Members:

- |                                       |                 |
|---------------------------------------|-----------------|
| 1. <b>Senator Mohsin Aziz</b>         | <b>Chairman</b> |
| 2. <b>Senator Samina Mumtaz Zehri</b> | <b>Member</b>   |



3. Senator Sherry Rehman	Member
4. Senator Faisal Saleem Rehman	Member
5. Senator Shahadat Awan	Member
6. Senator Kamil Ali Agha	Member
7. Senator Danesh Kumar	Member
8. Senator Mian Raza Rabbani	Mover

4. The Mover briefed the Committee about the objects and reasons of introduction of the instant Bill. He informed the Committee that he had earlier introduced a Bill to omit section 124A in PPC which upon introduction stood referred to the Senate Standing Committee on Law and Justice and the Committee after consideration recommended that the Bill may be passed. The report of the Committee was also presented in the House and he had given notice under rule 100 of the Rules for consideration and passage of the Bill by the Senate but that Bill never came on the orders of the day for consideration and passage. The Mover further stated that on his enquiry from the Secretariat, he was told that in order to carry that earlier Bill for omission of section 124A in PPC, a consequential amendment is also required for deletion of relevant entry in schedule-II of Cr.P.C so he was advised to introduce another Bill to omit the relevant entry from Schedule-II of Cr.P.C hence he has now introduced the instant Bill.

5. The Committee enquired that when the earlier Bill was referred to the Standing Committee on Law then what were the reasons of referring the instant Bill which is consequential to the previous Bill to the Senate Standing Committee on Interior.

6. The Mover stated that it was the decision of the Chairman then and now but the SSC on Interior is equally competent to submit its report on the instant Bill as both the Bill will be considered in the House simultaneously.

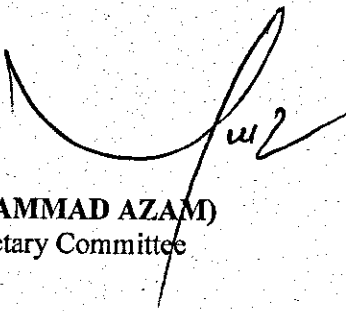
7. According to the brief submitted by the Ministry of Interior through their File No.2/30/2023-Law, in the Writ Petition No.59599/2022, the Hon'ble Lahore High Court, Lahore has declared that section 124A is unconstitutional and offends the fundamental rights enshrined

in Article 19 and 19A of the Constitution. The Court has further observed that since section 124A is inconsistent with and in derogation of fundamental rights, it is held to be void as a whole and it is hereby struck down. The Special secretary, Ministry of Interior stated that the Ministry has already filed an ICA NO.48563/2023 in Lahore High Court which is pending before the Court for further consideration, therefore, the instant Bill is not supported by the Ministry of Interior. The Special Secretary requested that Committee may pend the Bill till the decision of ICA submitted by the Government in Lahore High Court.


8. The Members and the Mover were of the view that Parliament may not be kept on hold to discharge its functions due to pendency of some litigation in any court. Parliament has its own domain which cannot be barred by any other Institution.

9. The Members of the Committee were of unanimous view that section 124A is a colonial provision which was then included in the law to control the subjects by the rulers and in this modern democratic era where freedom of speech and expression is guaranteed by the Constitution as a fundamental right, such provisions should not exist in the penal laws.

10. After detailed discussion, the Bill was put to the vote of the Committee which was unanimously recommended by the Committee. The Committee recommended that the Senate may pass the Bill as introduced in the Senate. 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 13.11.2023

AS  
[~~TO BE~~ INTRODUCED IN THE SENATE]

A  
BILL

*further to amend the Code of Criminal Procedure, 1898*

**WHEREAS** it is expedient further to amend 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 Code of Criminal Procedure (Amendment) Act, 2023.

(2) It shall come into force at once.

2. **Amendment of schedule II, Act V of 1898.**- In the Code of Criminal Procedure, 1898 (V of 1898), in schedule II, section 124A and the entries relating thereto, shall be omitted.

**STATEMENT OF OBJECTS AND REASONS**

Through a separate Bill section 124A in the Pakistan Penal Code is being deleted, therefore, a corresponding deletion is required in the Code of Criminal Procedure.

**SENATOR MIAN RAZA RABBANI  
MEMBER-IN-CHARGE**