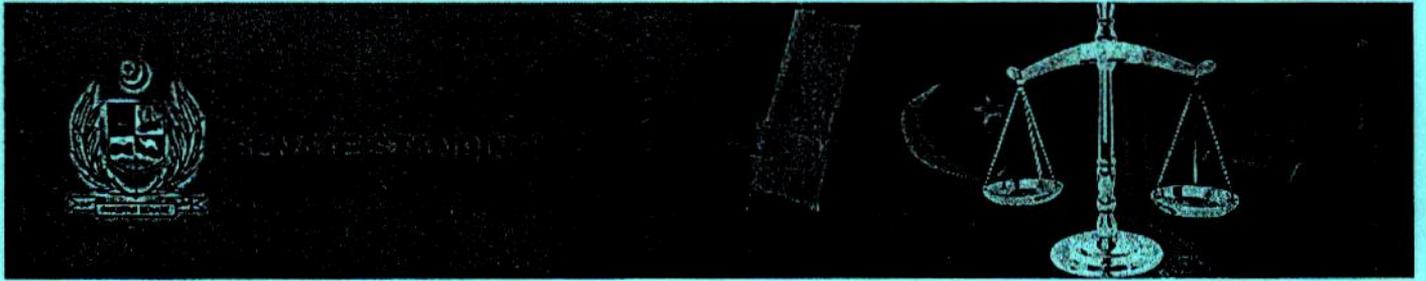




SENATE SECRETARIAT

Report No. 14

**REPORT OF THE
SENATE STANDING COMMITTEE ON LAW AND JUSTICE**



**“THE PAKISTAN PENAL CODE (AMENDMENT) BILL, 2025”
(Amendment of Sections 323, 330 and 331 of PPC)**

PRESENTED BY

**Senator Farooq Hamid Naek
Chairman
Standing Committee on Law and Justice**

SENATE SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON "THE PAKISTAN PENAL CODE (AMENDMENT) BILL, 2025 (AMENDMENT OF SECTIONS 323, 330 AND 331 OF PPC)"

I, Chairman of the Standing Committee on Law and Justice, have the honour to present report on "The Pakistan Penal Code (Amendment) Bill, 2025 (Amendment of Sections 323, 330 and 331 of PPC)" introduced Senator Samina Mumtaz Zehri in the Senate sitting held on 20th January, 2025. The Bill, upon introduction, was referred to the Standing Committee for consideration and report.

2. The composition of the Standing Committee on Law and Justice is as under:-

1.	Senator Farooq Hamid Naek	Chairman
2.	Senator Shahadat Awan	Member
3.	Senator Zamir Hussain Ghumro	Member
4.	Senator Khalil Tahir	Member
5.	Senator Ahad Khan Cheema	Member
6.	Senator Mohammad Abdul Qadir	Member
7.	Senator Syed Ali Zafar	Member
8.	Senator Kamran Murtaza	Member
9.	Senator Hamid Khan	Member
10.	Senator Rubina Naz	Member
11.	Senator Muhammad Azam Khan Swati	Member
12.	Minister for Law and Justice	Ex-officio Member

3. The Committee considered the Bill in its meetings held on 16th May, 2025 and 8th July, 2025, 4th September, 2025 and 12th September, 2025 respectively, under the Chairmanship of Senator Farooq Hamid Naek. Final consideration of the Bill was held in the meeting dated 12th September, 2025, which was attended by the following hon'ble Members:-

1.	Senator Farooq Hamid Naek	Chairman
2.	Senator Shahadat Awan	Member
3.	Senator Mohammad Abdul Qadir	Member
4.	Senator Kamran Murtaza	Member
5.	Minister of State for Law and Justice	Ex-officio Member
6.	Senator Samina Mumtaz Zehri	Member-in-Charge



4. Senator Samina Mumtaz Zehri, while explaining the rationale behind the Pakistan Penal Code (Amendment) Bill, 2025, stated that the current practice of determining diyat on the basis of silver has become inequitable due to the significant depreciation in the value of silver. She proposed replacing silver with gold for calculating diyat, considering that gold now holds greater economic value. She further clarified that in the alternative, if the Committee raises objections to the proposed 2,000 grams of gold, quantity of gold can be fixed in accordance with silver. She stressed that the intent of the amendment is not to deviate from established Islamic principles, but rather to ensure that the victim's family is adequately compensated, particularly in cases of accidental death. She also emphasized that the bill aims to enhance deterrence, as currently the accused can escape accountability by paying a relatively low amount of diyat.

5. During the proceedings, the Minister, Minister of State, or Secretary of the Ministry of Law and Justice remained present alternately. At the outset, the Ministry submitted that before formulating its final view, comments were required from the Council of Islamic Ideology (CII), the Ministry of Interior, and the Federal Board of Revenue. The Ministry also apprised the Committee of the judgment of the Supreme Court of Pakistan reported as PLD 2007 SC 315 (Government of Punjab vs. Abid Hussain, etc.), wherein the Court upheld the validity of sections 331, 333-X, and 333-Y PPC, directed the Federal Government to frame rules under section 338-G PPC for the creation of a fund/soft loan facility for indigent convicts, ordered release of prisoners confined solely for non-payment of diyat or arsh after serving their substantive sentence, and emphasized protection of victims' rights. Pursuant to the said judgment, the Federal Government had notified the Diyat, Arsh and Daman Fund Rules, 2007, under section 338-G PPC. The Ministry also furnished a comparative analysis of diyat determination practices in other Muslim countries.

6. The Committee decided to seek guidance from the Council of Islamic Ideology and to invite the Ministry of Interior to share its perspective on the proposed amendments at the next meeting. The Chairman, Council of Islamic Ideology in the meeting dated 8.07.2025 stated that Islam does not restrict the substitution of silver with other commodities such as gold or camels. However, if gold is adopted as the basis for diyat, the prescribed amount under Shariah would be 4,374 grams of gold. He further informed the Committee that the CII had previously given an opinion on the Pakistan Penal Code (Amendment) Bill, 2017, introduced by Ex-Senator Muhammad Azam Khan



Swati, in which the Council had opined that the current rate of diyat should not be altered. However, it was stated that 100 camels or 4,374 grams of gold are also acceptable as alternatives for the fixation of diyat. However, it was informed that final opinion will be provided once the matter is deliberated upon by the Council in its meeting to be held on 23rd September, 2025.

7. The Ministry of Interior informed that the Bill was circulated to the Home Departments of Punjab, Sindh, Khyber Pakhtunkhwa, Balochistan, AJ&K, Gilgit-Baltistan and ICT Administration on 29th November, 2024, followed by reminders on 03-03-2025, 15-05-2025, 09-07-2025 and 22-08-2025. The Government of Punjab has endorsed the proposed amendments, while the ICT Administration, Governments of GB, AJ&K and KP have furnished their comments with certain proposals. However, responses from the Governments of Sindh and Balochistan are still awaited.

8. During deliberations, Senator Kamran Murtaza opposed the amendment, arguing that Section 323 PPC prescribes only the minimum diyat amount and courts already possess discretion to enhance the quantum, depending on the facts of each case. He cautioned that a rigid increase would disproportionately affect indigent offenders, particularly in cases such as road accidents caused by poor drivers.

9. The Chairman of the Committee observed that while the legislator's intent was noble and focused on strengthening deterrence, practical difficulties may arise in fixing diyat in terms of gold. He suggested that an alternative could be the enhancement of diyat calculated on the silver benchmark. Senator Shahadat Awan noted that Punjab, the ICT, and the Ministry of Interior had already supported the Bill, and recommended that diyat based on silver be enhanced to Rs. 12.5 million as a balanced approach. The Committee collectively opined that, since only the quantum of silver was being enhanced (and not replaced with gold), the Committee could proceed without awaiting CII's final opinion.

10. Senator Mohammad Abdul Qadir proposed that the silver benchmark be increased by 50%, raising it from 36,000 grams to 45,000 grams. This proposal, aimed at ensuring deterrence without entirely shifting to a gold standard, was endorsed by the majority of members. However, Senator Kamran Murtaza recorded a dissent note.

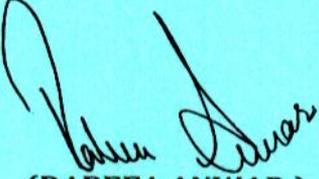


11. Senator Kamran Murtaza gave a dissent note. Whereas Ministry of Law & Justice and Ministry of Interior also opposed the proposed Bill.

12. The Committee, with the majority decision of its Members, recommended that in the said Bill, in clause (2),-

- (i) in paragraph (i), for the expression "two thousand grams of gold or one fourth of the total estate and resource of the convict", the expression "forty five thousand grams of silver or one fourth of the total estate and resource of the convict" shall be substituted;
- (ii) In paragraph (ii), the word gold shall be substituted with the word "silver";
- (iii) Paragraph (iii) shall be omitted.

13. Accordingly, the Committee recommended that "The Pakistan Penal Code (Amendment) Bill, 2025", as reported by the Committee may be passed by the Senate of Pakistan. (Copy of Bill as reported by the Committee is annexed as "A" and the Bill as introduced in the Senate is annexed as "B")


(RABEEA ANWAR)
A.S / Secretary Committee


(SENATOR FAROOQ HAMID NAEK)
Chairman

[AS REPORTED BY THE COMMITTEE]

A

Bill

further to amend the Pakistan Penal Code, 1860

Whereas it is expedient further to amend the Pakistan Penal Code, 1860 for the purposes hereinafter appearing;

It is hereby enacted as follows: -

1. Short title and commencement. - (1) This Act may be called the Pakistan Penal Code (Amendment) Act, 2024.

(2) It shall come into force at once.

2. Amendment of section 323, Act XLV of 1860.- In the Pakistan Penal Code, 1860 (XLV of 1860), hereinafter referred to as the said Act, in section 323,-

i. in sub-section (1) for the expression "thirty thousand six hundred and thirty six grams of silver." the expression "**forty five thousand gram of silver or one fourth of the total estate and resource of the convict:**" shall be substituted;

ii. after sub-section (1) as amended as aforesaid the following proviso shall be inserted, namely:-

"Provided that for the purposes of fixing the amount of Diyat that is equivalent to the value of **silver** as provided in sub-section (1) keeping in view the financial position of the convict, the court shall, generally or in particular state of non-availability of sufficient evidence on behalf of parties, shall embark upon inquiry about estate and resources of the defendant or convict as defined under sections 11 and 39 of the Income Tax Ordinance, 2001, and in this regard summon the relevant documentary evidence from Federal Board of Revenue and any organization public or private, body or authority to determine the estate and resources of the defendant."

3. Amendment of section 330, Act XLV of 1860 - In the said Act, in section 330, for the existing proviso the following proviso and explanation shall be substituted, namely:-

"Provided that where an heir or some of the heirs or all the heirs forego his or their share, the diyat shall be deposited in account specified by the government or the controlling department or authority constituted or designated to disburse blood money for who is unable to pay to protect shedding blood.

Explanation: To carry out the purpose of this section the federal government or the controlling department or authority constituted or designated to disburse blood money shall open and maintain an account for the sole purpose of diyat amount."

4. Amendment of section 331, Act XLV of 1860.- In the said Act, in section 331, in sub-section (1) for the words "five years" the words "one year" shall be substituted.

2. The bill has been designed to achieve the aforementioned purpose.

**SENATOR SAMINA MUMTAZ ZEHRI
MEMBER-IN-CHARGE**

A

Bill

further to amend the Pakistan Penal Code, 1860

Whereas it is expedient further to amend the Pakistan Penal Code, 1860 for the purposes hereinafter appearing;

It is hereby enacted as follows: -

1. Short title and commencement. - (1) This Act may be called the Pakistan Penal Code (Amendment) Act, 2025.

(2) It shall come into force at once.

2. Amendment of section 323, Act XLV of 1860.- In the Pakistan Penal Code, 1860 (XLV of 1860), hereinafter referred to as the said Act, in section 323,-

- i. in sub-section (1) for the expression "thirty thousand six hundred and thirty six grams of silver." the expression "two thousand grams of gold or one fourth of the total estate and resource of the convict:" shall be substituted;
- ii. after sub-section (1) as amended as aforesaid the following proviso shall be inserted, namely:-

"Provided that for the purposes of fixing the amount of Diyat that is equivalent to the value of gold as provided in sub-section (1) keeping in view the financial position of the convict, the court shall, generally or in particular state of non-availability of sufficient evidence on behalf of parties, shall embark upon inquiry about estate and resources of the defendant or convict as defined under sections 11 and 39 of the Income Tax Ordinance, 2001, and in this regard summon the relevant documentary evidence from Federal Board of Revenue and any organization public or private, body or authority to determine the estate and resources of the defendant."

- iii. in sub-section (2) for the word "silver" the word "gold" shall be substituted.

3. Amendment of section 330, Act XLV of 1860 - In the said Act, in section 330, for the existing proviso the following proviso and explanation shall be substituted, namely:-

"Provided that where an heir or some of the heirs or all the heirs forego his or their share, the diyat shall be deposited in account specified by the government or the controlling department or authority constituted or designated to disburse blood money for who is unable to pay to protect shedding blood.

Explanation: To carry out the purpose of this section the federal government or the controlling department or authority constituted or designated to disburse blood money shall open and maintain an account for the sole purpose of diyat amount."

4. **Amendment of section 331, Act XLV of 1860.**- In the said Act, in section 331, in sub-section (1) for the words "five years" the words "one year" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The issue of blood money (diyyah) has topped the concern of both jurists and the judiciary because of its great importance in people's daily lives. As we know the Shariah did not specify any type of money in paying blood money (diyyah), but it was estimated with different categories in order to ease hardship for someone who gets one type but did not get another type, and the reason for specifying camel was just to evaluate other types with its price, because of its circulation and availability in that environment between urban and rural areas, and stability in its value was more than others; but the camel became rare after people became more civilized and its price greatly increased and also sheep and cows and gold have become the most important commodity in an era of inflation of paper currencies to some extent affected by the global financial market in terms of price rise and its decline, and it is not possible for us to estimate blood money (diyyah) on the value of one hundred camels or the value of a thousand weight of gold in our time because it is very difficult for an ordinary person, and price of silver became low to a large degree and it does not play a role in the global market as it was in the past, and also ornaments; thus, to pay blood money (diyyah) with them would be as negligence in the right of victim and his family. Blood money (diyyah) is paid from six types: (Camel, gold, silver, cow, sheep and ornaments) and is for the convenience of people in the payment, but it is not the intention of the Shariah to restrict the payment to a particular type among the six types, but today it is more important to estimate blood money (diyyah) on the estimate of the six types for the fulfillments of the needs in the period of the Prophet (SAW) and after Him and to be taken as origin in the estimation of blood money (diyyah) by estimating with local currencies in different times and places. In the foregoing context it is inevitable that the authorities to enact laws of estimating blood money (diyyah) based on the financial value of camel/gold taking into account the interest of the offender and his *Aqilah* who help him, and also the interest of the victim and his family who have suffered damage. Among the good attributes advocated by Islam are cooperation and collaboration on righteousness, and that is the aim of principle of *Aqilah*, thus, the governments and charity organizations need to allocate funds for the payment of blood money for the one who is unable to pay to protect shedding blood and to avoid remaining of the offender in prison for long time, and it is permissible to pay blood money (diyyah) from the share of debtors in alms (Zakat).

2. The bill has been designed to achieve the aforementioned purpose.

SENATOR SAMINA MUMTAZ ZEHRI
MEMBER-IN-CHARGE