

[AS PASSED BY 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 and the Code of Criminal Procedure, 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, 2028:

(2) It shall come into force at once

2. Insertion of new section 376B, in Act XLV of 1860.- In the Pakistan Penal Code, 1860 (XLV of 1860), after section 376A, the following new section shall be added, namely:-

'376B Punishment for non-treatment of a rape victim.-

(1) The in-charge of every hospital, public or private, shall immediately provide the first-aid or free of cost medical treatment to a victim of an offence under section 375, brought in the hospital.

(2) In case the victim is brought in a Government Hospital, the Medico Legal Certificate shall also be issued and in case the victim is brought in a private hospital, the victim shall be referred to the nearest Government hospital within 24 hours for obtaining Medico Legal Certificate after giving medical treatment to the victim, failing which the In-charge of the hospital shall be punished with imprisonment for a term which may extend to one year or with fine or with both."

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 376A, the following entry shall be inserted, namely: -

376B	Punishment for non-treatment of a rape victim	May arrest without warrant	Ditto	Ditto	Ditto	Imprisonment for a term which may extend to one year or with fine or with both	Ditto
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STATEMENT OF OBJECTS AND REASONS

Sexual assault is a traumatic event that affects people in different ways, both mentally and physically. So doctors and nurses know care immediately after an assault needs to be understanding, compassionate and sensitive. This is particularly so during forensic examinations where the main purpose is to collect evidence as quickly as possible after, but within 72 hours, of the assault. This evidence may be vital to secure a conviction and may be lost or contaminated if there is a delay.

Unfortunately, various cases have been reported in our country where victims of rape or sexual violence seeking emergency medical assistance following an attack, are either saddled with thousands of rupees in medical bills or blatantly refused from getting the required medical treatment.

The purpose of this amendment is to penalize the medical professionals for the criminal negligence they observe in treating such sensitive cases which is a mandatory component of their official duty.

SENATOR SAMINA MUMTAZ ZEHRI
MEMBER IN CHARGE