

NATIONAL ASSEMBLY SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON INTERIOR AND NARCOTICS CONTROL ON THE CRIMINAL LAW (AMENDMENT) BILL, 2014

I, the Chairman of Standing Committee on Interior and Narcotics Control, have the honor to present this report on the Bill further to amend the Pakistan Penal Code, 1860 (Act XLV of 1860), and the Code of Criminal Procedure, 1898 (Act V of 1898) [The Criminal Law (Amendment) Bill, 2014] (Private Member's Bill) referred to the Committee on 28th January, 2014.

2. The Committee consists of the following: -

1) Rana Shamim Ahmad Khan	Chairman
2) Syed Javed Ali Shah	Member
3) Mr. Ghalib Khan	Member
4) Dr. Ibadullah	Member
5) Sheikh Muhammad Akram	Member
6) Syed Iftikhar-ul-Hassan	Member
7) Makhdoomzada Basit Bokhari	Member
8) Mian Shahid Hussain Khan Bhatti	Member
9) Makhdoom Syed Ali Hassan Gillani	Member
10) Ms. Tahmina Daultana	Member
11) Mir Dostain Khan Domki	Member
12) Mr. Nauman Islam Shaikh	Member
13) Mr. Ehsan-ur-Rehman Mazari	Member
14) Nawab Muhammad Yousuf Talpur	Member
15) Mr. Khial Zaman Orakzai	Member
16) Dr. Arif Alvi	Member
17) Kanwar Naveed Jameel	Member
18) Mr. Salman Khan Baloch	Member
19) Ms. Naeema Kishwer Khan	Member
20) Mr. Sher Akber Khan	Member
21) Ch. Nisar Ali Khan, Minister for Interior and Narcotics Control	Ex-officio Member

3. The Committee considered the Bill in its meetings held on 27-01-2016 and 02-05-2017. The Committee recommends that the Bill placed at (Annex-A) may not be passed by the Assembly.

Sd/-
(JAWAD RAFIQUE MALIK)
Secretary
Islamabad, the 08th August, 2017

Sd/-
(RANA SHAMIM AHMAD KHAN)
Chairman
Standing Committee on
Interior and Narcotics Control

[AS REPORTED BY THE STANDING COMMITTEE]

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 (Act XLV of 1860), and the Code of Criminal Procedure, 1898 (Act V of 1898), to provide for scientific basis for investigation which is in accordance with Fundamental Rights as provided in Chapter I of Part II of the Constitution of the Islamic Republic of Pakistan as well as Universal Declaration of Human Rights in this regard;

AND WHEREAS it is also expedient to provide for punishments for conducting false or dishonest investigation to absolve someone who might had committed or involved in commission of any offence from criminal liability or to involve someone innocent in some offence;

AND WHEREAS it is also necessary to provide for establishment of an independent investigation service within existing Police organization consisting of scientifically trained and educationally qualified persons having knowledge and skills for conduct of investigation on scientific basis by using psychological and other modern techniques of information technology and forensic sciences for investigation purposes to save the persons under investigation from existing inhuman, tortuous and cruel methods including physical torture which is sometimes leading to deaths of under investigation persons due to such third degree investigative measures;

It is hereby enacted as follows:-

1. **Short title and commencement.**- (1) This Act may be called the Criminal Law (Amendment) Act, 2014,

(2) It shall come into force at once.

2. **Insertion of new section, Act XLV of 1860.**- In the Pakistan Penal Code, 1860 (XLV of 1860), after section 166, the following new sections shall be inserted, namely:-

"166A. False or dishonest first information report.- (1) Whoever, being a police officer or public officer knowingly and falsely files or registers and first information report for some alleged offence reported to him wherein such officer has reason to believe that no such offence has been committed shall be punished with imprisonment of either

description for a term which shall not be less than ten years and more than fourteen years and with fine which shall not be less than rupees ten hundred thousand.

Explanation I.- The court while concluding a trial of any offence will also clearly give findings whether first information report was bona fide or with some pre-planned motive on behalf of the person reported for registration of such first information report in collusion and collaboration with concerned officer of the police.

Explanation II.- Where a court of trial will conclude in its findings that first information reports was false or dishonest, the court shall also award punishment under sub-section (1) to such persons if there is no further need of evidence to prove such offence or direct for registration of first information report so that requirements of law be fulfilled by formal investigations for determination of liability of each and every person and for their trial for punishment under sub-section (1).

(2) Notwithstanding anything contained in any other law for the time being in force, half of the amount imposed as a fine under sub-section (1) shall be paid to the aggrieved person as compensation.

(3) Imposition and payment of fine under sub-section (2) shall not limit the right of any aggrieved person for damages by initiating necessary legal proceedings in a civil court.

(4) Notwithstanding anything contained in sub-section (1), (2) or (3), the officer shall also be liable to disciplinary proceedings under relevant efficiency and discipline rules for performance of his official functions if such person is a civil or public servant.

166B. Dishonest or false investigation, etc.- (1) Whoever, being a police officer or public officer responsible for conduct of dishonest or false investigation of any offence shall be punished with imprisonment of either description for a term which shall not be less than ten years and more than fourteen years and with fine which shall not be less than rupees ten hundred thousand.

Explanation I.- The court while concluding a trial of any offence will also clearly give findings whether investigation proceedings was conducted honestly and fairly in accordance with law fulfilling all legal and procedural requirements necessary for such investigations or not.

Explanation II.- Where a court of trial will conclude in its findings that investigation proceedings was not honest and fair under the relevant law, the court shall also award punishment under sub-section (1) to such investigating officers if there is no need of further evidence to prove such offence or direct for registration of first information report so that