

[ *As* INTRODUCED IN THE NATIONAL ASSEMBLY ]

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, 2019.

(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 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 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.”

3. **Insertion of new Chapter, Act V of 1898.**- In the Code of Criminal Procedure, 1898 (V of 1898), in Part V, after Chapter XIV, the following new CHAPTER XIV-A shall be inserted, namely:-

#### **“CHAPTER XIV-A INVESTIGATION OF OFFENCES**

**176A. Establishment of Investigation Police.**- (1) Upon the commencement of this Chapter, the Provincial Government shall establish Investigation Police under the administrative control of the Inspector General of Police who shall be only administrative head of the Investigation Police.

(2) Investigation Police shall consist of such other officers, officials and persons having specialized educational qualifications in the fields of psychology and such other specialized subjects which will be helpful for just, fair and scientific investigations of offences as well as other forensic sciences and information technology which are helpful for conducting of criminal investigations and inquiries in accordance with Fundamental Rights as provided in Chapter 1 of Part II of the Constitution of the Islamic Republic of Pakistan and universally accepted standards of human rights.

(3) Investigation Police may collaborate with police organizations of other advanced countries to learn and enhance their capacity, learning and investigative skills.