「 A 多 . 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) 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, 2019.
 - (2) It shall come into force at once.
- 2. Amendment of section 427, Act XLV of 1860. In the Pakistan Penal Code, 1860 (Act XLV of 1860), hereinafter referred to as the Penal Code, in section 427, for the words and commas "two years, or with fine" the words "five years, or with fine not exceeding ten thousand rupees" shall be substituted.
- 3. Amendment in section 428, Act XLV of 1860.- In the Penal Code, in section 428, for the words and commas, "two years, or with fine" the words "five years, or with fine not exceeding ten thousand rupees" shall be substituted.
- 4. Amendment in section 429, Act XLV of 1860. In the Penal Code, in section 429, for the words and commas. "or with fine" the words "which may extend up to one million rupees" shall be substituted.
- 5. Amendment in section 435, Act XLV of 1860. In the Penal Code, in section 435, after the words "shall also be liable to fine", occurring at the end of this section, the words "one million rupees" shall be added.
- 6. Amendment in section 436, Act XLV of 1860. In the Penal Code, in section 436, after the words occurring at the end of this section, "and shall also be liable to fine", the words "one million rupees." Shall be added.
- 7. Amendment in section 437, Act XLV of 1860.- In the Penal Code, in section 437, after the words, "and shall also be liable to fine", occurring at the end, the words "up to one million rupees" shall be added.
- 8. Amendment in section 438, Act XLV of 1860. In the Penal Code, in section 438, after the words, "and shall also be liable to fine" occurring at the end, the words "which may

extend up to one million rupees." shall be added.

- 9. Amendment in section 439, Act XLV of 1860. In the Penal Code, in section 439, for the following words shall be added at the end after the words, "and shall also be liable to fine" which may extend up to one million rupees," shall be added.
- 10. Amendment in section 440, Act XLV of 1860.— In the Penal Code, in section 440, for the words, "and shall also be liable to fine" occurring at the end, "which may extend up to one million rupees." shall be added.
- 11. Amendment in section 447, Act XLV of 1860.—In the Penal Code, in section 447, for the words and comma, "three month", the words, "three years" and for the words "[one thousand five hundred rupees]", the words "[fifty thousand rupees]", or with both shall be substituted.
- 12. Amendment in section 448, Act XLV of 1860.—In the Penal Code, in section 448, for the words and comma, one year or with fine which may extend to ["three thousand rupees", the words "three years" or fine which may extend up to "[sixty thousand rupees]", shall be substituted.
- 13. Amendment in section 449, Act XLV of 1860. In the Penal Code, in section 449, in the end, the words, "which may extend up to one million rupees" Shall added.
- 14. Amendment in section 450, Act XLV of 1860. In the Penal Code, in section 450, in the end, the words "which may extend up to one hundred thousand rupees" shall be added.
- 15. Amendment in section 451, Act XLV of 1860.- In the Penal Code, in section 451, the words "two years" occurring at the end of third line, the words "five years" shall be substituted, and after the words "liable to fine", the words "which may extend up to one hundred thousand rupees", shall be added."
- 16. Amendment in section 452, Act XLV of 1860. In the Penal Code, in section 452, the words "liable to fine" occurring at the end, the words "Which may extend up to one hundred thousand rupees" shall be added.
- 17. Amendment in section 453, Act XLV⁷ of 1860. In the Penal Code, in section 453, the words "two years" occurring at the third line, the words "five years" shall be substituted, and after the words "liable to fine", the words "which may extend up to one hundred thousand rupees", shall be added.
- 18. Amendment in section 454, Act XLV⁷ of 1860.- In the Penal Code, in section 454, for the words "three years" the words "five years" shall be substituted, and after the words "liable to fine", occurring in the end, the words "which may extend up to one hundred thousand rupees", shall be added.
- 19. Amendment in section 455, Act XLV of 1860 In the Penal Code, in section 455, after the words "liable to fine" occurring at the end, the words "which may extend up to one hundred

thousand rupces", shall be added.

- 20. Amendment in section 456, Act XLV of 1860.—In the Penal Code, in section 456, for the words "three years" the words "five years" shall be substituted, and after the words "liable to fine", occurring in the end, the words "which may extend up to one hundred thousand rupees", shall be added.
- 21. Amendment in section 457, Act XLV of 1860. In the Penal Code, in section 457, after the words "liable to fine" the words, "which may extend up to one hundred thousand rupees", shall be added.
- 22. Amendment in section 458, Act XLV of 1860. In the Penal Code, in section 458, after the words, "liable to fine" occurring at the end, the words "which may extend up to one hundred thousand rupees", shall be added.
- 23. Amendment in section 461, Act XLV of 1860. In the Penal Code, in section 461, the words "two years", the words, "five years" shall be substituted, and the word, "fine" the words "which may extend up to one hundred thousand rupees", shall be added.
- 24. Amendment in section 462, Act XLV of 1860.- In the Penal Code, in section 462, the words "three years" the words, "seven years" shall be substituted, and after the word "fine", the words "which may extend up to one hundred thousand rupees", shall be added.
- 25. Amendment of Schedule II, Act V of 1898.- In the Code of Criminal Procedure, 1898 (V of 1898), in schedule II, for the entries in column 1 and corresponding entries thereto in column 2 to 8 the following shall be substituted and added accordingly, namely;

SCHEDULE II

1	2	3	4	5	6	7	8
Sec.	Offences.	Whether the Police may arrest without warrant or not.	Whether a warrant or summon shall ordinarily issue in the first instance.	Whethe r Bailable or not.	Whether Compoundabl e or not.	Punishmen t under the Pakistan Penal Code.	By what Court triable
427	Mischief, and	Shall not arrest without	Warrant.	Bailable	Compoundable. When the only	Imprisonme nt of either description	Magistrate of the first or
	damage to the	warrant.			loss or damage	for 5 years or fine up to	second class.
	amount of 50				damage to a	10,000 or both	
	rupees or up						

	wards.				private person.		
	,						
				ļ		İ	. !
							!
428	Mischief by	May	Ditto.	Ditto.	Not	Ditto.	Ditto.
428	i	-	Dillo.	Dillo.	Compoundable	Diesoc	
	killing.	arrest					
	poisoning.	without					200
	maiming or	warrant.				:	:
	rendering use less						
	any		•				
	animal of the						
	value of 10						:
	rupees or	İ	•		<u> </u>	:	
	upwards.	:					:
 			•			:	;
429	Mischief by	May	Warrant.	Bailable	Not	Imprisonme	Court of
	killing,	arrest			Compoundable	nt of either description	Session or Magistrate of
	poisoning,	without				for 5 years	the first or
				1		or fine up to one million	second class.
	maiming or	warrant.				rupees, or	
	rendering					both	
	useless any						
	elephant,						
 	carnel, horse,						
	etc., whatever						
	may be its						
	value or any	İ					
	other animal	į E					
	of the value				[
	of 50 rupees						
				1		<u> </u>	<u> </u>

	or up wards.						
435	Mischief by fire or	May	Warrant.	Bailable.	Ditto.	Imprisonme nt of either	Court of Session or
	explosive substance	without				description for 7 years or fine up to	Magistrate of the first
	with intent to	warrant.				one million rupees, or both	
	damage to am ount	Application in the second seco		i		1	
	of 100 rupees or						
	up wards, or,						
	case of agriculture tural						
	produce, 10 rupees						1979 C. 1979 . 1979 . 1979 . 1979 . 1979 . 1979 . 1979 . 1979 . 1979 . 1979 . 1979 . 1979 . 1979 . 1979 . 1979
	or up wards.		1		! 	U TANAMA ALALA LA	
436	Mischief by fire or	May arrest	Warrant.	Bailable.	Compoundable	[Imprisonm ent for life], or	Court of Session
	explosive substance	without				imprisonme nt of either	
	with intent to	warrant.				description for 10 years or fine up to	
	destroy, a house, etc					one million rupees.	
437	Mischief with	Ditto.	Ditto.	Ditto.	Ditto.	Imprisonme nt of either	Ditto
	intent to destroy or					description for 10 years	
	make unsafe					or fine up to one million	
	decked vessel or a		!			rupees.	
	vessel of 20 tons		:				

	burden.						
438	The mischief described in the last section when committed by fire or any explosive sub stance.	Ditto.	Ditto.	Ditto.	Ditto.	[Imprisonm ent for life], or imprisonme nt of either description for 10 years or fine up to one million rupees.	Ditto.
439	Running vessel ashore with intent to commit theft, etc.	Ditto.	Ditto.	Ditto.	Dítto.	Imprisonme nt of either description for 10 years or fine up to one million rupees.	Ditto.
440	Mischief committed after preparation made for causing death. or hurt, etc.	Ditto.	Ditto.	Ditto.	Ditto.	Imprisonme nt of either description for 5 years or fine up to one million rupees.	Ditto.
447	Criminal trespass.	May arrest without warrant.	Summons.	Bailable.	Compoundable	Imprisonme nt of either description for 3 Years, or fine of (ten thousand rupees), or both,	Any judiciał Magistrate.

448	House	Ditto	Warrant	Ditto	Dito.	Imprisonme	Ditto.
	trespass.					nt of	
i İ							
j 1	1					either	
: ! !	!		į		1	description	
! [İ	1					
		[}	for one	
i i		! 				year, or	
	i					fine up to	
	! !					(one	•
	ŀ					hundred	
						thousand)	
449	House	Ditto.	Ditto.	Not	Not	[Imprisonm	Court of
	trespass in	1		Bailable.	Compoundable	ent	Session
	order to the	į			•	for lifel or	
	order to the					for life], or	1
	commission	į				rigorous	
	ofan	!				!	
		ļ				imprisonme	
	offence					nt for	
	punishable					10 years,	
	with death.		<u>.</u>	·	1	and fine up	
			į			to (one	
			ļ		1 1	hundred	
						thousand).	
450	House	Ditto.	Ditto.	Ditto.	Ditto.	imprisonme	Ditto.
	trespass in				<u>.</u>	nt for	
			•				
	order to the					10 years,	
	commission	<u></u>				and fine up to (one	
	of an					hundred	+
						thousand).	
	offence pun					,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	Į Į
	ishable					† -	
	with						
	[Imprisonmen						
	1 for						
	life.]						
461		D:#4	This is a second of the second	D-2 81	()		A in li
451	House	Ditto.	Ditto.	Bailable.	Compoundable with	imprisonme	Any judicial
	trespass in				permission of	nt for	Magistrate.
	order to the				the concerned	05 years,	
					court.	and fine up	
	commission					to (one	
	of an					hundred	
		L				<u> </u>	i

	offence			T **-		thousand).	
	punishable	:					
		•				<u> </u>	
	with imprisonment			<u> </u>			
	Imprisonnen				i i	: :	
	If the offence	May arrest	Warrant	Not	Not	Imprisonme	Court of
	is	without warrant.	<u></u>	Bailable.	Compoundable .	nt	Session. 2**
	Theft.	***************************************				of either	or Magistrate
	:					description	of the first or
						for 7 years	Second
						and fine up	class.
				1		to (One	
		 - -				hundred	
						Thousand).	}
452	House trespass,	Dito.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.
	having made			ļ			
	preparation for						
	causing hurt,]		
	assault, etc.						
453	Lurking	Dito.	Ditto.	Ditto.	Ditto.	Imprisonme nt of either	Magistrate of the first class
	house		Ì			description	or second
	trespass or			i i		for 5 years.	class.
		:		į		and fine up	
	house-breakin					to one hundred	
	€.					thousand	
	ļ 					only.	
454	Lurking	Dito.	Ditto.	Ditto.	Ditto.	Ditto	Ditto.
	house						
	trespass						
	or			:			ļ
	house-breaking	1					
	in order to the	>					
	t t	I		i i			

	of	T					T
	an offence						
ĺ	:			i			
	punishable	1	Ī				
	with						
	Imprisonment			1			
i	If the offence is	Dito.	Ditto.	Ditto.	Ditto.	Imprisonme nt of either	Ditto.
	theft.					description	
	illeit.					for 10 years, and fine up	
						to one	
						hundred thousand	
					<u> </u>	only.	
455	Lurking	Dito.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.
	house						İ
	trespass						!
	or						
	housebreakin g						
	after					· ·	
	preparation						
		ļ					
	made for						
	causing hurt,						
	assault, etc.,		1				
456	Lurking	Dito.	Ditto.	Ditto.	Ditto.	Imprisonme	Ditto.
	house	:				nt of either description	
	trespass	1 1 1				for 5 years,	
	house-breakin					and fine up	
	g					hundred	
	by night.					thousand only.	
457	Lurking	Ditto.	Ditto.	Ditto.	Ditto.	Imprisonme	Court of
	house					nt for either description	Session or Magistrate of
	trespass or					for 5 Years,	the First
	housebreakin					or fine up to	Class.
9.		•	 				

	g by night in order to the					(One hundred Thousand).	1
	commission		1			11.00	
	ofan offence pun ishable						
	1		Ì				
	With			j			
	imprisonment						
	f the offence	Ditto.	Ditto.	Ditto.	Ditto.	1	Ditto.
	is					nt for either description	
	l'heft.					for 14	
	Hen.					Years, or	
						fine up to	
				:		(One	
						hundred Thousand).	
	ļ.			ļ	ļ 1		·
58	Lurking	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.
	house				į	1	
	trespass or	! 	ļ				
	house-breakin			ļ			
	g by]					
	night, after						
	preparation	į į		į	į		
	for				1		
	l			!		!]
	causing burt, etc.	 					
461	Dishonestly	Ditto.	Ditto.	Bailable.	Ditto.	imprisonme nt for either	Magistrate o
	breaking	1				description	second class
	open or					for 5 Years.	
					Ì	or fine up to	
	unfastening			1		(One hundred	
	any					Thousand).	
	closed		Ì	l I		or Both.	
	receptacle	Ì	Ì				
	containing or						
	supposed to	 					
	contain property.						!
462	Being	Ditto.	Ditto.	Ditto.	Ditto.	Imprisonme nt for either	

entrusted	T		description	
with			for 7 Years,	
		j	or fine up to	
any closed			(One	
receptacle			hundred	
			Thousand),	
containing or			or Both.	
supposed to		STATE OF STA		
contain any				
property, and				
fraudulently	•			
opening the			:	
Same.				
			j	

STATEMENT OF OBJECTS AND REASONS

The Constitution of the Islamic Republic of Pakistan guarantees the fundamental rights of its citizens subject to law as the punishments prescribed in the law need to be enhanced, as a deterrent, therefore, the above amendments are necessary.

Sd/-SHER AKBAR KHAN Member National Assembly