

A
BILL

further to amend Pakistan Penal Code 1860 and the Code of Criminal Procedure 1898

WHEREAS, it is expedient further to amend the Pakistan Penal Code (XLV of 1860) and the Code of Criminal Procedure 1898 (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 Law (Amendment) Act, 2020.

(2) It shall come into force at once.

2. Amendment in section 298A of Act XLV of 1860. - In the Pakistan Penal Code, 1860 (XLV of 1860), in section 298A, for the words "shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both" the words "minimum imprisonment of ten years and maximum imprisonment for life shall be substituted.

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 against section 298A,-

- (a) In column 4, for the word "summon" the word "warrant" shall be substituted.
- (b) In column 5, for the word "bailable" the word "non-bailable" shall be substituted.
- (c) In column 7, for the words "shall be punished with imprisonment of either description which may extend to a period of three years or fine or both", the words "minimum life sentence", shall be substituted; and
- (d) In column 8, for the words "first class or second class magistrate" the words "Court of Session" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

A few people are involved in blasphemy on internet and social media etc, and they upload such pages and messages covertly. However, due to Capital Punishment in section 298c, the ratio of people involved in blasphemy of Holy Prophet (P.B.U.H) is very low. The fact may be observed that disrespecting to the Companion of Holy Prophet (P.B.U.H) and other sacred personalities not only promotes the terrorism and disruption in the country but it also hurts the people from all walks of life. In Holy Quran, Allah Almighty condemns the disruption by saying mischief is a crime, more than a murder". In section 298-A of Pakistan Penal Code, the punishment against the person who disrespects the wives, family and Companions of Holy Prophet (P.B.U.H), imprisonment of with minimum three years period alongwith a nominal penalty while this is a bailable crime. Due to this simple punishment, the criminals, despite, punishment, commit the same crime again. Hence, due to such simple punishment the people try of their own to punish the criminals which increase the violence.

2. It is responsibility of Parliament to review all factors by which terrorist activities promote and prosper within Pakistan by comprehending this matter with sensitivity and seriousness. Moreover, some crimes mentioned in the list of crimes are very lesser in nature than disrespect of Ummahat-ul-Momineen, Ahle-Bait, Khulfa -e-Rashideen and Sahaba-e- Kiram but their punishments are more than that mentioned in section 295-A of Pakistan Penal Code, for instance:-

(a) A person who make critic to a religious manifestations and religious leader shall be punished for imprisonment liable to ten years, while punishment for disrespecting of Ummahat-ul-Momineen, Ahle-Bait, Khulfa-e-Rashideen and Sahaba-e-Kiram is tantamount to nil in section 298-A of Pakistan Penal Code;

(b) A person who defames to a common man shall be punished for imprisonment liable to five years and also fine payable to rupees one hundred thousand under section 500 of Pakistan Penal Code, while the punishment for disrespecting of Ummahat-ul-Momineen, Ahle-Bait, Khulfa-e-Rahideen and Sahaba-e-Kiram is extremely lower in section 298-A.

3. The punishment under section 381 of Pakistan Penal Code is imprisonment for ten years and the minor punishment has been provided for those who defame Ummahat-ul-Momineen, Ahle-Bait, Khulfa-e-Rashideen and Sahaba-e-Kiram as compare to that provided in section 298-A of Pakistan Penal Code. Further, according to Pakistan Penal Code, section 298-A, the person who have been convicted for blasphemy is actually declared a blasphemous in respect of Holy Prophet (P.B.U.H), hence it is necessary to read and consider 298-A with 295-C of PPC. If Parliament is sincere to finish terrorism and sectarianism, then it should play its vital role in this regard Parliament should change the punishment of the culprit who uses derogatory remarks about Ummahat-ul-Momineen, Ahle-Bait, Khulfa-e-Rashideen and Sahaba-e-Kiram with death punishment.

4. The Bill is designed to achieve the aforesaid purposes

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