

NATIONAL ASSEMBLY SECRETARIAT

**REPORT OF THE STANDING COMMITTEE ON INTERIOR ON THE CRIMINAL
LAW (AMENDMENT) BILL, 2016**

I, Chairman of the Standing Committee on Interior, have the honor to present this report on the Bill further to amend the Pakistan Penal Code (Act XLV of 1860) and the Code of Criminal Procedure (Act V of 1898) [The Criminal Law (Amendment) Bill, 2016] (Private Member's Bills) referred to the Committee on 02nd August, 2016.

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 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) Mr. Ahsan Iqbal, Minister for Interior	Ex-officio Member

3. The Committee considered the Bill placed at Annex-"A" in its meetings held on 21-02-2017, 27-03-2017 and 02-05-2017. The Committee recommends that the Bill may not be passed by the National Assembly.

Sd/-

(JAWAD RAFIQUE MALIK)

Secretary

Islamabad, the October 5, 2017

Sd/-

(RANA SHAMIM AHMAD KHAN)

Chairman

Standing Committee on Interior

(AS REPORTED BY THE STANDING COMMITTEE)

Annex "A"

**A
Bill**

further to amend the Pakistan Penal Code (Act XLV of 1860) and Code of Criminal Procedure (Act V of 1898)

WHEREAS, it is expedient further to amend the Pakistan Penal Code (Act XLV of 1860) and Code of Criminal Procedure (Act V of 1898), for the purpose hereinafter appearing.

It is hereby enacted as follows:-

1. **Short title and Commencement.**- (1) This Act may be called The Criminal Laws, (Amendment) Act 2016.
(2) It shall come into force at once.
2. **Amendment of section 161, Act XLV of 1860.**- In the Pakistan Penal Code (Act XLV of 1860) hereinafter referred to as the said code, in section 161 for the word "three", the word "seven", shall be substituted.
3. **Amendment of section 162, Act XLV of 1860.**- In the said code in section 162, for the word "three", the word "seven", shall be substituted.
4. **Amendment of section 163, Act XLV of 1860.**- In the said code, in section 163, for the word "one", the word "seven" shall be substituted.
5. **Amendment of section 164, Act XLV of 1860.**- In the said code, in section 164, for the word "three", the word "seven" shall be substituted and the words "or with fine or with both" shall be deleted.
6. **Amendment of section 165, Act XLV of 1860.**- In the said code, in section 165, for the word "three", the word "seven", shall be substituted.
7. **Amendment of section 166, Act XLV of 1860.**- in the said code, in section 166, for the word "one", the word "five" shall be substituted.
8. **Amendment of section 167, Act XLV of 1860.**- In the said code, in section 167, for the word "three", the word "seven" shall be substituted and the words "or with fine or with both" shall be deleted.
9. **Amendment of section 168, Act XLV of 1860.**- In the said code, in section 168, for the word "one", the word "five" shall be substituted.
10. **Amendment of section 171-E, Act XLV of 1860.**- In the said code, in section 171-E, for the word "one", the word "seven" shall be substituted and the words "or with fine or with both" shall be deleted.
11. **Amendment of section 171-F, Act XLV of 1860.**- In the said code, in section 171-F, for the word "one", the word "seven" shall be substituted and the words "or with fine or with both" shall be deleted.
12. **Amendment of section 171-I, Act XLV of 1860.**- In the said code, in section 171-I, for the words "five hundred rupees", the words "fifty thousand rupees" shall be substituted.
13. **Amendment of section 217, Act XLV of 1860.**- In the said code, in section 217, for the word "two", the word "five" shall be substituted.
14. **Amendment of section 218, Act XLV of 1860.**- In the said code, in section 218, the word "three", the word "seven" shall be substituted.

15. Amendment of section 403, Act XLV of 1860.- In the said code, in section 403, for the word "two", the word "seven" shall be substituted.

16. Amendment of section 404, Act XLV of 1860.- In the said code, in section 404, for the word "three", the word "ten", shall be substituted and for the word "seven", the word "ten" shall be substituted.

17. Amendment of section 417, Act XLV of 1860.- In the said code, in section 417, for the word "one", the word "three" shall be substituted and the words "or with fine or with both" shall be deleted.

18. Amendment of section 418, Act XLV of 1860.- In the said code, in section 418 for the word "three", the word "five" shall be substituted and the words "or with fine or with both" shall be deleted.

19. Amendment of section 419, Act XLV of 1860.- In the said code, in section 419, for the word "three", the word "seven" shall be substituted and the words "or with fine or with both" shall be deleted.

20. Amendment of section 420, Act XLV of 1860.- In the said code, in section 420, for the words "seven years", the words "fourteen years but not less than ten years", shall be substituted.

21. Amendment of section 465, Act XLV of 1860.- in the said code, in section 465, for the word "two", the word "seven", shall be substituted and the words "or with fine or with both" shall be deleted.

22. Amendment of section 466, Act XLV of 1860.- In the said code, in section 466, for the word "seven", the word "ten" shall be substituted.

23. Amendment of Schedule-II, Act V of 1898.- In the Schedule-II of Code of Criminal Procedure (Act V of 1898).-

(i) for the entries 161 to 165 the following shall be substituted:-

1	2	3	4	5	6	7	8
161	Being expecting to be public servant, and talking a gratification other than legal remuneration in respect of an official act	Shall not arrest without warrant	Summons	Non-bailable	Not compoundable	Imprisonment of either description for 3 years, with fine amounting to fifty times of proved gratification, or both	Judicial Magistrate.
162	Taking a gratification in order by corruption or illegal means to influence a public servant	Shall not arrest without warrant	Summons	Non-bailable	Not compoundable	Imprisonment of either description for 3 years, with fine amounting fifty times of proved gratification, or both	Judicial Magistrate.
163	Taking a gratification for the exercise of personal influence with a public servant	Ditto	Ditto	Non-bailable	Ditto	Simple imprisonment for 1 year, with fine amounting fifty times of proved gratification or both	Judicial Magistrate.
164	Abetment by	Ditto	Ditto	Non-	Ditto	Imprisonment of	Judicial

	public servant of the offences defined in the last two preceding clauses with reference to himself.			bailable		either description for 3 years, with fine amounting fifty times of proved gratification, or both	Magistrate.
155	Public servant obtaining any valuable thing, without consideration, from a person concerned in any proceeding or business transacted by such public servant.	Ditto	Ditto	Non-bailable	Ditto	Imprisonment of either description for 3 years, with fine amounting fifty times of proved gratification, or both	Judicial Magistrate.

(ii) for the entries 166 to 168 the following shall be substituted:-

1	2	3	4	5	6	7	8
166	Public servant disobeying a direction of the law with intent to cause injury to any person	Shall not arrest without warrant	Summons	Non-bailable	Not compoundable	Simple imprisonment for 1 year, with fine amounting fifty times of proved gratification, or both.	Judicial Magistrate.
167	Public servant framing an incorrect document with intent to cause injury.	Ditto	Ditto	Non-bailable	Ditto	Imprisonment of either description for 3 years with fine amounting fifty times of proved gratification, or both.	Judicial Magistrate.
168	Public servant unlawfully engaging in trade	Ditto	Ditto	Non-bailable	Ditto	Simple imprisonment for 1 year with fine amounting fifty times of proved gratification, or both.	Judicial Magistrate.

(iii) for the entries 217 and 218 the following shall be substituted:-

1	2	3	4	5	6	7	8
217	Public servant disobeying a direction of law with intent to save person from punishment, or property forfeiture.	Shall not arrest without warrant	Summons	Non-bailable	Not compoundable	Imprisonment of either description for 2 years with fine amounting fifty times of proved gratification, or both	Judicial Magistrate.
218	Public servant framing incorrect record or writing with intent to save person from punishment, or property forfeiture.	Ditto	Warrant	Non-bailable	Ditto	Imprisonment of either description 2 years with fine amounting fifty times of proved gratification, or both	Judicial Magistrate.

(iii) for the entries 403 and 404 the following shall be substituted:-

1	2	3	4	5	6	7	8
403	Dishonest misappropriation of movable property, or converting it to one's own use.	Shall not arrest without warrant.	Warrant	Non-bailable	Not compoundable	Imprisonment of either description for 2 years with fine amounting fifty times of proved gratification, or both	Judicial Magistrate.
404	Dishonest misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not been in the possession of any person legally entitled to it.	Ditto	Warrant	Non-bailable	Ditto	Imprisonment of either description 3 years with fine amounting fifty times of proved gratification, or both	Judicial Magistrate.

STATEMENT OF OBJECTS AND REASONS

Punishment in sections 161 to 168, 171 and sections 217, 218, 219, 403, 404, 417, 418, 419, 420, 465 and 466 of Pakistan Penal Code are enhanced because punishments already provided are nominal against most of the offences and due to this corruption has day by day increased and Public office holders and public servants have failed to accord the intent of legislature so it is necessary that punishments be enhanced and fine increased in some of them.

Offences where amendments are proposed are such as taking gratification other than legal remuneration in respect of an official act and or taking gratification in order by corrupt or illegal means to influence public servants or taking gratification, for exercise of personal influence with public servants and obtaining valuable thing, without consideration from person concerned in proceeding or business transacted by such public servant, disobeying law, with intent to cause injury to any person, framing an incorrect document with intent to cause injury, unlawfully engaging in trade and others.

Sd/-

Sahibzada Muhammad Yaqub
Sahibzada Tariqullah
Mr. Sher Akbar Khan
Ms. Aisha Syed
Members National Assembly