

NATIONAL ASSEMBLY SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON INTERIOR ON THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL, 2020

I, Chairman of the Standing Committee on Interior have the honor to present this report on the Bill further to amend the Code of Criminal Procedure, 1898 (Act V of 1898) [The Code of Criminal Procedure (Amendment) Bill, 2020] (Government Bill), referred to the Committee on 27th July, 2020.

2. The Committee comprises the following:

1) Raja Khurram Shahzad Nawaz	Chairman
2) Mr. Sher Akbar Khan	Member
3) Mehar Ghulam Muhammad Lali	Member
4) Mr. Raza Nasrullah	Member
5) Khawaja Sheraz Mehmood	Member
6) Mr. Rahat Aman Ullah Bhatti	Member
7) Malik Karamat Ali Khokhar	Member
8) Sardar Talib Hassan Nakai	Member
9) Ms. Nafeesa Inayatullah Khan Khattak	Member
10) Mr. Muhammad Akhtar Mengal	Member
11) Nawabzada Shazain Bugti	Member
12) Malik Sohail Khan	Member
13) Syed Iftikhar Ul Hassan	Member
14) Mr. Mohammad Pervaiz Malik	Member
15) Mr. Nadeem Abbas	Member
16) Ms. Maryam Aurangzaib	Member
17) Syed Agha Rafiullah	Member
18) Nawab Muhammad Yousuf Talpur	Member
19) Mr. Abdul Qadir Patel	Member
20) Mr. Asmatullah	Member
21) Mr. Ijaz Ahmad Shah, Minister for Interior	Ex-officio Member

3. The Committee considered the Bill as introduced in the National Assembly placed at **Annex-A**, in its meetings held on 28-7-2020 and 29-7-2020 and proposed following amendments therein.-

Clause 2

In clause 2, in the proposed new section 156 C.-

- (i) The expression "but not limited to" occurring in the third line shall be omitted; and
- (ii) The expression "as provided in the rules" occurring in the fourth line shall be omitted.

4. The Committee recommends that the Bill as reported by the Standing Committee placed at **(Annex-B)**, may be passed by the National Assembly.

-Sd-

(TAHIR HUSSAIN)

Secretary

Islamabad, the 5th August, 2020.

-Sd-

(RAJA KHURRAM SHAHZAD NAWAZ)

Chairman

Standing Committee on Interior

[AS INTRODUCED IN THE NATIONAL ASSEMBLY]

A

BILL

further to amend the Code of Criminal Procedure, 1898;

WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1898 (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 Code of Criminal Procedure (Amendment) Act, 2020.

(2) It shall come into force at once.

2. **Insertion of new section 156-C, Act V of 1898.-** In the Code of Criminal Procedure, 1898 (Act V of 1898), after section 156-B, the following new section shall be added, namely:-

“156-C. Application of investigation techniques.- (1) The investigating officer, may with the permission of the Court, within sixty days of receiving of such permission, use techniques including but not limited to undercover operations, intercepting communications, assessing computer system and controlled delivery as provided in the rules for investigation of offences of money laundering, associated predicate offence and financing of terrorism under the law in force. The aforementioned period of sixty days may be extended upto further period of sixty days by the Court on a request made to it in writing. The Court may grant extension if it is satisfied on the basis of situation reason given in the written request. The provision of this sub-section shall be addition to and not in derogation of another law for the time being in force.

(2) The Federal Government may frame rules to regulate the procedure and execution of order for the purposes of this section.”.

STATEMENT OF OBJECTS AND REASONS

Money Laundering and Terror financing are two major obstacles which are not only playing a degrading role against the development of a country but also imbuing such elements with the financial means which are an ultimate threat against the internal and external peace of the country. The genuine purpose behind the introduction of this Bill is to enable the Law Enforcement Authorities via aforementioned insertions in the Code to take certain encountering techniques with an authoritative support of the Courts of Law to curb with menaces.

ZAHEER-UD-DIN BABAR AWAN

Adviser to the Prime Minister on Parliamentary Affairs.

[AS REPORTED BY STANDING COMMITTEE]

A

Bill

further to amend the Code of Criminal Procedure, 1898;

WHEREAS it is expedient further to amend 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 Code of Criminal Procedure (Amendment) Act, 2020.

(2) It shall come into force at once.

2. **Insertion of new section 156-C, Act V of 1898.**- In the Code of Criminal Procedure, 1898 (Act V of 1898), after section 156 B, the following new section shall be inserted, namely:-

“156 C. Application of investigation techniques.- (1) The investigating officer may with the permission of the Court, within sixty days of receiving of such permission, use techniques including undercover operations, intercepting communications, assessing computer system and controlled delivery for investigation of offences of money laundering, associated predicate offence and financing of terrorism under the law in force. The aforementioned period of sixty days may be extended upto further period of sixty days by the Court on a request made to it in writing. The Court may grant extension if it is satisfied on the basis of situation or reason given in the written request. The provision of this sub-section shall be in addition to and not in derogation of another law for the time being in force.

(2) The Federal Government may make rules to regulate the procedure and execution of order for the purposes of this section.”.

STATEMENT OF OBJECTS AND REASONS

Money Laundering and Terror financing are two major obstacles which are not only playing a degrading role against the development of a country but also imbuing such elements with the financial means which are an ultimate threat against the internal and external pace of the country. The genuine purpose behind the introduction of this Bill is to enable the Law Enforcement Authorities via aforementioned insertions in the Code to take certain encountering techniques with as authoritative support of the Courts of Law to curb with menaces.

ZAHEER-UD-DIN BABAR AWAN

Adviser to the Prime Minister of Parliamentary Affairs.

قومی اسمبلی سیکرٹریٹ

مجموعہ ضابطہ فوجداری (ترمیمی) بل، ۲۰۲۰ء پر قائمہ کمیٹی برائے داخلہ کی رپورٹ۔

میں، چیئر مین قائمہ کمیٹی برائے داخلہ ۲۷ جولائی، ۲۰۲۰ء کو قائمہ کمیٹی کے سپرد کردہ مجموعہ ضابطہ فوجداری، ۱۸۹۸ء (ایکٹ نمبر ۵۱ بابت ۱۸۹۸ء) میں مزید ترمیم کرنے کے مجموعہ ضابطہ فوجداری (ترمیمی) بل، ۲۰۲۰ء (سرکاری بل) پر رپورٹ بذا پیش کرنے کا شرف حاصل کرتا ہوں۔

۲۔ کمیٹی درج ذیل اراکین پر مشتمل ہے:-

۱۔	راجہ خرم شہزاد نواز	چیئر مین
۲۔	جناب شیر اکبر خان	رکن
۳۔	مہر غلام محمد لالی	رکن
۴۔	جناب رضا نصر اللہ	رکن
۵۔	خواجہ شیراز محمود	رکن
۶۔	جناب راحت امان اللہ بھٹی	رکن
۷۔	ملک کر امت علی کھوکھر	رکن
۸۔	سردار طالب حسن کئی	رکن
۹۔	محترمہ نفیسہ عنایت اللہ خان شنگ	رکن
۱۰۔	جناب محمد اختر مینگل	رکن
۱۱۔	نوابزادہ شاہ زین گئی	رکن
۱۲۔	ملک سہیل خان	رکن
۱۳۔	سید افتخار الحسن	رکن
۱۴۔	جناب محمد پرویز ملک	رکن
۱۵۔	جناب ندیم عباس	رکن
۱۶۔	محترمہ مریم اورنگزیب	رکن
۱۷۔	سید آغا فتح اللہ	رکن
۱۸۔	نواب محمد یوسف تالپور	رکن
۱۹۔	جناب عبدالقادر چیل	رکن
۲۰۔	جناب عصمت اللہ	رکن
۲۱۔	جناب اعجاز احمد شاہ	رکن بلحاظ عہدہ
	وزیر برائے داخلہ	

۳۔ کمیٹی نے ۲۸ جولائی، ۲۰۲۰ء اور ۲۹ جولائی، ۲۰۲۰ء کو منعقدہ اپنے اجلاسوں میں منسلک۔ الف کے طور پر قومی اسمبلی میں پیش کردہ بل پر غور کیا اور اس میں درج ذیل ترمیم تجویز کیں:-

شق ۲

(۱)

شق ۲ میں، مجوزہ نئی دفعہ ۱۵۶ ج میں،-

(اول) تیسری سطر میں واقع عبارت ”مگر اس تک تجدید نہ ہو“ حذف کر دی جائے گی؛ اور

(دوم) چوتھی سطر میں واقع عبارت ”قواعد جس کی صراحت کی گئی ہے“ حذف کر دی جائے گی۔

۴۔ کمیٹی سفارش کرتی ہے کہ منسلک۔ ب کے طور پر قائمہ کمیٹی کی جانب سے رپورٹ کردہ بل کی قومی اسمبلی منظور دی دے۔

دستخط۔

(راجہ خرم شہزاد نواز)

چیئر مین

قائمہ کمیٹی برائے داخلہ

دستخط۔

(طاہر حسین)

سیکرٹری

اسلام آباد، ۱۷/۰۷/۲۰۲۰ء