

**NATIONAL ASSEMBLY SECRETARIAT**

**REPORT OF THE STANDING COMMITTEE ON INTERIOR ON "THE CRIMINAL LAW (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 Pakistan Penal Code, 1860 (Act XLV of 1860) and the Code of Criminal Procedure, 1898 (Act V of 1898) [The Criminal Law (Amendment) Bill, 2019] (Private Member's Bill) referred to the Committee on 10<sup>th</sup> December, 2019.

2. The Committee comprises the following:

1) <b>Raja Khurram Shahzad Nawaz</b>	<b>Chairman</b>
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) Rana Shamim Ahmed Khan	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 24-12-19, 27-01-2020, 3-2-2020, 14-2-2020, 17-2-2020, 4-3-2020 and 24-7-2020. The Committee made the following amendments therein.-

(1) **Clause 2**

Clause 2, shall be substituted with the following, namely.-

**"2. Insertion of new section 377C, Act XLV of 1860.-** In the Pakistan Penal Code, 1860 (Act XLV of 1860), after section 377B, the following new section shall be inserted, namely:-

**“377C. Unnatural offence with minor or with mental or physical disability.-** Whoever voluntarily has carnal intercourse against the order of nature with any minor either male or female or a person with mental disability shall be punished with death or imprisonment of either description for a term which shall not be less than ten years or more than twenty five years and shall also be liable to fine of five hundred thousand rupees.”.

(2)

**Clause 3**

Clause 3, shall be substituted with the following, namely.-

**“3. Amendment of Schedule II, Act V of 1898.-** In the Code of Criminal Procedure, 1898 (Act V of 1898), in Schedule II, after section 377B and the corresponding entries relating thereto in columns 1 to 8, the following new section and entries relating thereto shall be inserted, namely:-

1	2	3	4	5	6	7	8
“377C	Unnatural offence with minor either male or female or with mental or physical disability	May arrest without warrant	Warrant	Not bailable	Not compoundable	Death or imprisonment of either description for a term which shall not be less than ten years or more than twenty five years and shall also be liable to fine of five hundred thousand rupees.	Court of Session.

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

-Sd-

**(TAHIR HUSSAIN)**

Secretary

Islamabad, the 3<sup>rd</sup> Nov, 2020

-Sd-

**(RAJA KHURRAM SHAHZAD NAWAZ)**

Chairman

Standing Committee on Interior

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. **Insertion of new sections 377C, Act XLV of 1860.**- In the Pakistan Penal Code, 1860 (Act XLV of 1860), after section 377B, the following new sections shall be inserted, namely:-

**“377C.- Unnatural offence with child where age of victim is less than seven years.**- Whoever has carnal intercourse against the order of nature with a child having the age of seven years and below shall be punished with death or imprisonment for life which shall not be less than twenty five years and shall also be liable to a minimum fine of two million rupees.

Provided that, if the age of offender is above twenty one years, the sentence of death shall be carried in public place or gathering of not less than hundred people.

**377D.- Unnatural offence with child where age of victim is less than ten years.-** Whoever with consent or without consent has carnal intercourse against the order of nature with a child having the age of ten years but not below than seven years shall be punished with imprisonment for life or imprisonment of either description which shall not be less than ten years and a minimum fine of five hundred thousand rupees.

**377E.- Unnatural offence with child where age of victim is less than fourteen years.-** Whoever with consent or without consent has carnal intercourse against the order of nature with a child having the age of fourteen years but not below than ten years shall be punished with imprisonment for life or imprisonment of either description which shall not be less than seven years and a minimum fine of two hundred thousand rupees.

**377F.- Unnatural offence where age of victim is less than eighteen years.-**Whoever with consent or without consent has carnal intercourse against the order of nature with a child having the age of eighteen years but not below than fourteen years shall be punished with imprisonment for life or imprisonment of either description which shall not be less than five years and a minimum fine of fifty thousand rupees.

**377G.- Unnatural offence where victim is mentally or physically disable.-**Whoever has carnal intercourse against the order of nature where victim is mentally or physically disable shall be punished with imprisonment for fourteen years which shall not be less than seven years and a minimum fine of two hundred thousand rupees.”.