

[AS 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 to further 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 shall be called the Criminal Law (Amendment) Act, 2022.

(2) It shall come into force at once.

2. **Amendment of section 269, Act XLV of 1860.**- In the Pakistan Penal Code, 1860 (XLV of 1860), hereinafter referred to as the Code, in section 269, for the expression, "which may extend to twelve months or with fine which may extend to ten million rupees but shall not less than ten thousand rupees" shall be substituted.

3. **Amendment of section 270, Act XLV of 1860.**- In the Code, in section 270, the words, "dangerous to life", shall be omitted.

4. **Amendment of section 272, Act XLV of 1860.**- In the Code, in section 272, for the expression, "or with fine which may extend to three thousand rupees", the expression, "or with fine which may extend to one million rupees but shall not be less than ten thousand rupees" shall be substituted.

5. **Amendment of section 273, Act XLV of 1860.**- In the Code, in section 273, for the expression, "or with fine which may extend to three thousand rupees" the expression, "or with fine which may extend to one million rupees but shall not be less than ten thousand rupees" shall be substituted.

6. **Amendment of section 274, Act XLV of 1860.**- In the Code, in section 273, for the expression, "or with fine which may extend to three thousand rupees" the expression, "or with fine which may extend to two million rupees but shall not be less than ten thousand rupees" shall be substituted.

7. **Amendment of Schedule II, Act V of 1898.**- In the Code of Criminal Procedure, 1898 (Act V of 1898), in Schedule II, the entries relating to sections 269, 272, 273 and 274 in column 2 to 8 the following shall be substituted, namely:-

1	2	3	4	5	6	7	8
269	Negligently doing any act known to be likely to spread infection of	May arrest without warrant	Summons	Bailable	Not Compoundable	Imprisonment of either description for twelve months, of fine upto tend	Magistrate of the first

	any disease dangerous to life					million or both	
272	Adulterating food or drink intended for sale, so as to make the same noxious.	May arrest without warrant	Summons	Bailable	Not compoundable	Imprisonment of either description for six months or fine up to one million rupees but not less than ten thousand rupees, or both	Magistrate of the first
273	Adulterating food or drink intended for sale, so as to make the same noxious.	May arrest without warrant	Summons	Bailable	Not compoundable	Imprisonment of either description for six months or fine up to one million rupees or both	Magistrate of the first
274	Adulterating food or drink intended for sale, so as to make the same noxious.	May arrest without warrant	Summons	Bailable	Not compoundable	Imprisonment of either description for six months or fine up to two million rupees or both	Magistrate of the first

STATEMENT OF OBJECTS AND REASONS

The punishment under section. 269, Act XXII of 1860 for knowingly spreading the infection of any disease, which stands harmful to life, through any negligent act is limited to imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Said punishment does not meet the reasonable standards. Hence, through this amendment an increase in the imprisonment to "twelve months or with fine which may extend to 10 million rupees but shall not be less than ten thousand rupees" is proposed.

It is vital to keep in mind the *mens rea* is possibly the most important element of any crime. This section essentially deals with the commission of an act to spread any disease threatening to life with a malignant intention.

However, it is pertinent to understand that punishment of any crime is usually proportional to the intensity of a crime, which is defined by the intention. This amendment suggests that the words "dangerous to life" be excluded from the section, as diseases of all kinds cause emotional, mental, physical and economic strain. Therefore, intentionally or knowingly causing the disease to spread through an act must be enough as criteria for awarding punishment under this section. Broadening the scope of this act would serve the purpose of deterrence through law in a better way.

The reason behind providing a varying degrees of fine, is that a fine of mere three thousand rupees is not enough to deter people from committing the crime of adulterating food or drink, especially at a commercial scale. By setting a minimum limit of rupees ten thousand and a maximum limit of one million rupees fine, the section ensures that according to the nature, extent and intent of crime, the fine can be imposed upon the discretion of the adjudicator in the light of the circumstances and damage done by the commission of said crime.

A fine of mere three thousand rupees is not enough to deter people from committing the crime of selling adulterated food or drink, especially at a commercial scale. By setting a minimum limit of rupees ten thousand and a maximum limit of one million rupees fine, the section ensures that according to the nature, extent and intent of crime, the fine can be imposed upon the discretion of the adjudicator in the light of the circumstances and damage done by the commission of said crime.

Section 274, Act XXII of 1860, criminalized the act of adulterating any drug or medical preparation, with an intent to decrease drug's efficacy, is barely imposing a fine which may extend to three thousand rupees. Such minimum amount of fine is suggested to be replaced with this expression "or with fine which may extend to 2 million rupees but shall not be less than twenty thousand rupees", as it deems fit.

Sd-

MS. NOOREEN FAROOQ KHAN,
Member National Assembly

[قومی اسمبلی میں پیش کردہ صفحہ ۸۸]

مجموعہ تعزیرات پاکستان، ۱۸۶۰ء اور مجموعہ ضابطہ فوجداری، ۱۸۹۸ء میں مزید ترمیم کرنے کا

بل

چونکہ یہ قرین مصلحت ہے کہ بعد ازیں ظاہر ہونے والی اغراض کے لئے مجموعہ تعزیرات پاکستان، ۱۸۶۰ء (ایکٹ ۴۵ بابت ۱۸۶۰ء) اور مجموعہ ضابطہ فوجداری، ۱۸۹۸ء (ایکٹ ۵ بابت ۱۸۹۸ء) میں مزید ترمیم کی جائے؛ بذریعہ ہذا حسب ذیل قانون وضع کیا جاتا ہے:-

۱- مختصر عنوان اور آغاز نفاذ:- (۱) ایکٹ ہذا فوجداری قانون (ترمیمی) ایکٹ، ۲۰۲۲ء کے نام سے موسوم ہوگا۔
(۲) یہ فی الفور نافذ العمل ہوگا۔

۲- ایکٹ ۳۵ بابت ۱۸۶۰ء، دفعہ ۲۶۹ کی ترمیم:- مجموعہ تعزیرات پاکستان، ۱۸۹۸ء (۳۵ بابت ۱۸۶۰ء) میں، جس کا بعد ازیں مجموعہ ضوابط کے طور پر حوالہ دیا گیا ہے، دفعہ ۲۶۹ میں، عبارت ”جو بارہ ماہ ہو سکتی ہے یا مع جرمانہ“ کو عبارت ”جو دس ملین روپے تک ہو سکتا ہے لیکن دس ہزار روپے سے کم نہ ہوگا“ سے تبدیل کیا جائے گا۔

۳- ایکٹ ۳۵ بابت ۱۸۶۰ء، دفعہ ۲۷۰ کی ترمیم:- مجموعہ میں دفعہ ۲۷۰ میں، عبارت ”زندگی کے لئے خطرہ“، حذف کر دی جائے گی۔

۴- ایکٹ ۳۵ بابت ۱۸۶۰ء، دفعہ ۲۷۲ کی ترمیم:- مجموعہ ضوابط میں، دفعہ ۲۷۲ میں، عبارت ”یا مع جرمانہ جو تین ہزار روپے تک ہو سکتا ہے“ کو عبارت ”یا مع جرمانہ جو ایک ملین روپے تک ہو سکتا ہے لیکن دس ہزار روپے سے کم نہ ہوگا“ سے تبدیل کیا جائے گا۔

۵- ایکٹ ۳۵ بابت ۱۸۶۰ء، دفعہ ۲۷۳ کی ترمیم:- مجموعہ ضوابط میں، دفعہ ۲۷۳ میں، عبارت ”یا مع جرمانہ جو تین ہزار روپے تک ہو سکتا ہے“ کو عبارت ”یا مع جرمانہ جو ایک ملین روپے تک ہو سکتا ہے لیکن دس ہزار روپے سے کم نہ ہوگا“ سے تبدیل کیا جائے گا۔

۶- ایکٹ ۳۵ بابت ۱۸۶۰ء، دفعہ ۲۷۴ کی ترمیم:- مجموعہ ضوابط میں، دفعہ ۲۷۴ میں، عبارت ”یا مع جرمانہ جو تین ہزار روپے تک ہو سکتا ہے“ کو عبارت ”یا مع جرمانہ جو دو ملین روپے تک ہو سکتا ہے لیکن دس ہزار روپے سے کم نہ ہوگا“ سے تبدیل کیا جائے گا۔

۷- ایکٹ نمبر ۵ بابت ۱۸۹۸ء، جدول دوم کی ترمیم:- مجموعہ ضابطہ فوجداری، ۱۸۹۸ء (ایکٹ نمبر ۵ بابت ۱۸۹۸ء) میں، جدول دوم میں، کالم ۲ اور ۸ میں، دفعات ۲۶۹، ۲۷۲، ۲۷۳ اور ۲۷۴ سے متعلق اندراج میں حسب ذیل کو تبدیل کیا جائے گا، یعنی:-

۸	۷	۶	۵	۴	۳	۲	
مجموٹریٹ	۱۲ ماہ کے لئے سزائے قید یا ۱۰	نا قابل	قابل	وارنٹ	گرفتاری	زندگی کے لئے خطرناک کسی	۲۶۹
درجہ اول	ملین روپے تک جرمانہ یا دونوں	مصلحت	ضمانت	بلا وارنٹ	بلا وارنٹ	متعدی بیماری کے پھیلاؤ کا	