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BILL

further to amend the Pakistan Penal Code, 1860

WHEREAS to curb the commission of crimes in the name of honour and effectively punish the perpetrators of such crimes, it is expedient to further to amend the Pakistan Penal Code, 1860 (Act No. XLV of 1860), for the purposes hereinafter appearing;

AND WHEREAS the President (?) is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of ---

1. **Short title and commencement.**- (1) This Bill may be called the Pakistan Penal Code (Amendment) Bill, 2003.

(2) It shall come into force at once.

2. **Amendment of section 300, Act XLV of 1860.**- (1) In the Pakistan Penal Code, 1860 (Act XLV of 186), hereinafter referred to as the said Code, in Chapter XVI, in section 300, after the existing section, the following Explanation shall be inserted, namely:-

“Explanation: Qatl-i-amd in the name of honour shall mean and include qatl on the grounds or pretext of karo kari, siyahkari or any other similar custom, or for the vindication of honour or ghairat under similar circumstances, or in anticipation of violation of honour or ghairat in similar circumstances, whether due to grave and sudden provocation or not.”

3. **Insertion of new section 300A, Act XLV of 1860.**- In the said Code, in Chapter XVI, after section 300, the following new section shall be inserted, namely:-

“300A. Notwithstanding anything contained in Chapter XVI or any other law for the time being in force, the provisions of clauses (b) and (c) of Section 306; clause (b) of Section 307; Section 309; Section 310; and Section 311 shall not be applicable in cases of qatl-i-amd committed in the circumstances described in the Explanation under Section 300.”

4. **Amendment of section 302, Act XLV of 1860.**- In the said Code, in Chapter XVI, in section 302,-

(a) after clause (c), the following new clause shall be inserted, namely:-

“(d) punished with imprisonment of either description for a term which may extend to twenty-five years, but shall not be less than fourteen years, where according to the Injunctions of Islam the punishment of *qisas* is not applicable and the death of the victim is caused in the circumstances described in the *Explanation* under Section 300.”

(b) after the new clause (d), the following *Explanation* shall be inserted, namely:-

“*Explanation*: Whoever aids and abets, encourages, conspires in, induces or validates the commission of *qatl-i-amd* in the circumstances described in the *Explanation* under Section 300 shall also be liable to punishment under clause (d) above.”

5. **Amendment of section 324, Act XLV of 1860.**- In the said Code, in Chapter XVI, in section 324, after the existing proviso, the following additional proviso be inserted, namely:-

“Provided further that where the attempt to commit *qatl-i-amd* has been made in the circumstances described in the *Explanation* under Section 300, the punishment of imprisonment for the offence shall not be less than five years as *ta'zir*.”

6. **Insertion of new section 332A, Act XLV of 1860.**- In the said Code, in Chapter XVI, after section 332, the following new section shall be inserted, namely:-

“332A. Notwithstanding anything contained in Chapter XVI or any other law for the time being in force, if hurt is caused to a woman on the grounds, suspicion or pretext of immorality or improper behaviour, or for the vindication of honour or *ghairat* under similar circumstances, or in anticipation of violation of honour or *ghairat* in similar circumstances, whether due to grave and sudden provocation or not, the provision for waiver of *qisas* or compounding of the offence contained in clause (c) of Section 337N shall not be applicable, and the punishment of imprisonment for the offence shall not be less than half the maximum penalty prescribed as *ta'zir*.”

7. **Amendment of section 338E, Act XLV of 1860.**- In the said Code, in Chapter XVI, in section 338E, after the existing proviso to sub-section (1), the following additional proviso be inserted, namely:-

“Provided further that there shall be no waiver or compounding of offences in the case of offences covered under the *Explanation* to Section 300, the second proviso to Section 324 and Section 332A.”

8. **Omission of section 338F, Act XLV of 1860.**-In the said Code, section 338F shall be omitted.

Bill No. --- of 2003

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BILL

further to amend the Code of Criminal Procedure, 1898

WHEREAS it is expedient to further to amend the Code of Criminal Procedure, 1898 (Act No. V of 1898), for the purposes hereinafter appearing;

AND WHEREAS the President (?) is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of ---

1. **Short title and commencement.**- (1) This Bill may be called the Code of Criminal Procedure (Amendment) Bill, 2003.

(2) It shall come into force at once.

2. **Insertion of new section 345A, Act V of 1898.**- In the Code of Criminal Procedure, 1898, hereinafter referred to as the said Code, in Chapter XXIV, after section 345, the following new section shall be inserted, namely:-

“345A. Notwithstanding anything contained in Section 345 or any other law for the time being in force, no Court shall allow the compounding of any offence without first determining on the basis of material and evidence on record, or through inviting further evidence where considered necessary, that such offence does not fall within the ambit of the *Explanation* under Section 300, the second proviso to Section 324 or Section 332A of the Pakistan Penal Code, 1860, which are non-compoundable offences.”

5. **Amendment of section 401, Act V of 1898.**- In the said Code, in Chapter XVIV, in section 401, after sub-section (1), the following proviso be inserted, namely:-

“Provided that there shall be no suspension of sentence or remission of punishment in the case of persons sentenced for offences which fall within the ambit of the *Explanation* under Section 300, the second proviso to Section 324 or Section 332A of the Pakistan Penal Code, 1860.”

5. **Amendment of section 417, Act V of 1898.**- In the said Code, in Chapter XVIV, in section 417, after sub-section (4), a new sub-section be inserted, namely:-

“(5) Notwithstanding anything contained hereinabove, in all cases relating to offences which fall within the ambit of the *Explanation* under Section 300, the second proviso to Section 324 or Section 332A of the Pakistan Penal Code, 1860, any interested person may file an appeal against an order of acquittal passed by any Court, other than a High Court, within ninety days of such order.”