

NATIONAL ASSEMBLY SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON INTERIOR AND NARCOTICS CONTROL ON THE CRIMINAL LAW (AMENDMENT) BILL, 2014

I, Chairman of the Standing Committee on Interior and Narcotics Control, have the honor to present the report on the Bill further to amend the Pakistan Penal Code, 1860 (Act XLV of 1860), the Code of Criminal Procedure (Act V of 1898) [The Criminal Law (Amendment) Bill, 2014] (Private Member's Bill) referred to the Committee on 08th March, 2014.

2. The Committee consists of the following Members: -

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)	Ch. Nisar Ali Khan,	Ex-officio Member
	Minister for Interior and Narcotics Control	

3. The Committee considered the Bill as introduced in the National Assembly, placed at Annexure-A, in its meetings held on 15-10-2014, 27-10-2016 and 28-12-2016 and made the following amendments, therein: -

(1)

Clause-2

In clause-2, in the proposed section 379, in paragraph (a), for the word "three" the word "five" shall be substituted.

(2)

Clause-3

In clause-3, in the proposed Schedule II, for Section 379, in Column 7, in paragraph (a), for the figure "3" the figure "5" shall be substituted.

4. The Committee unanimously recommends that the Bill as amended placed at Annex-B may be passed by the Assembly.

Sd/-
(JAWAD RAFIQUE MALIK)
Secretary

Islamabad, the 08th May, 2017

Sd/-
(RANA SHAMIM AHMAD KHAN)
Chairman
Standing Committee on
Interior and Narcotics Control

[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 further the Pakistan Penal Code, 1860 (Act XLV of 1860), the Code of Criminal Procedure (Act V of 1898), for the purpose hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and commencement.**- This Act may be called the Criminal Law (Amendment) Bill, 2014.
- (2) It shall come into force at once.
2. **Substitution of section 379, Act XLV of 1860.**- In the Pakistan Penal Code (Act XLV of 1860) (Act XLV of 1860), for section 379, the following shall be substituted, namely:-

“379. Punishment for theft.- Whoever commits theft shall be punished as under:-

- (a) if the subject-matter of theft shall be valued less than rupees one hundred thousand, with imprisonment of either description for a term which may extend to three years, or with fine which shall not be less than double of the value of such subject-matter of theft, or with both; or
- (b) if the subject-matter of theft shall be valued more than rupees one hundred thousand but less than rupees five hundred thousand, with imprisonment of either description for a term which may extend to seven years, or with fine which shall not be less than double of the value of such subject-matter of theft, or with both; or
- (c) if the subject-matter of theft shall be valued more than rupees five hundred thousand but less than rupees fifty hundred thousand, with imprisonment of either description for a term which may extend to ten years, or with fine which shall not be less than double of the value of such subject-matter of theft, or with both; or
- (d) if the subject-matter of theft shall be valued more than rupees fifty hundred thousand but less than rupees ten million, with imprisonment of either description for a term which may extend to fourteen years, or with fine which shall not be less double of the value of such subject-matter of theft, or with both; or
- (e) if the subject-matter of theft shall be valued more than rupees ten million and more, with imprisonment for life, or with fine which shall not less than double of the value of such subject-matter of theft, or with both.

3. Amendment of Schedule II, Act V of 1898.- In the Code of Criminal Procedure, 1898 (Act V of 1898) (Act V of 1898), in Schedule II, for section 379, in column 1 and the entries relating thereto in columns 2 to 8, the following shall be substituted, namely:-

379.	Theft	May arrest without warrant.	Warrant	Not bailable	Not compoundable	(a)Imprisonment of either description upto 3 years, or fine which shall not be less than double of the value of subject-matter of theft, or with both.	(a) Any Magistrate.
						(b)Imprisonment of either description upto 7 years, or fine which shall not be less than double of the value of subject-matter of theft, or with both.	(b) Court of Session
						(c)Imprisonment of either description upto 10 years, or fine which shall not be less than double of the value of subject-matter of theft, or with both.	(c) Court of Session.
						(d)Imprisonment	(d) Court

						of either description upto 14 years, or fine which shall not be less than double of the value of subject- matter of theft, or with both.	of Session.
						(e)Imprisonment for 14 years, or fine which shall not be less than double of the value of subject- matter of theft, or with both.	(e)Court of Session.

STATEMENT OF OBJECTS AND REASONS

In the existing section 379 of the Pakistan Penal Code, there is provision of 3 years imprisonment of either description, or with fine or both. However, the said punishment has failed to control the crime of theft or to create an effective deterrent. Nowadays, there are gangs of thieves who are not operating locally as well as inter-district or inter-provincial level making it difficult to control such crime when the police is equally inefficient or in collusion with such gangs. Consequently, the general public is the worst sufferer as there are either no punishment which neither creating any deterrence nor punishment in punitive effect reforming such offenders. Therefore, it is necessary to introduce system of punishment with quantum and financial implications of the offence so that it may be creating an effective deterrent as well as make theft a non-beneficial activity.

2. Bill seeks to achieve the above-said objectives.

Sd/-
Ms. Kishwer Zehra,
Mr. Sufyan Yusuf,
Syed Waseem Hussain,
Syed Asif Hasnain,
Members, National Assembly

[As Reported by the Standing Committee]

A

BILL

further to amend the Pakistan Penal Code, 1860, and the Code of Criminal Procedure, 1898

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

It is hereby enacted as follows:-

1. **Short title and commencement.-** This Act may be called the Criminal Law (Amendment) Bill, 2014.

(2) It shall come into force at once.

2. **Substitution of section 379, Act XLV of 1860.-** In the Pakistan Penal Code (Act XLV of 1860), for section 379, the following shall be substituted, namely:-

“379. Punishment for theft.- Whoever commits theft shall be punished as under:-

- (a) if the subject-matter of theft shall be valued less than rupees one hundred thousand, with imprisonment of either description for a term which may extend to five years, or with fine which shall not be less than double of the value of such subject-matter of theft, or with both; or
- (b) if the subject-matter of theft shall be valued more than rupees one hundred thousand but less than rupees five hundred thousand, with imprisonment of either description for a term which may extend to seven years, or with fine which shall not be less than double of the value of such subject-matter of theft, or with both; or
- (c) if the subject-matter of theft shall be valued more than rupees five hundred thousand but less than rupees fifty hundred thousand, with imprisonment of either description for a term which may extend to ten years, or with fine which shall not be less than double of the value of such subject-matter of theft, or with both; or
- (d) if the subject-matter of theft shall be valued more than rupees fifty hundred thousand but less than rupees ten million, with imprisonment of either description for a term which may extend to fourteen years, or with fine which shall not be less double of the value of such subject-matter of theft, or with both; or
- (e) if the subject-matter of theft shall be valued more than rupees ten million and more, with imprisonment for life, or with fine which shall not less than double of the value of such subject-matter of theft, or with both.

3. **Amendment of Schedule II, Act V of 1898.-** In the Code of Criminal Procedure, 1898 (Act V of 1898), in Schedule II, for section 379, in column I and the entries relating thereto in columns 2 to 8, the following shall be substituted, namely:-

379.	Theft	May arrest without warrant.	Warrant	Not bailable	Not compoundable	(a) Imprisonment of either description upto 5 years, or fine which shall not be less than double of the value of subject-matter of theft, or with both. (b) Imprisonment of either description upto 7 years, or fine which shall not be less than double of the value of subject-matter of theft, or with both. (c) Imprisonment of either description upto 10 years, or fine which shall not be less than double of the value of subject-matter of theft, or with both. (d) Imprisonment of either description upto 14 years, or fine which shall not be less than double of the value of subject-matter of theft, or with both. (e) Imprisonment for 14 years, or	(a) Any Magistrate (b) Court of Session (c) Court of Session (d) Court of Session (e) Court of Session
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						fine which shall not be less than double of the value of subject-matter of theft, or with both.	
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In the existing section 379 of the Pakistan Penal Code, there is provision of 3 years imprisonment of either description, or with fine or both. However, the said punishment has failed to control the crime of theft or to create an effective deterrent. Nowadays, there are gangs of thieves who are not operating locally as well as inter-district or inter-provincial level making it difficult to control such crime when the police is equally inefficient or in collusion with such gangs. Consequently, the general public is the worst sufferer as there are either no punishment which neither creating any deterrence nor punishment in punitive effect reforming such offenders. Therefore, it is necessary to introduce system of punishment with quantum and financial implications of the offence so that it may be creating an effective deterrent as well as make theft a non-beneficial activity.

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