PART III

Other Notifications, Orders, etc.

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 7th February, 2020

No. F. 23(4)/2020-Legis.— The following Bills were introduced in the National Assembly on 6th February, 2020:—

N.A. BILL NO. 33 OF 2020

A

BILL

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

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

(1)

Price : Rs. 10.00

[5159(2020)/Ex. Gaz.]
It is hereby enacted as follows:—

1. **Short title and commencement.**— (1) This Act may be called the Criminal Laws (Amendment) Act, 2020.

   (2) It shall come into force at once.

2. **Insertion of a new Section 297A in Act XLV of 1860.**— In the Pakistan Penal Code (Act XLV of 1860), after section 297, the following new section shall be added, namely,—

   “297A. Prohibition of magic, witchcraft and sorcery.— Whoever practices, advertises or provides services for magic, black magic, sorcery, witchcraft, or such acts in the disguise of spiritual healing or counseling shall be punished with imprisonment of either description for a term which may extend to seven years, but shall not be less than six months, and with fine which may extend upto one million.

   **Exemption.**— This section does not extend to the spiritual counseling provided under license issued by the Ministry of Religious Affairs.”.

3. **Amendment of Schedule-II in Act V of 1898.**— In the Code of Criminal Procedure, 1898 (Act V of 1898), in Schedule-II, after entry 297, the following entry shall be inserted, namely,—

<table>
<thead>
<tr>
<th>“297A”</th>
<th>Prohibition of magic, witchcraft And sorcery</th>
<th>Ditto</th>
<th>Warrant</th>
<th>Not Bailable</th>
<th>Ditto</th>
<th>Imprisonment of either description for upto seven years and fine which may extend upto one million</th>
<th>Court of Session.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Prohibition of magic, witchcraft And sorcery</td>
<td>Ditto</td>
<td>Warrant</td>
<td>Not Bailable</td>
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<td>Imprisonment of either description for upto seven years and fine which may extend upto one million</td>
<td>Court of Session.</td>
</tr>
</tbody>
</table>

STATEMENT OF OBJECT AND REASONS

The society is faced with ignorant malpractices such as magic, sorcery and black magic practiced openly by individuals and associations, who in the goals of counseling and spiritual healing are bent upon destroying the social and family fabric. Incidents of hate, deceit, injury, breaking of relationship and even threats to life and property of innocent citizens exposed to such quack healers has made hundreds of lives miserable. In this context there is need of the hour to ban all such evils acts that replicate the phenomenon of spiritual healing and counseling to maintain general safety, wellbeing and peaceful minds in the society.

This Criminal Law Amendment strives to safeguard society from evils.

_Sd/-_

CHOUDHARY FAQIR AHMAD,

*Member-in-Charge.*
N.A. BILL NO. 34 OF 2020

A

BILL

_further to amend the Islamabad Capital Territory Child Protection Act, 2018_

WHEREAS it is expedient further to amend the Islamabad Capital Territory Child Protection Act, 2018 (XXI of 2018), for the purposes hereinafter appearing:

It is hereby enacted as follows:

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1. **Short title and commencement.**— (1) This Act may be called the Islamabad Capital Territory Child Protection (Amendment) Act, 2020.

(2) It shall come into force at once.

2. **Amendment of section 7, Act XXI of 2018.**— In the Capital Territory Child Protection Act, hereinafter referred to as the said Act, in section 7, in sub-section (1), in Paragraph (vii), the words, “status of women”, the words, “rights of child”, shall be substituted.

3. **Amendment of section 12, Act XXI of 2018.**— In section 12, in sub-section (1), for the full stop at the end, a colon shall be substituted and thereafter a proviso shall be added, namely:

   “Provided that in case of a girl child such initial assessment shall be conducted by a female Child Protection Officer appointed as per rules of this Act.”

4. **Amendment of section 13, Act XXI of 2018.**— In section 13, in sub-section (1), for the full stop at the end, a colon shall be substituted and thereafter a proviso shall be added, namely:

   “Provided that in case of a girl child such comprehensive assessment shall be conducted by a female Child Protection Officer appointed as per rules of this Act.”

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STATEMENT OF OBJECTS AND REASONS

The purpose of the first amendment in the act is to provide the membership of the National Commission on the Rights of Children. Which is a
more appropriate and relevant forum than the National Commission on the Status of Women in the context of this specific Law. Since the law deal with the protection, care and welfare of children only, hence the participation of any member from the child rights' commission would be more desirable in this regard. Likewise the purpose of the second and third amendment is to ensure that girl children are assessed by female Child Protection Officers keeping in view of the gender specific needs and our cultural context as well. Under the protection of a female officer, the girl child would get a greater sense of security at emotional level. In this way the emotional needs of unprotected children can be effectively addressed.

Hence the Bill has been proposed.

Sd/-

MS. NAFeesa InayATUllAh KhAN KhattAK,
Member-in-Charge.

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N.A. BILL No. 35 OF 2020

A

BILL

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

WHEREAS it is expedient to amend the Pakistan Penal Code (Act XLV of 1860) and for the Code of Criminal Procedure, 1998 (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 Laws (Amendment) Act, 2020.

   (2) It shall come into force at once.

2. **Insertion of section 409A, Act XLV of 1860.**  — In the Pakistan Penal Code (XLV of 1860), after section 409, the following new section shall be inserted, namely:—

   “409A. Criminal breach of trust of public servant in any public fund, welfare scheme or programme. — Whoever, being in any manner
entrusted with any public fund, a welfare scheme or any programme, directly or indirectly, functionary or dealing with affairs of such public fund, a welfare scheme or programme, in his capacity of a public servant, directly or indirectly, gets any benefit or allows a benefit to his family member or any person directly or indirectly connected with him or having any beneficial connection, whatsoever, which is not due to him, commits criminal breach of trust in respect of such public fund, welfare scheme or programme, shall be punished with imprisonment for life, or with imprisonment of either description for a term which shall not be less than fourteen years and shall also be liable fine ten times to the amount or estimated value of the benefit.

Explanation I.— Whenever being a public servant is dealing with a matter wherein his family member or any person directly or indirectly connected with him is the applicant or seeking benefit from a fund, a welfare scheme or programme, such public servant is bound to disclose such relation or situation and shall not deal with such matter and such conduct shall amount to criminal breach of trust and an adverse interest. The Explanation is also applicable in case of any offence under section 409 and also extends to a banker, merchant or agent.

Explanation II.— Any public servant who will be alleged for misappropriate of public funds or any welfare scheme or programme shall be removed from his office forthwith and shall be sent on extraordinary leave without pay and allowances till such public servant is absolved from such allegations by a competent court.”.

3. Amendment of Schedule-II, Act V of 1898.— In the Code of Criminal Procedure, 1898 (Act V of 1898), in Schedule-II, after entry 409, a new entry 409A in column 1 and the entries relating thereto in columns 2 to 8, the following shall be inserted, namely:—

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<table>
<thead>
<tr>
<th>“409A.”</th>
<th>Criminal breach of trust by public servant in any public fund, welfare scheme or programme</th>
<th>Ditto</th>
<th>Ditto</th>
<th>Ditto</th>
<th>Ditto</th>
<th>Imprisonment for life, or with imprisonment of either description for a term which shall not be less than fourteen years and shall also be liable fine ten times to the amount or estimated value of the benefit.</th>
<th>Court of Session.</th>
</tr>
</thead>
</table>
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STATEMENT OF OBJECTS AND REASONS

Public funds and welfare schemes or programmes are initiated by the Government for the benefit of targeted class of persons. However, there are black sheep in public servants who not only misappropriate such funds or benefit from such welfare schemes or programmes themselves, but also allow such benefits to their family members, relatives or persons, directly or indirectly, connected therewith which is the worst form of criminal management role such public servants are custodians and guardians of public funds, welfare schemes or programmes and “amen” of such funds, schemes or programmes. Recent involvement of public servants in misappropriation of funds from Benazir Income Support Programme (BISP) is an eye-opener about mischievous conduct of public servants and such conduct should be checked with iron hand of law.

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

Sd/-

MS. KISHWER ZEHRA,
Member- in-Charge.

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TAHIR HUSSAIN,
Secretary.