NATIONAL ASSEMBLY SECRETARIAT

NOTIFICATION

Islamabad, the 8th May, 2019

No. F. 23(15)/2019-Legis.—The following Bills were introduced in the National Assembly on 8th May, 2019:

BILL NO. 39

A

BILL

to provide for the regulation of Employment of Domestic Workers in Islamabad Capital Territory (ICT).

WHEREAS, it is necessary to protect the rights of the domestic workers, to regulate their terms of employment, working conditions of service, to provide them social protection, welfare and for matters ancillary thereto;

(1)

Price: Rs. 60.00

[786(2019)/Ex. Gaz.]
It is hereby enacted as follows:—

1. **The short title, extent and commencement.**—(1) This Act may be called the Islamabad Capital Territory Domestic Workers Act, 2019.

   (2) It extends to the Islamabad Capital Territory.

   (3) It shall come into force at once.

2. **Definitions.**—In this Act, unless there is anything repugnant in the subject or context;

   (a) “Act” means the Islamabad Capital Territory Domestic Workers Act 2019;

   (b) “Appellate Authority” means an authority appointed under this Act;

   (c) “Beneficiary” means a domestic worker or heirs of a deceased domestic worker eligible to receive benefits under the Domestic Workers Welfare Fund;

   (d) “Board” means the Minimum Wages Board established under Section 3 of the Minimum Wages Ordinance, 1961 (Minimum Wages for Unskilled Workers (Amendment) Act 2016 or other relevant law adopted by Federal Government for ICT);

   (e) “Committee” means the Dispute Resolution Committee constituted under this Act;

   (f) “dispute” means any dispute or conflict between employers and employees, or between employers and domestic workers or between domestic workers which is connected with the employment or non-employment or the terms of employment or the conditions of work of domestic workers;

   (g) “domestic work” means any work which takes place within or for the households and includes childcare, old age care, sick care or natal/post-natal care and matter ancillary thereto;

   (h) “Domestic worker” is a person who provides services of a domestic nature in a household;

   (i) “Employing” means,
(i) in relation to a person or group of persons registered under this Act and employing domestic worker(s), such person or group of persons generally or collectively responsible for employment of domestic workers;

(ii) in relation to an establishment or agency, the owner(s) of the establishment or agency or a person(s) registered under this Act and having the ultimate control over the affairs of the establishment or agency as well as any other person to whom affairs of such establishment or agency are entrusted whether such person(s) is called an agent, a manager, an occupier or by any other name;

(j) “Family” in relation to a domestic worker means the spouse, children below the age of 18 years and includes disabled children above the age of 18 years with disability of fifty percent or more;

(k) “Fund” means Domestic Workers Welfare Fund constituted under section 22;

(l) “Government” means Federal Government;

(m) “Governing Body” has the same meaning as in section 5 of the Employees Social Security Ordinance, 1965 or elaborated otherwise separately by the Government of Pakistan for Islamabad Capital Territory through a notification;

(n) “Household” means individuals who comprise a family unit and who live together under the same roof;

(o) “Inspector” means an official appointed under this Act;

(p) “Labour Court” means the Labour Court established by the Federal Government for Islamabad Capital Territory;

(q) “Prescribed” means prescribed by rules; and

(r) “Wages” means all remuneration capable of being expressed in terms of money, which would, if the terms and conditions of employment, express or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment, but does not include:

(a) any contribution paid by the employer in respect of such person under any scheme of social insurance or to a pension fund or provident fund;
3. **Prohibition on employment.**—No child under the age of 15 years shall be allowed to work in household in any capacity.

4. **Rights and Entitlements of domestic workers.**—Domestic workers shall have the following Rights and Entitlements:

   (a) A domestic worker shall not be employed under the bonded labour system or forced or partly forced labor system;

   (b) No domestic worker shall be discriminated in recruitment, continuance of employment, deciding wages, benefits and other rights on the grounds of religion, race, caste, creed, sex, ethnic background, and place of birth/residence/domicile, migration or any other reason;

   (c) The domestic worker shall be addressed as “domestic worker”, not “servant”;

   (d) No extra work may be assigned to the domestic worker without his free will and extra remuneration;

   (e) The employer shall provide dignified working conditions and occupational safety and health measures to the domestic worker; and

   (f) The benefits for domestic worker shall include sickness benefits and medical care during sickness and injury.

5. **Employment on work.**—(1) Every employment or appointment of a domestic worker shall be subject to issuance of letter of appointment in the prescribed Form showing the terms and conditions of his/her employment including nature of work and amount of wages.

   (2) The employer shall send a copy of the letter of employment issued under subsection (1) to the Inspector concerned or relevant official having jurisdiction in the area. The employer may keep a copy of identification documents of domestic worker during the course of employment.

   (3) An employer shall, within sixty days of the commencement of this Act, arrange for the issuance of letter of employment under sub-section (1) to each of the domestic workers employed on work in relation to a household.
(4) No domestic worker shall be required to perform any work other than what is specifically mentioned in the letter of employment.

(5) No domestic worker shall be required to work for more than eight hours in a day however a domestic worker at free will may work overtime for such time duration and for such remuneration as may be prescribed and mutually agreed upon.

(6) Any work by a domestic worker in excess of forty eight hours will incur over time rates as may be prescribed and weekly working time shall not exceed fifty six hours.

6. Leave and Holidays.—(1) Every domestic worker engaged in domestic work shall be entitled to a holiday of at least one whole day in a week.

(2) Every domestic worker shall be entitled to sick leave with full wages for a total period of eight days in a year and such leave, if not availed of by a domestic worker during a calendar year, may be carried forward, but the total accumulation of such leave shall not exceed sixteen days at one time.

(3) Every domestic worker engaged in domestic work shall be entitled to ten days festival holidays with full wages in a year. The days and dates for such festival holidays shall be agreed between the domestic worker and the employer in the beginning of the calendar year.

(4) A female domestic worker engaged in domestic work shall be entitled to six weeks maternity leave.

7. Wages during Leave or Holiday period.—(1) For each day of the leave or holidays allowed to a domestic worker under sub-sections (1),(2) and (3) of section 6, he must be paid at the rate equivalent to the daily average amount, which during the three months, preceding the leave or holidays, was being earned by the domestic worker.

(2) A domestic worker, who has been allowed leave under sub-section (2) of section 6 for a period not less than four days shall, before the leave begins, be paid wages for the period of the leave allowed.

8. Minimum wage.—(1) Every domestic worker shall be paid such wages within such time as may be prescribed in the letter of appointment, but such wages in no case be less than the wages specified by the Federal Government under this Act.

(2) No employer shall pay to domestic worker, remuneration payable, at rates less favorable than those at which remuneration is paid to the domestic worker.
workers of the opposite sex performing same work or work of a similar nature or of equal value.

9. **Maternity benefit.**—A female domestic worker engaged in domestic work shall be entitled to maternity benefits with a minimum amount equivalent to six weeks wages in a prescribed manner but not less than the minimum wages notified by the Government.

10. **Accommodation.**—(1) Every employer, under express terms and conditions of employment, is to ensure to provide for the accommodation for live-in domestic worker who at his free will stays at place of work.

(2) Every employer shall ensure decent living conditions for live-in domestic worker.

11. **Medical examination, vaccination and inoculation.**—Every employer, on yearly basis, shall ensure medical examination of a domestic worker in a household by a registered medical practitioner and domestic worker shall also be vaccinated and inoculated against such diseases at such intervals as may be prescribed, and expenses, if any, of such medical examination, vaccination and inoculation shall be borne by the employer.

12. **Notice of certain accident.**—Where in any household, an accident occurs which causes death or bodily injury whereby any domestic worker injured is prevented from resuming his/her work in the household during the forty-eight hours after the accident occurred, or which is of any nature which may be prescribed in this behalf, the employer of the domestic worker shall send a notice thereof to such authorities, in such form and within such time, as may be prescribed.

13. **Termination of employment.**—The termination of employment shall be subject to one month’s prior notice in writing either by the domestic worker or by the employer and in lieu of notice, one month's wages shall be paid calculated on the basis of average of wages earned during the preceding three months.

14. **Restoration of possession of property to domestic worker.**—(1) Upon termination of employment personal belongings and identification documents of domestic worker or his family shall not be retained. If possession of any property is not made, the aggrieved domestic worker may apply to the Dispute Resolution Committee for the restoration of the possession of such property and the Dispute Resolution Committee may, after giving the employer a reasonable opportunity of being heard, direct the employer to restore to the applicant the possession of the said property within such time as may be specified in the award.
(2) Whoever, being required by this Act to restore any property to the possession of any domestic worker or his family, omits or fails to do so, within such time as specified in sub-section (1), shall be liable, on conviction before a Magistrate, to a fine not exceeding ten thousand rupees and restoration to the applicant the possession of the said property.

15. **Relinquishment of right.**—Where a domestic worker relinquishes any right conferred by this Act, whether made before or after the commencement of this Act, the relinquishment shall be null and void in so far as it purports to deprive him of such right.

16. **Recommendation of Minimum Wages for Domestic workers.**—

(1) The Board shall, upon a reference made to it by the Government, recommend to it, after such enquiry as the Board thinks fit, the minimum rates of wages for domestic workers employed in households.

(2) In its recommendations under sub-section (1), the Board shall indicate, whether the minimum rates of wages should be adopted uniformly throughout the Islamabad Capital Territory or with such local variations for such localities as specified therein.

(3) In pursuance of a direction under sub-section (1), the Board may recommend minimum rates of wages for all classes of domestic workers in any category or capacity and, in such recommendation, may specify —

(a) the minimum rates of wages for—

(i) time work;
(ii) piece work;
(iii) on call work;
(iv) over time work; and
(v) work on the weekly day of rest and for paid holidays; and

(b) the minimum time rates for domestic workers employed on piece work so as to guarantee minimum wages on a time basis for such domestic workers.

(4) The time rates recommended by the Board may be on hourly, daily, weekly or monthly basis.

(5) The rates recommended under this section for overtime work and work on paid holidays shall not be less than the minimum rates fixed for such work under any other law for the time being in force.
17. **Power to declare minimum rates of wages.**—(1) Upon receipt of recommendations of the Board under section 16, the Government may proceed as per laid down the procedure under Section-6 of the Minimum Wages Ordinance, 1961 (Minimum Wages for Unskilled Workers (Amendment) Act 2016).

18. **Time and conditions of payment of wages.**—(1) The wages of every domestic worker shall be paid before the expiry of the fifth day, after the last day of the wage-period in respect of which the wages are payable.

(2) No wage period, so fixed, shall exceed one month.

(3) Where the employment of any domestic worker is terminated by employer, the wages earned by him/her shall be paid before the expiry of the second working day from the day on which his employment is terminated.

(4) All payments of wages shall be made on a working day.

(5) All wages shall be paid in current coin or currency notes or in both.

19. **Prohibition to pay below the minimum rate of wages.**—(1) No employer shall pay any domestic worker wages at a rate lower than the rate declared under this Act to be the minimum rate of wages for such domestic worker.

(2) Any employer who contravenes the provisions of this section shall be liable, on conviction before a Magistrate of the first class, to a fine not exceeding ten thousand rupees, and if the court trying such contravention by order so directs, shall also pay to the domestic worker concerned such sum as may be specified in the order to represent the difference between the amount actually paid to such domestic worker and the amount which would have been paid to him had there been no such contravention.

(3) All claims of a domestic worker relating to wages or claims arising out of deductions from wages against the employer, as the case may be, shall be settled and recovered in the same manner as is provided in the Minimum Wages Ordinance, 1961 (*XXXIX of 1961*).

(4) If the Authority hearing any application under this section is satisfied that no amount to be paid as wages is due from the employer to the applicant, it shall reject the application; and if the application, in the opinion of the Authority, is malicious or vexatious, the Authority when rejecting it, may direct the applicant to pay a penalty not exceeding five thousand rupees to the employer.
(5) An appeal against a direction made under sub-section (3) or sub-section (4) under this section may be preferred, within thirty days of the date on which the direction was made, before the Labour Court constituted under the law, within whose jurisdiction the cause of action to which the appeal relates arose —

(a) by the employer, if the total sum directed to be paid by way of wages exceeds twenty thousand rupees:

Provided that no appeal under this clause shall lie unless the memorandum of appeal is accompanied by a certificate of the authority to the effect that the appellant has deposited with the authority the amount payable under the direction appealed against.

(b) by the applicant directed under sub-section (4) of this section to pay a penalty.

(6) The decision of appeal shall be final and shall not in any manner be questioned by any person in any court or before any authority.

20. **Registration of domestic workers.**—Every domestic worker, in order to benefit from the fund, shall make an application for registration in a manner as prescribed by the Governing Body. Every such domestic worker shall be provided by the Governing Body with a security number and identity card, which shall be renewable after completion of every three years. None of the domestic workers is eligible to get more than one security number and identity card.

21. **Registration of employers.**—Every employer shall make an application for registration in a manner as prescribed by the Governing Body. Every such employer shall be provided with a registration number, which shall be renewable after completion of every three years.

22. **Constitution of the Fund.**—(1) To provide social protection, safety and welfare measures to domestic workers, the Government may establish a fund called “Domestic Workers Welfare Fund”.

(2) The Fund shall consist of—

(a) all grants and loans as may be made to the Fund by the Government;

(b) all sums received by the Fund from other sources as may be decoded upon by the Government and all voluntary contributions from the philanthropists etc.;
(c) income from the investments made and properties and assets acquired out of the Fund; and

(d) proceeds of loans raised by the Governing Body.

(3) The Fund shall be applicable to:

(a) financing of measures including education, training and skill development;

(b) benefits for domestic workers as laid down in section 4;

(c) any money in aid of any scheme for the welfare of the domestic workers; and

(d) meet the expenditures in respect of the cost of management and administration of the Fund.

23. **Functions of the Governing Body.**—(l) The functions of the Governing Body shall be the same as laid down under “Employees' Social Security Ordinance, 1965” and Rules made thereunder and/or other relevant laws adopted by the Federal Government or Administration of Islamabad Capital Territory (ICT);—

24. **Manner of claiming benefits.**—(l) All claims for benefits under this Act shall be made within such times as may be prescribed, and in such form and manner, and shall be accompanied by such documents, information and evidence as to entitlement, as may be provided in the regulations laid down by the Governing Body.

(2) The payment in respect of benefits shall be made in such manner, and at such time and place as may be provided in the regulations.

(3) The payment in respect of benefits shall be made from the Fund under this Act in the prescribed manner.

25. **Resolution of Disputes.**—(l) The Government may, by notification in the official Gazette, constitute a Committee to be called the Dispute Resolution Committee for the effective enforcement of this Act.

(2) The Dispute Resolution Committee shall be headed by the Assistant Commissioner or such other officer as may be notified by the Government.
(3) All disputes or complaints arising out of and in connection with enforcement under this Act shall be heard and resolve through an award by Dispute Resolution Committee:

Provided that every such dispute shall be presented within 30 days from the date on which the dispute arises.

(4) Any party aggrieved of the award made under sub-section (3), may, within 30 days of the date on which the award was made, prefer an appeal before the Appellate Authority.

26. **Appellate Authority.**—(1) The Government shall appoint an Appellate Authority in each District to hear and decide the appeals preferred against the award of a dispute resolution committee

(2) The Appellate Authority may confirm, modify or reverse the award of a dispute resolution committee

27. **Powers of the Dispute Resolution Committees and Appellate Authorities.**—Dispute Resolution Committee and Appellate Authority shall, while holding an enquiry regarding a dispute or complaint under this Act or the rules made there-under, have same powers as are vested in Civil Court under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters, namely:

(a) enforcing the attendance of any person and examining him on oath;

(b) compelling the production of documents and material objects;

(c) issuing commissions for the examination of witnesses; and

(d) such other matters as may be prescribed.

28. **Power to issue directions.**—The Government may, from time to time, issue such directions to employers as may be necessary for the effective enforcement of the provisions of the Act.

29. **Power to remove difficulties.**—If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, published in the official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removal of the difficulty.

31. **Penalties.**—(1) An employer who fails to comply with or contravenes any provisions of this Act other than section 3, shall, on conviction, be punishable with fine which for the first offence may extend to five thousand rupees, and for a second or subsequent offence with fine which may extend to ten thousand rupees.

(2) Whoever knowingly contravenes the provisions of section 3, shall be liable to punishment with imprisonment for a term which may extend to one month if he employs a child under the age of 12 years and in case of a child under 15 years by fine which may extend to Rs fifty thousand but which shall not be less than ten thousand rupees.

(3) Any employer or any such person who willfully obstructs an inspector in the exercise of any power in compliance of section 36, or fails to produce on demand there under any evidence, statement or other document, shall be punishable with fine which may extend to ten thousand rupees.

32. **Presumption.**—A child present in a household along with one or both of his parents who are employed therein shall not be presumed to be in employment within the meaning of this Act unless proved.

33. **Prosecution.**—No prosecution under this Act or any rules made thereunder shall be instituted except by or with the previous sanction of the dispute resolution committee.

34. **Trial of offence.**—(1) No Court inferior to that of a Magistrate of the first class shall try any offence against this Act or any rule made thereunder.

35. **Appointment of Inspectors.**—(1) The Government may notify such persons to be Inspectors in such area as it may deem fit for the purposes of securing compliance with the provisions of this Act.

(2) The Inspector shall be deemed to be a public servant within the meaning of the Pakistan Penal Code, 1860 (XLV of 1860).

36. **Functions and powers of Inspectors.**—(1) No household shall be subjected to inspection except on receipt of a complaint and on direction of a dispute resolution committee.

(2) An Inspector on direction of Dispute Resolution Committee may, for the discharge of any functions under this Act or the rules made thereunder.

(a) file a case through the public prosecutor in the Court of competent jurisdiction; and
(b) exercise such other powers conferred upon him as may be necessary for carrying out the purposes of this Act:

37. **Protection of action taken under the Act.**—No suit, prosecution or other proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or rules made thereunder.

38. **Rules.**—The Government may make rules for carrying out the purposes of this Act.

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**STATEMENT OF OBJECTS AND REASONS**

A substantial number of domestic workers are regularly engaged by the residents of Islamabad Capital Territory and so far no mechanism for regulation of their employment conditions and protection of their rights has been instituted in this area. A number of cases of abuse and inappropriate treatment meted out with domestic workers in Islamabad Capital Territory have been reported.

In the context explained above, the Bill aims at providing legal cover for regulating the employment of domestic workers in Islamabad Capital Territory (ICT) and protecting their rights. It also envisages for improving working conditions and terms of employment of domestic workers. Bill contains provisions for their social protection and welfare, including working hours, minimum wages, the entitlement of leaves, safety and medical care etc. Hence the Bill.

Sd/-

MS. MEHNAZ AKBER AZIZ,
Member, National Assembly.

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[AS INTRODUCED IN THE NATIONAL ASSEMBLY]

BILL NO. 40

A

BILL

* further to amend the Constitution of the Islamic Republic of Pakistan

WHEREAS it is expedient further to amend the Constitution of the Islamic Republic of Pakistan for the purposes hereinafter appearing;
It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Constitution (Amendment) Act, 2019.

(2) It shall come into force at once.

2. **Amendment of Article 51 of the Constitution.**—In the Constitution of the Islamic Republic of Pakistan, hereinafter referred to as the Constitution, in Article 51,—

(a) in clause (1), for the words “thirty-six”, the word “forty” shall be substituted; and

(b) in clause (3), for the table, the following shall be substituted.—

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3. **Amendment of Article 59 of the Constitution.**—In the Constitution, in Article 59,—

(a) in clause (1),—

(i) for the word “ninety-six” the word “one hundred” shall be substituted;

(ii) in paragraph (e), the word “and” at the end shall be omitted;

(iii) in paragraph (I), in the proviso for the full stop at the end, the expression “; and” shall be substituted; and

(iv) after paragraph (0, as amended aforesaid, the following paragraph (g) shall be added, namely:—

“(g) four disabled persons, who shall be mentally sound and graduated in any discipline of education, shall be elected by the members of each Provincial Assembly.”

(b) in clause (3),—
(i) in paragraph (e), the word “and” at the end shall be omitted;

(ii) in paragraph (f), in the proviso for the full stop at the end, the expression “; and” shall be substituted; and

(iii) after paragraph (f), as amended aforesaid, the following paragraph (g) shall be added, namely:

“(g) of the members referred to in paragraph (g) of the aforesaid clause, two shall retire after the expiration of first three years and two shall retire after the expiration of next three years:

Provided that the Election Commission for the first term of seats for disabled person shall draw a lot as to which two members shall retire after the first three years.”.

STATEMENT OF OBJECTS AND REASONS

Presently Majlis-e-Shoora (Parliament) is representing all the segments of our society except representation from disabled persons. Due to which the voice of disabled persons is not suitably raised about the problems and other social constraints being faced by them. Therefore, it is necessary and expedient to provide for representation of disabled persons in the Senate and National Assembly.

2. The Bill seeks to achieve the above-said objective.

Sd/-
MS. KISHWER ZEHRA,
Member, National Assembly.

[AS INTRODUCED IN THE NATIONAL ASSEMBLY]

BILL NO. 41

A

BILL

to provide for protection of persons against forced conversion of their religion

WHEREAS, it is necessary to criminalize forced conversions and provide for protection for those who are victims of this abhorrent practice;
AND WHEREAS, the Constitution of the Islamic Republic of Pakistan provides and protects the rights of all persons to choose and practice their own religion and the freedom of choice of marriage;

AND WHEREAS, the Government of Pakistan is obligated to fulfill its commitments under international human rights conventions including the Universal Declaration of Human Rights, the Child Rights Convention, Convention for the Elimination of all Discrimination Against Women, International Convention of Civil and Political Rights and International Convention of the Economic, Cultural and Social Rights;

It is hereby enacted as follows;—

1. **Short title, extent and Commencement.**—(1) This Act may be called the Protection of Persons against forced Religious Conversion Bill, 2019.

   (2) It extends to the whole of Pakistan.

   (3) It shall come into force at once.

   **CHAPTER I**

   **DEFINITIONS**

2. **Definitions.**—(1) In this Act, unless there is anything repugnant in the subject or context,—

   (a) “Abettor” means as defined in section 108 of the Pakistan Penal Code, 1860;

   (b) “Accused” means any person against whom a charge of forced conversion is being laid;

   (c) “Adult” means any person who is above the age of 18 years;

   (d) “Aggrieved person” means any person who has been directly or indirectly adversely affected by an offence of forced conversion;

   (e) “Child” means any person under the age of eighteen years;

   (f) “Child marriage” means child marriage as defined in the Child Marriage Restraint Act, 1929;

   (g) “Child Protection Institute” means any such government facility or registered voluntary organization established for the admission,
care, protection and rehabilitation of persons, particularly children and women and may include remand houses, shelter homes, hostels and other such institutions;

(h) “Code” means the Code of Criminal Procedure, 1898 (Act V of 1898);

(i) “Coercion” means compulsion by physical force or threat of physical force;

(j) “Consent” means informed and voluntary consent that is given freely without any coercion, undue influence, fraud or misrepresentation by an adult with full knowledge of the implications of the consent and any alternatives;

(k) “Conversion” or “Convert” means when a person adopts new religious beliefs that defer from the person's previous beliefs;

(l) “Court” means any court notified by the Federal or Provincial Government for the purposes of this Act;

(m) “Duress” means a threat of harm, whether physical, psychological or emotional, made to compel a person to do something against his or her will or judgment;

(n) “Force” means power, violence, or physical, emotional or psychological pressure directed against a person or a thing;

(o) “Forced marriage” means a marriage where one or both parties have not given their consent and is prohibited under Section 498B of the Pakistan Penal Code (Act XLV of 1860);

(p) “Government” means the Government of Pakistan or Government of any province of Pakistan;

(q) “Informer” means a person who has credible information that an offence is about to be or is being or has been committed under this Act and who has no interest adverse to the victim or to the accused;

(r) “Majority” means attaining the age of 18 by any person;

(s) “Minor” means a person below the age of 18;

(t) “Notification” means a notification published in the Official Gazette;
(u) “Prescribed” means prescribed by the rules made under this Act;

(v) “Service provider” means any such Government facility or registered voluntary organization established for the protection of victim providing shelter, legal, medical, financial or any other assistance;

(w) “Threat” means a communicated intent to inflict harm or loss on another person or on another person's property or relative or member of their community, especially one that might diminish a person's freedom to act voluntarily or with lawful consent; and

(x) “Victim” means any person who is subjected to forced conversion as defined under this Act;

(2) Words and phrases not defined in this Act shall have the same meaning as assigned to them in the Pakistan Penal Code, 1860, (Act XLV of 1860) and the Code of Criminal Procedure, 1898 (Act V of 1898).

CHAPTER II

ROLE OF GOVERNMENT

3. **Role of Government.**—(1) Government shall ensure that,—

(a) A notification is issued to all law enforcement agencies, relevant bodies, institutions, Committees and commissions to ensure the enforcement of this Act;

(b) This Act and the contents thereof receive wide publicity through electronic and print media in English and Urdu;

(c) The Government officers, the police and the members of the judicial service are given periodic sensitization and awareness training on the issues addressed by this Act;

(d) Effective protocols are formulated by the concerned Ministries and Departments which may include those relating to minorities, health, education, women, social welfare and labour, to address the issue of forced conversion and that the same are periodically revised;

(e) Support services which shall include but not be limited to shelter, legal aid, medical aid etc. are made available for the support of victim;
PART III

THE GAZETTE OF PAKISTAN, EXTRA., MAY 18, 2019

(f) Shelters specifically for victims of forced conversions are available;

(g) Specific courts are notified to hear cases of forced conversion and until such notifications are issued, courts of competent jurisdiction shall hear all cases falling under this Act; and

(h) Any other role it deems appropriate for the proper implementation of this Act.

(2) The Government may notify a particular Commission, Committee or institution with a primary focus on human rights, to oversee and ensure the implementation of this Act.

(3) The Government shall provide additional budget, infrastructure, resources and staff for the Commission, Committee or institution notified under sub-section (2).

CHAPTER III

AGE OF CONVERSION

4. Age of Conversion.—(1) No person shall be deemed to have changed their religion until they attain the age of majority.

(2) Any minor who claims to have changed their religion before attaining majority shall not be deemed to have changed their religion and no action shall be taken against him or her for any such claim or action made by the minor.

(3) Nothing in sub-sections (1) and (2) shall extend to circumstances where the parents or guardians of the minor decide to change the religion of the family.

CHAPTER IV

DEFINITION AND PUNISHMENT

5. Definition of Forced Conversion.—Forced Conversion means forcing a person to adopt another religion under duress, force, coercion or threat.

Explanation.—Any such duress, force, coercion or threat may be directed against a member of the victim's family, loved one, community or property.

Explanation.—A forced conversion can take place through different modes which shall include but not be limited to marriage, bonded labour etc.
6. **Punishment for Forced Conversion.**—(1) Any person who forcefully converts another person in a manner defined in Section 5 of this Act shall be liable to imprisonment of either description for a term which shall not be less than five years and shall also be liable to fine.

Provided that money charged as a fine shall be paid to the victim.

(2) In a case of forced conversion, the accused, in addition to a charge of forced conversion shall also be liable, where applicable, for offences which may include but not be limited to:

(a) Child marriage under the Child Marriage Restraint Act, 1929;

(b) Forced marriage under Section 498B of the Pakistan Penal Code 1860;

(c) Wrongful Confinement under Chapter XVI of the Pakistan Penal Code, 1860;

(d) Rape under Section 375 and 376 of the Pakistan Penal Code, 1860;

(e) Kidnapping, abducting or including a woman to compel for marriage etc. under Section 365B of the Pakistan Penal Code, 1860;

(f) Kidnapping or abduction from lawful guardianship under Section 361 of the Pakistan Penal Code, 1860;

(g) Kidnapping or abducting a person under the age of fourteen under Section 364A of the Pakistan Penal Code, 1860;

(h) Kidnapping or abducting in order to subject person to grievous hurt, slavery etc. under Section 367 of the Pakistan Penal Code, 1860;

(i) Bonded labour under relevant sections of the Bonded Labour System (Abolition) Act, 1922; and

(j) Any other law for the time being in force.

**CHAPTER V**

**MECHANISMS OF COMPLAINT**

7. **Petition to Court.**—(1) A victim, aggrieved person or any person authorized by the victim or an informer may present a petition to the court within whose jurisdiction—
(i) the aggrieved person or victim resides or carries on business;

(ii) the accused resides or carries on business;

(2) The court shall fix the first date of hearing, which shall not exceed seven days from the date of the receipt of the petition by the court.

(3) On receipt of such petition, the court shall, with or without issuing an interim order, issue a notice upon the accused calling upon him to show cause within seven days of receipt of notice.

(4) Any such notice shall be issued as per law by all modes at once, namely; through bailiff, pasting, publication and courier all at once and if notice is served by any one of these modes, the notice shall be deemed to have been served.

(5) Any case of forced conversion before the Court shall be disposed of within a period of ninety days and any adjournment given during the hearing of the petition shall be granted for reasons to be recorded in writing by the Court.

Provided that the Court may take cognizance of any complaint or First Information Reports registered with the police.

CHAPTER VI

RESCUE, CUSTODY AND SPECIAL PROCEDURES IN CASE OF FORCED CONVERSION

8. **Rescue and recovery of victim.**—A police officer or any person given such authority under the law upon receiving information of a case of forced conversion may, upon investigation, take into custody the victim and produce her or him before the Court within twenty-four hours of taking the person into such custody;

9. **Warrant to search.**—(1) If it appears to a Court from information received on oath or solemn affirmation laid by any person who, in the opinion of the Court. is acting in the interest of the victim that there is reasonable cause to suspect that an offense of forced conversion has been or is being committed or unless immediate steps be taken, will be committed, the Court may make orders to any police officer or any person authorized under the law to search for such alleged victim and if it is found that the person is a victim or intended victim of forced conversion, to remove her or him and deal with her or his custody in accordance with the provisions of the Act and Rules.
(2) The officer executing the warrant may be accompanied by the person laying the information, and may also, if the Court by whom the warrant is issued so directs, be accompanied by the police or any person so authorized by the law or Court or by both.

(3) The Court issuing a warrant under this section may in its discretion by the same warrant direct that any person accused of an offence under this Act be apprehended and brought before it.

10. Temporary custody.—(1) Where a victim or an accused is taken into custody in accordance with Section 8 or 9, she or he shall immediately be produced before the Court and if immediate production of the victim or accused before the Court is not possible due to any reason, the victim shall immediately be taken to the nearest shelter home of a service provider or a child protection institute; and the accused shall be immediately taken to the nearest police station within the jurisdiction of the Court till her or his production before the Court within the stipulated time.

(2) In cases of alleged forced conversion through marriage of a child, the court shall:

(a) make certain whether the victim is a child;

(b) upon being satisfied that the victim is a child, place the child in the custody of the parents or guardian of the child, unless the court has reason to believe that this may not be in the best interests of the child;

(c) Provide in writing, reasons for not placing the child in the custody of his or her parents or guardians;

(d) Ensure temporary custody in a child protection institute during pendency of the trial if the child is not being placed in the custody of parents or guardians; and

(e) Ensure that the custody of the child shall not be given to the alleged spouse, his or her family or any person connected therewith, recognizing that child marriages are a criminal offence under Child Marriage Restraint Act, 1929.

(3) In case of alleged forced conversion through marriage of an adult, the victim shall be given temporary custody in a shelter home of a service provider during the pendency of the trial, unless she or he can provide a cogent reason to the contrary.
(4) While providing temporary custody as per sub-section (2) and (3), the court may use its discretion in the interest of security, to withhold the information of the location of where the victim is residing from any person with the exception of necessary official personnel.

(5) Any person who discloses the location of where the victim is residing in contravention of the orders of the court shall be liable to penalties as contempt of court under the Contempt of Court Ordinance, 2003 (Ordinance IV of 2003) and any other penalties seen fit by the Court.

(6) The victim in temporary custody identified in sub-sections (2) and (3) may be allowed to meet her or his parents, guardians, husband, intended bridegroom or in laws only upon her or his voluntary written consent.

Provided that any such meeting shall be supervised by a police officer or a senior employee of the service provider or child protection institution or any other person authorized by the court.

Provided further that any such meeting may be given police protection at the discretion of the court.

11. **Allowing Time for True Decision of any Person.**—(1) In case of alleged forced conversion of an adult, the court shall allow the alleged victim twenty one days for an independent decision regarding conversion to a new religion before initiating a case of forced conversion under this Act.

(2) During this time period, he or she may be provided the opportunity to study comparative religions of he or she desires.

(3) Upon completion of the time period, the alleged victim shall record a statement before the court starting whether he or she has converted his or her religion with their own consent and will.

(4) Upon the request and consent of an adult victim to the Court. the provisions of sub-section (1) may be by-passed and a case of forced conversion may be initiated immediately.

12. **Special measures may be adopted.**—(1) Special measures may be put in place in cases of forced conversion during the investigation and trail of the matters at the discretion of the court. These special measures may include but not be limited to;—

(i) holding the trial in a different and secure location with the approval of the court;
(ii) withholding the location of where the victim is residing from any person with the exception of necessary official personnel;

(iii) taking the victims statement and evidence in a secure location approved by the court;

(iv) providing police protection enduring transport of the victim to and from court;

(v) passing an order or injunction to prohibit removal of the victim from Jurisdiction of the court or police station;

(vi) to conduct an in camera trial or any other necessary order as per the circumstances; and

(vii) Initiate immediate and fast tracked divorce proceedings upon the consent of the victim of forced conversion through marriage if the accused is found guilty.

(2) The Court shall take appropriate measures to provide adequate security to the prosecution witnesses, investigating officers, prosecutors, the victim, her or his family and the Judges during the pendency of investigation and trial, and if necessary, after the trial.

13. **Presence of the Persons in cases involving a Child.**—(1) No person shall be present at sitting of a court involving a case of a child with exception those indentified in the Act hereunder:

(i) The members of the parties of the court;

(ii) The parties to the case before the court and other persons the Court and other persons directly concerned in the case including the police officers; and

(iii) such other persons as the Court specially authorizes to be present.

14. **Withdrawal of persons from Court.**—If at any stage during the course of a trial of a case or proceeding, a Court considers it expedient in the best interest of the victim to direct any person, including the parent, guardian or the victim's spouse, supporters etc. to withdraw, the Court may give such direction and thereupon such person shall withdraw, if any person refuses to withdraw, the Court may take steps to remove him or her and hold him or her in contempt of court under the Contempt of Court Ordinance 2003 (IV of 2003).
15. **Withdrawal of persons from Court During Examination.**—(1) If at any stage during the course of a trial, when the victim is examined, any court trying the case or holding the proceeding may direct such persons as it thinks fit, not being parties to the case or proceeding their legal advisors and the officers concerned with the case or proceeding, to withdraw. Such persons shall then withdraw. If any person refuses to withdraw, the Court may take steps to remove him and hold him in contempt of court under the Contempt of Court Act Ordinance 2003 (IV of 2003).

(2) The Court may use its discretion and allow the examination of the victim to be conducted in camera, through video link in a secure location approved by the court or with the use of screens or employ any other such means if necessary in the best interests of the victims.

16. **Prohibition of publication of Names Addresses etc. of Children and persons of Unsound Mind involves in Cases or proceeding.**—No report in any newspaper, magazine, news sheet or any mode of social media of any case or proceeding in any Court in which a child or a person of unsound mind is involved, shall disclose the name, address or school or include any particulars calculated to lead directly or indirectly to the identification of any such child or person of unsound mind or shall include any picture of any such child or person of unsound mind in their best interest.

Provided that for reasons to be recorded in writing the Court trying the case or holding the proceeding may permit the disclosure of the name or any other approved information relating to the case or proceeding, if in its opinion such disclosure is in the interest of the welfare of the child or person of unsound mind and is not likely to have an adverse effect.

17. **Case involving child Marriage.**—(1) In case involving child marriages, provisions of the Child Marriage Restraint Act, 1929 and its rules shall be applicable in addition to the provisions of this Act.

(2) For purposes of expediency, the case under the Child Marriage Restraint Act, 1929 and this Act may be clubbed and heard simultaneously.

18. **Offences to be cognizable, non-bailable and non-compoundable.**—An offence punishable under this Act shall be cognizable, non-bailable and non-compoundable.

19. **Rules of Procedure.**—Save as otherwise provided in this Act, all proceedings taken and offences committed under the provisions of this Act, shall be governed by the Code of Criminal Procedure, 1898.
20. **Presumption of Good Faith.**—No suit prosecution or other legal proceedings shall lie against any public servant, informer service provider or child protection institute for anything which is done in good faith or purported to be done under this Act.

21. **Saving.**—The Provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.

22. **Power to make rules.**—Government may by notification in the Official Gazette make rules for carrying out the purposes of this Act.

23. **Removal of Difficulties.**—If any difficulty arises in giving effect to any provision of this Act, Government may make an order not inconsistent with the provisions of this Act to remove the said difficulty.

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**STATEMENT OF OBJECTS AND REASONS**

To make provisions for protection of persons against forced conversion of their religion; Recognizing the right of freedom of religion of all persons; Recognizing the right of freedom to marry and freedom of choice of marriage of all persons; Recognizing that forced conversion is an abhorrent, violent and offence and an issue that has become prevalent across the country and must be eliminated; Recognizing the importance of tolerance, peace and respect for all religions and persons, irrespective of their religion;

It is necessary to criminalize forced conversions and provide for protection for those who are victims of this abhorrent practice.

The Constitution of the Islamic Republic of Pakistan provides and protects right of all persons to choose and practice their own religion and freedom of choice of marriage;


The Bill seeks to achieve the aforesaid objectives.

Sd/-

DR. RAMESH KUMAR VANKWANI.
*Member, National Assembly.*
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), to provide for scientific basis for investigation which is in accordance with Fundamental Rights as provided in Chapter I of Part II of the Constitution of the Islamic Republic of Pakistan as well as Universal Declaration of Human Rights in this regard;

AND WHEREAS it is also expedient to provide for punishments for conducting false or dishonest investigation to absolve someone who might had committed or involved in commission of any offence from criminal liability or to involve someone innocent in some offence;

AND WHEREAS it is also necessary to provide for establishment of an independent investigation service within existing Police organization consisting of scientifically trained and educationally qualified persons having knowledge and skills for conduct of investigation on scientific basis by using psychological and other modern techniques of information technology and forensic sciences for investigation purposes to save the persons under investigation from existing inhuman, tortuous and cruel methods including physical torture which is sometimes leading to deaths of under investigation persons due to such third degree investigative measures;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Criminal Law (Amendment) Act, 2019.

   (2) It shall come into force at once.

2. **Insertion of new section, Act XLV of 1860.**—In the Pakistan Penal Code, 1860 (XLV of 1860), after section 166, the following new sections shall be inserted, namely:—
“166A. False or dishonest first information report.—(1) Whoever, being a police officer or public officer knowingly and falsely files or registers first information report for some alleged offence reported to him wherein such officer has reason to believe that no such offence has been committed shall be punished with imprisonment of either description for a term which shall not be less than ten years and more than fourteen years and with fine which shall not be less than rupees ten hundred thousand.

Explanation I.—The court while concluding a trial of any offence will also clearly give findings whether first information report was bona fide or with some pre-planned motive on behalf of the person reported for registration of such first information report in collusion and collaboration with concerned officer of the police.

Explanation II.—Where a court of trial will conclude in its findings that first information reports was false or dishonest, the court shall also award punishment under sub-section (1) to such persons if there is no further need of evidence to prove such offence or direct for registration of first information report so that requirements of law be fulfilled by formal investigations for determination of liability of each and every person and for their trial for punishment under sub-section (1).

(2) Notwithstanding anything contained in any other law for the time being in force, half of the amount imposed as a fine under sub-section (1) shall be paid to the aggrieved person as compensation.

(3) Imposition and payment of fine under sub-section (2) shall not limit the right of any aggrieved person for damages by initiating necessary legal proceedings in a civil court.

(4) Notwithstanding anything contained in sub-section (1), (2) or (3), the officer shall also be liable to disciplinary proceedings under relevant efficiency and discipline rules for performance of his official functions if such person is a civil or public servant.

166B. Dishonest or false investigation, etc.—(1) Whoever, being a police officer or public officer responsible for conduct of dishonest or false investigation of any offence shall be punished with imprisonment of either description for a term which shall not be less than ten years and more than fourteen years and with fine which shall not be less than rupees ten hundred thousand.
Explanation I.—The court while concluding a trial of any offence will also clearly give findings whether investigation proceedings was conducted honestly and fairly in accordance with law fulfilling all legal and procedural requirements necessary for such investigations or not.

Explanation II.—Where a court of trial will conclude in its findings that investigation proceedings was not honest and fair under the relevant law, the court shall also award punishment under sub-section (1) to such investigating officers if there is no need of further evidence to prove such offence or direct for registration of first information report so that requirements of law be fulfilled by formal investigations for determination of liability of each and every person and for their trial for punishment under sub-section (1).

(2) Notwithstanding anything contained in any other law for the time being force, half of the amount imposed as a fine under sub-section (1) shall be paid to the aggrieved person as compensation.

(3) Imposition and payment of fine under sub-section (2) shall not limit the right of any aggrieved person for damages by initiating necessary legal proceedings in a civil court.

(4) Notwithstanding anything contained in sub-section (1), (2) or (3), the officer shall also be liable to disciplinary proceedings under relevant efficiency and discipline rules for performance of his official functions if such person is a civil or public servant.”.

3. Insertion of new Chapter, Act V of 1898.—In the Code of Criminal Procedure, 1898 (V of 1898), in Part V, after Chapter XIV, the following new CHAPTER XIV-A shall be inserted, namely:—

“CHAPTER XIV-A

INVESTIGATION OF OFFENCES

176A. Establishment of Investigation Police.—(1) Upon the commencement of this Chapter, the Provincial Government shall establish Investigation Police under the administrative control of the Inspector General of Police who shall be only administrative head of the Investigation Police.

(2) Investigation Police shall consist of such other officers, officials and persons having specialized educational qualifications in the
fields of psychology and such other specialized subjects which will be helpful for just, fair and scientific investigations of offences as well as other forensic sciences and information technology which are helpful for conducting of criminal investigations and inquiries in accordance with Fundamental Rights as provided in Chapter I of Part II of the Constitution of the Islamic Republic of Pakistan and universally accepted standards of human rights.

(3) Investigation Police may collaborate with police organizations of other advanced countries to learn and enhance their capacity, learning and investigative skills.

(4) Persons having only Masters degrees in relevant field of expertise shall be appointed in Investigation Police after following due process of law regarding transparent, competent and merit based appointments in a competitive manner.

(5) No person from existing Police Service of Pakistan or Police hierarchy of the Provincial Government shall be transferred or absorbed in Investigation Police.

(6) There shall be an independent unit of Investigation Police in each and every Police Station equipped with state of the art modern facilities and gadgets for investigation of offences under the supervision of hierarchy of Investigation Police in a district free from any interference of ordinary Police hierarchy.

176B. Functions and powers of Investigation Police.—(1) Immediately after an offence will be reported to the police and after the recording of such information relating to the commission of a cognizable or non-cognizable offences, the reporting officer shall provide the copy of such information to the in-charge of Investigation Police in the said police area who shall take necessary steps for investigation of such cognizable offence under the law without further reference to reporting officer:

Provided that Investigation Police may seek assistance of the concerned Police Officer for conducting raids and other necessary matters where it is deemed necessary and appropriate:

Provided further that the police of the concerned area shall transfer all persons, accused of any cognizable offence for necessary investigation to the Investigation Police without undue delay after their arrest or jointing of investigation.
(2) The Investigation Police shall perform following functions and exercise powers as under:

(a) to investigate all offences unless any offence is particularly excluded from such investigative functions and entrusted to some other investigating agency;

(b) collect data and evidence relating to a commission of crime on scientific lines by using modern forensic and scientific techniques and information technology;

(c) to assist the Prosecution Branch of the Police in completion of all formalities for commencement of a trial of an offence within due period of time as provided in the law by providing all information, documents and other forensic evidence which is necessary in this regard;

(d) to assist the trial and other courts regarding different offences, as and when required;

(e) to establish all facilities which are necessary for investigation of crimes on scientific basis;

(3) Notwithstanding anything contained in any other law for the time being in force, no information, document or any forensic report shall be disclosed until it is allowed by the competent court:

Provided that the accused person or his advocate or any other advocate may request for certified copies of such information, documents or forensic reports which will be provided after fulfilling necessary legal formalities in this regard and all such certified copies will be admissible as evidence under the Qanun-e-Shahadat, 1948.

176C. Methods of Investigation of offences.—(1) Notwithstanding anything contained in any other law for the time being in force, the Investigation Police shall investigate persons alleged in commission of an offence by use of modern scientific, psychological and forensic techniques and methodologies with the help of modern equipments, information technology and investigation techniques without resorting to any coercion or physical torture or injury while giving due care to physical and mental health of such person.

(2) Immediately after completion of investigation proceedings and process, the officer in-charge of concerned Investigation Unit shall
provide a copy of final Investigation Report to the person so investigated, or an Interim Investigation Report, as the case may be.

(3) As soon as investigation proceedings and process shall be completed, the Officer In-charge of the Investigation Unit or any other officer on his behalf shall produce the person so investigated to the nearest Superintendent of Tehsil or District Hospital who shall medically examine such person and furnish a Medical Report about physical and mental condition of such person immediately after completion of necessary clinical or other formalities and a copy thereof shall also be provided to the person so medically examined or his legal heirs or authorized persons, if so authorized or the advocate.

176D. **Limitation of Investigation Officer.**—(1) No Investigating Officer shall ask questions of following nature, namely:—

(a) asking any question which will cause religious, sectarian, racial, regional, linguistic or parochial annoyance;

(b) asking questions about personal life or relations between husband and wife unless the investigation is under charge wherein personal or matrimonial life is directly the subject of the offence;

(c) asking questions regarding private life unless private life is the subject of investigation due to any offence;

(d) asking questions regarding matrimonial or family life and relations *i.e.* relations between husband and wife during marriage, unless such relations are the subject of investigation; or

(e) asking questions regarding personal integrity unless such matters are directly the subject matter of offence.

(2) Right of silence shall be respected:

Provided that the accused person shall not claim advantage of such silence during the trial and all matters wherein such person preferred to keep silence shall be presumed implied proved unless formally rebutted before the trial court with the help of necessary evidence.
176E. **No discrimination during investigations, etc.**—(1) There shall be no discrimination during investigation process to any person so investigated on the basis of following:—

(a) sex, race, religion, caste, creed or colour;

(b) regionalism or provincialism; and

(c) nationality or citizenship.

(2) Subject to provisions of any other law in force, the female shall be investigated by a female Investigation Officer and in the absence of any female Investigation officer, it shall be ensured that a female officer or official of the Investigation Police be present during such investigation process who shall duly certify in Final Investigation Report that no such question or behavior has been meted out which was against the respect, integrity or modesty of such female person under investigation:

Provided that in the absence of any female Investigating Officer or such other officer or official, any female or male relative of the female accused be allowed to be present during the investigation proceedings and process in such a manner that he or she can directly hear the questions so asked or see the behaviour and attitude of the Investigating Officer during the investigation proceedings and process and at the conclusion of investigation and in the Final Investigation Report such female or male relative shall certify that there was no annoying or immoral question or inhuman behaviour meted out to such female person so investigated.

176F. **Accused person shall be informed before investigation about purpose of investigation and offences alleged for such offences and legal implication of the outcome of such investigation.**—Every accused person shall be informed before the commencement of investigation proceedings and process about the purpose of investigation and offences alleged for such investigation and about legal implication of the outcome of such investigation and shall sign a certificate in this regard which shall be sufficient evidence before the trial court that cooperation or non-cooperation on the part of the accused person investigated was after clear understanding and information of such investigations.

176G. **Placing necessary information about investigation proceedings on website of the Investigation Police.**—(1) The Investigation Police shall provide all necessary information about the rights of
accused persons during the investigation proceedings and process on the website of Investigation Police.

(2) Information mentioned in sub-section (1) shall be updated and revised from time to time communicating all changes or new information or instructions in this regard immediately after coming into force of such rules, regulations or instructions, etc., for the information of general public.

(3) The provisions of this Chapter shall also be publicized for the information and benefit of general public through national press and electronic media.

176H. Enforcement of provisions of this Chapter.—(1) Notwithstanding anything contained in any other law for the time being in force, the provisions of this Chapter shall come into force as soon as the Provincial Government shall establish the Investigation Police after making all other necessary arrangements but not later than six months after the commencement of this Act.

(2) Notwithstanding anything contained in sub-section (1), any action taken, any investigation proceedings or processes carried out or any other action in this regard taken after a period of six months not in accordance with provisions of this Chapter shall be illegal and of no evidentiary value in trial proceedings.”.

4. Amendment of Schedule II, Act V of 1898.—In the Code of Criminal Procedure, 1898 (V of 1898), in Schedule II, after section 166, in column 1 and the entries relating thereto in columns 2 to 8, the following new section and the entries relating thereto shall be inserted, namely:—

<table>
<thead>
<tr>
<th>166A.</th>
<th>False or dishonest first information report.</th>
<th>May arrest without warrant.</th>
<th>Warrant.</th>
<th>Not bailable.</th>
<th>Ditto</th>
<th>Imprisonment of either description for a term which shall not be less than ten years and more than fourteen years and with fine which shall not be less than rupees ten hundred thousand.</th>
<th>Court of Session.</th>
</tr>
</thead>
<tbody>
<tr>
<td>166B.</td>
<td>Dishonest or false investigation, etc.</td>
<td>Ditto</td>
<td>Ditto</td>
<td>Ditto</td>
<td>Ditto</td>
<td>Imprisonment of either description for a term which shall not be less than ten years and more than fourteen years and with fine which shall not be less than rupees ten hundred thousand.</td>
<td>Ditto.*</td>
</tr>
</tbody>
</table>
STATEMENT OF OBJECTS AND REASONS

Reporting of crime, investigation of such reported crimes and thereafter using third degree methods during the investigation proceedings and processes are not only making the entire system of criminal justice vulnerable but causing lack of trust by general public, therefore, require immediate change. Humanity, protection of Fundamental Rights and Human Rights universally recognized rate any State in community of nations about its stature and quality of living and it cannot be achieved unless rotten system of crime reporting and investigation is changed with major steps.

2. The Bill seeks to achieve the above objectives.

Sd/-
MS. KISHWER ZEHRA,
Member-in-charge.

TAHIR HUSSAIN,
Secretary.