

[ 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 to amend the Pakistan Penal Code, 1860 (Act XLV of 1860) and the Code of Criminal Procedure, 1898 (Act V of 1898) for the purposes hereinafter appearing;

It is hereby enacted as follows:

**1. Short title and commencement.**— (1) This Act may be called the Criminal Law (Amendment) Act, 2009.

(2) It shall come into force at once.

**2. Substitution of section 509, XLV of 1860.**— In the Pakistan Penal Code, 1860 (Act XLV of 1860), for section 509, the following shall be substituted, namely:—

**"509. Insulting modesty or causing sexual harassment.**— Whoever,—

- (i) intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman;
- (ii) conducts sexual advances, or demands sexual favours or uses verbal or non-verbal communication or physical conduct of a sexual nature which intends to annoy, insult, intimidate or threaten the other person or commits such acts at the premises of work place, or makes submission to such conduct either explicitly or implicitly a

term or condition of an individual's employment, or makes submission to or rejection of such conduct by an individual a basis for employment decision affecting such individual, or retaliates because of rejection of such behavior, or conducts such behavior with the intention of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment;

shall be punished with imprisonment which may extend to three years or with fine up to five hundred thousand rupees or with both.

***Explanation-1***

Such behavior might occur in public place, including, but not limited to, markets, public transport, streets or parks, or it might occur in private places including, but not limited to work places, private gatherings, or homes.

***Explanation-2***

Workplace means, the place of work or the premises where an organization or employer operates, this may be a specific building, factory, open area or a larger geographical area where the activities of the organization are carried out. Sexual advances may occur after working hours and outside workplace. It is the access that a perpetrator has to the person being harassed by virtue of a job situation or job related functions and activities.”.

**3. Amendment of Schedule II, Act V of 1898.-** In the Code of Criminal Procedure 1898, (V of 1898) in Schedule II, -

- (a) for the entries relating to section 509, in column 1 to 8 the following shall be substituted, namely:-

1	2	3	4	5	6	7	8
509	Insulting modesty or causing sexual harassment	Shall not arrest without warrant.	Warrant	Bailable	Compoundable with permission of the Court	Imprisonment up to 3 years, or fine, or both	Magistrate of the first class

### **STATEMENT OF OBJECTS AND REASONS**

Harassment is one of the most common issues faced by the women of Pakistan. They face intimidation in the market place, in buses, at bus stops and at work place. This issue alone inhibits most of the women to move out of their houses for education, for availing medical facilities and for earning a livelihood. Parents are hesitant to send their daughters out of the homes alone because the social environment is not safe. The unsafe aspect that they are afraid of is called sexual harassment.

Though in Pakistan Penal Code there are some sections that attempt to address sexual harassment to a certain extent but the terminology is vague. For example, *violate* the *modesty* of women. Neither the term "violate" is well defined nor "modesty". Therefore it is open to interpretation and can be made much more effective by adding a more specific section.

The amendment drafted in PPC to add section 509A is in the same spirit as section 509 and the other relevant clauses of PPC that provide protection to women. It only elaborates and specifies what constitutes harassment of women in public private and workplaces. It also increases the maximum punishment of section 509.

Thus, in conclusion, the new amendment takes the spirit of the PPC forward and makes it more useable for women in cases of insults, humiliation and intimidation.

This amendment will not only make public and work environment safer for women but will open up the path for more women to pursue livelihood with dignity. It will reduce poverty as more and more women will get the courage to enter the job market.

**SYED YOUSAF RAZA GILLANI**  
Minister-in-charge