

# [TO BE 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 to amend the Pakistan Penal Code, 1860, (Act XLV of 1860) and the Code of Criminal Procedure, 1898 (Act V of 1898) in the manner hereinafter provided:-

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. **Insertion of section 306A, Act, XLV of 1860.-** In the Pakistan Penal Code, 1860 (Act XLV of 1860), hereinafter referred to as the said Code, after section 306, the following new section shall be inserted namely: -

**“306A. Dowry death: -** (1) When the death of a woman is caused by any burn or bodily injury or occurs otherwise than under normal circumstances and it is shown that soon before her death she was subjected to cruelty by her husband or any relative of her husband for, or in connection with any demand for dowry, such death shall be called dowry death and such husband or relative shall be deemed to have caused dowry death.

(2) Whoever commits dowry death shall be punished with imprisonment for a term which may extend to imprisonment for life but shall not be less than seven years.”

3. **Insertion of new section 424A, Act, XLV of 1860.-** In the said Code, after section 324 the following new section shall be inserted, namely: -

**“424A Defrauding a lawful heir: -** Whoever fraudulently conceals a lawful female heir with an intention to deprive her of her lawful share in an the inheritance of an owner of property, or fraudulently poses himself as the legal heir instead of actual legal heir or alienates the property of a female owner or heir through a registered deed, a mutation or any other conveyances or through a decree knowingly that it is not by the lawful heir or the owner, shall be punished with an imprisonment of either description which may extend to ten years and shall also be liable to fine which may extend to five hundred thousand rupees.”

4. **Insertion of section 493B, Act, XLV of 1860.-** In the said Code, after section 493A the following section 493B shall be inserted, namely: -

**“ 493B. Marriage by concealment: -** Whoever contracts second or a subsequent marriage by concealing from the person with whom marriage is being contracted the fact of former marriage shall be punished with imprisonment of either description for a term which may extend to ten years and shall be liable to fine.

5. **Insertion of new sections in Schedule II Act, V of 1898.-** In the Code of Criminal Procedure, 1898, in Schedule II, the following entries shall be made:-

(i) After entry relating to Section 306, the following entry shall be inserted, namely: -

“306-A	Dowry Death	May arrest without warrant	Not bailable	Compoundable	Life Imprisonment	Court of Sessions”
--------	-------------	----------------------------	--------------	--------------	-------------------	--------------------

ii) After entry relating to Section 324 the following new entry shall be inserted, namely: -

“324-A	Causing Injury	-ditto-	-ditto-	Compoundable	R.I 10 years but shall not less than 5 years and shall also be liable to fine which may extend to rupees five lacs.	Court of Sessions”
--------	----------------	---------	---------	--------------	---	--------------------

iii) After entry relating to Section 424, the following new entry shall be inserted, namely: -

“424-A	Fraudulent Alteration or the Property of a female	-ditto-	-ditto-	Compoundable	R.I 10 years and shall also be liable to fine which may extend rupees 5 lac.	Court of Sessions”
--------	---	---------	---------	--------------	--	--------------------

iv) After entry relating to Section 493 the following new entry shall be inserted, namely: -

“493-A	Second Marriage Without permission	May not arrest without warrant	-ditto-	Compoundable	R.I. 10 years and liable to fine upto rupees 5 lac.	Magistrate 1 <sup>st</sup> Class”
--------	------------------------------------	--------------------------------	---------	--------------	---	-----------------------------------

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

Disputes regarding dowry are rampant in the society. Many offences are committed on this pretext. Secondly, in our society the practice of disfiguring women by throwing acid on her face and disfiguring her permanently has become very common. Thirdly some people in order to deprive a lawful female heir fraudulently show other woman as the lawful heir and get the property of the such transfer in their name fraudulently and lawful female heir is permanently deprived of her rights. It has also been seen that inspite of the legal provisions the second or subsequent marriage is contracted without informing the first wife about the previous marriage and as such fraudulently contract subsequent marriage. Under Islam it is not permissible.

2. In order to achieve the above objects and in order to protect the right of the female who are subjected to social injustices the present Bill is being introduced.

Sd/-  
**Miss Marvi Memon,**  
**Member, National Assembly**