

NATIONAL ASSEMBLY SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON INTERIOR AND NARCOTICS CONTROL ON CRIMINAL LAW (AMENDMENT) BILL, 2017 (SUBSTITUTION OF SECTION 489F, ACT XLV OF 1860 AND AMENDMENT OF SCHEDULE II, ACT V OF 1898.)

1. Chairman of the Standing Committee on Interior and Narcotics Control, have the honor to present this report on the Bill further to amend the Pakistan Penal Code, 1860. (Act XLV of 1860), and the Code of Criminal Procedure, 1898 (Act V of 1898) [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 Khan 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. Nacema Kishwer Khan	Member
20) Mr. Sher Akber Khan	Member
21) Ch. Nisar Ali Khan, Minister for Interior and Narcotics Control	Ex-officio Member

3. The Committee considered the Bill on 15-10-2014, 27-10-2016 and 28-12-2016. The Committee recommends that the Bill placed at Annex-A may be passed by the Assembly.

Sd/-
(JAWAD RAFIQUE MALIK)
Secretary

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

Islamabad, the 15th May, 2017

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, extent and commencement.**- (1) This Act may be called the Criminal Law (Amendment) Act, 2017.

(2) It shall come into force at once.

2. **Substitution of section 489 F, Act XLV of 1860.**- In the Pakistani Penal Code, 1860 (Act XLV of 1860), for section 489 F, the following shall be substituted, namely:-

"489 F. Dishonestly issuing a cheque.- whoever dishonestly issues a cheque toward repayment of a loan or fulfillment of an obligation and which is dishonoured on presentation shall be punishable-

(a) if the amount mentioned in the cheque is less than ten hundred thousand Rupees 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 amount mentioned in the cheque or with both: or

(b) if the amount mentioned in the cheque is more than ten hundred thousand Rupees but less than fifty hundred thousand Rupees with imprisonment of either description for a term which may extended to five years or with the fine which shall not be less than double of the amount mentioned in the cheque or with both: or

(c) if the amount mentioned in the cheque is more than fifty hundred thousand Rupees but less than ten million Rupees 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 amount mentioned in the cheque or with both: or

(d) if the amount mentioned in the cheque is more than ten million Rupees 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 amount mentioned in the cheque or with both,

unless he can establish, for which the burden of proof shall rest on him, that he had made arrangements with his bank to ensure that the cheque would be honoured and that the bank was at fault in not honouring the cheque."

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 1 and the entries relating thereto in columns 2 to 8, the following shall be substituted, namely:-

"489F.	Dishonestly issuing a cheque	Ditto	Ditto	Ditto	Ditto	<p>(a) Imprisonment of either description upto 3 years or fine which shall not be less than double of the amount mentioned in the cheque or with both;</p> <p>(b) Imprisonment of either description upto 5 years or fine which shall not be less than double of the amount mentioned in the cheque or with both; and</p> <p>(c) Imprisonment of either description upto 7 years or fine which shall not be less than double of the amount mentioned in the cheque or with both.</p> <p>(d) Imprisonment of either description upto 10 years or fine which shall not be less than double of the amount mentioned in the cheque or with both.</p>	<p>(a) Magistrate of the First Class</p> <p>(b) Court of Sessions</p> <p>(c) Court of Sessions</p> <p>(d) Court of Sessions"</p>
--------	------------------------------	-------	-------	-------	-------	--	--

STATEMENT OF OBJECTS AND REASONS

Section 489F was added to check the menace of issuing cheques without making arrangements of funds for honouring such cheques by their bankers. However, deterrent effect of section 489F is losing its importance where the amount payable through cheques amount is in millions of rupees. Consequently, the punishment is neither proportionate to amount of cheque and even where there amount in millions of rupees, makers of such cheques prefer to stay in prisons instead of showing any interest in repayment of their loans or other liabilities, etc., during business transactions. Thus, it is necessary to provide more effective punishment proportionate to amount of cheques so that section 489F should remain an effective measure to establish financial discipline and fulfillment of financial liabilities as the civil claims are not suitable remedy due to lengthy litigation subordinate judiciary level.

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

Sd/-

Ms. Kishwar Zehra

Mr. Abdul Waseem

Dr. Nikhat Shakeel

Members, National Assembly