

NATIONAL ASSEMBLY SECRETARIAT

**REPORT OF THE STANDING COMMITTEE ON INTERIOR ON THE CODE OF
CRIMINAL PROCEDURE (AMENDMENT) BILL, 2016**

I, Chairman of the Standing Committee on Interior, have the honor to present this report on the Bill further to amend the Code of Criminal Procedure, 1898 (Act No.V of 1898) [The Code of Criminal Procedure (Amendment) Bill, 2016] (Private Member's Bills) referred to the Committee on 19th January, 2016.

2. The Committee consists of the following: -

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 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. Naeema Kishwer Khan	Member
20) Mr. Sher Akber Khan	Member
21) Mr. Ahsan Iqbal, Minister for Interior	Ex-officio Member

3. The Committee considered the Bill placed at Annex-A in its meetings held on 21.02.2017, 03-03-2017, 30-03-2017 and 02.05.2017. The Committee recommends that the Bill may not be passed by the National Assembly.

Sd/-

(JAWAD RAFIQUE MALIK)

Secretary

Islamabad, the October 5, 2017

Sd/-

(RANA SHAMIM AHMAD KHAN)

Chairman

Standing Committee on Interior

A

BILL

further to amend the Code of Criminal Procedure, 1898, (Act No. V of 1898).

WHEREAS it is expedient further to amend the Code Criminal Procedure, 1898 (Act No. 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 Code of Criminal Procedure (Amendment) Act, 2016.

(2) It shall come into force at once.

2. **Amendment of section 43, Act No. V of 1898.**- In the Code of Criminal Procedure Act (No. V of 1898), hereinafter referred to as the said Code, in section 43 for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:-

“Provided that the person executing such warrant shall properly disclose his identity by showing his Computerized National Identity Card as well as any other such office card or a document proving his identity to the person whom he intends to arrest and allow him to make a telephone call to at least one number of choice to such person who is required to be arrested in addition to allow presence of any person living in the same accommodation or any person residing in his neighborhood to witness such arrest:

Provided further that such person executing such warrant shall, after making such arrest, take the arrested person to the nearest police-station or police-post and inform about such arrest and purpose of arrest if executing the warrant of some authority directing such warrant beyond territorial jurisdiction of the magistrate having lawful jurisdiction of the area wherefrom such person is required to be arrested:

Provided further that any arrest made in violation of the first and the second proviso shall be deemed as an illegal detention liable to be punished under the law.”

3. **Amendment of section 46, Act V of 1898.**- In the said Code, in section 46, after sub-section (1), the following new sub-section shall be inserted, namely;

“(1A) The police-officer or other person making an arrest under sub-section (1) or under any other provision in this Chapter, shall properly disclose his identity by showing his Computerised National Identity Card as well as any other such office card proving his relation with Police Department or any other law-enforcement authority or a document proving his identity to the person whom he intends to arrest and allow such person to contact to any other person residing with him to witness such arrest and in case such person is residing with such person then allow such person to contact any person of his neighborhood to witness his arrest, or in the absence of any such person, the police-officer or other person affix a copy of warrant or document containing direction for arrest of such person at his place of residence at some

inspicious place for information of relatives or persons of his neighborhood so that they may inform his relatives about arrest of such person:

Provided that all arrest made under Chapter V of the Code shall be subject to provision of this sub-section."

STATEMENT OF OBJECTS AND REASONS

Abduction, kidnapping or picking away of responsible citizens on different pretexts has become order of the day and even sometimes abductors, kidnappers or other criminal persons use such tactics under the garb of police or law-enforcement agencies and then abduct or kidnap the person and then take them illegal confinement and then demand for ransom or force the relatives of such persons to accept their illegal conditions which is not only violation of Fundamental Rights but also causing frustration against the police as well as other law-enforcement agencies. If such illegalities and practices are not properly checked then there is possibility that even the most responsible citizens will not obey the lawful commands due to such fearful and purposeful picking away which is in most of the cases resulting into missing of such persons. Thus, it is necessary that some mechanism be evolved to regulate and streamline procedure for arrests to ensure safety and security of innocent citizens as well as to enhance the respect and dignity of the police and other law-enforcement agencies working in the public interest in the country.

2. This Bill seeks to achieve the above objectives.

Sd/-

**MS. KISHWER ZEHRA
DR. FOUZIA HAMEED
SYED WASEEM HUSSAIN
SHEIKH SALAHUDDIN
DR. NIKHAT SHAKEEL KHAN
Members, National Assembly**