

[TO BE INTRODUCED IN THE NATIONAL ASSEMBLY]

A

BILL

to prohibit certain practices leading to exploitation and discrimination against womenfolk

WHEREAS it is expedient to provide for prohibition of certain practices leading to exploitation and discrimination against womenfolk;

AND WHEREAS it is necessary to clarify the ambiguities created by misinterpretation of certain legal provisions;

It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act may be called the Prevention of Anti-Women Practices (Criminal Law Amendment) Act, 2008.

(2) It shall come into force at once.

2. Substitution of section 310-A, Act XLV of 1860.- In the Pakistan Penal Code (Act XLV of 1860), in Chapter XV, for section 310A the following shall be substituted, namely:-

“310-A. Punishment for giving a female in marriage or otherwise in *badla-e-sulh, wanni or sawara*.- Whoever gives a female in marriage or otherwise compels her to enter into marriage, as *badal-e-sulh, wanni, or sawara* or any other custom or practice under any name, in consideration of settling a civil dispute or a criminal liability shall be punished with imprisonment of description for a term which may be no less than three years and shall also be liable to fine of 500,000 Rupees.”

3. Insertion of new chapter XXA, Act XLV of 1860.- In the Pakistan Penal Code (Act XLV of 1960), after Chapter XX, the following new Chapter shall be inserted, namely:-

Chapter XXA Offences against Women

498A. Prohibition of depriving woman from inheriting property.- Whoever by deceitfully or by illegal means deprives any woman from inheriting any movable or immovable property at the time of opening of succession shall be punished with imprisonment for a term which may not be less than seven years and a fine in amount of 1,000,000 Rupees.

498B. Prohibition of forced marriages.- Whoever coerces or in any manner whatsoever compels a woman to enter into marriage shall be punished with imprisonment of description for a term, which may not be less than three years and shall also be liable to fine of 500,000 Rupees.

498C. Prohibition of marriage with the Holy Quran.- (1) Whoever compels or arranges or facilitates the marriage of a woman with the Holy Quran shall be punished with imprisonment of description which may not be less than three years and shall also be liable to fine of 500,000 Rupees.

(2) Notwithstanding anything contained in sub-section (1), oath by a woman on Holy Quran to remain un-married for the rest of her life or, not to claim her share of inheritance shall be deemed marriage with the Holy Quran.

498D. Dissolution of marriage in absence of husband undergoing procedure of lian, etc. “Notwithstanding anything in section 14 of the Offences of Qazf (Enforcement of Hadd) Ordinance, 1979 (VIII of 1979), and in addition to the Dissolution of Muslim Marriages Act, 1939 (VIII of 1939), where a husband having knowledge of a complaint or report of his wife to the court of qazf fails to undergo the procedure of lian specified in the aforesaid section by his absence or otherwise, it shall be a valid ground for the wife to seek dissolution of her marriage through the competent Court and the husband shall also be punished for qazf”

4. Insertion of new section 402D, Act V of 1898.- In the Code of Criminal Procedure (Act V of 1898), hereinafter referred to as the said Code, after section 402C, after section 402C, the following new section shall be inserted, namely:-

“402D Provincial Government not to interfere in sentences of rape.- notwithstanding anything contained in section 401, section 402 or section 402B the Provincial Government shall not suspend, remit or commute any sentence passed under section 376 of the Pakistan Penal Code (Act XLV of 1860).

5. Amendment of schedule II, Act V of 1898.- In the said Code, in Schedule II,-
(i) For section 310A, in column 1 and the entries relating thereto in columns 2 to 8, the following shall be substituted namely:-

1	2	3	4	5	6	7	8
“310A	Giving a female forcefully in marriage or otherwise in badal-e-sulh, wanni or awara	Shall not arrest without warrant	Warrant	Non-bailable	Non-compoundable	Imprisonment not less than three years and fine of 500,000 Rupees	Court of sessions or magistrate first class”

(ii) after section 498, in column 1 and the entries relating thereto in columns 2 to 8, the following shall be inserted, namely:-

1	2	3	4	5	6	7	8
498A	Prohibition of depriving woman from inheriting property	Shall not arrest without warrant	Warrant	Non-bailable	Non-compoundable	Imprisonment which man not less than seven years and a fine of 1,000,000 Rupees	Court of sessions or magistrate first class
498B	Prohibition of forced marriages	Ditto	Ditto	Ditto	Ditto Non-compoundable	Imprisonment of no less than three years and a fine of 500,000 Rupees	Ditto
498C	Prohibition of marriage with the Holy Quran	Ditto	Ditto	Ditto	Ditto Non-compoundable	Imprisonment of no less than three years and a fine of 500,000 Rupees	Ditto

STATEMENT OF OBJECTS AND REASONS

There are several practices and customs in vogue in the country which are not only against human dignity, but also volatile human rights. Such customary norms are likewise contrary to Islamic Injunctions. It is, therefore, necessary that such inhumane practices and customs are done away forthwith and the persons continuing such practices be dealt with severely by providing penal and financial liabilities. The present Bill intends to achieve these objects.

Sd/-

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