

REGISTERED No. M - 302
L.-7646

The Gazette of Pakistan



EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, THURSDAY, MARCH 24, 2016

PART I

Acts, Ordinances, President's Orders and Regulations

SENATE SECRETARIAT

Islamabad, the 22nd March, 2016

No.F.9(37)2015-Legis. —The following Act of Majlis-e-Shoora (Parliament) received the assent of the President on 18th March, 2016:—

ACT NO. X OF 2016

An Act 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 (Second Amendment) Act, 2016.

(2) It shall come into force at once.

(115)

[2627(2016)/Ex. Gaz.] Price : Rs. 5.00

2. **Amendment of section 82, Act XLV of 1860.**—In the Pakistan Penal Code, 1860 (Act XLV of 1860), hereinafter referred to as the Penal Code, for the word “seven” the word “ten” shall be substituted.

3. **Amendment of section 83, Act XLV of 1860.**—In the Penal Code, in section 83, for the word “seven” the word “ten” shall be substituted and for the word “twelve” the word “fourteen” shall be substituted.

4. **Insertion of new sections 292A, 292B and 292C, Act XLV of 1860.**—In the Penal Code, after section 292, the following new sections shall be inserted, namely:—

“292A. **Exposure to seduction.**—Whoever seduces a child by any means whatsoever with an intent to involve him in any sexual activity or exposes him to obscene and sexually explicit material, document, a film, video or a computer generated image or attempts to do the aforementioned act, shall be punished with imprisonment of either description for a term which shall not be less than one year and may extend upto seven years or with fine which shall not be less than one hundred thousand rupees and may extend upto five hundred thousand rupees, or with both.

292B. **Child pornography.**—(1) whoever takes, permits to be taken, with or without the consent of the child or with or without the consent of his parents or guardian, any photograph, film, video, picture or representation, portrait, or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of obscene or sexually explicit conduct, where.—

- (a) the production of such visual depiction involves the use of a minor boy or girl engaging in obscene or sexually explicit conduct;
- (b) such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in obscene or sexually explicit conduct; or
- (c) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in obscene or sexually explicit conduct; is said to have committed an offence of child pornography.

(2) The preparation, possession or distribution of any data store on a computer disk or any other modern gadget, shall also be an offence under this section.

292C. Punishment for child pornography.—Whoever commits an offence of child pornography shall be punished with imprisonment of either description for a term which shall not be less than two years and may extend upto seven years, or with fine which shall not be less than two hundred thousand rupees, and may extend upto seven hundred thousand rupees, or with both.”

5. **Insertion of new section 328A, Act XLV of 1860.**—In the Penal Code, after section 328, the following new section shall be inserted, namely:—

“328A. Cruelty to a child.—Whoever willfully assaults, ill-treats, neglects, abandons or does an act of omission or commission, that results in or has, potential to harm or injure the child by causing physical or psychological injury to him shall be punished with imprisonment of either description for a term which shall not be less than one year and may extend upto three years, or with fine which shall not be less than twenty-five thousand rupees and may extend upto fifty thousand rupees, or with both.”

6. **Insertion of new section 369A, Act XLV of 1860.**—In the Penal Code, after section 369, the following new section shall be inserted, namely:—

“369A. Trafficking of human beings.—Whoever involves himself in human trafficking shall be punished with imprisonment for a term which shall not be less than five years and may extend upto seven years, or with fine which shall not be less than five hundred thousand rupees and may extend upto seven hundred thousand rupees, or with both.

Explanation.—The word “human trafficking” in this section, shall have the same meaning as is assigned to it in the Prevention and Control of Human Trafficking Ordinance, 2002 (LIX of 2002).”

7. **Insertion of new sections 377A and 377B, Act XLV of 1860.**—In the Penal Code, after section 377, the following new sections shall be inserted, namely:—

“377A. Sexual abuse.—Whoever employs, uses, forces, persuades, induces, entices, or coerces any person to engage in, or assist any other person to engage in fondling, stroking, caressing, exhibitionism, voyeurism or any obscene or sexually explicit conduct or simulation of such conduct either independently or in conjunction with other acts, with or without consent where age of person is less than eighteen years, is said to commit the offence of sexual abuse.

377B. Punishment.—Whoever commits the offence of sexual abuse shall be punished with imprisonment of either description for a term which may extend to seven years and liable to fine which shall not be less than five hundred thousand rupees or with both.”.

8. Amendment of Schedule II, Act V of 1898.—In the Code of Criminal Procedure, 1898 (Act V of 1898), in Schedule II.—

(a) after the entries relating to section 292, the following shall be inserted, namely:—

1	2	3	4	5	6	7	8
"292 A	Exposure to seduction	May arrest without warrant	Warrant	Not bailable	Not compoundable	Imprisonment of either description for a term which shall not be less than one year and may extend to seven years or with fine which may not be less than rupees one hundred thousand and may extend to rupees five hundred thousand, or with both.	Court of Sessions
292 C	Punishment for child pornography	Ditto	Ditto	Ditto	Ditto	Imprisonment which may extend to seven years and with fine which shall not be less than two hundred thousand rupees and may extend to seven hundred thousand rupees.	Ditto."

(b) after the entries relating to section 328, the following shall be inserted, namely:—

1	2	3	4	5	6	7	8
"328 A	Cruelty to a Child	May arrest without warrant	Warrant	Bailable	Compoundable	Imprisonment which shall not be less than one year and may extend to three years or with fine which shall not be less than twenty-five thousand rupees and may extend to fifty thousand rupees or with both.	Magistrate of the first class."

(c) after the entries relating to section 369, the following shall be inserted, namely:—

1	2	3	4	5	6	7	8
"369 A	Trafficking of human beings	May arrest without warrant	Warrant	Not bailable	Not compoundable	Imprisonment for a term which shall not be less than five years and may extend to seven years and liable to fine which shall not be less than rupees five hundred thousand and may extend to rupees seven hundred thousand or with both.	Court of Sessions."

(d) after the entries relating to Section 377, the following shall be inserted, namely:—

1	2	3	4	5	6	7	8
"377 B	Sexual abuse	May arrest without warrant	Warrant	Not bailable	Not compoundable	Imprisonment which may extend to seven years and with fine which may not be less than five hundred rupees or with both.	Court of Sessions."

SYED MUSSARRAT ABBAS,
Acting Secretary.