

**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 and commencement.**— (I) This Act may be called the Criminal Law (Amendment) Act, 2009.

(2) It shall come into force at once.

**2. Amendment of section 509. XLV of 1860.**— In the Pakistan Penal Code, 1860 (Act XLV of 1860), hereinafter referred to as the said Code, in section 509, the word “simple” shall be omitted and for the words “one year” the words “ three years” shall be substituted.

**3. Insertion of new section, Act XLV of 1860.**— In the said Code, after section 509 amended as aforesaid, the following new section shall be inserted namely:-

"509A. **Sexual harassment.**— Whoever makes sexual advances, or demands sexual favours or uses written or verbal or physical conduct of a sexual nature which intends to annoy, insult, intimidate or threaten the other person or commits such acts at the premises of work place, or makes submission to such conduct either explicitly or implicitly a term or condition of an individual's employment, or makes submission to or rejection of such conduct by an individual a basis for employment decision affecting such individual, or retaliates because of rejection

of such behavior, or conducts such behavior with the intention of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment, shall be punished with imprisonment which may extend to three years or fine up to five hundred thousand rupees or with both.

***Explanation-1***

Such behavior might occur in public place, including, but not limited to, markets, public transport, streets or parks, or it might occur in private places including, but not limited to work places, private gatherings, or homes.

***Explanation-2***

Workplace means, the place of work or the premises where an organization or employer operates, this may be a specific building, factory, open area or a larger geographical area where the activities of the organization are carried out. Sexual advances may occur after working hours and outside workplace. It is the access that a perpetrator has to the person being harassed by virtue of a job situation or job related functions and activities.”.

**4. Amendment of Schedule II, Act V of 1898.-** In the Code of Criminal Procedure 1898, (V of 1898) in Schedule II, -

- (a) for the entries relating to section 509, in column 1 to 8 the following shall be substituted, namely:-

1	2	3	4	5	6	7	8
509	Uttering any word or making any gesture intended to insult the modesty of a woman, etc	Shall not arrest without warrant.	Warrant	Bailable	Non Compound-able	Imprisonment up to 3 years, or fine, or both	Magistrate of the first class

“: and

(b) after the entries relating to section 509, substituted as aforesaid, the following new entries shall be inserted, namely:-

1.	2.	3.	4.	5.	6.	7.	8.
509A	Sexual harassment	Ditto	Ditto	Ditto	Ditto	Imprisonment up to 3 years or fine up to Rs.5,00,000/- or both	Magistrate of the first class

”

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

Harassment is one of the most common issues faced by the women of Pakistan. They face intimidation in the market place, in buses, at bus stops and at work place. This issue alone inhibits most of the women to move out of their houses for education, for availing medical facilities and for earning a livelihood. Parents are hesitant to send their daughters out of the homes alone because the social environment is not safe.

Though in Pakistan Penal Code there are some sections that attempt to address sexual harassment to a certain extent but the terminology is vague. For example, *violate* the *modesty* of women. Neither the term “violate” is well defined nor “modesty”. Therefore it is open to interpretation and can be made much more effective by adding a more specific section.

The amendment drafted in PPC as 509A is in the same spirit as section 509 and the other relevant clauses of PPC that provide protection to women. It elaborates and specifies what constitutes harassment of women in public, private and workplaces. It also increases the maximum punishment.

In addition, the clauses in the PPC deal with harassment in the public places only. Workplace is considered a private place and therefore, those clauses are not applicable there. So far, in Pakistan no law covers the incidents of sexual harassment against women at the workplace. The amended version covers sexual harassment at the work place for the first time.

Thus, in conclusion, the new amendment takes the spirit of the PPC forward and makes it more effective for women in cases of insults, humiliation and intimidation.

This amendment will not only make the public and work environment safer for women but it will open up the path for more women to pursue livelihood with dignity. It will reduce poverty as more and more women will get the courage to enter the job market.

In addition it will open up the opportunity for private and government sector to get competent human resource and result in better production and quality services. The social benefits as a result of providing protection for women will become a major contribution to the development of this country.

**MINISTER-IN-CHARGE**