



# CRIMINAL LAW (THIRD AMENDMENT) ACT, 2011.

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## Contents

### PREAMBLE

- 1 SHORT TITLE AND COMMENCEMENT
- 2 SUBSTITUTION OF SECTION 310A, ACT XLV OF 1860
- 3 INSERTION OF NEW CHAPTER XXA, ACT XLV OF 1860
- 4 INSERTION OF NEW SECTION 402D, ACT V OF 1898
- 5 AMENDMENT OF SCHEDULE II, ACT V OF 1898

# CRIMINAL LAW (THIRD AMENDMENT) ACT, 2011.

## ACT XXVI OF 2011

*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 here in after appearing;

It is hereby enacted as follows:—

**1. Short title and commencement.**— (1) This Act may be called the Criminal Law (Third Amendment) Act, 2011.

(2) It shall come into force at once.

**2. Substitution of section 310A, Act XLV of 1860.**—In the Pakistan Penal Code (Act XLV of 1860), hereinafter referred to as the Code, in Chapter XVI, for section 310A, the following shall be substituted, namely:

**"310A. Punishment for giving a female in marriage or otherwise in badla-a-sulh, wanni or swara.**—Whoever gives a female in marriage or otherwise compels her to enter into marriage, as *badal-esulh*, *wanni*, or *swara* 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 either description for a term which may extend to seven years but shall not be less than three years and shall also be liable to fine of five hundred thousand rupees."

**3. Insertion of new Chapter XXA, Act XLV of 1860.**—In the Code, after Chapter XX, the following new Chapter shall be inserted, namely:

### "CHAPTER XXA

#### OF OFFENCES AGAINST WOMEN

**498A. Prohibition of depriving woman from inheriting property.**—Whoever by deceitful or 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 either description for a term which may extend to ten years but not be less than five years or with a fine of one million rupees or both.

**498B. Prohibition of forced marriage.**—Whoever coerces or in any manner whatsoever compels a woman to enter into marriage shall be punished with imprisonment of either description for a term, which may extend to seven

years or for a term which shall not be less than three years and shall also be liable to fine of five hundred thousand rupees.

**498C. Prohibition of marriage with the Holy Quran.**—Whoever compels or arranges or facilitates the marriage of a woman with the Holy Quran shall be punished with imprisonment of either description which may extend to seven years which shall not be less than three years and shall be liable to fine of five hundred thousand rupees.

**Explanation.**—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 to be marriage with the Holy Quran."

**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, the following new section shall be inserted, namely:—

**"402D. Provincial Government not to interfere in sentences of rape.**—Notwithstanding anything contained in sections 401, 402 or 402B, the Provincial Government shall not suspend, \_remit or commut<sup>e</sup> 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 swara	Shall not arrest without warrant	Warrant	Not bailable	Not compoundable	Imprisonment of either description which may extend to 7 years but shall not be less than 3 years and fine of rupees 500,000/-	Court of Sessions or Magistrate of 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	Not bailable	Not compoundable	Imprisonment Of either description for a term which may extend to 10 years but shall not be less than 5 years or with a fine of rupees 10,00,000/- or both	Court of Sessions.
498B	Prohibition of forced marriage	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description which may extend to 7 years but shall not be less than 3 years and fine of rupees 500.400	Court of Magistrate of first class.
498C	Prohibition of marriage with the Holy Quran	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description which may extend to 7 years but shall not be less than 3 years and fine of rupees 500,000	Ditto."

