

**Amendment in Section 67 Of the Pakistan Penal Code
1860**

Report No.65

Amendment in Section 67 Of the Pakistan Penal Code 1860

The Pakistan Penal Code 1860 defines offences and specifies punishments thereof. There are various major and minor penalties provided for offences under the Penal Code and fine is one such punishment, which is awarded to the offenders either separately or combined with a term of imprisonment. For some of offences, no maximum limit of punishment is specified. In such cases, the Trial Court exercises its discretion while awarding fine or imprisonment. However, there are some offences for which only a specified amount of fine is provided as punishment in the Penal Code, to be imposed on the offender. Such offences are given below.

Section	Offence	Fine (Rs)
137	Deserted concealed on board merchant vessel through negligence of master.	1500/-
154	Owner or occupier of land on which an unlawful Assembly is held.	3000/-
155	Liability of person for whose benefit riot is committed.	Unspecified
156	Liability of agent of owner or occupier for whose benefit riot is committed.	-do-
171G	False statement in connection with an election	-do-
171H	Illegal payments in connection with election	1500/-
171I	Failure to keep election account	500/-
263A	Prohibition of fictitious stamps	600/-
278	Making atmosphere noxious to health	1500/-
283	Danger or obstruction in public way or line of navigation	600/-
290	Punishment for public nuisance in cases not otherwise provided	600/-
294A	Keeping Lottery Office	3000/-

The above offences are punishable with fine only. Failure to pay the fine leads to imprisonment as provided in Section 67 of the Penal Code:

Section 67: Imprisonment for non-payment of fine, when offence punishable with fine only.

If the offence be punishable with fine only, the imprisonment which the Court imposed in default of payment of a fine shall be simple and the term for which the Court directs the offender to be imprisoned in default of payment of fine shall not exceed the following scale, that is to say for any term not exceeding two months when the amount of the fine shall not exceed fifty rupees, and for any term not exceeding 4 months when the amount shall not exceed one hundred rupees, and for any term not exceeding 6 months in any other case.

The Commission in its meeting held on 30th March, 2002 approved three fold enhancement of quantum of maximum punishment of fines prescribed for various offences under the Pakistan Penal Code, 1860. The Commission was of the view that fines were fixed long ago and due to devaluation of currency with the passage of time have become inadequate. In pursuance of the recommendations of the Commission, the Government promulgated Ordinance No. LXXXVI of 2002 on 25-10-2002, enhancing the quantum of fines.

It is also imperative that the amount of fine in default of which scale of imprisonment is prescribed in Section 67, may also be enhanced. It is, therefore, proposed that the scale of fine of Rs 50/- for default of which 2 months simple imprisonment is awarded, be enhanced to Rs 1000/- and for Rs 100/- in default of which 4 months simple imprisonment is awarded be enhanced to Rs 2000/-.

A comparative table showing the existing and amending provision of Section 67 is given below:

Comparative statement showing the existing and amending provision of section 67 of the Pakistan Penal Code

Existing Section	After Making Amendment
<p>If the offence be punishable with fine only, the imprisonment which the Court imposes in default of payment of the fine shall be simple. And the term for which the Court directs the offender to be imprisoned, in default of payment of fine, shall not exceed the following scale, that is to say, for any term not exceeding two months when the amount of the fine shall not exceed fifty rupees, and for any term not exceeding four month when the amount shall not exceed one hundred rupees, and for any term not exceeding six months in any other case.</p>	<p>If the offence be punishable with fine only, the imprisonment which the Court imposes in default of payment of the fine shall be simple. And the term for which the Court directs the offender to be imprisoned, in default of payment of fine, shall not exceed the following scale, that is to say, for any term not exceeding two months when the amount of the fine shall not exceed one thousand rupees, and for any term not exceeding four months when the amount shall not exceed two thousand rupees, and for any term not exceeding six months in any other case.</p>

Commission’s Deliberations

The Commission considered the working paper in its meeting held on 14-2-2004 and noted that the draft seeks to amend Section 67 of the Pakistan Penal Code with a view to rationalize/enhance the sums of fine mentioned there, so as to restore a proper balance in the formula of fine and imprisonment, stipulated in the said section. After deliberations, the Commission approved the draft amendment bill. The Commission further directed the Secretariat to prepare and submit for consideration of the Commission a list of penal provisions in various criminal laws wherein the punishment prescribed is fine only.