

The Gazette  **of Pakistan**

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

ISLAMABAD, TUESDAY, FEBRUARY 2, 2010

PART I

Acts, Ordinances, President's Orders and Regulations

SENATE SECRETARIAT

Islamabad, the 2nd February, 2010

No. F. 9(13)/2009-Legis.—The following Act of Majlis-e-Shoora (Parliament) received the assent of the President on 30th January, 2010, is hereby published for general information:—

ACT NO. I OF 2010

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 (Amendment) Act, 2010.

(2) It shall come into force at once.

(13)

2. **Substitution of section 509, Act XLV of 1860.**—In the Pakistan Penal Code, 1860 (Act XLV of 1860), for section 509, the following shall be substituted, namely:—

“509. **Insulting modesty or causing sexual harassment.**—Whoever,—

- (i) intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman;
- (ii) conducts sexual advances, or demands sexual favours or uses verbal or non-verbal communication 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 workplace, 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 with 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 workplaces, 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.”

3. **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 2 to 8 the following shall be substituted, namely:—

	2	3	4	5	6	7	8
	Insulting modesty or causing sexual harassment	Shall not arrest without warrant.	Warrant	Bailable	Compoundable with permission of the Court	Imprisonment upto 3 years, or fine, or both	Magistrate of the first class

RAJA MUHAMMAD AMIN,
Secretary.