

NATIONAL ASSEMBLY SECRETARIAT
THE PREVENTION OF ELECTRONIC CRIMES BILL, 2015.
LIST OF AMENDMENTS

CLAUSE 1

1. Ms. Anusha Rehman Khan Advocate, Minister of State for Information Technology and Telecommunication, to move-

that in the Bill, as reported by the Standing Committee,- in clause 1, in sub-clause (1), for the figure "2015", the figure "2016" shall be substituted.

CLAUSE 2

2. Ms. Anusha Rehman Khan Advocate, Minister of State for Information Technology and Telecommunication, to move-

that in the Bill, as reported by the Standing Committee,- in clause 2, in sub-clause (1),-

(a) in paragraph (j), in sub-paragraph(i), for the words "so vital to the State or other organs of the Constitution", the words "vital to the State or other institutions under the Constitution of the Islamic Republic of Pakistan whether physical or virtual" shall be substituted;

(b) after paragraph (o), following new paragraph (p) shall be inserted and the existing paragraphs (p) to (ee) shall be re-lettered as (q) to (ff) respectively:-

"(p) "dishonest intention" means intention to cause injury, wrongful gain or wrongful loss or harm to any person or to create hatred;"

(c) in paragraph (y), re-lettered as aforesaid, for the word "thirteen" the word "fourteen" shall be substituted;

- (d) in paragraph (bb), re-lettered as aforesaid, in sub-paragraph (ii), after the semicolon, the word "or" shall be added and sub-paragraph (iv) shall be omitted;
- (e) in paragraph (gg), re-lettered as aforesaid, after the semicolon, the word "and" shall be added;
- (f) after paragraph (ff), re-lettered as aforesaid, the following new paragraph shall be added, namely:-
- "(gg) "unsolicited information" means the information which is sent for commercial and marketing purposes against explicit rejection of the recipient and does not include marketing authorised under the law."

CLAUSE 3

3. Ms. Anusha Rehman Khan Advocate, Minister of State for Information Technology and Telecommunication, to move-

that in the Bill, as reported by the Standing Committee,- in clause 3, for the word "intentionally" the words "with dishonest intention" shall be substituted.

CLAUSE 4

4. Ms. Anusha Rehman Khan Advocate, Minister of State for Information Technology and Telecommunication, to move-

that in the Bill, as reported by the Standing Committee,- in clause 4, for the word "intentionally" the words "with dishonest intention" shall be substituted.

CLAUSE 5

5. Ms. Anusha Rehman Khan Advocate, Minister of State for Information Technology and Telecommunication, to move-

that in the Bill, as reported by the Standing Committee,- in clause 5, for the word "intentionally" the words "with dishonest intention" shall be substituted.

CLAUSE 6

6. Ms. Anusha Rehman Khan Advocate, Minister of State for Information Technology and Telecommunication , to move-

that in the Bill, as reported by the Standing Committee,- in clause 6, for the word "intentionally" the words "with dishonest intention" shall be substituted.

CLAUSE 7

7. Ms. Anusha Rehman Khan Advocate, Minister of State for Information Technology and Telecommunication , to move-

that in the Bill, as reported by the Standing Committee,- in clause 7, for the word "intentionally" the words "with dishonest intention" shall be substituted.

CLAUSE 8

8. Ms. Anusha Rehman Khan Advocate, Minister of State for Information Technology and Telecommunication , to move-

that in the Bill, as reported by the Standing Committee,- in clause 8, for the word "intentionally" the words "with dishonest intention" shall be substituted.

CLAUSE 9

9. Ms. Anusha Rehman Khan Advocate, Minister of State for Information Technology and Telecommunication , to move-

that in the Bill, as reported by the Standing Committee,- for clause 9, the following shall be substituted, namely:-

"9. Glorification of an offence and hate speech.- Whoever prepares or disseminates information, through any information system or device, with the intent to glorify an offence and the person accused or convicted of a crime relating to terrorism or activities of proscribed organizations shall be punished with imprisonment for a term which may extend to five years or with fine up to ten million rupees or with both.

Explanation: "Glorification" includes depiction of any form of praise or celebration in a desirable manner."

CLAUSE 10

10. Ms. Anusha Rehman Khan Advocate, Minister of State for Information Technology and Telecommunication , to move-

that in the Bill, as reported by the Standing Committee,- in clause 10,

- (a) in paragraph (a), the words "overawe or" shall be omitted; and
- (b) for paragraph (b), the following shall be substituted, namely:-
"(b) advance inter-faith, sectarian or ethnic hatred,".

CLAUSE 13

11. Ms. Anusha Rehman Khan Advocate, Minister of State for Information Technology and Telecommunication , to move-

that in the Bill, as reported by the Standing Committee,- in clause 13, for the word "primarily", occurring for the first time, shall be omitted.

CLAUSE 16

12. Ms. Anusha Rehman Khan Advocate, Minister of State for Information Technology and Telecommunication , to move-

that in the Bill, as reported by the Standing Committee,- in clause 16, in the marginal heading, for the word "tempering" the word "tampering" shall be substituted.

CLAUSE 17

13. Ms. Anusha Rehman Khan Advocate, Minister of State for Information Technology and Telecommunication , to move-

that in the Bill, as reported by the Standing Committee,- in clause 17, for the word "intentionally" the words "with dishonest intention" shall be substituted.

CLAUSE 18

14. Ms. Anusha Rehman Khan Advocate, Minister of State for Information Technology and Telecommunication , to move-

that in the Bill, as reported by the Standing Committee,- for clause 18, the following shall be substituted, namely:-

"18. Offences against dignity of natural person.- (1)
Whoever intentionally and publicly exhibits or displays or transmits any information through any information system, which he knows to be false, and intimidates or harms the reputation or privacy of a natural person, shall be punished with imprisonment for a term which may extend to three years or with fine up to one million rupees or with both:

Provided that nothing under this sub-section shall apply to anything aired by a broadcast media or distribution service licensed under the Pakistan Electronic Media Regulatory Authority Ordinance, 2002 (XIII of 2002).

(2) Any aggrieved person or his guardian, where such person is a minor, may apply to the Authority for removal, destruction of, or blocking access to such information referred to in sub-section (1) and

the Authority on receipt of such application, may pass such orders as deemed appropriate including an order for removal, destruction, preventing transmission of, or blocking access to such information and the Authority may also direct any of its licensees to secure such information including traffic data."

CLAUSE 19

15. Ms. Anusha Rehman Khan Advocate, Minister of State for Information Technology and Telecommunication , to move-

that in the Bill, as reported by the Standing Committee,- for clause 19, the following shall be substituted, namely:-

"19. Offences against modesty of a natural person and minor.- (1) Whoever intentionally and publicly exhibits or displays or transmits any information which-

- (a) superimposes a photograph of the face of a natural person over any sexually explicit image or video; or
- (b) distorts the face of a natural person or includes a photograph or a video of a natural person in sexually explicit conduct; or
- (c) intimidates a natural person with any sexual act or any sexually explicit image or video of a natural person; or
- (d) cultivates, entices or induces a natural person to engage in a sexually explicit act,

through an information system to harm a natural person or his reputation, or to take revenge, or to create hatred or to blackmail, shall be punished with imprisonment for a term which may extend to seven years or with fine up to five million rupees or with both.

(2) Whoever commits an offence under sub-section (1) with respect to a minor shall be punished with imprisonment for a term which may extend to ten years and with fine up to ten million rupees:

Provided that in case of a person who has been previously convicted of an offence under sub-section (1) with respect to a minor shall be punished with imprisonment for a term of fourteen years and with fine.

(3) Whoever produces, offers or makes available, distributes or transmits through an information system or procures for himself or for another person or intentionally possesses material in an information system that visually depicts-

- (a) a minor engaged in sexually explicit conduct;
- (b) a person appearing to be a minor engaged in sexually explicit conduct;
- (c) realistic images representing a minor engaged in sexually explicit conduct,

shall be punished with imprisonment for a term which may extend to seven years, or with fine up to five million rupees or with both.

(4) Any aggrieved person or his guardian, where such person is a minor, may apply to the Authority for removal, destruction of, or blocking access to such information referred to in sub-sections (1) and (3) and the Authority, on receipt of such application, may pass such orders as deemed appropriate including an order for removal, destruction, preventing transmission of, or blocking access to such information and the Authority may also direct any of its licensees to secure such information including traffic data."

CLAUSE 21

16. Ms. Anusha Rehman Khan Advocate, Minister of State for Information Technology and Telecommunication , to move-

that in the Bill, as reported by the Standing Committee,- for clause 21, the following shall be substituted, namely:-

"21. Cyber stalking.- (1) A person commits the offence of cyber stalking who, with the intent to coerce or intimidate or harass any person, uses information system, information system network, internet, website, electronic mail or any other similar means of communication to-

- (a) follow a person or contacts or attempts to contact such person to foster personal interaction repeatedly despite a clear indication of disinterest by such person;
- (b) monitor the use by a person of the internet, electronic mail, text message or any other form of electronic communication;
- (c) watch or spy upon a person in a manner that results in fear of violence or serious alarm or distress, in the mind of such person; or
- (d) take a photograph or make a video of any person and displays or distributes it without his consent in a manner that harms a person.

(2) Whoever commits the offence specified in sub-section (1) shall be punishable with imprisonment for a term which may extend to one year or with fine up to one million rupees, or with both:

Provided that if victim of the cyber stalking under sub-section (1) is a minor the punishment may extend to five years or with fine upto ten million rupees, or with both.

(3) Any aggrieved person or his guardian, where such person is a minor, may apply to the Authority for removal, destruction of, or blocking access to such information referred to in sub-section (1) and the Authority, on receipt of such application, may pass such orders as deemed appropriate including an order for removal, destruction, preventing transmission of, or blocking access to such information and the Authority may also direct any of its licensees to secure such information including traffic data.”.

CLAUSE 22

17. Ms. Anusha Rehman Khan Advocate, Minister of State for Information Technology and Telecommunication , to move-

that in the Bill, as reported by the Standing Committee,- in clause 22, for sub-clauses (1) and (2), the following shall be substituted, namely:-

“22. Spamming.- (1) A person commits the offence of spamming, who with intent transmits harmful, fraudulent, misleading, illegal or unsolicited information to any person without permission of the recipient, or who causes any information system to show any such information for wrongful gain.

(2) A person including an institution or an organization engaged in direct marketing shall provide the option to the recipient of direct marketing to unsubscribe from such marketing.”

CLAUSE 23

18. Ms. Anusha Rehman Khan Advocate, Minister of State for Information Technology and Telecommunication , to move-

that in the Bill, as reported by the Standing Committee,- in clause 23, for the word "dishonestly", the words "with dishonest intention" shall be substituted.

CHAPTER III

19. Ms. Anusha Rehman Khan Advocate, Minister of State for Information Technology and Telecommunication, to move-

that in the Bill, as reported by the Standing Committee,- in Chapter III, in the marginal heading, the words "AND PROSECUTION", shall be deleted.

CLAUSE 27

20. Ms. Anusha Rehman Khan Advocate, Minister of State for Information Technology and Telecommunication, to move-

that in the Bill, as reported by the Standing Committee,- in clause 27,

- (a) after the marginal heading, the expression "(1)" shall be omitted;
- (b) in the proviso, for the words "the authorised officer of investigation agency", the words "an authorised officer of the investigation agency" shall be substituted.

CLAUSE 28

21. Ms. Anusha Rehman Khan Advocate, Minister of State for Information Technology and Telecommunication , to move-

that in the Bill, as reported by the Standing Committee,- in clause 28, for the word "authroised", the word "authorised" shall be substituted.

CLAUSE 30

22. Ms. Anusha Rehman Khan Advocate, Minister of State for Information Technology and Telecommunication , to move-

that in the Bill, as reported by the Standing Committee,- in clause 30,-

- (a) in sub-clause (1) and (2), for the expression "information system, data or other articles", the expression "information system, data, device or other articles" shall be substituted; and
- (b) in sub-clause (2), the expression "as far as practicable" shall be deleted.

CLAUSE 31

23. Ms. Anusha Rehman Khan Advocate, Minister of State for Information Technology and Telecommunication , to move-

that in the Bill, as reported by the Standing Committee,- in clause 31, in sub-clause (1),-

- (a) for the word "authroised" the word " authorized" shall be substituted; and
- (b) for the words "information system or data" the words "data or information system" shall be substituted.

CLAUSE 32

24. Ms. Anusha Rehman Khan Advocate, Minister of State for Information Technology and Telecommunication , to move-

that in the Bill, as reported by the Standing Committee,- in clause 32,

(a) in sub-clause (1),-

(i) for paragraph (d), the following shall be substituted, namely:-

“(d) have access to or demand any information in readable and comprehensible format or plain version;” and

(ii) for paragraph (g), the following shall be substituted, namely:-

“(g) require any person who is in possession of decryption information of an information system, device or data under investigation to grant him access to such data, device or information system in unencrypted or decrypted intelligible format for the purpose of investigating any such offence.”;

(b) in sub-clause (2), in paragraph (b), after the word “integrity”, the word “and secrecy” shall be inserted;

(c) for sub-clause (3), the following shall be substituted, namely:-

“(3) When seizing or securing any data or information system, the authorized officer shall make all efforts to use technical measures to maintain its integrity and chain of custody. The authorized officer shall seize an information system, data, device or articles, in part or in

whole, as a last resort only in the event where it is not possible under the circumstances to use such technical measures or where use of such technical measures by themselves shall not be sufficient to maintain the integrity and chain of custody of the data or information system being seized.”; and

- (d) after sub-clause (3), substituted as aforesaid, the following new sub-clause shall be added, namely:—

“(4) Where an authorized officer seizes or secures any data or information system, the authorized officer shall ensure that data or information system while in the possession or in the access of the authorized officer is not released to any other person including competitors or public at large and details including log of any action performed on the information system or data is maintained in a manner prescribed under this Act.”

CLAUSE 33

25. Ms. Anusha Rehman Khan Advocate, Minister of State for Information Technology and Telecommunication , to move-

that in the Bill, as reported by the Standing Committee,- for clause 33, the following shall be substituted, namely:—

“33. Dealing with seized data or information system.- (1) If any data or information system has been seized or secured following a search or seizure under this Act, the authorised officer who undertook the search or seizure shall, at the time of the seizure,—

- (a) make a list of what has been seized or rendered inaccessible, with the date and time of seizure; and
- (b) give a copy of that list to-
 - (i) the occupier of the premises; or
 - (ii) the owner of the data or information system; or
 - (iii) the person from whose possession the data or information system has been seized, in a prescribed manner in the presence of two witnesses.

(2) The authorised officer, upon an application of the owner of the data or information system or an authorised agent of the owner and on payment of prescribed costs, shall provide forensic image of the data or information system to the owner or his authorised agent within a time prescribed under this Act.

(3) If the authorised officer has reasons to believe that providing forensic image of the data or information system to the owner under sub-section (2) may prejudice-

- (a) the investigation in connection with which the search was carried out; or
- (b) another ongoing investigation; or

(c) any criminal proceedings that are pending or that may be brought in relation to any of those investigations, the authorised officer shall, within seven days of receipt of the application under sub-section (2), approach the Court for seeking an order not to provide copy of the seized data or information system.

(4) The Court, upon receipt of an application from an authorised officer under sub-section (3), may after recording reasons in writing pass such order as deemed appropriate in the circumstances of the case.

(5) The costs associated with the exercise of rights under this section shall be borne by the person exercising these rights."

CLAUSE 34

26. Ms. Anusha Rehman Khan Advocate, Minister of State for Information Technology and Telecommunication , to move-
that in the Bill, as reported by the Standing Committee,- for clause 34, the following shall be substituted,

"34. Unlawful on-line content.-(1) The Authority shall have the power to remove or block or issue directions for removal or blocking of access to any information through any information system if it considers it necessary in the interest of the glory of Islam or the integrity, security or defence of Pakistan or any part thereof, public order, decency or morality, or in relation to contempt of court or commission of or incitement to an offence under this Act.

(2) The Authority may, with the approval of the Federal Government, prescribe rules for adoption of standards and procedure for exercise of powers under sub-section (1).

(3) Until such procedure and standards are prescribed under sub-section (2), the Authority shall exercise its powers under this Act or any other law for the time being in force in accordance with the directions issued by the Federal Government not inconsistent with the provisions of this Act."

INSERTION OF NEW CLAUSE

27. Ms. Anusha Rehman Khan Advocate, Minister of State for Information Technology and Telecommunication , to move-
that in the Bill, as reported by the Standing Committee,-

after clause 37, the following new clause 38 shall be inserted, and the existing clauses shall be re-numbered accordingly:-

"38. Confidentiality of information.- Any person including a service provider, while providing services under the terms of lawful contract or otherwise in accordance with the law, or an authorised officer who has secured access to any material or data containing personal information about another person, discloses such material to any other person, except when required by law, without the consent of the person concerned or in breach of lawful contract with the intent to cause or knowing that he is likely to cause harm, wrongful loss or gain to any person or compromise confidentiality of such material or data, shall be punished with imprisonment for a term which may extend to three years or with fine up to one million rupees or with both."

CLAUSE 39

28. Ms. Anusha Rehman Khan Advocate, Minister of State for Information Technology and Telecommunication , to move-

that in the Bill, as reported by the Standing Committee,-
in clause 39, re-numbered as aforesaid,-

- (a) in sub-clause (1), for the words "on receipt of request" the words "upon receipt of a request" shall be substituted;
- (b) in sub-clause (2),-
 - (i) the expression ",at its own," shall be omitted; and
 - (ii) after the word "offence", occurring at the end, the words "under this Act" shall be inserted; and
- (c) in sub-clause (5), after the word "trial", occurring at the end, the words "or rights of its citizens guaranteed under the Constitution of the Islamic Republic of Pakistan" shall be inserted.

Islamabad, the
6th April, 2016

ABDUL JABBAR ALI
Secretary

