The Chairman
Standing Committee on Information Technology
National Assembly of Pakistan
Islamabad
Dated: 21 August, 2015

Subject: Dissent on "The Prevention of Electronic Crimes Bill, 2015"

Dear Chairman,

I am writing to you in my capacity as a member of the subcommittee constituted to consider/re-examine the proposals received by the Standing Committee on "The Prevention of Electronic Crimes Bill, 2015".

To date, three meetings of this subcommittee have been held, but I strongly feel that further deliberations on the Bill are required until a reasonable consensus is reached.

Mr. Chairman, we must acknowledge that we are at present, leaving our country vulnerable to terrorism, and will continue to do so until we work more aggressively at first establishing cyber safety measures, and then developing wholistic cyber/electronic crime legislation.

As a legislator I examined the Bill during the subcommittee meetings and my comments are as below:

"Offence" - although I had proposed an amendment, no consensus was reached. I still believe that the age must be considered, given that the use and accessibility of the internet is extremely common among children, and we must be very careful while proposing penalties in this regard.

"Service provider" - I had proposed that subsection ", the internet such as cyber cafes" - be deleted. I feel that any public place that offers Internet as a facility, may it be a restaurant, a coffee shop or library etc...cannot be considered a service provider and treated as such.

"Unauthorised access to information system or data" - I have expressed my dissent on the imprisonment penalty. I suggest that only a fine be imposed to penalize offenders.

"Unauthorised copying or transmission of data" - I have expressed my dissent on the imprisonment penalty. I suggest that only a fine be imposed to penalize offenders.
"Offences against modesty of a natural person or minor" - I have proposed that this section be rephrased, since the language is ambiguous.

"Cyber stalking" - I have serious concerns regarding this section because the penalty being proposed is an imprisonment which may exceed to two years. I feel that people need to be reformed, and not just severely punished, in addition to which the PPC already addresses harassment. This section should either be deleted, or imprisonment removed and fine revisited. The punishment must be commensurate to the crime.

In the section where an authorised officer of the agency is given the authority to enter a premise without warrant, I had raised serious concerns. Given the fundamental rights guaranteed in the Constitution, ideally I feel that a warrant must be required to enter premises.

Section 34 "Power to Manage Information System" allows interpretation of Article 19 of the Constitution (fundamental rights and principles of policy). This Section needs to be revisited since arbitrary interpretation of such an Article by an authority, is in itself a matter of concern. It was decided that Mr. Babar Sattar advocate, would redraft the Section in question, for the subcommittee.

Mr. Chairman, I feel that while it is extremely important to combat terrorism and track those who use cyberspace to commit acts of terrorism, it is also crucial to safeguard the civil liberties and rights of the people, as enshrined in the Constitution of Pakistan.

I hope that my concerns and the reasons for dissent will be looked into seriously by you and other members of the Committee.

Sincerely,

Shazia Marri

CC: Honourable Speaker, National Assembly of Pakistan