

Amendments as proposed by Dr Arif Alvi
Prevention of Electronic Crimes Bill, 2015

That in the Bill as reported by the Standing Committee:

Chapter II

Clause 2

- i. Clause 2 (j) (i) May be deleted (Better description by the way of examples may be inserted or defined in a separate schedule)
- ii. Clause 2 (j) (ii) May be deleted
- iii. In Clause 2 after sub Clause (v) a new Clause (w) may be added as follows:
(w) **"mala fide intent"** means an intentional dishonest act committed in bad faith to deceive for financial gain, or to harm the reputation of, or to blackmail, or to create hatred or physically endanger a person or an institution

Clause 3

- iv. In Clause 3 after the word 'data' the following words may be added **"with mala fide intent"**

Clause 4

- v. In Clause II 4 after the word 'transmitted' the following words may be added **"with mala fide intent"**

Clause 5

- vi. In Clause 5 after the word 'data' the following words may be added **"with mala fide intent"**

Clause 6

- vii. In Clause 5 after the word 'data' the following words may be added **"with mala fide intent"**

Clause 7

- viii. In Clause 7 after the word 'data' the following words may be added "**with mala fide intent**"

Clause 8

- ix. In Clause 8 after the word 'damaged' the following words may be added "**with mala fide intent**"

Clause 9

- x. In Clause 9 after the words 'convicted of a' the word '**hate**' may be added

Clause 10

- xi. In Clause 10 before the word 'intent' the words '**mala fide**' may be added
- xii. In Clause 10 (a) the word 'overawe' may be deleted

Clause 11

- xiii. In Clause 11 (1) at the end of the paragraph, the following words may be added '**plus penal damages at least up to the amount illegally gained**'
- xiv. In Clause 11 (2) at the end of the paragraph, the following words may be added '**plus penal damages at least up to the amount illegally gained**'

Clause 13

- xv. In Clause 13 at the end of the paragraph, the following words may be added '**plus penal damages as to loss incurred, and amount so gained as determined by a court of law**'

Clause 14

- xvi. In Clause 14 at the end of the paragraph, the following words may be added '**plus recovery of the amount so gained**'

Clause 15

- xvii. In Clause 15 may be entirely deleted

Clause 16

- xviii. In Clause 16 may be entirely deleted

Clause 17

- xix. In Clause 17 after the word 'intentionally' the following words may be added "**with mala fide intent**"

Clause 18

- xx. In Clause 18 (1) after the words 'publicly' the following words may be added "**and with mala fide intent**"

- xxi. In Clause 18 (1) after the words 'both' the entire paragraph starting with '**Provided....**' may be deleted

Clause 19

- xxii. In Clause 19 the words '**natural person and**' which are mentioned in the title may be deleted
- xxiii. In Clause 19 (1) (a) the words 'natural person' may be substituted with the word '**minor**'
- xxiv. In Clause 19 (1) (b) the words 'natural person' which are mentioned twice in this sentence may be deleted and the word '**minor**' may be substituted in its place
- xxv. In Clause 19 (1) (c) the words 'natural person' may be substituted with the word '**minor**'
- xxvi. In Clause 19 **sub clause (2)** may be deleted

Clause 21

- xxvii. In Clause 21 (1) **sub clauses (a), (b), and (d)** may be deleted

Clause 22

- xxviii. In Clause 22 (1) after the word 'Whoever' the words '**with mala fide intent**' may be added

Clause 23

- xxix. In Clause 23 (1) after the word 'dishonestly' the words '**and with mala fide intent**' may be added

Chapter - III

Clause 27

- xxx. In Clause 28 in the Proviso the last sentence after the words 'agency for the investigation of offence under this Act' the words '**and any other law for the time being in force**' may be deleted

Clause 28

- xxxi. In Clause 28 (1) after the words 'data or otherwise' at the end of the Proviso, the following words (paragraph) may be added:
"Provided that it shall be ensured that the data while in the possession and in the access of the authorized officer, is not compromised and no information sensitive or otherwise is released to the public or competitors in case the data has commercial value or its release can cause harm to the accused even before he is declared guilty"

Clause 29

- xxxii. In Clause 29 (1) after the words 'authorised officer' the following words may be added "**, subject to Section 30"**

Clause 30

- xxxiii. In Clause 30 (2) the words '**as far as practicable**' may be deleted.

Clause 32

- xxxiv. In Clause 32 (1) after the words 'Act,' the following words may be added "**and after taking due permission of the Court as described in Section 28"** may be added

- xxxv. In Clause 32 (1)(d) after the word 'demand' the words '**any information, code or technology which has the capability of**' may be deleted.
- xxxvi. In Clause 32 (1)(d) after the words 'encrypted data' the words '**contained or available to such information system**' may be deleted.
- xxxvii. Clause 32 (1)(g) The entire wordings of this clause may be deleted and may be substituted by: "**Any person in possession of encrypted information may be required to unscramble encrypted data from its un-readable form and from cyphered data to intelligible data.**"
- xxxviii. In Clause 32 the paragraph titled 'Explanation' may be deleted with all its contents
- xxxix. In Clause 32 (2) Sub-clause (f) may be added and the following words inserted "**(f) Shall give in writing to the owners details of every action performed every day if the action persists for many days.**"
- xl. In Clause 32 (3) after the word 'measures' the words '**while maintaining its integrity and**' may be substituted by "**to maintain the integrity of the data and record the**" may be added
- xli. In Clause 32 (2) (b) after the words 'integrity' the words '**and secrecy**' may be added

Clause 33

- xlii. Clause 33 may be deleted

Clause 34

- xliii. In Clause 34 (1) after the words 'is empowered' the words '**manage information and**' may be deleted
- xliv. In Clause 34 (1) after the words 'public order' the words '**decency or morality**' may be deleted
- xlv. In Clause 34 (1) at the end of the paragraph the following words may be added "**Provided that the action so done is presented before a court of law within 24 hours which may continue with, or order the undoing of the action taken.**"
- xlvi. In Clause 34 Sub Clause (2) may be deleted

xlvi. In Clause 34 Sub Clause (3) may be deleted

Clause 35

xlvi. In Clause 35 (1) after the words 'willful intent to' the words '**and proactively and positively**' may be deleted

Chapter - V

Clause 39

xlix. In Clause 39 (1) after the words 'under this act' the words "**except the offences under section 10 and 19 of this Act,**" may be deleted

i. Clause 39 (2) may be deleted

Chapter -VI

Clause 44

ii. Clause 44 may be deleted