

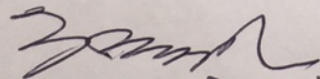
To,
The Secretary,
National Assembly,
Islamabad.

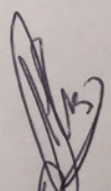
Subject: NOTICE UNDER RULE 129 OF THE RULES OF PROCEDURE AND CONDUCT OF BUSINESS IN THE NATIONAL ASSEMBLY, 2007 TO MOVE AMENDMENTS, TO THE BILL "THE PREVENTION OF ELECTRONIC CRIMES ACT, 2015" AS REPORTED BY STANDING COMMITTEE ON INFORMATION, TECHNOLOGY AND TELECOMMUNICATION.

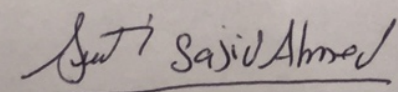
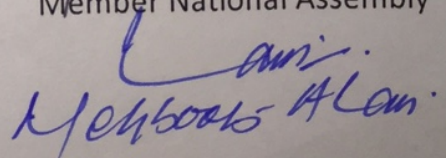
We hereby give notice to move amendments to the Bill mentioned under subject above and proposed amendments are enclosed with this notice.

Islamabad:

Dated: _____

(1) 
S.A. Iqbal Quadri
Member National Assembly

(2) 
Syed Ali Raza Abidi - NA251
Member National Assembly

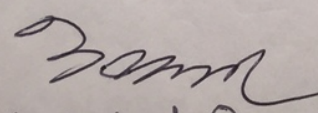
(3)  (4) 
Sajid Ahmed

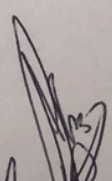
**PROPOSED AMENDMENTS TO "THE PREVENTION
OF ELECTRONIC CRIMES ACT, 2015" BILL AS REPORTED BY
THE STANDING COMMITTEE ON INFORMATION,
TECHNOLOGY AND TELECOMMUNICATION**

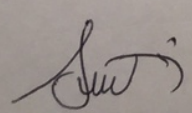
1. **Amendment in clause-19.-** In the sub clause (2) of clause-19 of The Prevention of Electronic Crimes Act, 2015, Bill as reported by the Standing Committee the figure 2 shall be substituted with figure 1.
2. **Amendment in clause-36.-** Sub Clause (2) of the clause-36 of The Prevention of Electronic Crimes Act, 2015, Bill as reported by the Standing Committee shall be omitted and rest of the clauses shall be re-numbered accordingly.
3. **Amendment in clause-40.-** in the Sub Clause (3) of the clause-40 of The Prevention of Electronic Crimes Act, 2015, Bill as reported by the Standing Committee the words "by the Court designated under this Act." Shall be added.
4. **Substitution of clause-43.-** In The Prevention of Electronic Crimes Act, 2015, Bill as reported by the Standing Committee the clause-40 shall be substituted, namely:
43. Appeal. (1). An appeal against the final judgement of a Court shall lie to High Court within thirty days from the date of the Judgement.
(2). The Trial Court shall inform the complainant and the accused about the date of announcement of the Judgment by a notice.
(3). The Trial Court shall provide true copy of the Judgement to the complainant and the Accused at the time of announcement of the Judgment.

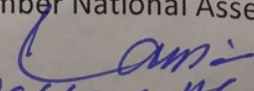
Islamabad:

Dated: _____

(1) 
S.A. Iqbal Qaderi
Member National Assembly

(2) 
Syed Ali Raza Abidi -NA251
Member National Assembly

(3) 
Sajid Ahmed NA 257

(4) 
M. H. Khan

To,
The Secretary
National Assembly
Islamabad.

Subject: **NOTICE UNDER RULE 129 OF THE RULES OF PROCEDURE AND CONDUCT OF BUSINESS IN THE NATIONAL ASSEMBLY, 2007 TO MOVE AMENDMENTS, TO THE BILL "THE PREVENTION OF ELECTRONIC CRIMES ACT. 2015" AS REPORTED BY THE STANDING COMMITTEE ON INFORMATION, TECHNOLOGY AND TELECOMMUNICATION.**

We hereby give notice to move amendments to the Bill mentioned under subject above and proposed amendments are enclosed with this notice.

Islamabad:

Dated: 14th December, 2015

(1) S. A. Iqbal Qureshi
Member National Assembly

(2) Syed Ali Raza Abidi
Member National Assembly
NA-251

(3) ABDUL WASIEEM
Member National Assembly
NA 243

(4) SAMAN SULTANA JAFRI
Member National Assembly
NA 317

(5) Muhammad Rehan Hashmi
NA 245

(6) SPIYAN YUSUF
NA 247

(7) Dr. Nikhat Shireen
NA-318

(8) Dr. Fouzia Hameed
NA-316

Recd
14/12/15
8:00 pm

**PROPOSED AMENDMENTS TO "THE PREVENTION
OF ELECTRONIC CRIMES ACT, 2015" BILL AS REPORTED BY
THE STANDING COMMITTEE ON INFORMATION,
TECHNOLOGY AND TELECOMMUNICATION**

1. Substitution of clause-9.- The clause-9 of the bill may be substituted, namely:

9. **Incitement, Glorification of terrorism and hate speech.** Whoever with ~~malicious~~ intent, prepares or disseminates information, through any information system or device to:-

- (a) incite an act of terrorism;
- (b) glorify an offence or the person convicted of a crime and support terrorism or activities of proscribed organizations; or
- (c) advance religious, ethnic or sectarian hatred

Shall be punished with imprisonment for a term which may extended to five years or with fine up ten millions rupees or with both.

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

2. Substitution of Clause-18.- The clause-18 of the bill may be substituted, namely:

18. **Offence against dignity of natural person.-** (1) Whoever ^{intentionally} ~~with malicious~~ intent through an information system:

- (a) Publicly exhibits, produces, offers and makes available, distributes or transmits, procures or solicits, possesses sexually explicit images of a natural person, or
- (b) Publicly exhibits, produces, offers and makes available, distributes or transmits, procures or solicits or possesses an image, photograph or video of a natural person in sexually explicit conduct or intimidates or threatens a natural person with production, distribution of transmission or such material, or

(c) Publicly or by private messaging, cultivates, entices or induces a minor to engage in a sexually explicit act or in a lewd manner which is offensive to the privacy of the minor,

Shall be punished with imprisonment for term which may extend to three years, it may extend to six years in relation to a minor or with fine up to ten million rupees or both.

(2) Any person, including the guardian of the aggrieved minor, may apply to the Authority for passing of such orders for removal, destruction or blocking access to such information referred to in sub-section (1) and the Authority on receipt of such application may take due and reasonable measures to protect the best interest of the aggrieved person for securing, destroying or preventing transmission of such information, pursuant to the provisions of this Act.

(3) The Authority shall make bylaws for carrying of purposes referred to in sub-section (2) pursuant to provision of this Act.

3. Substitution of Clause-29.- The clause-29 of the bill may be substituted, namely:

29. Retention of traffic data.—(1) A service provider shall, within its existing technical capability, retain its traffic data up to a period of 90 days or such lesser period as the Authority may notify from time to time and provide such traffic data to the designated investigation agency or the authorized officer pursuant to provisions of section 31.

(2) The service providers shall retain the traffic data under sub-section (1) by fulfilling all the requirements of data retention and its originality as provided under section 5 and 6 the Electronic Transaction Ordinance, 2002 (LI of 2002).

(3) Any person, including a service provider and an authorized officer, who, while providing services under the terms of lawful contract or otherwise in accordance with law, 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 wrongful loss or wrongful gain, or compromises its

integrity and confidentiality, 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.

4. Substitution of Clause-33.- The clause-33 of the bill may be substituted, namely:

33. Dealing with seized data.- (1) if data has been seized or similarly secured, following a search or a seizure under section-29 the authorized officer who undertook the search shall, at the time of the search or as soon as practicable after the search with respect to the data seized-

- (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 the list to-
 - (i) the occupier of the premises; or
 - (ii) the person in control of the information system; or
 - (iii) a person having any legal right to the data.

(2) at the time of the search and in any event not later than twenty-four hours following the seizure, the authorized officer shall-

- (a) permit a person who had the custody or control of the information system or someone acting on their behalf to access and copy data on the information system; or

- (b) give the person a copy of the data.

(3) Upon an application by an authorized officer that demonstrated to the satisfaction of the court that there exist reasonable grounds to believe that giving the access or providing the copies-

- (a) shall constitute a criminal offence; or
- (b) may prejudice-
 - (i) the investigation in connection with which the search was carried out;
 - (ii) another ongoing investigation; or

(iii) any criminal proceedings that are pending or that may be brought in relation to any of those investigations.

the Court may, after recording reasons, through written notification allow the authorized officer not to provide access or copies.

(4) The Court may, on the application of:

(a) the occupier of the premises; or

(b) the person in control of the information system, or

(c) a person with any legal right to the data,

on being shown sufficient cause, order that a copy be provided to such a person.

(5) The costs associated with the exercise of rights under sub-section (2) and (4) shall be borne by the person exercising these rights.

(6) Any person, including a service provider and an authorized officer, who while providing services under the terms of lawful contract or otherwise in accordance with law, 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 a lawful contract, with the intent of cause or knowing that he is likely to cause wrongful loss or wrongful gain, or compromises its integrity and confidentiality, 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.

5. Substitution of Clause-34.- The clause-34 of the bill may be substituted, namely:

34. Power to manage on-line information etc. (1) The Federal Government shall constitute a committee consist of five members out of which two members shall be from the Authority, one member from a renowned information technology expert, and one member from Ministry of Law and Human Rights to oversee acts of the Authority.

(2) The Authority shall have power to manage information and issue directions for removal or blocking of access of any information through any information system.

(3) The Authority may direct any service provider to remove any information or block access to such intelligence, if it considers necessary in the interest of the glory of Islam or the integrity, security or defense of Pakistan or any part thereof, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of Court or commission of or incitement to an offence under this Act.

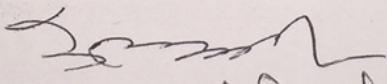
(4) Any action taken by the Authority shall be placed before the committee for its approval.

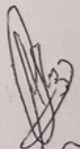
(5) The committee shall prescribe rules for adoption of standards and procedure to manage information, block access and entertain complaints.

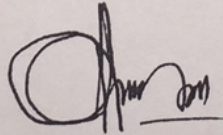
(6) Until such procedure and standards are prescribed, the Authority shall exercise its power under this Act or any other law for the time being in force in accordance with the directions issued by the Federal Government not inconsistent with the provisions of this Act.

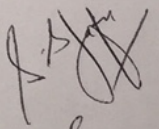
Islamabad:

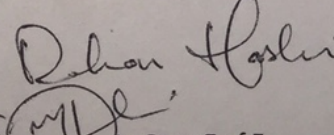
Dated: 14/12/2015

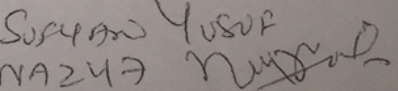
(1) 
S.A. Iqbal Qaderi
Member National Assembly

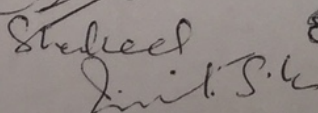
(2) 
Syed Ali Raza Abidi NA-25
Member National Assembly

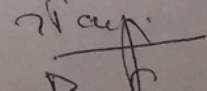
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