

**A**

**Bill**

*further to amend the Prevention of Electronic Crimes Act, 2016*

**WHEREAS** it is expedient further to amend the Prevention of Electronic Crimes Act 2016 for the purposes hereinafter appearing;

It is hereby enacted as follows:-

**1. Short title and commencement.**— (1) This Act shall be called as the Prevention of Electronic Crimes (Amendment) Act, 2024.

(2) It shall come into force at once.

**2. Amendment of section 2, Act XL of 2016.**— In the prevention of Electronic Crimes Act, hereinafter referred to as “the said Act”, in section 2, in sub-section (1),—

(a) after clause (iii), the following new clause (iiia), shall be inserted, namely:—

(iiia) “aspersion” means spreading false and harmful information which damages the reputation of a person;”

(b) for clause (iv), the following shall be substituted, namely:—

(iv) “Authority” means the **Pakistan Digital Rights Protection Authority** established under section 2A of this Act;”;

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

(via) “complainant” means any person who makes complaint of any offence under this Act and includes a victim, or an individual having substantial reasons to believe that the offence is being committed or is likely to be committed, with the Authority and the investigation agency established under this Act;”

(d) after clause (xxv), the following new clauses shall be inserted, namely:—

(xxva) “person” means a legal or natural person and includes an individual or a company or association or body of persons whether incorporated or corporate;

(xxvb) “prescribed” means rules or regulations, as the case may be, made under this Act;”;

(e) after clause (xxviii), the following new clause shall be inserted, namely:—

(xxviii b) “social media platform” means—

(i) any person that owns, provides or manages online information system for provision of social media or social network service; or

(ii) a website, application or mobile web application, platform or communication channel and any other such application and service that permits a person to become a registered user, establish an

account, or create a public profile for the primary purpose of allowing the user to post or share user-generated content through such an account or profile or enables one or more users to generate content that can be viewed, posted or shared by other users of the such platform but shall not include the licensees of Pakistan Telecommunication Authority;” and

(f) after clause (xxx), the following new clause shall be inserted, namely:—

(xxxa) “Tribunal” means the **Pakistan Digital Rights Protection Tribunal** established under section 43A;”.

**3. Insertion of Chapter 1A, Act XL of 2016.**— In the said Act, after Chapter 1 the following new Chapter shall be inserted, namely:—

## **CHAPTER 1A AUTHORITY**

**2A. Establishment of the Authority.**— (1) As soon as may be after the commencement of this Act, the Federal Government shall, by notification in the official Gazette, establish an Authority to be known as the Digital Rights Protection Authority for carrying out the purposes of this Act.

(2) The Authority shall be a body corporate having perpetual succession and a common seal and may sue and be sued in its own name with powers subject to and for the purposes of this Act to hold and dispose of property and to enter into contract.

(3) The principal office of the Authority shall be at Islamabad and it may set up other offices in the provincial capitals and at such other places across Pakistan as the Authority may deem appropriate.

**2B. Powers and functions of the Authority.**— (1) In addition to the functions and power specified otherwise in this Act, the Authority shall have the following powers and functions, namely:—

(a) advise the Federal Government, Provincial Governments, local Governments and any other public or private sector entities on policies relating to digital ethics and related fields;

(b) promote education and research in the related field;

(c) promote, incentivise and facilitate social media platform;

(d) promote awareness about issues in the public and private sector through print, digital or social and electronic media etc., or any other medium as the Authority may deem appropriate;

(e) ensure online safety and rights of persons on social media platforms from any kind of harm;

(f) regulate the content on the social media platforms accessible from Pakistan;

(g) inquire, investigate and prosecute, as the case may be on the complaints or proceed on applications made on any contravention of the provisions of this Act;

(h) prescribe fines for contravention of the provisions of this Act or rules regulations made thereunder;

(i) issue guidelines and standards to be maintained by the relevant stakeholders for the purposes of this Act;

(j) summon any person for inquiry or investigation;

(k) issue directions to the relevant authorities to block or unblock or temporarily block or degradation of access to such material or removal thereof of unlawful online content in such manner as may be prescribed;

(l) coordinate or engage with other authorities, international agencies or organizations, in any study, training or cooperation project related to online safety;

(m) enter into contracts as may be necessary for the discharge of any of its powers and functions;

(n) engage in human resource development and training of its officers and staff;

(o) liaise and interact with counterpart organizations in other countries for capacity building and exchange of information;

(p) carry out capacity building and training of relevant entrepreneurs and providing them with facilities, including but not limited to, setting up incubation centres to promote responsible social media platform;

(q) coordinate the implementation of any foreign-aided technical assistance projects;

(r) grant exemption from the provisions of this Act in such manner as may be prescribed;

(s) make rules regulations to carry out for receiving or processing complaints and to provide a remedial mechanism for the purposes of this Act;

(t) to initiate action on any contravention of the provisions of this Act or rules made thereunder on its own motion or on receipt of an complaint application as the case may be;

(u) make such committees or sub-committees, for the performance of its functions, as it may deem appropriate; and

(v) perform any other function which is ancillary, incidental or consequential to any of the aforesaid functions.

**2C. Composition of the Authority.—** (1) The Authority shall consist of a Chairperson and six other members out of which Chairman Pakistan Telecommunication Authority (PTA) or any member of PTA nominated by him shall be the ex-officio members as provided in sub-section (3).

(2) The Chairperson and five members, other than ex-officio member shall be appointed by the Federal Government having such qualifications, experience, and term and conditions as may be prescribed.

(3) The Chairperson and members, other than ex-officio member shall be appointed for a period of three years, provided, the Chairperson or a member does not exceed fifty-nine years of age on the date of his initial appointment. The Federal Government may re-appoint a Chairperson or a member for a similar term another term of three years.

(4) The ex-officio member as mentioned in sub-section (1) shall be as follow:—

(a) Secretary of the Division concerned with affairs of Information and Broadcasting or his nominee not below an officer of grade of BS-21;

(b) Secretary of the Division concerned with affairs of Information Technology and Telecommunication or his nominee not below an officer of grade of BS-21; and

(c) Chairman PTA or any member nominated by him.

(5) The Authority may delegate all or any of its function and powers, other than the functions and powers under Chapter 1B, to the Chairperson or any member other than ex-officio members or such other officers of the Authority by notification in the official gazette subject to such condition as it may deem appropriate.

(6) The powers of the Authority in the matters relating to its administration and human resources shall be exercised by the Chairperson in such manner as may be prescribed.

**2D. Removal of Chairperson and members.—** (1) The Federal Government may remove the Chairperson or a member, other than ex-officio member, from his office if he is found unable to perform the functions of his office due to mental or physical disability or to have committed misconduct.

**Explanation.—** For the purposes of this section, the expression "misconduct" means conviction for any offence involving moral turpitude and includes conduct prejudicial to good order or abuse or misuse of authority.

(2) In case of a vacancy occurring due to the death, resignation, retirement or removal of Chairperson or any member, other than the ex-officio member, the Federal Government shall appoint another qualified person within a period not exceeding three months from the date the vacancy occurred, for remaining term of outgoing Chairperson or member, as Chairperson or member.

(3) The Federal Government may appoint an acting Chairperson out of the existing members other than ex-officio members for a maximum period of three months, to perform day to day functions.

**2E. Meetings of the Authority, etc.—** (1) The Chairperson, or in his absence the member elected by the members present in the meeting, shall preside at a meeting of the Authority.

(2) At least four members including the Chairperson shall constitute a quorum for meetings of the Authority.

(3) The members shall have the right to receive at least seven days in advance notice containing time, date and place of the meeting and the agenda of meeting on which decision by the Authority shall be taken.

(4) The decisions of the Authority shall be taken by majority of its members present, and in case of a tie, the Chairperson shall have a casting vote.

(5) All orders, determinations and directions of the Authority

shall be taken in writing and shall identify the orders, determinations and directions of the Chairperson and members separately.

(6) No act or proceedings of the Authority shall be invalid by reason only of the existence of a vacancy in, or defect in the constitution of, the Authority.

**2F. Powers and Functions of the Chairperson.—** (1) The Chairperson shall also function as the chief executive of the Authority and shall perform such functions and exercise such powers as may be delegated by the Authority.

(2) The Chairperson shall have exclusive powers to perform such functions and exercise such powers which require immediate action including issuance of direction for blocking of any unlawful online content:

Provided that any such exercise of power or performance of function shall be ratified by the Authority within forty-eight hours.

Provided further that such ratification can be done by circulation.

**2G. Chairperson and members not to engage themselves in certain business, etc.**

— (1) The Chairperson or any member shall not, during his term of office, engage himself in any other service, business, vocation or employment, or enter into the employment of, or accept any advisory or consultancy relationship with any person or entity engaged in applying for the registration from the Authority or operating any media related business within the purview of the Authority or in providing services or products to the Authority on any of the projects, schemes, proposals or plans undertaken, executed or supervised by the Authority or any related undertaking of such aforesaid person or entity. The Chairperson or any member shall not have any direct or indirect financial interest or any connection which might reasonably be viewed as giving rise to a conflict of interest with any person, entity or related undertaking involved in any regulated activity under this Act.

(2) The Chairperson or any member, other than ex-officio members, shall neither, for so long as he holds office seek or hold any office or employment nor acquire or purchase whether in his name or otherwise any interest in any company, corporation, partnership, trust, firm or company carrying on business in any regulated activity or the business of providing consultancy or advisory services to any person undertaking any regulated activity under this Act.

**2H. Officers, employees, etc.—** To carry out the purposes of this Act, the Authority may, from time to time, appoint experts, consultants, advisers and other officers and employees on such terms and conditions as may be prescribed.

**2I. Officers, etc. deemed to be public servants.—** The Chairperson, members, other officers and employees of the Authority shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

**2J. Fund.—** (1) There shall be established a fund to be known as Digital Rights Protection Authority Fund which shall vest in the Authority and shall be utilized by the Authority to meet financial needs in connection with carrying out its functions, including expenses incurred in setting up and maintaining offices, purchasing and maintaining equipment, payment of salaries and other remunerations to the Chairperson, members, employees, experts and consultants of the Authority and any other expenditures that may be incurred in carrying out the purposes of this Act and matters incidental thereto.

(2) The Fund shall consist of—

- (a) seed money and grant from the Federal Government;
- (b) any fee by the Authority;
- (c) loans obtained with the special or general sanction of the Government; and
- (d) all other sums including fines, penalties and additional fees received by the Authority. and revenue received from any other source.

(3) The Authority may open and operate one or more accounts in local or foreign currency, in any scheduled bank in Pakistan.

(4) The Authority may invest its funds in such investments as it may, from time to time, determine, except fund provided by the Government.

**2K. Budget.**— The Authority shall, in respect of each financial year, prepare its own budget and submit it to the Government through its administrative division and the finance division before the commencement of every financial year for approval.

**2L. Accounts and audit.**— (1) The Authority shall maintain complete and accurate books of accounts of its actual expenses and receipts in such form as may be prescribed in accordance with Article 169 and 170 of the Constitution of the Islamic Republic of Pakistan.

(2) The Authority shall carry out audit of its accounts by one or more auditors who are chartered accountants within the meaning of the Chartered Accountants Act, 1961 (X of 1961).

(3) Notwithstanding the audit provided in sub-section (2) the Auditor- General of Pakistan shall have the power to audit or cause to be audited the accounts of the Authority.

**2M. Annual report.**— The Authority shall compile and submit an annual report of its operations and accounts for each financial year to the Federal Government and shall also arrange for its publication and circulation to the media and the public.

**2N. Power of the Federal Government to issue directives.**—

The Federal Government may, as and when it considers necessary, issue directives to the Authority on matters of policy relating to this Act, and such directives shall be binding on the Authority, and if a question arises as to whether any matter is a matter of policy or not, the decision of the Federal Government shall be final.

**2O. Indemnity.**— No suit, prosecution or other proceedings shall lie against the Government or public authority or functionary or any other person exercising any powers or performing any function under this Act or for anything done in good faith.

## **CHAPTER 1B ENLISTMENT ETC.**

**2P. Enlistment.**— (1) The Authority may require any social media platforms to enlist with it in such manner, form and on payment of such fee, as may be prescribed.

(2) The Authority may stipulate, in addition to the requirements of this Act, such conditions or requisites as it may deem appropriate while enlisting a social media platform.

(3) In case of any violation or breach of any condition or violation or non-implementation of any

directions of the Authority by a social media platform, the relevant authorities of the Federal Government, upon the request of the Authority, shall block such social media platform.

## **2Q. Unlawful online content.**

— (1) The Authority shall have the power to issue directions to social media platforms for removal or blocking of online content if such online content—

- (a) is against the glory of Islam, Islamic teachings and values;
- (b) is against the ideology of Pakistan etc.;
- (c) incites or is likely to incite public to take the law in own hands, with a view to coerce, intimidate or terrorize public, individuals, groups, communities, government officials and institutions, including law enforcement agencies;
- (d) incites or is likely to incite grievous damage to property including government premises, official installations, schools, hospitals, offices or any other public or private property including damaging property by ransacking, looting or arson or by any other means;
- (e) creates a serious risk to safety of the public or a section of the public, or is designed to frighten the general public and thereby prevent them from coming out and carrying on their lawful trade and daily business, and disrupts civic life;
- (f) incites hatred and contempt on religious, sectarian or ethnic basis to stir up violence or cause internal disturbance;
- (g) incites any person to act in a manner prejudicial to public safety or the maintenance of public order;
- (h) contains anything obscene or pornographic in contravention of any law for the time being in force;
- (i) contains abusive content that incites hatred against any individual or group of persons, on the basis of race, caste, nationality, ethnic or linguistic origin, colour, religion, sect, gender, age, mental or physical disability;
- (j) is in violation of copyrights or any other intellectual property rights as protected under any law for the time being in force;
- (k) is likely to incite, aid, abet, glamorize or justify violence, commission of any crime, terror or leads to serious public disorder;
- (l) is known to be fake or false or there exists sufficient reasons to believe that the same may be fake or false beyond a reasonable doubt;
- (m) contains aspersions against the Constitutional institutions including members of judiciary or armed forces of Pakistan, Majlis-e-Shura (Parliament) or a Provincial Assembly;
- (n) amounts to intimidation, blackmail or false

incrimination of any person;

(o) is defamatory as defined in any law for the time being in force; and

(p) promotes and encourages terrorism and other forms of violence against the State or its institutions.

(2) Without prejudice to any other restrictions in this regard, while reporting the proceedings of the Majlis-e-Shura (Parliament) or a Provincial Assembly, such portion of the proceedings as the Chairperson of the Senate, the Speaker of the National Assembly or, as the case may be, Speaker of the Provincial Assembly may have ordered to be expunged, shall not be streamed or made available for viewing on social media platforms in any manner and every effort shall be made to release a **fair account** of the proceedings.

(3) The statements of proscribed organizations or their representatives or members shall not be streamed or made available for viewing on social media platforms in any manner.

## **2R. Handling of complaints by social media platforms.**

The social media platforms shall maintain an effective and transparent procedure for handling complaints about unlawful online content. The social media platforms shall supply users with an easily recognizable, directly accessible and permanently available procedure for submitting complaints about unlawful online content.”.

## **“CHAPTER IC” DIGITAL RIGHTS PROTECTION TRIBUNAL**

**2S. Tribunals.—** (1) The Federal Government may, by notification in the official gazette, establish as many Digital Rights Protection Tribunals for the purposes of this Act as it may determine. Where more than one such Tribunals are established, the Federal Government shall specify territorial limits within which or the class of cases in respect of which each one of them shall exercise jurisdiction under this Act.

(2) A Tribunal shall consist of—

- (a) a Chairman, who has been or is qualified to be a judge of the High Court;
- (b) a journalist registered with any press club of Pakistan having not less than twelve years of relevant experience with known professional competence in his field and having a bachelor’s degree in journalism recognized by Higher Education Commission; and
- (c) a software engineer having a minimum of bachelor’s degree in software engineering or allied subject recognized by Higher Education Commission.

(3) The Chairman and members of a Tribunal shall be appointed by the Federal Government for a period of three years, on such terms and conditions as may be prescribed.

(4) The Chairman or a member of a Tribunal may resign from his office by writing under his hand addressed to the Federal Government.

(5) The Tribunal shall decide all cases within **ninety days**. In case the decision is not rendered within the stipulated time, the Tribunal shall record the reasons for the same.

(6) The Tribunal shall follow such procedure as may be prescribed.



**2T. Jurisdiction of the Tribunal.**— (1) The Tribunal shall exercise such powers and perform such functions as are or may be conferred upon or assigned to it by or under this Act or rules made thereunder.

(2) Any person aggrieved by any decision of the Authority may prefer an appeal before the Tribunal in such manner as may be prescribed.

**2U. Appeal against decisions of the Tribunal.**— Any person aggrieved by the final decision of the Tribunal may prefer an appeal to Supreme Court of Pakistan within **sixty days** of receipt of the decision.”

**4. Amendment of section 17, Act XL of 2016.**— In the said Act, in section 17, for the word “Authority”, the words “Pakistan Telecommunication Authority” shall be substituted.

**5. Insertion of new section 26A, Act XL of 2016.**— In the said Act, after section 26, the following new section 26A shall be inserted, namely:—

**“26A. Fake or False information.**— (1) Whoever intentionally disseminates, publicly exhibits, or transmits any information through any information system, which he knows or has reason to believe to be false or fake and likely to cause or create a sense of fear, panic or disorder or unrest in general public or in society shall be punished with imprisonment which in case of women and children, may extend to seven years but shall not be less than three years, and in any other case, three years or with fine which may extend to one two million rupees or with both.

(2) Any person aggrieved by such information may apply to the Authority for removal or blocking access to such information referred to in sub-section (1) and the Authority shall, on receipt of such application, shall forthwith, but not later than twenty-four hours, pass such orders as it considers it necessary including an order for removal or blocking access to such information.

**6. Amendment of section 29, Act XL of 2016.**— In the said Act, in section 29—

(a) for sub-section (1), the following shall be substituted, namely:—

**“(1) The National Cyber Crime Investigation Agency (NCCIA)** established under the National Cyber Crime Investigation Agency (establishment, powers and functions) Rules, 2024 shall be the investigation and prosecution agency for the purposes of this Act. The aforementioned agency shall work as an integral constituent part of the Authority.

(1A) For the purposes of inquiry and investigation the officers of the NCCIA shall be deemed to be the police officer of equivalent rank as required under the Code. The officers of the NCCIA shall have the same powers and functions and related authority for the performance of investigating functions as are conferred on a police officer of the equivalent rank under the Code”; and

(b) sub-section (4) shall be omitted.

**7. Substitution of section 30, Act XL of 2016.**— In the said Act, for section 30, the following shall be substituted, namely:—

**“30. Power to investigate.**— Only an authorized officer of the investigation agency shall have the powers to investigate an offence under this Act:

Provided that the Federal Government or the Provincial Government may constitute one or more joint investigation teams comprising of an authorized officer of the investigation agency NCCIA and any other law enforcement agency for investigation under this Act and any other law for the time being in force. The joint investigation team may seek assistance from any intelligence agency for the purposes of investigation under this Act.

**8. Amendment of section 30D, Act XL of 2016.**— In this Act, in section 30D, for the words, “Federal Investigation Agency” the words “investigating agency” shall be substituted and for the words “Pakistan Telecommunication Authority” the words “Authority” shall be omitted substituted.

**9. Substitution of section 37, Act XL of 2016.**— In the said Act, for section 37, the following shall be substituted, namely:—

**“37. Ministerial Committee.**— (1) The Authority, prior to taking action for **blocking the entire social media platform**, shall obtain approval of the Ministerial Committee, duly constituted by the Federal Government in this behalf, by notification in the Official Gazette.

(2) The Ministerial Committee upon receipt of the proposal of the Authority under sub-section (1), shall decide the matter within a period of three days. In case of emergency, the Ministerial Committee shall decide the matter within twelve hours.”.

**10. Amendment of section 43, Act XL of 2016.**— In the said Act, in section 43,—

(a) in sub-section (1),—

(i) after the expression “10,21” the word “and” shall be omitted and the word “and” shall be inserted before the expression “22”, and after the expression “22” the expression “and 26A” shall be inserted; and

(ii) in the proviso, for the word “Authority” the words “Pakistan Telecommunication Authority or its duly authorized officer” shall be substituted; and

(b) in sub-section (2), after the expression “22B” the word “and” shall be omitted and the word “and” shall be inserted before the expression “22C” and after the expression “22C” the expression “and 26A” shall be inserted “10,”, the expression “26A” shall be inserted.

**11. Amendment of section 43A, Act XL of 2016.**— In the said Act, in section 43A,— after the expression “21F” the expression “26A” shall be inserted and the words “concerned authorities” shall be substituted by “investigation agency”.

**11. Insertion of new Chapter, Act XL of 2016.**— In the said Act, after chapter IV, the following new chapter shall be inserted, namely:—

**12. Amendment of section 51, Act XL of 2016.**— In the said Act, in section 51,—

(a) in sub-section (1), for the words “Federal Government”, the word “Authority” shall be substituted; and

(b) in sub-section (2),—

(i) for clause (h) the following new clause shall be

substituted, namely,—

“(h) procedure for seeking appropriate order of the Authority for removal, or blocking of online content;”;

(i) the word ‘and’ after clause (p) shall be omitted and for after clause (q) the following new clauses shall be added, namely,—

“(q) provision of fines for contravention of the provisions of this Act and rules made thereunder;

(r) prioritization tags for sending out directions to the social media platform;

(s) time frame to be followed by the social media platform or user for ensuring compliance with the directions or orders of the Authority;

(t) obligations of social media platform;

(u) designation of representatives or establishment of local offices by the social media platform;

(v) public education and awareness; and

(w) any other matter connected or ancillary, incidental or connected thereto.”

**13. Amendment of section 55, Act XL of 2016.**— (1) In the said Act, in section 55, the existing provision shall be made sub-section (1) of that section and after sub-section (1), the following new sub-section shall be added, namely:—

“(2) Any rules, regulations, orders, directions or instructions duly made or issued prior to commencement of the Prevention of Electronic Crimes (Amendment) Act, 2024 by an authority competent to make them and in force immediately before the commencement of the aforesaid Act shall, in so far as such rules, regulations, orders, directions or instructions are not inconsistent with the provisions of this Act or the rules, regulations, orders, directions or instructions made or issued thereunder, be deemed to be rules, regulations, orders, directions or instructions made under this Act.

(3) Notwithstanding the provision of sub-section (2) any such rules, regulations, orders, directions or instructions which are inconsistent with the provisions of the prevention of electronic crime Crimes (Amendment) Act, 2024 or the rules, regulations, orders, directions or instructions made or issued thereunder in so far as they are inconsistent with the provisions of the aforesaid Act shall, to the extent of such inconsistency, be void.

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