

Professional Issues in IT



Law and Government

Law and Government

- ❑ Why are there laws?
- ❑ Why do we need State and Government?
- ❑ What is the basis of law-making?
- ❑ Law vs. Morality

What is Law

- ▣ A set of rules that can be enforced in a court

e.g. laws governing

- ▣ marriage, business, data protection, rights of access to information, misuse of computers

Legal System

- ❑ Different countries have different legal systems
- ❑ **Jurisdiction**
 - Legal authority to judge or to act in a given situation or case.
- ❑ Jurisdiction over
 - Territory
 - Types of cases
 - Certain persons

Criminal and Civil Law

- ❑ **Criminal Law:** a system of law concerned with the punishment of offenders
- ❑ **Accused/Defendant:** a person or group of people who are charged with or on trial for a crime
- ❑ **Civil Law:** The law that provide rules for settling disputes between **people**
- ❑ **Legal Person:** an organization that has gone through a process called incorporation

Civil Law

- Litigation: the process of taking legal action
- **Litigation** is initiated by one or more **parties to the dispute** known as **claimant or plaintiff**

Standard and Burden of Proof

- ❑ In a criminal case, the **burden of proof** lies on the prosecution
 - found guilty beyond reasonable doubt
- ❑ In a civil case both parties present their arguments and must convince the court of their correctness
 - Only has to show that claim is correct on the balance of probabilities
- ❑ Criminal Law has higher **standard of proof**

Common and Statute Law

- ❑ **Common Law** is not written down but depends on the judgement of judges the centuries also known as **precedents**
- ❑ **Statute Law** is laid down by Acts of Parliament referred to as **legislation**

Legislative process in Pakistan

□ Parliament

- President
- Senate – Upper House
- National Assembly – Lower House

□ Legislative powers are divided between Federation and Provincial Assemblies

Some considerations

- ❑ The trichotomy of power
 - balance between the three pillars of the state, namely, Legislature, Executive and Judiciary
- ❑ The tyranny of the majority
 - Bill of rights (fundamental rights)
 - Super majority for constitutional amendment
 - Separation of powers
 - Judicial review

Parliament at Work

- Introduction of Bill
- Reference to the concerned Standing Committee
- Consideration in the Standing Committee
- Report of the Standing Committee before House
- Consideration of the bill (First Reading)
- Clause by clause Consideration (Second Reading)
- Passing of Bill (Third Reading)
- Transmission of Bill to Other House
- Same Process shall be followed in the Other House
- If Passed, Bill shall be sent for Presidential Assent

Reference

- ▣ Frank Bott - Professional Issues in Information Technology – Chapter 1