

[TO BE INTRODUCED IN THE SENATE]

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 (XL of 2016) for the purposes hereinafter appearing;

It is hereby enacted as follows:-

**1. Short title and commencement.** - (1) This Act may be called the Prevention of Electronic Crimes (Amendment) Act, 2018.

(2) It shall come into force at once.

**2. Amendment in section 2, Act XL of 2016.**- In the Prevention of Electronic Crimes Act, 2016, hereinafter called as the said Act; in Section 2, in sub-section (1),-

(a) after clause (vi), the following new clause shall be inserted namely,-

“(via) “blasphemy” means the words spoken or written through any information system by any person either by visible representation or by any imputation, innuendo or insinuation directly or indirectly, which in any form defile the sacred name of the Holy Prophet Muhammad (peace be upon him); and

(b) after clause (xxv), the following new clause shall be inserted namely,-

“(xxva) “pornographic content” means any representation whether visual, audio or written, or the combination of visual, audio or written, by electronic means of a person engaged in sexually explicit conduct that, when taken as a whole, appeals to the prurient interest of a common person who, having regard to all the relevant circumstances, is likely to read, see or hear the matter contained therein but does not include any content having bona fide medical educational value only;”.

3. **Insertion of new section 22A, Act XL of 2016.-** In the said Act, after section 22, the following new section shall be inserted namely:-

**“22A. Pornography. -** (1) Whoever intentionally produces or offers for sale through an information system any pornographic content in Pakistan shall be guilty of an offence punishable with imprisonment for a term which may extend to four years and with fine which may extend to three million rupees.

(2) Whoever intentionally distributes or transmits any pornographic content to anyone in Pakistan through an information system without lawful justification shall be guilty of an offence punishable with imprisonment for a term which may extend to three years and with fine which may extend to two million rupees.”

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4. **Insertion of new section 27A, Act XL of 2016.-** In the said Act, after section 27, the following new sections shall be inserted, namely:-

**“27A. Dissemination of content outraging religious feelings of any class by insulting its religion or religious beliefs. -** Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of the citizens of Pakistan, disseminates through any information system any content which insults the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to ten years or with fine or with both.

**27B. Defiling, etc. of copy of Holy Quran.-** Whoever willfully defiles, tampers or desecrates an electronic copy of the Holy Quran or of an extract therefrom or uses it through an information system in any derogatory manner or for any unlawful purpose shall be punished with imprisonment for life.

**27C. Blasphemy. -** Whoever commits blasphemy, in respect of the Holy Prophet Muhammad (peace be upon him), shall be punished with death and shall also be liable to fine.

**27D. Use of derogatory remarks, etc. in respect of holy personages.-**

Whoever by words either spoken or written or by visible representation or by any imputation, innuendo or insinuation, directly or indirectly, defiles the sacred name of any wife (Ummul Mumineen) or member of the family (Ahle-bait) of the Holy Prophet (peace be upon him) or any of the righteous Caliphs (Khulfa-e-Raashideen) or companions (Sahaaba) of the Holy Prophet (peace be upon him) through any information system shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

**27E. Misuse of epithets, descriptions and titles, etc., reserved for certain holy personages or places.-** (1) Any person of the Qadiani group or the Lahori group (who call themselves 'Ahmadis' or by any other name) who by words, either spoken or written or by visible representation, refers to or--

- (a) addresses any person, other than a Caliph or companion of the Holy Prophet Muhammad (peace be upon him), as Ameer-ul-Mumineen', Khalifa-tul-Mumineen, Khalifa-tul-Muslimeen, Sahaabi, or Razi Allah Anho;
- (b) addresses any person, other than a wife of the Holy Prophet Muhammad (peace be upon him), as Ummul-Mumineen;
- (c) addresses any person, other than a member of the family (Ahle-bait) of the Holy Prophet Muhammad (peace be upon him), as Ahle-bait; or
- (d) names or calls his place of worship as Masjid

through any information system shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

(2) Any person of the Qadiani group or Lahori group (who call themselves Ahmadis or by any other name) who by words, either spoken or written or by visible representation, refers to the mode or form of call to prayers followed by his faith as Azan, or recites Azan, through any information system as used by the Muslims, shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.

**27F. Person of Qadiani group, etc., calling himself a Muslim or preaching or propagating his faith.**- Any person of the Qadiani group or the Lahori group (who call themselves Ahmadis or by any other name) who directly or indirectly poses himself as a Muslim or calls or refers to his faith as Islam or preaches or propagates his faith or invites others to accept his faith by words, either spoken or written or by visible representations or in any manner whatsoever, outrages the religious feelings of Muslims through any information system shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.

**27G. Punishment for false accusation.** - (1) Whoever falsely accuses anyone of the offence provided for in sections 27C or 27D shall, upon declaration by the court that such accusation was false, be punished with the same punishment as provided for the offence under sections 27C or 27D, as the case may be.

(2) The provision under sub-section (1) shall have effect notwithstanding anything contained in section 182 of the Pakistan Penal Code, 1860 (Act XLV of 1860)."

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**5. Amendment of section 30, Act XL of 2016.**- In section 30, in the proviso, for full stop at the end a colon shall be substituted and thereafter the following second proviso shall be added, namely:-

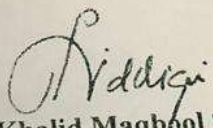
"Provided further that no authorized officer below the rank of BS-18 shall investigate an offence under sections 27A, 27B, 27C, 27D, 27E and 27F".

#### Statement of Objects and Reasons

The Prevention of Electronic Crimes Act, 2016 (Act XL of 2016) (PECA) was enacted by the Parliament after extensive consultations with stakeholders. It instituted a framework for dealing with the cybercrimes as well as regulation of the online content. Section 27 of this Act provided that any offence under any other law for the time being in force (including Pakistan Penal Code

(Act XLV of 1860)) shall be an offence under the Act, if committed through or in relation to an information system. Section 28 of the Act further affirmed that the provisions of the Act were not in derogation of the Pakistan Penal Code, 1860 which shall remain applicable. However, on 31.03.2017, while hearing the W.P. [No.739/2017], the Honourable Islamabad High Court directed that the provisions relating to offences of 'blasphemy' and 'pornography' be specifically highlighted, and definitions of the two expressions be incorporated in section 2 of the said Act. The said direction was later reaffirmed by various orders of the Honourable Court.

For removal of any likely interpretative doubt in these politically sensitive matters, the Bill is intended to amend Act XL of 2016 to that extent, accordingly.

  
(Khalid Maqbool Siddiqui)  
Federal Minister for Information Technology &  
Telecommunication