

STATEMENT OF OBJECTS AND REASONS

Currently Pakistan has no law to comprehensively deal with the growing threat of cybercrime. The centuries old criminal justice legal framework is inadequate and ill equipped to address the sophisticated online threats of the 21st Century cyber age. While this new age has exacerbated both existing crimes when conducted with the use of the Internet, which are adequately addressed by the application of the Electronic Transactions Ordinance, 2002 in conjunction with existing criminal justice legislation, it has also given birth to completely new types of cybercrime and criminals which cannot be effectively dealt with through the use of existing legislation. The latter cannot be addressed simply by amending existing legislation or through a patchwork of enabling provisions. The unique nature of these crimes finds no adequate or analogous provisions in existing legislation that deal with traditional offline crime. Effectively addressing these unique and unprecedented crimes with similarly unique and necessary procedural powers, requires a completely new and comprehensive legal framework that focuses on online conduct of individuals/organizations in the virtual world. The legislation therefore, establishes new offences including illegal access of data (hacking), as well as interference with data and information systems (DOS and DDOS attacks), specialized cyber related electronic forgery and electronic fraud, cyber terrorism (electronic or cyber attack on the critical information infrastructure), unauthorized interception conducted by civilians, use of malicious code viruses, identity theft etc.

The legislation provides new investigative powers hitherto unavailable such as search and seizure of digital forensic evidence using technological means, production orders for electronic evidence, electronic evidence preservation orders, partial disclosure of traffic data, real time collection of data under certain circumstances and other enabling powers which are necessary to effectively investigate cyber crime cases. The very technical nature of the new powers that are necessary to investigate and prosecute these crimes require their exercise to be proportionate with the civil liberty protections afforded to citizens under the Constitution. This can only be achieved through strengthening existing protections and establishing new safeguards especially against abuse of these new and intrusive powers. The Bill also includes specific safeguards to balance against these intrusive and extensive procedural powers in order to protect the privacy of citizens and avoid abuse of the exercise of these powers.

The introduction of this legislation will effectively prevent cyber crimes and shall also contribute to the national security of the Nation whilst providing and enabling a secure environment for investment in IT, e-commerce and e-payments systems. This Bill shall also afford protection to citizens which has hitherto not been completely effective, exposing them to the unmitigated threats posed by cyber criminals both at home and abroad.

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