

**AN
ORDINANCE**

to amend the Prevention of Electronic Crimes Act, 2016

WHEREAS, it is expedient to amend the Prevention of Electronic Crimes Act, 2016 (XL of 2016) in the manner and for the purposes hereinafter appearing;

AND WHEREAS, the Senate and the National Assembly are not in session and the President of the Islamic Republic of Pakistan is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 89 of the Constitution of the Islamic Republic of Pakistan, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:-

1. Short title and commencement- (1) This Ordinance shall be called the Prevention of Electronic Crimes (Amendment) Ordinance, 2022.

(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 (XL of 2016), hereinafter called as the said Act, in section 2, in sub-section(1), after clause (xxv), the following new clause (xxva) shall be inserted, namely -

"(xxva) "person" includes any company, association or body of persons whether incorporated or not, institution, organization, authority or any other body established by the Government under any law or otherwise."

3. Amendment of section 20, Act XL of 2016.- In the said Act, in section 20,-

- (a) In the marginal heading, the word "natural" shall be omitted,
- (b) in sub-section(1).-
 - (i) the words "natural" shall be omitted and for the word "three" the word "five" shall be substituted; and
 - (ii) for colon at the end, a full stop shall be substituted and thereafter the proviso shall be omitted;
- (c) after sub-section (1), amended as aforesaid, the following new sub-section shall be inserted, namely:-

"(1A) The informant or complainant in respect of offence under sub-section (1) shall be an aggrieved person, his authorised representative, or his guardian, where such person is a minor, or a member of the public in respect of a public figure or a holder of public office."; and

- (d) in sub-section (2), for the expression "Any aggrieved person or his guardian, where such person is a minor," the expression "Any aggrieved person, his authorised representative, or his guardian, where such person is a minor, or a member of public in respect of a public figure or a holder of public office" shall be substituted.

3. Amendment of section 43, Act XL of 2016.- In the said Act, in section 43.-

- (a) in sub-section(1), after the expression "10.", the expression "20," shall be inserted; and
- (b) in sub-section (2), after the expression "10.", the expression "20," shall be inserted.

4. Insertion of section 44, Act XL of 2016.- In the said Act, after section 44, the following new section shall be inserted, namely -

"44A. Timeline to conclude the trial and supervision by the High Court.— (1) The trial shall be concluded expeditiously, but preferably not later than six months of taking cognizance of the case.

(2) The Court shall submit a monthly progress report of any pending trial to the concerned High Court and shall give reasons for the inability of the Court to expeditiously conclude the trial, with copies to the Secretary, Ministry of Law and Justice, Islamabad, with regard to the Islamabad Capital Territory, and the respective Provincial Secretaries of Prosecution Departments, and the Prosecutor General or the Advocate General, as the case may be, with regard to concerned provinces.

(3) In case the High Court finds the reasons given by the Court under sub-section (2) to be plausible and beyond the control of the Court, it may accept the explanation of the Court, and prescribe fresh timelines for conclusion of a trial.

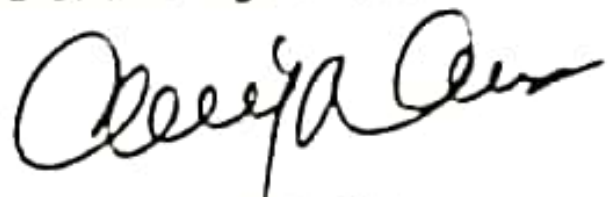
(4) Where the High Court comes to the conclusion that there are difficulties, hindrances, and obstacles for concluding a trial expeditiously, which are removable by the Federal or Provincial Government or any of its officers, as the case may be, it shall call upon the Federal or Provincial Government or any of its officers to remove such difficulties, hindrances and obstacles.

(5) Where the Secretary, Ministry of Law and Justice or the Provincial Secretaries of Law and Justice, as the case may be, is of the opinion that the delay in the disposal of the trial is attributable to the Presiding Officer or any of its functionaries, it shall furnish such information to the concerned High Court, proposing suitable action.

(6) Where the High Court is of the view that the delay in the disposal of the trial is attributable to the Presiding Officer of the Court or any of the Court's functionaries, it shall

commence or direct the commencement of appropriate disciplinary proceedings, in accordance with law, against them.

(7) The Chief Justice of every High Court shall nominate a Judge along with other officers of the High Court for acting under this section."



DR. ARIF ALVI,
President