

**Information Technology,
E-Commerce
and
Cyber Crimes Laws**
with
Latest Case Law
including
The Anti-Money Laundering Ordinance, 2007

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*To
my son Hamid Yar
and also
to
professionals who are toiling hard to facilitate the
humanity in the field of Information Technology.*

Preface

There is no doubt that Information Technology has intruded in our life in such a manner and extent that presently nobody can imagine a well-facilitated and luxury life without it. Computers, scanners, world wide web sites, intranet and internet, electronic messaging and mails, electronic data transfers and exchange of information, electronic commerce and banking system, all are necessities of life based on or using different components based on the use of information technology, which are abundantly in use in our domestic, social and business life. Mobile phones, laptops and latest computers are using digital data bases for different purposes. Similarly, digital data bases are accessible through intranet and internet at international level without any problem or loss of time.

The dawning of information technology age has facilitated our life but at the same time it has given birth to different complex problems like its regulatory matters and use of the information technology for criminal and other heinous purposes by different anti-social elements. Regulatory matters regarding use of information technology require legal frameworks and laws. Similarly, misuse and anti-social use of information technology also require strict laws to punish such anti-social elements who are causing fear and disturbance not only in personal lives but also in the smooth flow of social and commercial life as a whole.

However, as the use of information technology has no boundaries, thus it is very difficult to design its regulatory regimes and regulatory laws to determine strict liability in case wrong and criminal application of different software, information technology techniques and other related matters. Presently, all the nations and countries are facing the same problems for establishing effective regulatory regimes and legal systems for proper benefit of information

technology within certain parameters which are beneficial to the society.

In Pakistan, in addition to the Pakistan Telecommunication (Re-organization) Act, 1996 (Act XVII of 1996), the Electronic Transactions Ordinance, 2002 (Ordinance LI of 2002) is the first law to regulate different aspects and uses of information technology but the same has not solved all the problems. Thereafter, other laws have been made and promulgated to address different issues relating to information technology and its use for different purposes. After promulgation and enforcement of these laws, there was a need to compile these laws with case law developed during this period for the benefit of legal professionals, academicians, researchers and general public.

It is also to point out that the Pakistan Telecommunication (Re-organization) Act, 1996 (XVII of 1996), is the basic legal framework given by the Parliament to achieve the ambitious goals in the telecommunication and information technology sector in Pakistan providing different key organizations including the Pakistan Telecommunication Authority. Pakistan Telecommunication Authority has made a lot of efforts to regulate each and every aspect of the telecommunication sector in Pakistan and to meet the internationally posed challenges of competition and transparency. Authority has made and notified many Rules and Regulations providing regulatory guidelines for various aspects of telecommunications. However, the Pakistan Telecommunication (Re-organization) Act, 1996 (XVII of 1996), the Telegraph Act, 1885 (Act XIII of 1885), and the Wireless Telegraphy Act, 1933 (Act XVII of 1933), have been included in this publication as those are included in the Schedule to the Prevention of Electronic Crimes Ordinance, 2007 (Ordinance LXXII of 2007), otherwise there are two very comprehensive publications by the Author relating to Telecommunication Sector in Pakistan covering all aspects regarding telecommunications and information technology in their legal, national and international perspectives which may be consulted and used if you feel necessary and suitable to boost up your knowledge and information about basic regulatory regimes and frameworks in the

telecommunications and information technology fields.

It is also pertinent to mention that the Anti-Money Laundering Ordinance, 2007 (Ordinance No. XLV of 2007), is also the part of this book although it may appear an unnecessary addition here but it is only included due to its relevance with different aspects of electronic transactions and electronic commerce as it is regulating different transactions which are not allowed by law through any channel whether banking or otherwise based on manual or electronic transactions. Hopefully, it may prove quite useful to the users of this publication.

The book in your hands is a compilation containing all laws relating to electronic transactions, e-commerce or business and cyber crimes resulting from the use of telecommunication and information technology for different purposes in Pakistan along with necessary rules and regulations made thereunder in their updated form with proper referencing and suitable footnotes. Latest case law has also been included under the relevant sections of different laws although there are a few cases decided by the superior courts in the country.

I hope it will be a useful publication for the legal practitioners, students, researchers and academicians in the fields of electronic transactions, e-commerce and information technology.

Every effort has been made to make legal texts and references error-free but after all “To err, is human”. There is possibility of mistakes, errors and omissions but all it will be without any bad intention. However, I shall be thankful if you point out all such lapses, mistakes, errors or omissions for rectification in future editions of this book in more improved form. Your cooperation, guidance and assistance will be of tremendous benefit for me.

All suggestions and comments will be welcomed for improvement of quality of this work. I shall also be ready and available for all such authorities which intend to update their rules and regulations for the benefit of general public with all guidance, advice and expertise.

You can also send me or my legal advisors by sending messages electronically at my or their e-mail addresses or by calling on my or their telephone numbers given below on this page. Your questions and queries will also be answered and advice about any legal aspect will also be provided.

*Rawalpindi,
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2. The Payment Systems and Electronic Fund Transfers
Act, 2007
3. The Prevention of Electronic Crimes Ordinance,
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4. The Pakistan Telecommunication (Re-organization)
Act, 1996 (Act No. XVII of 1996)
5. The Telegraph Act, 1885 (Act No. XIII of 1885)
6. The Wireless Telegraphy Act, 1933 (Act No. XVII
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7. The Anti-Money Laundering Ordinance, 2007
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PART – II

Rules and Regulations made under IT, E-Commerce and Cyber Crimes Laws, etc.

8. The Certification Council Transaction of Business Regulations, 2004
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PART – I

**Information Technology,
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