Limitations and Legal Obstacles to Freedom of Speech and Expression in Pakistan



Supervised By: Madam Amna Sadia

Submitted By: Syed Mohib Ur Rehman

Enrollment No: 01-177182-048

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Department of Law
Bahria University Islamabad

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SUPERVISOR'S APPROVAL

It is certified that this project report “Limitations and Legal Obstacles to Freedom of Speech and Expression in Pakistan” is the genuine work of Syed Mohib Ur Rehman, who carried out the project under my supervision and I hereby, forward this work to the research committee for the final evaluation.

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Signature of Supervisor:

Madam Hafiza Amna Sadia
Assistant Professor
Department of Law Bahria university Islamabad.

DECLARATION OF ETHICAL CONDUCT IN RESEARCH

I, as a student of Bahria University, hereby "declare that this thesis is a presentation of my original research work and that I have abided by the research ethics while conducting this research." Moreover, every effort is made to indicate this clearly with due reference to the literature and acknowledgement of collaborative research and discussions. I have not committed any acts that may damage the integrity of my research including falsification, plagiarism, distortion of findings and others.

Date: 05-06-2023

Degree: LLB

Department: LAW

Supervisor: Madam Hafiza Amna Sadia

Name and Signature of Student: _____

Syed Mohib Ur Rehman

Abstract

The Constitution of the Islamic Republic of Pakistan 1973 provides explicit protection for the freedom of speech and expression. However, the Constitution has also put some limitations on this right. On the basis of these limitations the legislature has passed a number of laws. In Pakistan the laws regulating the freedom of speech and expression include Pakistan Telecommunication (Re-organization) Act 1996 (PTA), Prevention of Electronic Crimes Act 2016 (PECA) and Blasphemy Laws contained in the Pakistan Penal Code 1860 (PPC). This research looks at how these laws have put limits on freedom of speech and expression and how these limitations could be avoided. This research follows a doctrinal legal research methodology, which involves collecting data from various sources such as the constitution and other legal texts. This research concludes that the restrictions on the right to free speech have actually been broadened by these laws. This thesis proposes conducting a thorough review of laws pertaining to the regulation of freedom of expression, with the objective of aligning them harmoniously with the constitutional protection of freedom of expression.

Keywords: Freedom of Speech and Expression, Limitations, Doctrinal Legal Research, Pakistan Telecommunication (Re-organization) Act, Prevention of Electronic Crimes Act, Blasphemy Laws.

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DEDICATION

This research work is dedicated to my family and friends.

List of Case Laws

Ai Raza v Federation of Pakistan [2017] PLD 64 (IHC)

Begum Zeb-un-Nisa Hamidullah v Pakistan [1958] PLD 35 (SC)

Benazir Bhutto v Federation of Pakistan [1988] PLD 416 (SC)

Crown v Sa'adat Hassan Manto [1952] PLD 384 (LHC)

D.G. Khan Cement Ltd v Federation of Pakistan, [2013] PLD 693 (LHC)

Engr. Jameel Ahmed Malik v Pakistan Ordinance Factories Board, Wah Cantt [2004] SCMR 1640 (SC)

Hector v Attorney-General of Antigua and Barbuda [1990] 2 AC 312 (PC)

Mujeeb Ullah Gharsheen v Government of Balochistan [2016] PLC(CS) 1267 (BHC)

Rases Ghulam Sarwar v Mansoor Sadiq Zaidi [2008] PLD 458 (SHC)

Schenck v United States [1919] 249 U.S. 47 (SC)

List of Statutes

The Constitution of Islamic Republic of Pakistan 1973

The General Clauses Act 1897

The Prevention of Electronic Crimes Act 2016

The Pakistan Penal Code 1860

The Pakistan Telecommunication (Re-Organization) Act 1996

The Universal Declaration of Human Rights 1948

Table of Contents

SUPERVISOR'S APPROVAL 1

DECLARATION OF ETHICAL CONDUCT IN RESEARCH 2

Abstract 3

ACKNOWLEDGEMENT 4

DEDICATION 5

List of Case Laws 6

List of Statutes 7

Research Statement ..... **Error! Bookmark not defined.**

Introduction ..... **Error! Bookmark not defined.**

Literature Review ..... **Error! Bookmark not defined.**

Research Objectives ..... **Error! Bookmark not defined.**

Research Questions ..... **Error! Bookmark not defined.**

Research Methodology ..... **Error! Bookmark not defined.**

CHAPTER I ..... **Error! Bookmark not defined.**

Freedom of Speech and Expression ..... **Error! Bookmark not defined.**

1.1. Introduction ..... **Error! Bookmark not defined.**

1.2. Historical Background ..... **Error! Bookmark not defined.**

1.2.1. Ancient Roots ..... **Error! Bookmark not defined.**

1.2.2. Nicolaus Copernicus and Galileo vs. the Vatican ..... **Error! Bookmark not defined.**

1.2.3. John Milton's Areopagitica: A Major Text on Free Expression ..... **Error! Bookmark not defined.**

1.2.4. Enlightenment Era ..... **Error! Bookmark not defined.**

1.2.5. A Primary Objective ..... **Error! Bookmark not defined.**

1.2.6. Free Thought vs. Totalitarianism ..... **Error! Bookmark not defined.**

1.2.7. United Nations and its Instruments ..... **Error! Bookmark not defined.**

1.3. Concept of Free Speech and Expression in Pakistan **Error! Bookmark not defined.**

CHAPTER II..... **Error! Bookmark not defined.**

Limitations on Freedom of Speech and Expression under the Constitution of Pakistan..**Error! Bookmark not defined.**

2.1. Introduction ..... **Error! Bookmark not defined.**

2.2. Judicial Precedents ..... **Error! Bookmark not defined.**

2.3. Limitations recognized by the Constitution of Pakistan ..... **Error! Bookmark not defined.**

2.3.1. Glory of Islam ..... **Error! Bookmark not defined.**

2.3.2. Limitations in the interest of security, honour, and defense of Pakistan .... **Error! Bookmark not defined.**

2.3.3. Limitations regarding Relationship with foreign Countries ... **Error! Bookmark not defined.**

2.3.4. Limitations regarding Public Order ..... **Error! Bookmark not defined.**

2.3.5. Limitations regarding Decency and Morality .... **Error! Bookmark not defined.**

2.3.6. Limitations with respect to Contempt of Court . **Error! Bookmark not defined.**

2.3.7. Limitations Regarding Provocation to an Offence ..... **Error! Bookmark not defined.**

2.4. Conclusion..... **Error! Bookmark not defined.**

CHAPTER III ..... **Error! Bookmark not defined.**

Legal Obstacles to Freedom of Speech and Expression in Pakistan ..... **Error! Bookmark not defined.**

3.1. Introduction ..... **Error! Bookmark not defined.**

3.2. Pakistan Telecommunication (Re-organization) Act (PTA) 1996. **Error! Bookmark not defined.**

3.2.1. Section 31(1)(d) of (PTA) 1996..... **Error! Bookmark not defined.**

3.2.2. Section 31(1)(h) of (PTA) 1996..... **Error! Bookmark not defined.**

3.2.3. National Security ..... **Error! Bookmark not defined.**

3.2.4. Termination of Services..... **Error! Bookmark not defined.**

3.3. Pakistan's Prevention of Electronic Crimes Act (PECA).....**Error! Bookmark not defined.**

3.3.1. Broad and Ambiguous Provisions .....**Error! Bookmark not defined.**

3.3.2. Suppression of Dissenting Voices .....**Error! Bookmark not defined.**

3.3.3. Targeting Journalists and Activists.....**Error! Bookmark not defined.**

3.3.4. Lack of Transparency and Due Process.....**Error! Bookmark not defined.**

3.3.5. Self-Censorship.....**Error! Bookmark not defined.**

3.4. Blasphemy Laws .....**Error! Bookmark not defined.**

Conclusion and Recommendations.....**Error! Bookmark not defined.**

Conclusion.....**Error! Bookmark not defined.**

Recommendations .....**Error! Bookmark not defined.**

Bibliography .....**Error! Bookmark not defined.**