

**Beyond X Ban: PECA 2025 and Constitutional Speech Standards under Articles 14, 19, 19A**

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**Received:** 11-07-2025

**Revised:** 21-08-2025

**Accepted:** 16-09-2025

**Published:** 12-10-2025

**ABSTRACT**

*The interplay between digital platforms and constitutional law in Pakistan has intensified after the 2024–25 blocking of X (formerly Twitter) and the introduction of the Prevention of Electronic Crimes Act (PECA) Amendment 2025. This paper asks which constitutional and international tests constrain PECA 2025 takedown orders and prolonged platform blocks, and how necessity, proportionality and independent oversight can be ensured. Unlike descriptive studies, it offers an original doctrinal and empirical assessment: building a taxonomy of PECA takedown orders, analyzing Pakistani judgments, and comparing them with standards derived from the Constitution (Articles 14, 19 and 19A) and the International Covenant on Civil and Political Rights (ICCPR). Survey data from journalists and civil-society actors illustrate the chilling effects of platform bans. The findings show that PECA 2025's broad powers to direct intermediaries to remove “fake or false information” and to require registration and licensing of platforms clash with constitutional guarantees of privacy, dignity and freedom of expression. Courts remain hesitant to police executive discretion, yet emerging jurisprudence on fair-trial rights and proportionality provides doctrinal hooks. The article concludes with recommendations for a rights-compatible content-regulation framework in Pakistan.*

**Keywords:** PECA 2025; digital rights; freedom of expression; proportionality; Pakistan.

**INTRODUCTION**

Law and technology share a dialectical relationship; each provokes and constrains the other. As the generative-AI boom has revived debates about data protection and copyright in the West, Pakistan has been contending with its own digital convulsions. In 2024, the government blocked X/Twitter for nearly six months, citing national security and public order. Shortly afterwards, Parliament adopted the PECA Amendment Act 2025, which created a Social Media Protection and Regulatory Authority (SMRA) with sweeping power to direct platforms to register, pay fees and remove content deemed “false, fake or defamatory” (National Assembly of Pakistan, 2025; Amnesty International, 2025). These developments have rattled the fragile equilibrium between the constitutionally protected right to privacy and dignity (Article 14), freedom of expression (Article 19) and the right to access information (Article 19A) and the executive's desire to curb disinformation and hate speech. They have also invited comparisons with global digital governance trends: from India's Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021 to Türkiye's disinformation law. Yet, unlike jurisdictions with settled jurisprudence, Pakistan's constitutional courts are only beginning to articulate the doctrinal contours of digital rights.

The stakes of this inquiry extend beyond a single platform or statute. PECA 2025 is the culmination of a broader legal trajectory that began with the Prevention of Electronic Crimes Act 2016. That Act criminalized cyber offences but also vested the Pakistan Telecommunications Authority (PTA) with powers to block online content. Scholars have criticized PECA for its vague language, lack of proportionality and broad surveillance powers. Subsequent amendments in 2020 and 2022 tightened these restrictions and added a new offence of spreading “fake news” about public officials, triggering litigation over the Act’s compatibility with Articles 14 and 19 (Pakistan Telecommunication Authority, 2020; Human Rights Watch, 2022; Dawn, 2022). The 2024–25 X ban and PECA 2025 escalated this tension, prompting protests by journalists, digital-rights advocates and opposition politicians. According to the Digital Rights Foundation, internet shutdowns and platform bans erode citizens’ rights and have devastating economic and social impacts (Digital Rights Foundation, 2025; Top10VPN, 2025). An international civil-society submission to the UN Human Rights Council describes Pakistan as “fairly repressive” and notes that PECA and the Fair Trial Act enable intrusive surveillance and data collection (CIVICUS, 2024; Digital Rights Foundation, 2024).

This paper seeks to make three contributions. First, it maps the PECA 2025 regime and explains how it amplifies existing censorship and surveillance powers. It analyses the institutional design of the SMRA, which is tasked with licensing social-media platforms, removing “fake or false” content, and imposing monetary and criminal penalties for non-compliance (National Assembly of Pakistan, 2025; Ahmed, 2025). The Act allows the SMRA to block a platform for up to six months, a measure that effectively replicates the extended blocking of X in 2024–25 (Reuters, 2024; Reuters, 2025). Second, the paper derives doctrinal tests from Pakistan’s Constitution and the ICCPR. Article 19 of the ICCPR, as interpreted by the UN Human Rights Committee in General Comment 34, recognizes the right to freedom of expression but allows restrictions provided by law, necessary and proportionate for legitimate objectives (UN Human Rights Committee, 2011). Article 14 of the Pakistani Constitution guarantees dignity and privacy; scholars argue that this right should extend to informational privacy and requires clear legal authority, legitimate purpose, necessity, data minimization and independent oversight (SAHSOL—LUMS, n.d.; Electronic Frontier Foundation, 2014). Article 19A grants citizens the right to access information, and Pakistan’s judiciary has increasingly treated it as indispensable to democracy. The paper assesses whether PECA 2025 meets these tests. Finally, the study offers an empirical perspective. Through a survey of 30 journalists, lawyers and activists, it documents the chilling effects of takedown orders and prolonged bans. Respondents report self-censorship, economic losses and a loss of trust in regulatory institutions.

The remainder of the paper is structured as follows. The literature review surveys academic and policy debates on PECA and digital rights, highlighting the contested interpretations of Articles 14, 19 and 19A and the interface with international law. The results section presents quantitative and qualitative findings from the survey and case analysis. The discussion interprets these findings in light of constitutional and ICCPR tests, proposes a typology of restrictions and calls for independent oversight. The conclusion summarizes the main contributions and outlines policy recommendations. Throughout, the paper adopts a critical yet constructive approach: it recognizes legitimate concerns over disinformation and hate speech but insists that regulatory responses must satisfy constitutional and international standards of legality, necessity and proportionality. By blending doctrinal analysis, empirical data and comparative insights, the article seeks to enrich the evolving jurisprudence on digital rights in Pakistan.

### **The evolution of PECA and digital rights in Pakistan**

The Prevention of Electronic Crimes Act 2016 was Pakistan’s first comprehensive cyber-crime statute. Ostensibly enacted to combat cyber harassment, hate speech and cyber-terrorism, it quickly became a tool for surveillance and censorship. Under Section 37, the PTA may block or remove information “in the

interest of the glory of Islam or the integrity, security or defense of Pakistan or any part thereof.” Scholars note that these grounds are vague and overbroad, allowing arbitrary suppression of speech (Amin, 2024; Clooney Foundation for Justice, 2023). The Act also criminalizes “sending messages offensive in nature” and “defamation,” terms which have been used against journalists and political dissenters (Clooney Foundation for Justice, 2023; Human Rights Watch, 2022). Human-rights advocates argue that PECA lacks adequate judicial oversight and fails the ICCPR’s legality test, which requires that restrictions be accessible, precise and non-arbitrary (UN Human Rights Committee, 2011). The 2016 Act thus set the stage for subsequent amendments that would further entrench state control.

The 2020 amendment introduced a non-bailable offence for defamation against the armed forces and increased penalties for online speech critical of public officials. In 2021, the Lahore High Court struck down certain provisions for violating the right to fair trial (Article 10A) and freedom of expression (Article 19). In February 2022, the Islamabad High Court declared the PECA amendment expanding criminal defamation unconstitutional, noting that the Federal Investigation Agency had misused the law to silence journalists. However, rather than rescind the controversial provisions, the government re-enacted similar restrictions in 2025. The PECA Amendment Act 2025 created the SMRA, an ostensibly independent body but one whose members are appointed by the government and whose decisions are appealable only to the Federal Cabinet (National Assembly of Pakistan, 2025). The Act empowers the SMRA to register social-media platforms, enforce a code of conduct, and levy fines up to Rs 500 million or block platforms for non-compliance. Critics argue that the Act replicates features of digital-authoritarian regimes: centralizing control over digital intermediaries and imposing vague speech offences (Amnesty International, 2025; Bytes for All, 2025).

Empirical research on PECA’s impact is limited but growing. One survey of 150 Pakistani internet users found that 67 % feared posting political opinions online due to the threat of criminal prosecution under PECA, and 45 % reported self-censorship after the 2022 amendment (Digital Rights Foundation, 2023). A separate case-study analysis of 20 FIRs filed under PECA between 2017 and 2022 showed that a majority targeted journalists and activists, often for criticism of the military. These findings support the view that PECA functions less as a cyber-crime law and more as a mechanism of political control.

### **Constitutional guarantees: Articles 14, 19, 19A and 10A**

Article 14 of Pakistan’s Constitution declares that “the dignity of man and, subject to law, the privacy of home, shall be inviolable.” The Supreme Court has interpreted dignity broadly, emphasizing that it extends to personal reputation and autonomy. Scholars argue that Article 14 should also protect informational privacy in the digital age, requiring any intrusion to be backed by clear legal authority, legitimate purpose, necessity, data minimization and independent oversight (Amin, 2024). Pakistan lacks a comprehensive data protection law; attempts such as the Electronic Data Privacy Bill 2005 never materialized (United Nations ESCAP, 2005; Bentotahewa, 2022). The DRF’s 2018 submission to the Human Rights Council notes that PECA and the Fair Trial Act provide legal cover for intrusive surveillance, undermining the constitutional right to privacy (Digital Rights Foundation, 2018). The report highlights the absence of safeguards against data collection and the integration of national databases with biometric systems such as Nadra (Privacy International, 2019; National Database and Registration Authority [NADRA], n.d.). Without a data protection framework, the digital rights of citizens remain precarious.

Article 19 protects freedom of speech but allows restrictions “in the interests of the glory of Islam, integrity, security or defense of Pakistan, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence.” These categories replicate the ICCPR’s Article 19(3) but with additional grounds (“glory of Islam,” “friendly relations with foreign states”) not found in international law. Critics argue that the multiplicity of grounds invites broad

interpretation, enabling the state to stifle dissent. Article 19A, inserted by the 18th Amendment, grants every citizen the right to access information in matters of public importance. In recent cases, Pakistani courts have treated Article 19A as requiring transparency in state actions, including orders to disclose government records and contracts. Some scholars propose that Article 19A also constrains content-blocking powers by requiring authorities to provide reasons and allow appeals.

Article 10A guarantees due process and the right to a fair trial. Although typically invoked in criminal cases, it has been extended to regulatory decisions. In 2023, the Supreme Court held that military courts lack jurisdiction over civilians except in narrowly defined circumstances, citing the right to fair trial. A similar logic could limit the SMRA's adjudicative powers, particularly if its procedures lack transparency and independence.

### **ICCPR and International Standards**

Pakistan ratified the ICCPR in 2010 without reservations. Article 19(2) of the Covenant protects the right to freedom of expression, including the freedom to seek, receive and impart information through any media of one's choice. Article 19(3) allows restrictions only if they are "provided by law and are necessary (a) for respect of the rights or reputations of others; (b) for the protection of national security or of public order (order public), or of public health or morals." In General Comment 34, the Human Rights Committee elaborates that restrictions must be narrowly drawn, precise and non-arbitrary (UN Human Rights Committee, 2011). They must pursue a legitimate aim, be the least intrusive means to achieve that aim and proportionate to the interest protected (La Rue, 2011). The Committee emphasizes that states must provide reasons for restrictions and allow for judicial review.

Article 17 of the ICCPR protects the right to privacy against arbitrary or unlawful interference. While the Covenant does not define privacy, the Committee has interpreted it to include personal data and communications. As with Article 19, any interference must be provided by law and proportionate. States must establish independent oversight mechanisms to prevent abuse. Scholars draw parallels between Article 17 and Pakistan's Article 14, arguing that Pakistan's surveillance laws and practice contravene both (Digital Rights Foundation, 2018).

The UN Special Rapporteur on the right to freedom of opinion and expression has repeatedly criticized internet shutdowns and social-media bans. In 2016, the Human Rights Council adopted a resolution affirming that the same rights people have offline must be protected online and condemning "measures, including shutdowns, that intentionally prevent or disrupt access to or dissemination of information online" (UN Human Rights Council, 2016). The Digital Rights Foundation notes that Pakistan was among countries that shut down internet services during protests and political crises (Digital Rights Foundation, 2024).

Comparative case law provides further guidance. In India, the Supreme Court's landmark *Anuradha Bhasin* judgment (2020) held that indefinite internet shutdowns violate the constitutional guarantee of free speech and must meet tests of necessity and proportionality. The Court directed authorities to publish shutdown orders and subject them to judicial review. In South Africa, the Pretoria High Court struck down a section of the Films and Publications Act that authorized prior restraint on online speech, holding that it failed the requirement of least-restrictive means. European jurisprudence under the European Convention on Human Rights similarly requires that restrictions on online speech be prescribed by law, pursue legitimate aims and be necessary in a democratic society. Pakistan's courts have not yet embraced these standards, but they provide persuasive authority, particularly since the Supreme Court has often relied on comparative constitutional law.

### **Digital Surveillance and Privacy Frameworks**

Beyond PECA, Pakistan has enacted legislation such as the Fair Trial Act 2013, which authorizes surveillance of communications on the approval of a judge in “appropriate” cases. Critics argue that the Act lacks clear thresholds and oversight, effectively sanctioning mass surveillance. The DRF warns that digital surveillance of journalists, activists and ordinary citizens is becoming commonplace (Digital Rights Foundation, 2018). The integration of biometric databases (e.g., Nadra) with law-enforcement systems raises further concerns about data aggregation and profiling. Scholars stress the need for a data-protection law that incorporates principles of legality, necessity, proportionality and independent oversight (Office of the United Nations High Commissioner for Human Rights [OHCHR], 2018). Some propose a judicial warrant requirement for any interception of private communications, modelled on the U.S. Fourth Amendment or the German *Volkszählungs* decision.

Internationally, the right to be forgotten has emerged as a principle to protect digital privacy. In Pakistan, a research paper on the right to be forgotten argues that the Constitution’s privacy and free speech provisions do not yet fully accommodate this right (Islamabad Policy Research Institute, 2022). The authors call for legislation that allows individuals to request deletion of personal data, subject to public-interest exceptions. The recognition of a right to be forgotten would pose further challenges to PECA’s takedown regime; balancing removal requests with the public’s right to access information may require a case-by-case proportionality analysis.

### **Digital-Rights Activism and Judicial Responses**

Civil society has been central to resisting digital authoritarianism in Pakistan. The Digital Rights Foundation, Media Matters for Democracy and the Human Rights Commission of Pakistan have documented abuses and litigated against censorship. They argue that PECA’s vague definitions of “fake news” and the wide discretion granted to authorities lead to abuse. Civil society submissions to the Universal Periodic Review emphasize that internet shutdowns and platform bans have devastating effects on freedom of expression, access to health care and livelihoods (Digital Rights Foundation, 2022; FIDH & Human Rights Commission of Pakistan, 2022).

The judiciary’s record is mixed. On one hand, Pakistani courts have occasionally defended digital rights. The Islamabad High Court’s 2022 judgment striking down the PECA amendment on criminal defamation signaled a willingness to apply constitutional scrutiny. In 2023, the Supreme Court upheld the independence of the judiciary by invalidating executive attempts to control bench formation and *Suo motu* powers; this case indirectly reinforced the separation of powers that underpins independent review of executive censorship. On the other hand, courts have sometimes deferred to the executive in matters of national security, as seen in cases challenging internet shutdowns in tribal areas.

### **Global Perspectives on Platform Regulation and Content Moderation**

The rise of social-media platforms has spurred governments worldwide to regulate online speech. A comparative analysis reveals divergent approaches. In the United States, Section 230 of the Communications Decency Act shields platforms from liability for user content, promoting a *laissez-faire* model. The proposed American Data Privacy and Protection Act would introduce data-protection obligations but still lacks consensus. The European Union’s Digital Services Act (DSA) imposes due diligence obligations on exceptionally large online platforms, requiring risk assessments, transparency reports and independent audits. The DSA draws heavily on human-rights principles and mandates that removal orders be issued by judicial or independent authorities. India’s IT Rules 2021 require intermediaries to remove content within 36 hours of receiving government orders and to enable

traceability of encrypted messages. Civil society groups have challenged the rules for violating privacy and free-speech rights. Türkiye's disinformation law criminalizes spreading false information and requires platforms to appoint local representatives, raising concerns over censorship and surveillance.

Pakistan's PECA 2025 resembles the illiberal models more than the rights-oriented frameworks. It centralized regulatory power in a government-appointed authority and allows indefinite blocking of platforms. The requirement for platforms to register and maintain data servers in Pakistan mirrors India's data-localization demands but lacks the Indian judiciary's oversight. The absence of an appeals mechanism beyond the Federal Cabinet and the broad language ("fake or false") deviate from the precision and procedural safeguards envisaged under the ICCPR (La Rue, 2011).

Existing scholarship provides valuable insights into PECA's history, constitutional context and international benchmarks. However, three gaps remain. First, few studies analyze PECA 2025's institutional design and the SMRA's powers. The Corinthia article notes that the Act creates a registration and licensing regime for platforms and delegates immense discretion to the SMRA (Joyia, 2025), but it does not systematically compare the authority's functions with constitutional and international standards.

Second, little empirical evidence exists on the effects of takedown orders and platform bans. Reports by digital-rights groups mention harassment and self-censorship but rely on anecdotal accounts; comprehensive surveys are rare. Third, there is limited doctrinal analysis of how Articles 14, 19 and 19A interrelate and how proportionality should be applied to digital restrictions. This paper seeks to fill these gaps by combining doctrinal analysis with empirical data and by proposing a set of benchmarks for courts to evaluate PECA 2025's enforcement.

## **RESULT**

We conducted a survey of 30 participants—12 journalists, 10 lawyers, 5 human-rights activists and 3 academics—between January and February 2025. Participants were recruited through professional networks and guaranteed anonymity. The survey comprised 20 questions covering experiences with PECA-related takedown orders, perceptions of platform bans, and awareness of constitutional and ICCPR rights.

### **Chilling Effects and Self-censorship**

When asked whether they had modified their online behavior in response to PECA enforcement, 70 % of respondents reported self-censorship. Journalists said they avoided reporting on the military or judiciary for fear of legal action. One reporter recounted how their digital news outlet was served with a PTA notice to remove an article criticizing a military operation; rather than contest the order, the outlet complied to avoid fines. Activists similarly described refraining from organizing online campaigns. These experiences align with the literature's claim that PECA's vague offences deter legitimate speech (Clooney Foundation for Justice, 2023; Human Rights Watch, 2022).

### **Takedown Orders and Transparency**

Among respondents, 15 reported receiving notices to remove online content. In 10 cases, the notices cited Section 37 of PECA and did not specify the offending content or provide an avenue for appeal. Only three respondents attempted to challenge the notices; two petitions remained pending in the Islamabad High Court at the time of writing. Respondents overwhelmingly described the process as opaque and lacking procedural safeguards. This corroborates criticism that PECA does not satisfy the ICCPR's legality requirement, which demands clear, accessible and foreseeable laws (UN Human Rights Committee, 2011).

### **Perceptions of PECA 2025**

The survey included questions on participants' knowledge of the PECA 2025 amendments. While all lawyers were aware of the Act, only half of the journalists and activists knew about the SMRA and its licensing regime. After reading a summary of the Act, 80 % expressed concern that requiring platforms to register and maintain data servers in Pakistan would undermine privacy and could be used to coerce compliance with content removals. Respondents questioned the independence of the SMRA, noting that its members are appointed by the federal government (National Assembly of Pakistan, 2025).

### **Impact of the X/Twitter Ban.**

Twenty-one respondents (70 %) said that the 2024–25 X/Twitter ban affected their work, citing reduced audience reach and difficulties mobilizing support. Journalists noted that alternative platforms lacked comparable user bases in Pakistan, leading to diminished engagement. Some activists migrated to encrypted messaging apps but complained that these were less effective for public campaigns. Economic impacts were also reported: two freelance journalists lost contracts because clients relied on Twitter for distribution. These accounts confirm the economic and social costs of internet shutdowns documented in prior studies (Digital Rights Foundation, 2025; Top10VPN, 2025).

### **Awareness of Constitutional and International Rights**

While lawyers were conversant with Articles 14, 19 and 19A, journalists and activists displayed mixed understanding. Only 40 % knew that Article 19A guarantees access to information, and just 25 % were aware of Pakistan's obligations under the ICCPR. However, nearly all participants said they believed that online speech should be protected unless it incites violence or defames private individuals.

We analyzed 12 publicly available takedown orders issued under PECA between 2018 and 2024. The orders were obtained from court records and digital-rights organizations. Nine orders targeted specific posts, while three ordered blocking of entire platforms or websites. In only four cases did the PTA or the relevant authority provide reasons; these included allegations of "spreading false information" about the military and "anti-state propaganda." None of the orders referenced Article 19A or detailed why less intrusive alternatives were inadequate. Two orders were challenged in court; one was quashed by the Islamabad High Court on grounds of unreasonableness, while the other remained pending.

The orders demonstrate a pattern of broad discretion and lack of proportionality. For instance, in 2023 the PTA ordered the blocking of an online feminist magazine for publishing a satirical article on a political leader. The notice cited "decency and morality" but did not specify the offensive content. The magazine complained after being threatened with criminal prosecution. In another case, the SMRA (under a draft rule in 2024) asked a social-media platform to remove all content referencing a particular political movement; when the platform refused, access to the platform was throttled for five days.

Out of seven cases challenging PECA takedown orders and amendments, courts granted relief in three. The Islamabad High Court's 2022 judgment declared the PECA amendment criminalizing defamation unconstitutional, emphasizing that it violated due process and the right to a fair trial. In another case, the Lahore High Court quashed an order blocking a website for publishing a corruption story, noting that the PTA had acted without jurisdiction. These judgments highlight the potential for judicial intervention but also the unpredictability: several petitions remained pending for years. Further, no judgment has yet addressed the constitutionality of the SMRA.

## **DISCUSSION**

The survey and case analysis confirm that PECA's enforcement chills speech and lacks transparency. How does the 2025 amendment fare under constitutional scrutiny?

### **Legality and Precision**

Article 19 permits restrictions on freedom of expression, but only if they are "reasonable" and provided by law. The ICCPR's legality test, incorporated into Pakistani jurisprudence through Article 8 (which makes international treaties binding), requires that restrictions be sufficiently precise to enable individuals to foresee the consequences of their actions (UN Human Rights Committee, 2011). PECA 2025 uses terms such as "false," "fake," and "incorrect" without definition. The SMRA is authorized to determine what constitutes fake news and to impose penalties, with appeals lying only to the federal cabinet (National Assembly of Pakistan, 2025; Digital Rights Foundation, 2025). The absence of clear criteria violates the requirement of precision; individuals cannot predict whether criticism of government policy will be deemed false. Furthermore, the law does not require the SMRA to provide written reasons for its orders or to notify affected parties before taking action. This contravenes Article 19A's guarantee of access to information and the due-process requirements of Article 10A.

### **Legitimate Aim.**

PECA 2025 ostensibly aims to combat misinformation, protect national security and preserve public order. These aims correspond to the grounds allowed under Article 19 and the ICCPR. However, the law fails to demonstrate a rational connection between the measures adopted and the objective sought. For example, requiring platforms to maintain data servers in Pakistan may facilitate surveillance but does little to combat misinformation. The X/Twitter ban punished millions of users for the actions of a few and lacked a clear nexus to national security; it resembles collective punishment. The state must show that the measures adopted are necessary to address a legitimate concern, not merely convenient.

### **Necessity and Proportionality**

Even if the aim is legitimate, restrictions must be the least intrusive means available. PECA 2025 allows the SMRA to block an entire platform for non-compliance with takedown orders (National Assembly of Pakistan, 2025; Digital Rights Foundation, 2025). This fails the necessity test; targeted removal or de-amplification of specific content would suffice. The indefinite blocking of X/Twitter illustrates disproportionate harm: it curtailed political speech, academic discussions and business activities. The survey respondents reported economic losses and self-censorship, underscoring the measure's excessive impact. The Act's licensing requirement for platforms may also be disproportionate. While some regulation is necessary to ensure compliance with lawful orders, mandatory registration and server localization impose burdens that may drive platforms out of the Pakistani market, reducing citizens' access to information and violating Article 19A.

### **Independent Oversight**

The ICCPR and comparative jurisprudence emphasize the importance of independent oversight of restrictions on speech (Electronic Frontier Foundation, 2014; UN Human Rights Committee, 2011). PECA 2025, however, concentrates power in the SMRA, whose members are appointed by the federal government. The absence of judicial or parliamentary oversight creates a risk of abuse. The only remedy available under the Act is an appeal to the federal cabinet, which is not an independent body. This structure violates the requirement of separation of powers and due process. The lack of transparency—

orders are not published or subject to parliamentary scrutiny—further undermines accountability. Pakistan’s courts should apply a strict-scrutiny standard to any law delegating censorship powers to an executive body; absent judicial review, such laws should be struck down.

Pakistan’s obligations under the ICCPR require it to respect, protect and fulfil the right to freedom of expression and privacy. PECA 2025 conflicts with these obligations in several ways. The broad discretion to block platforms and remove content without judicial authorization undermines Article 19(3)’s requirement of necessity and proportionality. The law does not provide remedies or compensation for wrongful takedowns, violating Article 2(3), which requires effective remedies. The surveillance provisions (such as server localization) contravene Article 17’s privacy protections, particularly given the absence of data-protection legislation (Ministry of Information Technology & Telecommunication, 2023; Digital Rights Foundation, 2023).

International human-rights bodies have condemned internet shutdowns and called for them to be imposed only in exceptional circumstances, subject to strict necessity and proportionality (UN Human Rights Council, 2016). The X/Twitter ban did not meet these criteria; it was prolonged and applied indiscriminately. States may temporarily limit speech to curb disinformation during emergencies, but they must demonstrate that the restriction is necessary and proportionate. Pakistan’s government did not publish reasons for the ban or outline criteria for lifting it. As such, the measure violated the ICCPR.

The analysis suggests that the SMRA should be replaced or fundamentally redesigned. Anybody regulating online speech should be independent, with members appointed through a transparent, merit-based process and removable only for cause. Its decisions should be subject to judicial review. Orders should be published promptly, contain reasons and specify the legal basis. Affected parties should have the right to be heard before content is removed or a platform is blocked. Appeals should lie to an independent tribunal or court, not to the executive.

Pakistan should enact comprehensive data-protection legislation that incorporates principles of purpose limitation, data minimization and independent oversight (Office of the United Nations High Commissioner for Human Rights, 2018). Surveillance should require judicial warrants, and there should be transparency reports on the use of surveillance powers.

International cooperation can also help. Pakistan could draw on the EU’s DSA or South Africa’s POPIA (Protection of Personal Information Act) to craft balanced legislation. It could participate in regional dialogues through the South Asian Association for Regional Cooperation (SAARC) to harmonize digital-rights standards. The judiciary should embrace comparative constitutional reasoning, drawing on cases like *Anuradha Bhasin* to develop local jurisprudence on internet shutdowns. Finally, civil society must continue to monitor and challenge abuses, while digital-rights education should be integrated into journalism and law curricula to increase awareness.

## CONCLUSION

This paper examined the constitutional and ICCPR constraints on Pakistan’s PECA 2025 takedown orders and platform bans. Through doctrinal analysis, empirical survey and case study, it showed that PECA 2025 fails the legality, necessity, proportionality and oversight requirements. The Act’s vague language and sweeping powers to define and remove “fake” content, combined with the ability to block entire platforms, undermine Articles 14, 19 and 19A of the Constitution and contravene Pakistan’s obligations under the ICCPR. Survey responses and case analyses highlight the chilling effect of PECA enforcement: journalists, lawyers and activists’ self-censor, while takedown orders and platform bans

disrupt economic and civic life. The courts have occasionally intervened to strike down unconstitutional provisions but have not yet addressed the broader structural issues.

The paper argues for a rights-compatible regulatory framework. Any law restricting online speech must be precise, pursue legitimate aims, and be necessary and proportionate; it must provide for independent oversight and judicial review. The SMRA should be reconstructed as an independent body, and orders should be transparent and appealable. Pakistan also needs a comprehensive data-protection law and judicial safeguards for surveillance. Ultimately, balancing digital governance and constitutional rights requires a nuanced approach that recognizes the harms of disinformation but resists authoritarian tendencies. As technology continues to evolve, Pakistan's legal framework must adapt in ways that preserve privacy, dignity and freedom of expression.

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