

FREEDOM OF EXPRESSION VS. STATE CENSORSHIP IN PAKISTAN: A  
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**Abstract**

This paper is an inquiry into the rather problematic correlation of the fundamental right to freedom of expression outlined in the Constitution and the legal structures of state censorship in Pakistan. Even though Article 19 and Article 19A of the Constitution provide the right to free speech and access to information, vaguely phrased laws, excessive state regulations, and unspoken coercions tend to limit such freedoms. The paper discusses the historic development of media laws, landmark judgments by the courts, and international commitments defining the free speech environment in Pakistan. It also raises the discrepancies between constitutional promises and the reality of enforcement. The paper also attempts to show how the prevailing legal frameworks comprised of the Prevention of Electronic Crimes Act 2016 and sedition laws do interfere with democratic processes and limit the freedom of journalists. At the end of the paper, the author suggests some legal reforms, tighter judicial supervision, and institutional openness as key measures to protecting the main human rights in Pakistan.

**INTRODUCTION**

The right to free expression is one of the most vital rights in any democratic society. It enables sharing of information, presentation of thoughts, and participation in public debate without fear. In Pakistan, the right to speech is ensured by the Constitution of 1973 in Article 19. Yet this freedom is not complete. The state is also permitted under the Constitution to impose reasonable restrictions in the interest of religion, security, public order, morality, and the integrity of Pakistan. This has even caused debate in the country concerning how to balance individual rights and state control.

Pakistan's legal system is theoretically inclusive of freedom of speech, and in practice, there exist numerous restrictions. The right to free speech and press in Article 19 is limited by such a wide range of

exceptions that it has the effect of often allowing the state to suppress speech in any way. (Rehman, 2021). To illustrate this, such concepts as "glory of Islam" and "national security" are not clearly defined terms in the Constitution, and the government has the leeway to use these phrases as a political instrument to oppress criticism or protest. The prefix of these restrictions has also been interpreted differently in certain situations by the courts in favor of free speech and also in favor of the state's interests (Khan, 2018; Siddique, 2020). The history of Pakistan indicates that the freedom of the media and censorship are tightly related to the political state. In the time of military rulers, there was often strict censorship, and media had to be obedient to the policies of the government (Niazi, 2022). Journalists and critics have been suppressed with the

use of various laws and informal pressures even during democratic governments. According to the Pakistan Economic Prospects, the Pakistan Electronic Media Regulatory Authority (PEMRA), which has been formed in the framework of the PEMRA Ordinance 2002, has been repeatedly accused of harassing the TV channels that mimic the government's actions (Yousaf, 2020). The digital era has also brought new means of state institutions controlling the content online through the Prevention of Electronic Crimes Act (PECA) 2016, with human rights organizations condemning this extension of limiting freedom of expression and the violation of international standards (Amnesty International, 2022).

International law also protects freedom of expression. Pakistan is also a signatory to the International Covenant on Civil and Political Rights (ICCPR), under which Article 19 explicitly recognizes the right of all people to freedom of opinion and expression. Nonetheless, as stated by the UN Human Rights Committee, Pakistan has alarming and too broad laws suppressing speech (UNHRC, 2020).

In this paper, the researcher wants to examine the constitutional grounds on which the freedom of expression is granted in Pakistan, laws and instruments applied by the state to censor the people, and compare the reasonableness of these limitations. It will also explore some of the key court cases and compare the legal situation of Pakistan to the world standards. The aim is to establish a balanced and academic insight into how the right to free speech can be deployed within the legal and political context of Pakistan.

## 2. Constitutional Framework

### 2.1 Constitutional Provisions: Article 19 and Article 19A

Media law and the freedom of the press have a robust foundation under the Constitution of Pakistan, Article 19, and Article 19A. Article 19 guarantees freedom of speech and expression to all the citizens and guarantees freedom of the press. This right is, however, not absolute; it is subject to reasonable restrictions that are put in place by the law. Such restrictions are permissible in the interest of religion, integrity, national security, public order, decency and

morality, or to obviate incitement to crime and contempt of court (Government of Pakistan, 1973).

Judicial rulings have widely focused on the phrase reasonable restrictions. In *Luqman Habib v. Federation of Pakistan* (PLD 2010 Lahore 505), the Lahore High Court said that the freedom of speech requires sensitivity in regard to religion and cannot take precedence over the glory of Islam. This case also shows that courts in Pakistan tend to first apply the religious or moral values in their interpretation of Article 19 (Larik et al., 2024).

Article 19A was added to the Constitution in 2010, giving the right to access information about issues of public interest to all citizens. This was a significant change because it changed the meaning of press freedom, from this right to express to the right to know as well. It facilitates honesty and good governance.

### 2.2 Judicial Interpretations and Key Case Law

In several important cases, the Pakistani judiciary has interpreted articles 19 and 19A. In *Watan Party v. Federation of Pakistan* (PLD 2012 SC 292), Justice Jawwad S. Khawaja referred to the conversion of the citizen's right to know into a state policy to a constitutional duty through Article 19A. According to him, now the state has to explain any refusal to provide access to any public information (Article 19, 2016).

In a later case of *Mukhtar Ahmad Ali v. Pakistan Information Commission* (2023 SCMR 1094), the Supreme Court of Pakistan ruled that the right to information also extends to powerful organizations such as the judiciary and military. The chief justice, Qazi Faez Isa, noted that government institutions cannot refuse to share information unless they have a valid cause to do so as offered by law. This judgment empowered the use of Article 19A and decreased the loophole of secrecy (Dawn, 2023).

*Nawaz Sharif v. President of Pakistan* (PLD 1993 SC 473) is another crucial case, in which the Supreme Court has described that the right of voice is not the only right of freedom but also the right to information. This is an example of the extended interpretation of Article 19 by the courts and the concurring nature of this article with 19A (Larik et al., 2024).

Still, the judiciary has upheld restrictions of free speech as well. As an example, the Pakistan Penal Code (Section 124A sedition) and PECA 2016 (Prevention of Electronic Crimes Act) are regularly applied to restrain opposition. Although these laws are intended to uphold public order, they have been criticized as unsafe in that they are broadly used against journalists and activists (Bhatti & Roofi, 2024).

Nevertheless, progressive courts have gone a step further. In 2023, Section 124A (sedition) of the PPC was declared unconstitutional by the Lahore High Court. The court claimed that it went against Articles 19 and 19A due to being overbroad and being able to clamp down on lawful political speech (The News International, 2023).

### 2.3 Implementation and Legislative Measures

Pakistan enacted the Right of Access to Information Act, 2017, replacing the previous 2002 ordinance to enforce Article 19A. This legislation also created the Pakistan Information Commission, which lists appeals when departments in the government refuse to allow people to access information. Nonetheless, the commission is also undermined by a lack of financing and administrative shortcomings that diminish their usefulness (The Reporters, 2025).

Provincially, Punjab, Khyber Pakhtunkhwa, Sindh, and Balochistan enacted their own Right to Information (RTI) laws in 2013, 2014, 2016, and 2021, respectively. Such laws frequently have superior mechanisms to the federal law, including proactive disclosure and public interest tests (Zaman, 2021). Nonetheless, strong enforcement remains wanting nationwide, and in a majority of institutions, especially security-related organizations, evade openness by taking advantage of the ambiguity of exemptions.

### 2.4 International Standards and Constitutional Harmony

Pakistan is also a signatory to the International Covenant on Civil and Political Rights (ICCPR), which also guarantees freedom of expression and access to information in its Article 19. The Pakistani courts have recognized the significance of implementing worldwide human rights into the local

legislation (ICNL, 2023). This implies that national courts too have the option of interpreting Articles 19 and 19A of the law more expansively through the lens of the ICCPR in the interest of press freedom.

Moreover, other constitutional clauses like Article 9 (right to life and liberty) and the Preamble, which upholds the tenets of democracy and freedom of thought, facilitate the presence of a legal environment in which the free media can operate. By Articles 199 and 184(3), the High Courts and the Supreme Court have been granted the power to safeguard these rights by way of writ petitions, particularly in the cases of public interest (Government of Pakistan, 1973).

Nevertheless, contradictions are also present. Although the Constitution states that every law that contravenes basic rights shall be of no effect in Article 8, the censorship laws such as PECA and sedition still exist. The real problem is ensuring the gap between the constitutional promise and its actual application.

## 3. Historical Evolution of Free Speech Laws in Pakistan

The journey of Pakistan to freedom of speech and of expression has not been steady as it adheres to its changing politics: radical authoritarianism alternating with liberalizations.

### 3.1 Early Constitutional Experiments (1956 to 1962)

After gaining independence, Pakistan had its first constitution in 1956, which for the first time constitutionally provided freedom of speech and expression. Although this was an encouraging start, the emergency powers enabled the frequent suspension of civil liberties. By 1962, a new constitution enshrined the freedom of expression under Ayub Khan, who governed through a military regime, but it was provided with strict state control and supervision by the executive branch ([Ukessays.com](https://www.ukessays.com)).

### 3.2 Press and Publications Ordinance (1962 to 1970s)

The Press and Publications Ordinance (PPO) of 1962 allowed Ayub Khan to take an aggressive approach to control the media. It enabled the government to censor books, detain reporters, and confiscate the presses. These features saw journalists arrested,

newspapers banned, and over-censorship of content (Wikipedia contributors, 2025).

This turn of events further empowered the PPO in 1963 and 1964, solidifying media repression through a capacity to detain in preventative ways and censorship before publication. Such means were utilized even under later governments, e.g., under Yahya Khan, where complete power outages resulted in the 1971 war ([Ukessays.com](https://www.ukessays.com)).

### 3.3 Bhutto Era (1972 to 1977)

The primitive laws of censorship that were present in earlier governments were still present under the civilian government of Zulfikar Ali Bhutto, who was a democrat at heart. A new constitution was adopted under pressure in 1973, which clearly granted freedom of speech and expression under Article 19. Nonetheless, actual press freedom was still very much restricted: PPO had not been repealed, news agencies were still being nationalized, and criticism of the government was almost always punished ([Ukessays.com](https://www.ukessays.com)).

### 3.4 Zia ul Haq Regime (1977 to 1988)

The dictatorship of General Zia is considered to be the most horrible era for the freedom of the press in Pakistan. Newspapers had to be reviewed prior to publication through martial law measures or through a system of press advice, and any information that reflected negatively on the regime or on the military was often censored. Reporters were imprisoned and whipped, and newspapers were outright banned. This motivated the PPO to become even more draconian, where corrections to the amendments provided the criminal liability of unwanted information remained published even in the case of correct facts (Dawn, 2023).

There was also an escalation in blasphemy and press censorship laws. In 1980, 1982, and 1986, the Pakistan Penal Code (PPC) and Criminal Procedure Code were rewritten, multiplying prohibitions with special regard to religious and political speech (Wikipedia contributors, 2025).

Journalists tried opposing even the draconian repression. This is demonstrated by hunger strikes in 1977 to 78, which resulted in temporarily reopening the banned publications ([Slideshare.net](https://www.slideshare.net)). Zamir Niazi

documented this history of struggle for free speech under military rule in his work, *Siyah Press* (Dawn, 2023).

### 3.5 Dawn of Liberalization (1988 to 1999)

Pakistan experienced some liberalization in media after the death of Zia in 1988 and with the restoration of civilian rule. The PPO became less hardened, and national press trusts like the PPI became independent again. During the rule of Prime Ministers Benazir Bhutto and Nawaz Sharif, certain journals and broadcasters prospered. There was, however, censorship: there were print permits, court threats, and political pressure that deterred critical reporting ([Ukessays.com](https://www.ukessays.com)).

### 3.6 Musharraf Era (1999 to 2008)

The regime of General Pervez Musharraf brought in important changes. The Pakistan Electronic Media Regulatory Authority (PEMRA) was created in the year 2002, and both the TV and the FM stations were operated privately. It was the era of the media boom, and the multiplication of channels and arguments exploded (Wikipedia contributors, 2025).

Nonetheless, PEMRA was also used as a tool of censorship, where licenses were canceled, coverage was followed, and journalists were intimidated and even attacked. Maintenance of Public Order Ordinance, PPC sedition laws such as Section 124 A, and other cyber laws of the earlier times were retained to be used to quash dissent (Global Legal Studies Review, n.d.).

### 3.7 Digital Repression (2008 to 2020)

Since 2008, along with the emergence of social media, Pakistan has implemented new patterns of digital censorship. Legislation threats like the Prevention of Electronic Crimes Act (PECA) of 2016 required the deletion of illegal content on digital platforms within 24 hours. The use of blocks issued by PECA and PTA became the norm, with blasphemy or a threat to national security frequently mentioned (The Diplomat, 2023).

Between 2012 and 2016, YouTube remained banned following mass outcry against an anti-Islamic video. The court case *Bytes for All v. This ban was being*

challenged at Federation of Pakistan (2013) but it was still effective (Wikipedia contributors, 2025).

### 3.8 Recent Trends (2020 to 2025)

Self-censorship flourished in recent years. Research indicates that Pakistani journalists confirmed self-censorship (security or religious fear) up to 88 percent. The advertising boycotts, distribution blocks, and skill gaps are some of the pressures that media are still encountering (Media Matters for Democracy, n.d.).

Although legal assurances (Article 19 and Article 19A) have been fortified, in reality, there is poor monitoring. Criminal codes have been removed and succeeded in courts and parliaments, such as the repeal of the sedition clauses in the Lahore High Court. Section 124 A PPC was declared unconstitutional in 2023, which may indicate a new trend (Global Legal Studies Review, n.d.).

## 4. Mechanisms of State Censorship

State censorship in Pakistan exists on the basis of legal means, regulatory agencies, as well as informal pressures. Collectively, the tools limit freedom of the media in print, broadcast, and digital media.

### 4.1 Legal Censorship Mechanisms

The legal system in Pakistan has a number of laws that give the government space to dictate what can be said publicly and to repress media freedom. These statutes are commonly defended in the binary of national security, morality of the people, and religion. The Prevention of Electronic Crimes Act, 2016, is one of the most commonly applied pieces of legislation concerning censorship. Section 37 of this law accords the Pakistan Telecommunication Authority the authority to censor or take out any internet content it considers to be injurious to the glory of Islam or the integrity, security, or defense of Pakistan; public order; morality; or decency. The issue is that such terms are broad and ambiguous, which allows the authority to remove content without any legally or equally specific explanation (Global Information Society Watch, 2023).

Other sections of the same law incriminate other types of expression. Section 20 criminalizes the reputation/dignity-damaging online content and permits a jail for a term which may extend to three

years or with fine which may extend to one million rupees or with both. Section 9 outlaws glorification of an offense or individual charged with terrorism, leading to an imprisonment of seven years or with fine which may extend to ten million rupees or with both. Section 10 tackles cyberterrorism and would permit an imprisonment of either description for a term which may extend to fourteen years or with fine which may extend to fifty million rupees or with both. due to the cyber version of spreading fear or ruining interests of the state by use of technology. Such laws have been applied to political activists, journalists, and internet critics. According to legal experts, the law is too broad and does not have protection against abuse (SAHSOL, 2024).

Along with PECA, the Pakistan Penal Code has several sections that limit freedom of speech. Section 124-A, the sedition law, punishes any speech that causes hatred or contempt for the government. The Lahore High Court ruled this section unconstitutional in 2023, though this ruling is still not decisive, and this law is still referenced in complaints (Refworld, 2017). Blasphemy laws are in Sections 295 to 298. Section 295-B offers life imprisonment for defiling the Holy Quran, and Section 295-C offers the death penalty for insulting the Prophet Muhammad. These laws have been used to gag the critics, and a mere allegation of such is enough to get some arrested or even beaten up. Section 500 treats defamation and may provide imprisonment for a term which may extend to two years, or with fine, or with both for statements that hurt the reputation of a person.

Civil cases of defamation fall under the Defamation Ordinance, 2002. Section 3 states that defamation is any unfavorable, untrue remark concerning a group or person that harms the person's or the group's image. An individual proved guilty under this act can be directed to pay compensation, where compensation is typically initiated at three hundred thousand rupees. Public officials have repeatedly relied on this law to sue the newspapers and journalists publishing negative reports. The result is even when the cases cannot be proved in court, legal pressure and the financial burden restrain independent reporting (Iqbal and Jan, 2021).

The Contempt of Court Ordinance, 2003, is another law that restricts speech. According to Section 3 of this law, any conduct or speech that disrespects the prerogative power of, or is a denigration of, the judiciary is punishable by courts. This includes criticizing judges in the media or the cases that have not been disposed of in court. The Supreme Court and the High Courts can also initiate contempt on their own cognizance. Consequently, a significant number of journalists prefer not to cover court rulings or the actions of the judges in fear of being punished (Reporters Without Borders, 2025).

Access to information is also limited using the Official Secrets Act, 1923. Section 3 criminalizes possession, transmission, and publication of any document or information that the state regards as secret. This may result in death or imprisonment for a term which may extend to fourteen years. The legislation is silent on what would be considered a secret, and as such, the government could declare any report that concerns the military or intelligence agencies as posing a threat to national security. The legal implications of this law have made journalists and whistleblowers fearful of covering such issue areas due to grave repercussions. (Refworld, 2017).

As much as the freedom of speech is guaranteed in Article 19 of the Constitution and Article 19A provides citizens the right to access information, these rights are limited by reasonable restrictions based on the laws. In practice, such limitations are often so far-reaching as to render the protection ineffective. The combination of these laws creates a legal framework that allows censorship. They enable the government and the state apparatus to hush dissent and suppress information even without due process. This legal setting instigates fear among the media practitioners and curtails the room for open and democratic discourse.

#### 4.2 Regulatory Censorship Mechanisms

The regulatory bodies also practice censorship in addition to legislation. The most powerful is the Pakistan Electronic Media Regulatory Authority (PEMRA), established by the PEMRA Ordinance, 2002. PEMRA is mandated to license TV and radio broadcasters and make sure that these broadcasters comply with the law. Nevertheless, it also applies

ambiguous regulations about national interest, morality, and respect for state institutions, allowing it to close down media houses or impose hefty fines (Mass Media in Pakistan, 2025).

PEMRA has often warned and suspended channels over broadcasting content that criticizes the government or the military. It also prohibited certain journalists and political pundits from being on television. PEMRA lacks due process in most instances, and it also acts under political or militaristic influence (Media Ownership Monitor, 2023).

PEMRA regulations outline that talk show presenters should only be moderators and not express their own opinions. Although this might appear neutral, in reality this discourages effective analysis and critical reporting (Reporters Without Borders, 2025). It is also delayed in live broadcasts by a few seconds to allow muting of the content, since it may seem controversial (Media Matters for Democracy, 2018).

The Press Council of Pakistan (PCP) is another regulatory organization that controls printed media. Although PCP is meant to guarantee ethical journalism, it is not independent. The federal government mainly appoints most of its members and seldom offers defense to the censored and harassed journalists (Media Ownership Monitor, 2023).

In reality, these regulatory bodies are not independent. They are financed and governed by the state, and therefore, their actions are usually driven by governmental interests and not the virtue of democracy or media freedom (Reporters Without Borders, 2025).

#### 3. Informal Censorship Mechanisms

Informal and indirect censorship suppresses freedom of the media even in situations where the law does not directly govern. Security agencies, political parties, and even their employers in Pakistan usually target journalists. A poll conducted in 2018 revealed that 88 percent of the journalists in Pakistan admitted to self-protecting, particularly in cases involving such delicate themes as religion, national security, or the military (Media Matters for Democracy, 2018).

Government advertising causes a monetary strain on news organizations. The government can pull its advertisements if a media house or a newspaper posts negative news. This compels owners of media

platforms to deny content that might annoy authorities, even when it is in the interest of the people (Iqbal & Jan, 2021).

There have also been numerous instances when journalists have been receiving phone calls by unknown officials advising them against reporting some issues. In other cases, reporters are kidnapped, beaten up, or even intimidated into submission. Any of these incidents is seldom investigated and fosters a culture of fear (Refworld, 2017).

The cable operators are informed to block or degrade news stations that criticize the government or army. As an illustration, in case of political unrest, channels are, at times, shifted to non-numbers or are removed off air completely (Reddit, 2019). No court orders or formal notifications support these measures, and this is evidence of the discreet and unaccountable practice of censorship.

The social media is also monitored. Activists and journalists are reporting being monitored; critical posts have at times been followed by online harassment or legal warnings. Organized trolling attacks are frequently directed against vocal targets that will be silenced through intimidation (Ghauri, 2021).

Legal and regulatory controls are supplemented with this mode of informal censorship. Coupled together, they create a highly regulated media environment where journalists are afraid to take risks, editors censor, and citizens get little to no information or information that has not been filtered. This restrains democratic discussion and undermines accountability to people.

## 5. Court Decisions on Freedom of Expression in Pakistan

The jurisprudence associated with the interpretation of freedom of expression in Pakistan has been largely informed by the judiciary, especially in the interpretation of Articles 19 and 19A of the Constitution. Courts have been the area where this right was at many times fought to be preserved or curtailed. Among some rulings, which have encouraged free speech ability and access to information, others have allowed restrictions on grounds of religion, morality, national security, or public order.

### 5.1 Benazir Bhutto v. Federation of Pakistan (PLD 1988 SC 416)

Here, the Supreme Court highlighted that political expression is guarded speech. It stated that it is a violation of the Constitution to limit freedom of speech (political opinions) based on vague standards such as national interest or public order, unless such limitations can be reasonably pledged. The court warned against the use of executive power in chilling political rivals by banning media or unnoticed censorship.

### 5.2 Nawaz Sharif v. President of Pakistan (PLD 1993 SC 473)

This landmark case set that Article 19 of the freedom of expression is not only the freedom to talk but also the freedom to receive and impart information. The Supreme Court acknowledged that there are democratic rights that require free access to truthful information during elections or national determinations. The ruling was in line with international human rights practices, and it strengthened the connection between information flow and democracy.

### 5.3 Luqman Habib v. Federation of Pakistan (PLD 2010 Lahore 505)

The Lahore High Court was called upon to discuss the extent of freedom of speech with particular reference to issues relating to religious sensitivities. The Court also found that freedom of speech does not supersede the Islamic values, particularly in cases where the speech impacts negatively on the glory of Islam. The case epitomizes the fact that morality and religion are the common arguments invoked to impose restrictions on speech in Pakistan.

### 5.4 Memogate Case (Constitution Petition No. 77/2011)

In such a politically vulnerable case, Justice Jawwad S. Khawaja read Article 19A as a significant instrument of democratic accountability. According to him, access to information is not a privilege but a constitutional right that gives the citizens the authority to challenge the activities of the state. This opinion changed the legal culture towards openness

away from secrecy, strengthening the citizenship in the democratic process.

### 5.5 Javed Jabbar v. Federation of Pakistan (2019 YLR 1550 Sindh)

The Sindh High Court noted freedom of the press to be a bedrock of a democratic society and cannot be impaired either by state control over media licenses or overly restrictive regulation. The case was filed because PEMRA handed out words of suspension to the channels without giving them any valid reasons. The court put regulatory authorities on notice to remember that they should operate within the constitutional rules of reasonableness and transparency.

### 5.6 Justice Qazi Faez Isa v. Federation of Pakistan (PLD 2021 SC 1)

This significant case addressed the issue of judicial independence and the role of the media in the context of public conversation. It stressed that the manipulation or state-sponsored attempts to attack judges shall violate the freedom of speech and compromise the constitutional equilibrium. The court once again recognized the role of free and responsible media towards ensuring democracy.

### 5.7 Mukhtar Ahmad Ali v. Pakistan Information Commission (2023 SCMR 1094)

This Supreme Court landmark case extended the right to information under Article 19A to the armed forces and judiciary. Chief Justice Qazi Faez Isa emphasized that transparency should be vital in all state organs, and when an institution feels the need to hold information, it must give legal explanations to defend its secrecy. That decision is regarded as a significant advance to liberal government and the rule of constitutional accountability.

### 5.8 Lahore High Court Judgment on Sedition Law (2023)

The Lahore High Court, in a landmark decision, declared that Section 124A (sedition) of the Pakistan Penal Code was unconstitutional. The court concluded that the sedition law was regularly invoked to stifle criticism and dissent of a peaceful nature, often targeting journalists, students, and members of

civil society. The decision was affirmed as in keeping with the demands of the democracies across the world, particularly in being hailed over the dismantling of rules enacted during the colonial era that would not be fit under the 1973 Constitution.

## 6. International Commitments and Global Comparison

### 6.1 Pakistan's International Human Rights Obligations

Pakistan is also a party to the International Covenant on Civil and Political Rights (ICCPR), which it acceded to in 2010. Article 19 of this international treaty protects the freedom of expression. The ICCPR provision is reminiscent of Article 19 of the Pakistan Constitution, although it provides a better structure, which is clear in putting tougher limits on allowable restrictions. The ICCPR also states that any restriction should be by the law and have a reasonable necessity to a lawful objective, including ensuring national security or safeguarding the public order (UN OHCHR, 2023).

Pakistan is also bound by the laws to integrate its domestic legislation that is in accordance with these international standards. As per the Supreme Court of Pakistan, the existence of international treaties such as the ICCPR has become relevant in the process of a constitutional interpretation of rights. As an example, in the Benazir Bhutto v. Federation of Pakistan case, the Court has stressed that it is possible to navigate constitutional liberties with the help of international human rights treaties (Article 19, 2016).

Nonetheless, application is low. Several national policy acts, such as the Pakistan Penal Code, PECA 2016, and other information regulations within the media, have imprecise sections allowing the misuse of these acts to derail free speech, which may not be subject to the stringent ICCPR conditions. Pakistan has been urged severely by both civil society and international monitors to enforce laws at the domestic level to be in line with its international commitments (ICNL, 2023).

### 6.2 Comparative Overview with Other Democracies

An examination of other democracies offers knowledge about how free speech is guarded or inhibited. Article 19(1)(a) of the Constitution of India

also grants freedom of speech except with reasonable restrictions in the country, as in Pakistan. Nevertheless, the Indian Supreme Court has come up with such exhaustive legal tests as to eliminate arbitrary censorship as the clear and present danger doctrine (Basu, 2020).

Conversely, United States-like countries have more protection. The First Amendment virtually prohibits any restrictions on speech by the government with few exceptions (such as incitement to violence or defamation). Whether the speech is controversial or unpopular, the U.S. Supreme Court has always given preference to maximum freedom (Stone, 2021).

Free speech is guaranteed within the administration of the Human Rights Act 1998 (Article 10, European Convention on Human Rights) in the United Kingdom. Nevertheless, constraints are allowed when they are essential in a democratic society. Speech rights in the UK have been held by the courts with few exceptions on a national security or severe harm basis (Fenwick & Phillipson, 2019).

The legal environment in Pakistan is stricter and less consistent compared with these nations. Occasionally, the judiciary safeguards media freedoms; however, non-specific laws and coercion by state agencies usually supersede constitutional and international guarantees.

## 7. Challenges to Free Expression in Pakistan

Even though the right to express freedom of speech is provided in Article 19 of the Constitution, freedom of expression in Pakistan is marred by numerous difficulties. In real life, citizens are frequently limited, censored, and even punished for expressing themselves, particularly about political, religious, or security matters. Such obstacles are both formal and herd pressures.

### 7.1 Legal Restrictions and Broad Laws

There are various laws in Pakistan that restrict speech, usually under some broad term such as morality, national security, or public order. The Pakistan Penal Code (PPC) incorporates such laws as Section 124-A (Sedition), Section 295 (Blasphemy), and Section 20 of PECA 2016 (Cybercrime law) that are commonly applied against journalists, activists, and internet users (Article 19, 2016). Even after the Lahore High Court

ruled Section 124-A unconstitutional in 2023, it is still with a strong legacy (The News International, 2023).

Equally, the Prevention of Electronic Crimes Act (PECA) 2016 has emerged as a prime instrument to regulate online expression. In Section 37, the government is allowed to take down any online content that it deems illegal but with ambiguous definitions. According to human rights organizations, the law is abused so as to silence opposing voices (ICNL, 2023).

### 7.2 Pressure on Journalists and Media

The Pakistani journalists have to endure a high level of pressure. Others end up being harassed, physically assaulted, or fired after whistleblowing against the influential organizations. According to the World Press Freedom Index rankings of 2022, Pakistan holds the 157th position out of 180 countries, which demonstrates severe statistics in the field of media freedom (Reporters Without Borders, 2022). State panels tend to exert pressure on media owners to delete or modify information, particularly when it deals with the military or the judiciary.

One of the most notable cases is closing down news channels or shows, as happened with Geo TV and ARY News, who were temporarily kicked off the air due to publishing stories that criticized state entities (Amnesty International, 2022). Several journalists are either threatened, arrested, or go into exile.

### 7.3 Social and Religious Sensitivities

Pakistan is a very sentimental country regarding speech about religion. The laws of blasphemy are very strict and are always abused. This can result in mob violence or prosecution, despite the fact that, concerning the accused, he/she may be shown to be innocent after the fact. These laws can dampen the spirits of the writers, bloggers, and academics (Zaman, 2021).

### 7.4 Weak Implementation of Rights

Although the Constitution and the courts endorse the freedom of speech, enforcement is feeble. The Pakistan Information Commission, established to defend the right of access to information, has been hampered by financial concerns, as well as the fact

that it does not have the authority to implement its decisions (The News International, 2023). The restrictions are frequently maintained by courts on the allegation of morality or security without a distinct criterion (Dawn, 2023).

## 8. Discussion

In Pakistan, right to freedom of expression is considered a fundamental right recognized in Article 19 of the Constitution of Pakistan. Nonetheless, this right is not objective. It is bound by various restrictions, including public safety, decency, the safety of Pakistan, and the honor of Islam. Although the freedom of the press is guaranteed under the Constitution, the limitation has been the case in many instances where the government usually cites some of them when they implement censorship of the media and suppression of press freedom (Government of Pakistan 1973). It brings about a challenging trade-off between the safeguarding of national interest and the guarantee of a free press and citizen views.

This balance revolves around the insertion of the word reasonable in Article 19. This term has been treated differently by courts over time in Pakistan. In *Luqman Habib v. Federation of Pakistan* (PLD 2010 Lahore 505) the Lahore High Court affirmed that the freedom of articulation does not comprise expression that offends religious susceptibilities. This demonstrates that the courts tend to pay special consideration to cultural and religious beliefs in applying constitutional rights. This is realistic of the social realities but inhibitory of free debate on sensitive yet crucial issues.

This changed with the enactment of Article 19A of the Constitution in 2010 following the 18th Amendment, which gave the right to information to citizens. This was an appreciation of the fact that democracy is transparency. The courts have broadened this right. In *Mukhtar Ahmad Ali v. Pakistan Information Commission* (2023 SCMR 1094), the Supreme Court decreed even strong authorities such as the judiciary and military should observe the principles of transparency unless there was a valid reason to withhold information (Dawn 2023). This incident gave more weight to the right to

information and made secrecy an obligation that now needed state justification and not convenience.

Nevertheless, in spite of these legal triumphs, little action of an enforcing nature takes place. Acts such as the Prevention of Electronic Crimes Act 2016 and Section 124A of the Pakistan Penal Code regarding sedition have been common to suppress journalists and human rights activists as well as political critics (ICNL 2023). The state continues to enjoy broad powers with undefined categories like national security and the best interest of the public, and section 124A, whose reasons are obsolete as determined by the Lahore High Court in 2023, can still be used to restrain expression (The News International 2023).

The international covenants into which Pakistan is bound besides Article 19 of ICCPR demand that Pakistan uphold the freedom of speech and that it curb censorship as well. Nonetheless, the international guidelines ensure that any such limitation has to be necessary and proportionate. The government does not pay attention to these conditions when domestic cases occur (Article 19, 2016).

## 9. The Way Forward

### 9.1 Review and Reform of Restrictive Laws

Existing laws under which free speech is restricted should be studied carefully by the government. Any ambiguous or general expression has to be vivid when describing the law in such a manner that it would not be abused against the others to the disadvantage of other citizens.

### 9.2 Ensuring Judicial Protection of Fundamental Rights

The right to freedom of expression and access to information should be perpetually safeguarded by the judiciary. Any law or any action that infringes on the Constitution or is used to quash the debate of the people should be resisted by the courts.

### 9.3 Strengthening Access to Information Mechanisms

There should be institutions that aid individuals to retrieve the public records adequately provided, with personnel and autonomy. They should also be in a position to work freely.

#### 9.4 Establishing Fair and Independent Media Regulation

Regulatory agencies of media are supposed to be impartial and independent. They have to endorse responsible journalism without politically or state-controlled media (content).

#### 9.5 Promoting Public Awareness and Citizen Participation

People should learn what their rights are and how to protect them. The civil society, journalists, and the experts on law should not keep silent and should try their best to ensure that the authorities are logically accountable to press freedom.

#### 10. Conclusion

The right to express is an elementary right reaffirmed by the Constitution of Pakistan under Article 19. It enables individuals to express themselves and exchange views and information. This freedom is, however, not without limitation. The state may impose reasonable restrictions due to reasons including, but not limited to, religion, security, public order, and morality. Pakistani courts have attempted to strike a middle ground, safeguarding individual rights by not giving untrammelled power to the state to exert control on an individual as and when it sees fit.

In 2010, Article 19A was introduced to the Constitution. It entitles citizens to information on government activities. This enables the individuals to make the government answerable and to promote transparency. In some court rulings, there has been a call to be more transparent and do away with unneeded censorship.

However, in spite of these gains, several issues are present. The criticism is usually silenced by laws, mostly on social media. Information access is commonly distorted or hindered, and certain influential institutions are not subjected to public review.

In brief, the Constitution guarantees powerful rights to freedom of speech and access to information, but sometimes, these privileges are violated. Pakistan requires improved laws, improved enforcement, and more open and honest communication as an investment in the making of a strong democracy.

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