



Freedom of Speech and Expression in Pakistan and Its Limitations: A Comparative Analysis of Pakistani and International Legal Standards

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ABSTRACT

'Freedom of speech and Expression' is an fundamentally human right and one of the cardinal establishment of modern democracies that empowers Individuals to talk out unreservedly approximately their thoughts and sees without trouble of censorship, examination and striking back, and it is one of the acquired crucial right since the starting of mankind and afterward eventually get beneath the legitimate umbrella of different constitutions, treaties, conventions and charters of the world. And to know that since the constitution of Pakistan gifts each citizen the right to opportunity of expression, but no one can work out this right due to bureaucracy. In this setting, the existing thinks about objective to evaluate the opportunity of expression circumstance of the nation to uncover those variables and performing artists that have a potential to reestablish it. This study adopts qualitative approach that all citizens of Pakistan appreciate flexibility of speech and expression subject to certain limitations such as 'glory of Islam, law and arrange and national security.' These kind of restrictive measures have been utilized against all divisions of the society, minorities, writers, human rights dissident, etc.



Introduction

Freedom of speech is a essential human right, which lies at the center of in all democratic societies, empowering people to express their opinions, and ideas, and thoughts free of government retaliation or censorship. This right, however, is connected and restricted in different ways by domestic frameworks around the world. Different territorial and worldwide arrangements, charters and lawful assertions' ensure the fundamental human right of free expression. Democracy is facilitated when people are managed the opportunity to voice their opinions.

Freedom of speech is the natural right which rises from birth of the individual and it is the awesome God Blessing that the human being communicated their sentiments, thoughts, considerations to the others and it is considered to be the mother of all freedoms (Raza, 2016). Freedom of Speech and expression is the life blood of democracy and the crucial rights are to be understood generously so as to broaden the fronts of free choice, person independence and freedom, such richness and essentialness is a image of a living law in democracy (PLD 2017 Lahore 1). Freedom of speech and Expression“ is the principal and most basic human right is not only the basic necessity for the shelters but also the fundamental of democracy which all are sheltered with the provisions of Universal and Domestic Treaties/Charters (2017 LHC 1305). Different statutes give universal security to the opportunity of speech and expression:

- a) Universal Declaration of Human Right (UDHR) attempted to protect the opportunity of expression and conclusion through its Article-19
- b) An instrument of “International Covenant on Civil and Political Rights (ICCPR)” reveres freedom of speech and expression under article-19.
- c) Article-10 of the European Union (EU) Tradition for the security of human rights enunciates guaranteeing direction for well-being of freedom of expression.
- 4) The American Convention on Human Rights, ensuring the freedom of expression and thoughts under Article-13.

Freedom of speech and expression are ensured by Article 19 of the Constitution of Pakistan, in accordance with reasonable restrictions. But practice struggle some laws, regulations restrict expression (especially concerns about national security, public order). Continued defending in this respect will offer strengthen democracy in Pakistan by guaranteeing free media and freedom of expression such as is cherished in the worldwide community. Freedom of speech and expression has basic for the field of news coverage that empowers the media to perform its work as the guard dog and witness in the nation. In spite of the fact that there are lawful systems in put to defend these rights, journalists frequently contend with major challenges — censorship, dangers, and legitimate obstructions, to title a few. Freedom of expression in journalism is crucial for popular government, responsibility and social equity, and journalists’ playwriting freedom of expression is pivotal. In an ever-evolving global landscape, the defense of the principles of journalistic freedom is a vital issue that demands continuous focus and action. Freedom of press that means freedom of speech and expression have right as well as restricted to how far a person who involved in the business of newspapers doesn’t have the right than a common man as freedom of press and speech is neither absolute nor unlimited, so the protection given to the press can’t be strained to cover the wrong ways, constitution provided where press must not offend the cases of public order, morality, and decency as if the line of criticism has crossed then they became liable to contempt but any journalist, editor or report can’t take the shelter of good faith (PLD 1998 SC 823).

Literature Review

Expression is guaranteed under Article 19 of the 1973 Constitution, for all citizens of Pakistan, with possible limits such as the "glory of Islam," "law and order," and "national security" (Ahmad & Malik, 2020). These boundaries have been abused so often contrary to the other groups if not the

population haystack, especially religious minorities particularly in relation to any ant blasphemy law and voting control (CRSS 2014).

Sun (2014) is of the view that in a democracy, the freedom of expression not only enables the decision makers to realize the force of different opinion that exists but also inspires tolerance to such views.

(Jamil, 2019) argues that there is no written law for freedom of expression on the internet, which applies to Afghanistan, despite Pakistan Article 19 and 19A of Constitution ensuring freedom of expression and access to information. The Pakistan Telecommunication Authority's (P.T.A.) rules and regulations govern online content. Jamil also explores the concept of blasphemy from outside sources as well as the response by the Pakistani government, including the YouTube ban.

Ahmed (2012) writes about that liberty which is in opposition to the existing system of society in Pakistan which is not a land of liberty but a soil how a little of some just people have at least a liberty to talk; where there is no system of personal opinion formation, only an unjustified mentality based mob cannot let occupy a free opinion. Uddin and Tarin (2013) argue laws are vital to control the liberty expression for one's self but at times lenient on powerful offenders while it punishes peaceful talkers. Long story short, SUCH actions ARE counterproductive and flagellation show up in the form of chaos/disorder in the society.

In Countries, where the Freedom of Speech is banned. However, In a place like Pakistan, where there is little time to voice those opinions, and a limited understanding of freedom of speech (Melissen, 2005), The laws are against an individual's freedom of speech and expression as well, Violent Criminals will get either life in prison or do time but a penalty against any forms of verbal expression ends up not being as salient and with time only fuels the (fruitless) fire of conflict resulting in Stalinization and instability over time (Uddin, 2015).

Ahmed (2012) talking about liberty of expression of self for a change in the status quo of the society. His view, means there can be no opinion making as an individual in a country where freedom of expression is limited, but only a mob of a same mindset in the country, lacking out innovative opinions, as in Pakistan. He believes the radical brainwashing achieved by the terrorism of the society must be neutralized through an intellectual counter narrative.

Moreover the Pakistani media is still choke under the thumb of military, intelligence agencies, politicians and judiciary where the Pakistani journalist are unable to criticize the government (Naveed 2013).

(Rahman, 2012) While the Constitution of Pakistan had laid the foundation for freedom of speech Rehman explains, there still existed clauses within it that seamlessly made it tedious to practice. But that freedom can still be limited under Article 19 of the Constitution which guarantees freedom of speech and expression if such action is reasonable and in the interest of the defense Islam public order national security decorum morality and relations with other States. While desiring to preserve the citizenry, that they first, regulated the national interest and order, but condemned their vagueness and wide phrasing and their tendency at misuse.

Research Method

The research methodology for this article is an in-depth qualitative phenomenological exploration aimed to investigate the intricate two-way relationship between the most basic rights to free speech protected in the Pakistani constitution and the everyday lives of its people. The Pakistan Constitution guarantees freedom of speech, but there are limitations and restrictions on such freedom of speech under the Pakistan Constitution. Ultimately, it provides an overview of many of the issues and challenges with which the media and the social and political milieu of Pakistan grappled during this era.

Freedom of Speech in Pakistan; An Overview

Not a single structure in the world which talk of free speech as a essential right. It is moreover ensured in the Constitution of Pakistan 1973 as specified in Article 19. Essentially, the 1st amendment of the American Constitution guarantees freedom of speech for the individuals of the U.S. The right to talk unreservedly is too emphasized in Article 10 of The Human Rights Act of 1998 of the UK as well as Article 19 of the Universal Declaration of Human Rights. Each citizen of Pakistan might have the right to freedom of speech i.e. independently and collectively exercisable as ensured to each citizen by Article 19 of the Pakistan Constitution, 1973. Article 19 has moreover unequivocally secured the freedom of expression to the press, including electronic and print media. But this is not add up to opportunity on the iron block. As one sentence that ensures this opportunity moreover makes its recipients subject to certain sensible limitations forced by law.

The Constitution of 1973 distinctly and specifically gives the taxpayers of Pakistan accompanying the right to fundamental individual rights. Article 19 states, “Every settler has the right to right to speak freely and media workers, subject to some reasonable disadvantages compulsory in accordance with the law in consideration of the glory of Islam, the purity, safety, or justification of Pakistan or some portion of it, companionable connections accompanying alien states, public order, virtue, or honesty, or concerning disdain of court, delivering or cueing an displeasure.”

Pakistan in fact stands out as single of the modest group of nations that has that legitimately cherished the right to information as an aspect of its constitution. This right is what ensures that one can think and speak whatever they wish. Over and over, the Supreme Court of Pakistan has articulated on the rule that no government, office or intelligence agency can control the fundamental right of freedom of speech, expression and press beyond what Article 19 of the Constitution stipulates as the parameters for natural law. No, the self-deceit of those who practice these sorts of strategies in the mistaken idea they are fighting for a few greater perfect is the stuff of the worst of tragedies. Pakistan is a country governed under a Constitution which states, Acquiescence to the Constitution and the law is the unchallengeable obligation of each citizen wherever he may be and of every other individual for the time being in Pakistan (P L D 2019 Supreme Court 318).

Freedom of expression is fundamentally great, and, truly, essential to the appropriate operational of democracy and civil society. You require them for the security of other human rights such as due prepare in criminal equity, the right to education, the appropriate standard of living, equality, human respect, the rights of women, people groups and minorities. Freedom of expression too creates the excellencies like tolerance, self-control, resistance & resilience. A pen is mightier than

a sword, as Edward Bulwer-Lytton would say. Expression is distant more viable weapon for cleansing a society from the social disasters than violence.

Freedom of Speech in International Human Rights Instruments

i. Universal Declaration of Human Rights and Freedom of Speech:

The Universal Declaration of Human Rights (UDHR) is a generative, document that codifies essential civil rights and certifying freedom of speech as a worldwide right. The Universal Declaration of Human Rights is a greedy standard at which point all nations attend but has no allowable control. It concerns all in every country in the planet, as allure title suggests. In spite of the case that not fairly enforceable, the Declaration of Human Rights has happened entrenched in abundant state constitutions and household permissible arrangements.

The proclamation has likely bureaucratic rules for a have of added fairly binding civil rights treaties, and it has set a clear pattern of entire civil rights guidelines that must be state-of-the-art and financed in each country. Article 19: Everybody has the right to immunity of belief and verbalization; this right combines privilege to hold belief outside meddling and to expect, sustain and present news and concepts through some television and however limitations (UDHR, 2023, Article 19).

ii. European Convention on Human Rights and Freedom of Speech:

Everyone has the right to right to speak freely. This right should combine the immunity to hold belief and receive and give news and concepts through some television and however of boundaries and outside impedance for one administration. All things considered, still this supplying (Article 10, ECHR, 2023), states may still demand licenses for wireless, tv, and feature trades.

However, for the exercise of these exemptions may be subject in accordance with the law to orders, environments, restraints or punishments, as are signed in accordance with the law and are owned by a representative association, nationwide freedom, regional uprightness or public safety, safeguarding public order or preventing misdeed, guaranteeing the well-being or moral assurances of the things, upholding the expert and impartiality of the judges, or acquiring the wellbeing or added rights of the bodies. (ibid.).

iii. International covenant on obliging and governmental rights (ICCPR) and Freedom of Speech:

One of the center entire civil rights means loyal to obliging and governmental rights (containing immunity of speech) is the International Covenant on Civil and Political Rights (ICCPR). All be entitled to to express their concerns outside restraint. Everybody has the right of right to speak freely, to hold belief outside meddling and to expect, accept and award news and concepts through some publishing and however boundaries, either orally, written or in print, in the frame of creativity, or through some additional publishing of welcome choice.

The rights help in this place item are subject to sure responsibilities and blames. Subsequently, this right may not principal, still, specific restraints can only be determined in accordance with the law and demand expected owned by guarantee the rights or prestige of possible choice, internal protection, public order community health and ethics. (OHCHR, 2023, Article 19)

Major Constitutions and Freedom of Speech

i. Constitution of the UK and Freedom of Speech:

Article 10 handles Freedom of expression: This right shall involve independence to hold belief, and to accept and give news and plans through some publishing outside meddling by public expert and although boundaries. This Article does not inhibit States from needing the licensing of radio, station or film activities.

Like other freedoms, the right to free speech or expression is constrained in the UK by both common law and statute. (Chaudhry, 1996, p.178).

Qualified limitations on the right to free expression incorporate treason, rebellion, official privileged insights, prompting ethnic hatred, contempt, both of the court and of Parliament, as well as prompting mutiny or upsetting among police or military personnel. The only restrictions that remain concern the direction of blasphemy, obscenity and seditious libel in civil and criminal cases, defamation, and the common application of these laws to the daily papers, remote businesses, tv and theaters.

Even if everybody recognizes the significance of the right to free speech, there may be differences of opinion on whether it is sensible to restrain it in order to accomplish other goals, such as securing youthful individuals from corruption or avoiding civil distress. One may deduce the propriety of such restrictions based on the justifications for why individuals esteem freedom of expression. A few would contend that censorship anticipates society from finding the truth around contentious things. A few would contend that everyone's ethical independence incorporates the freedom to compose, examined, and speak.(Smartt, 2020)

ii. Constitution of USA and Freedom of Speech:

First amendment to the Constitution of United States Of America states that: Congress power create no society concerning an institution of myth, or stopping the acrobatic exercise thereof, or abridging the freedom of speech, or of media workers, or the right of the things calmly to congregate, and to request the Government for a change of complaints” ((Butt, 2018, p. 169).

One religion has been pronounced the official church in different countries, and it has moreover received monetary support. This amendment precludes the establishing of new churches or giving any help to already-existing ones. It has been translated to prohibit the government from underwriting or supporting religious convictions. , Congress may not favor laws that force limitations on the press, speech, or religion or that prohibits peaceful gatherings of individuals. Congress may not be able to anticipate individuals from inquiring the government for offer assistance in order to stop unjustifiable treatment (Smith, 2023).

iii. Constitution of India and Freedom of Speech:

The following rights belong to every Indian citizen: the freedom of opinion and speech; the right to peaceful assembly without resorting to violence; the freedom to organize unions or associations; the freedom to travel around the country as one would like; the freedom to reside and establish wherever in India; and the freedom to pursue a profession in any field, trade, or company. (Constitution of India, 2023, Article 19).

Freedom of Expression has Received Widespread International Applause and Recognition

In the realm of public policy, however, not all speech is good (Toni M. 1991). Freedom of expression is enshrined as the bedrock of democracy in Article 19 of the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1976) and other legal document. This liberating path is essential for Creating Democracy (WJ. Van, 2015). In accordance with Principle 2 of the Declaration “Everyone Has the Right to Equivalent Opportunity” of which freedom of Speech is the most basic and fundamental right of every human being irrespective of race, color, religion, sex, language, social and political view. So it is becomes a platform where people can put any kind of content that they want. As a bedrock right, the right to freedom of expression is embedded in the American system no matter the dispute at hand, the context in which it’s presented or whether or not it is deemed socially acceptable. In a recent American System judiciary ruling individuals somehow well-wishing in the interest of the somewhat vague notion of principle that somehow the democratic institutions of the state should be more informative or informative more of the time, in perspectives very matters of public interest and the state, and about public servants. These restrictions carve out a tiny window of time during which public officials may still face intense popular scrutiny (IACHR 2013).

Censorship in Pakistan

It is to be reserved in mind here that the history of democracy in Pakistan has been quite for brief stretches of democracy and military rule to a more prominent extent are cause of this. Identity of democratic regime is without a doubt the freedom of press, hence, amusingly, the Pakistani media at all front has been directed in a way of anti-state, anti-ruling party, positive news, negative news, right publication/ daily paper, cleared out editorial/newspaper and so on as per regime in, touching their political stand-up or need thereof. Not as it were are media subordinate on democracy, majority rule government is subordinate on media.

But censorship is not something that is advanced anywhere in the world. The right to freedom of expression has been raised to the glory of a crucial human right, and in this way we have treated it as such. Still, there have been cases around the world that can be seen as infringement of this right and a shape of censorship. Actually, these consider the esteem framework of the government, the morals of the authorities (or the private parties in this setting as well), and the most of all the attitude of the majority.

Pakistan is not an exception in this context. In our country, most of the illegal content is blasphemous, goes against the ethical and moral boundaries laid out by Islam or is a threat to national security. The issue is when all of it gets closed down, not fair the scornful stuff.

The law gives for freedom of expression, including for individuals of the press, but incorporates limitations in accordance with the constitution. In expansion, threats, harassment, abductions, violence and killings made journalists and editors self-censor and take after publication instructions from the state. Extraordinary violence, or threats of violence, was dispensed upon journalists by state and no state actors, including political parties. (Bar & Nets 2022)

Right to free speech of citizens, political parties and media in Pakistan corrodes substantially:

The level of intolerance for contradicting voices on the web, especially in connection to political activism, free speech of citizens and journalists, as well as utilize of force against mobile networks, guaranteeing diminished access to internet, and forcing a delay of a widely-used key social media platform, a source of rebellion against government policies, assaults on journalists and staff over media houses, harassment and intimidation, the death of five journalists, collectively prohibited the skyline of freedom of expression in Pakistan in 2023 and hence made a danger scene for media.

Dozens of journalists and bloggers have received legal notices, a few have been captured, and some have been assaulted and brutally scared, amid the crackdown in this period. Indeed political agents got caught in the dragnet. All this happened, at the time of serious official notices, even those of senior government office holders, and, at that point, normal assaults against online speech. Consider a few statements:

- “A campaign against the armed force, on social media does not constitute freedom of expression. “Such a conspiracy ought to be buried under a overwhelming box”, Prime Minister Shahbaz Sharif, citing a announcement issued in Islamabad on July 9, 2023, cited by The Country daily.
- “Social media is utilized to create an environment of chaos, lose hope and freeze that they are depicting fake news making an impression that the state has misplaced its writ and when the real-time information is related with fake news or inquiries of the state, it picks up concern’, Armed force Chief General Asim Munir at a convention of agriculturists in Islamabad, detailed by The News, on December 30, 2023.
- “The more you lie, the more it offers on social media. “False charges against the legal are being monetized,” Qazi Faiz Isa, the Former chief justice of Pakistan, from a trial of a case in the Supreme Court of Pakistan at Islamabad on April 2, 2024, as detailed by the Express Tribune and The News Dailies.
- “It has ended up a mold to level unwarranted and groundless affirmations against armed forces. This malicious propaganda is portion of a detestable proposition to partition the masses and the armed forces. Such endeavors will not be allowed to succeed and strict activity in accordance with the dignity of the law and constitution will be guaranteed,” Dawn newspaper on April 17 cited from a meeting of corps commanders of the army.

These explanations, nearby a common concealment – and other dangerous acts by non-state actors — driven to over 200 writers, bloggers and other online data experts being focused on through over 70 legal notices served to them. Numerous taken after a ‘joint examination team’ joint operation of a few departments of the official, which had been constituted to discover people active in charged spread campaigns against certain judges (in spite of the fact that the chief equity subsequently kept up he was not a complainant in this matter) and that the legal was being utilized to target free expression directed at others.

Major Failures:

The freedom of expression dial in Pakistan witnessed reversals in the period under review due to key state actions and non-state actors’ targeting of journalists and free speech specialists included the following:

i. Press freedom violations: During May 2023 to March 2024, Freedom Network was able to document at least 104 cases of infringement kill, assault, harm, seizing, dangers, and legal cases of journalists and other media professionals. According to regional breakdown, Sindh had the most noteworthy number of infringement accounting for 33% of a add up to of 104 cases (34 out of add up to) whereas the capital, Islamabad was the second deadliest for journalists/content producers, 26% cases were detailed there, followed by Khyber Pakhtunkhwa (23 % cases), Punjab (12%, 13 cases), Balochistan (4%, 4 cases)and AJK (2% or 2 cases). More than half (57%) of the 104 victims (59) worked for TV — which emerged as the most assaulted journalism medium. The moment biggest group among the victims (33%) were journalists from print media (35) whereas nine cases (nine%) compared to journalists who worked for digital media. Another was the radio journalist: an Afghan journalist is refugee in Islamabad, who lived through a dangerous attack on his life.



ii. Shut-down of web, social media destinations and versatile services:

Pakistan saw widespread internet shutdowns from 2023 to 2024, affecting tens of millions of individuals in it. Key outlines included:

May 2023: Following the arrest of previous Prime Minister Imran Ahmad Khan, mobile services and the internet were suspended all over Pakistan. The suspension hit daily-wage workers, businesses and others who depend on mobile information for work and communication, agreeing to the internet observing groups NetBlocks and Open Observatory of Network Interference. The suspension was followed, for hours, by total inaccessibility of nearly all major social media platforms, including Facebook, X/Twitter, YouTube, WhatsApp, TikTok and Telegram.

December 2023 and January 2024 : For the duration of the coverage period, the government had purportedly throttled internet services over the country amid a virtual jalsa, or rally, organized by contradicting PTI party in January 2024, with indeed social media stages, such as X, Facebook, Instagram and YouTube, being made unapproachable to users. In December 2023 and January 2024 virtual jalsas were allegedly not broadcast on social media platforms.

February 2024:. a near-total shutdown of the country's mobile phone services on Feb. 8, 2024 — the day on which more than 125 million enrolled voters were mandated to fill national and provincial elected representatives. It stifled dualistic rights that are sacred — the right of get to to

information and the right to freedom of expression — on the most important date on the nation's democratic calendar.

iii. Murders:

In the period from May 2023 to Walk 2024, four journalists were murdered, three of whom made the extreme give up for their public interest journalism, resulting in an continuous disturbing impact on media freedoms of political expression through inducing self-censorship:

- On May 5, 2023, Imtiaz Baig, a Samaa TV newsperson was violently attacked in Jhelum in Punjab province by unidentified attackers using clubs and sticks as he risen from a mosque after supplications. He afterward died of his wounds at a hospital.
- Ghulam Asghar Khand, a reporter working with a neighborhood newspaper Sobh, was at his home on August 8, 2023, entertaining guests at his home in Ahmedpur town of Khairpur city in Sindh territory when two men charged in and opened fire on him. He was shot various times, and capitulated at the scene.
- The September 6, 2023 story said Jan Muhammad Mahar, a bureau chief for Kawish TV, was assaulted and shot on August 19, 2023, whereas sitting in his car exterior his office in Sukkur, in Sindh province, by two unidentified people on a motorcycle.
- On 14th March 2024, Sagheer Ahmed Laar columnist Khabrain news was shot by unrevealed invaders [inside] pharmacy. He died at that moment
-

Small Successes:

There were little victories in the battle to anticipate sick will and activity from clearing freedom of expression through and through. A few of that was the result of activity from the courts that permitted journalists and citizens to keep working out their right to free speech and civic spaces. These included:

- On January 2024, the Supreme Court of Pakistan issued orders directing the Federal Investigations Agency (FIA) to suspend notices conveyed to journalists, during the hearings of a joint petition filed by affiliations of journalists covering the Supreme Court and Islamabad High Court.
- The Lahore High Court suppressed a case in November 2023 against a journalist charged of hate speech and sedition.
- The social media platform moreover made a comeback in February when the Sindh High Court ordered X to be restored; the social media platform was afterward permitted for public use through the Islamabad High Court in April.
- The other day the Supreme Court quashed a police case against journalist and executive ARY news Ahmad Yousaf in Criminal Appeal 225. In its verdict, the court moreover directed authorities not to attempt malicious or frivolous prosecutions of journalists as it deprives citizens of their most fundamental civil liberties, like “freedom of movement, assembly, speech, and right to information”, among others.

Limitations on Freedom of Speech in Pakistan:

i. The glory of Islam:

Since Islam is the foundation stone of Pakistan, no one (citizens of Pakistan) can work out their right to free speech or express any ideas, opinions that run against the built up standards and statutes of Islam in the Pakistan. Additionally, nothing is permitted to be distributed under the pretense of press freedom that either straightforwardly or in a roundabout way criticizes Islam, its convention or its beliefs (Munir, 1996, p. 356).

In brief, no one can say or do anything that in any way can disfavor and degrade the title of Islam, and then state he has the right to freedom of speech. In any case, to protect the image of Islam, Article 19 of Pakistani 1973 constitution gives for freedom of speech, expression and press subject to sensible limitations by law (Mahmood & Shaukat, 1996, p. 144). So it's the responsibility of a person looking for freedom under Article 19 to safeguard and preserve the glory of Islam (Mahmood, 2010, p. 310).

ii. Integrity, security, or defence of Pakistan:

By security of Pakistan, we mean secure condition of any portion of Pakistan (Munir, 1996, p. 356). Individuals who cherish and secure the right to speech and expression ought to have no grounds to be angry when it is denied if the state they live in is at chance of being toppled by outside troops or an inside rebellion that would make the work out of their right impossible. Security is the supreme and the most critical work of the State (Mahmood & Shaukat, 1996, p. 147) "The freedom of speech and expression who appreciates anybody in the State, he is much more important than each inch of area of it and it cannot be encompassed by "democracy" to part it from the State allowed to make it, in any social, ethical, legitimate or political level" (Mahmood, 2010, p. 313).

iii. Friendly Relations with Foreign States:

This proposed restriction of freedom of speech is not, in and of itself correctional for speeches purposely harming Pakistan's relations with other States (Munir, 1996, pp. 358). The development of people regarded in any way disadvantageous to Pakistan's remote relations may be constrained under the Security of Pakistan, 1952 (Mahmood, 2010: p. 314).

The obligation of states for activities of people under their specialist in terms of other states is recognized under international law (Munir, 1996, p. 359). Any attack distributed of a neighborly State runs the chance, of course, of contrarily influencing good relations between States. This implies that such laws (eg those criminalizing the distribution of a libel or forceful propaganda against a neighborly State or a outside dignitary) should stay operational (Article 19 of the Pakistani Structure of 1973 (Ibid.) to rebuff this sort of discourse they are, at slightest theoretically illegal (ibid.), in spite of the fact that not culpable those who do act or will act.

iv. Public Order:

It had expressed prior that the To begin with Amendment does not safeguard likely public-disturbing speech. Consequently, comments that prompt scorn between social classes can be

indicted under Section 153A of the Pakistan Penal Code. Additionally, and fair as the structure would not ensure, comments it is found which are culpable beneath area 295A of the Pakistan Correctional Code for willfully and noxiously talking the devout convictions of any course (ibid.).

Article 19 of the 1973 Pakistani Constitution imagines sensible limitations as restricted to complete freedom of speech or expression. It is not in a way that the forced torments will be examined as acknowledged support or speeding up to the trouble instead of anticipating the hurt (Mahmood & Shaukat 1996, 149). It can take preventive activity (p. 154) when it considers that the open peace is debilitated (p. 154). Though tranquility, peace and public safety are based on public order. It is the need of disorder, including breaches of neighborhood significance, as contradicted to the national extortion of insurrection, social distress or war” which undermines state security (p. 155)

v. Morality or Decency:

Freedom of speech and expression, another shape of unveiling information about others is not pertinent for the journals or explanations which are debaucheries or immoral (Munir, 1996, p. 361). Morality in Article 19, Constitution of Pakistan, 1973 does not apply to an ad-hoc morality, i.e. profound quality of advertisements law that forbids individuals to drink alcohol (Mahmood & Shaukat, 1996, p. 150). Thus, any arrangement of such law, which forces punishment for lauding a individual dependent to an intoxicant would stand void, being an ridiculous and pointless restriction on the right to opportunity of discourse and expression as ensured in the Constitution and as held over (ibid.)

In English Common law this concession is known as “obscenity” but the extend of our protected limitation is much broader since all laws resting on the foundation of decency or morality are shielded (Mahmood, 2010, p. 314). Morality and decency being a liquid categories they have advanced through the social and moral history of a society, both from inside and to exterior communities. Address at that point must be postured approximately those things by the light of what we accept nowadays (ibid.).

vi. Contempt of Court:

The right to freedom of speech and expression is subject to the restriction that no one might utilize words or composing in a way to block or interfere with the orderly administration of the law. Contempt of court implies articulations or composing made some time recently a judge or regarding a judge that are calculated to subvert the authority of a court or the judge, or to delay or disturb the organization of equity, or the legitimate business of the courts (p. 315). In such cases the Court lays down certain rules when hearing libelous things (which contain the charge of contempt of Court). One is that matter naturally defamatory is pronounced wrong unless the opposite be demonstrated wrong. One more guideline is that in deciphering the matter charged to be defamatory, no fractional or relieved meaning by development is allowable.

vii. Commission of or Incitement to an Offence:

It moreover characterizes ”offence” by and large as “Any act or exclusion which is made culpable by any law for the time being in force” (Common Clauses Act, 1897 (p. 316)). Such compliance, they fight, cannot forsake an person the right to engage somebody to commit an offense, in any case small or grave, and whether it is a cognizable offense or something else. If the Court

concludes that a restriction is moderately vital to sidestep prompting to wrongdoing, at that point the Governing body might constrain the freedom of discourse and expression (ibid.)

Such incitements/harangue would be totally substantial blocking as expressed in Article 19 of the 1973 Pakistani Constitution. The other doesn't have to back the other's behavior outside the court or conduct the law anticipates. The simple recommendation that one might not pay charges does not constitute "an affectation to an offence" (Munir, 1996, p. 367).

Discussion:

Freedom of speech and expression is by far the most predominant prerequisite of independent beliefs and the improvement of the society. This dialog around freedom of speech and expression is too complex in Pakistan and speaks to all shades of opinions that co-exist here. Article 19 of the Constitution of Pakistan ensures freedom of speech and expression. Be that as it may, this benefit might be subject to different limitations, especially with respect to "public order" and "security of the state." They have been pushed to the point that the standards of these restrictions are abused over the nation to smother free discourse, driving one to wonder if this pillar of democracy is really free. Freedom of speech and expression has continuously remained at the accepting conclusion due to various limitations in Pakistan. The new digital-age challenges likely heap on to the prevailing perspectives of the talk about approximately freedom of speech in Pakistan. The government has presented laws directing online content, citing national security and social solidness necessities. "Thus, social media stages and online spaces have been changed into war zones in the wrangles about over free expression — as it relates to political speech and social equity. While some, without question, do recognize the need to keep up order to guarantee national security, the contention against the proposed enactment, as well, mirrors the contention for free discourse. Such measures, critics say, fit inside a broader legitimate system that can be utilized to upset rebellion and silence critical voices. In Pakistan the civil society and human rights activists parts been urgent in attaining more space for discourse. They have looked for to teach the open approximately censorship, the freedom of the press and the repercussions of draconian laws on person freedoms.

Recommendations:

i. Legislative Reforms:

The Pakistani Government should review and revise existing law and regulations related to freedom of speech to ensure they are in line with human rights standards. This includes narrowing down vague and overly broad provisions that can be misused to curtail freedom of speech. The legislation should provide clear guidelines on the permissible limitations, striking a balance between protecting individual expression and safeguarding public interests.

ii. Judicial Independence and Competence:

Efforts should be made to strengthen the independence and competence of the judiciary in handling freedom of speech cases. This can be achieved through specialized training programs for judges on human rights, freedom of expression, and international legal standards. Additionally, ensuring fair and timely adjudication of cases and providing adequate resources to the judiciary can enhance its effectiveness in protecting and upholding freedom of speech rights.

iii. Public Awareness and Education:

Promoting public awareness and education about the value and importance of freedom of speech is crucial. Educational institutions, media organizations, and civil society should collaborate to develop programs that highlight the significance of free expression, responsible speech, and the potential consequences of its abuse. Such initiatives can contribute to a more informed and responsible exercise of freedom of speech within the society.

iv. Strengthening Legal Protections:

The Government should implement and strictly enforce laws that protect and security for journalists from violence and intimidation and should establish an independent panel of judges to investigate attacks upon journalists swiftly and effectively, and to ensure their rights.

v. Encouraging Press Freedom:

The government should reform laws and procedures that limit the right to free speech and encourage an atmosphere in which journalists can work without fearing about censorship or retaliation.

vi. International Cooperation:

Pakistan should actively engage in international forums and collaborations on freedom of speech. By participating in dialogues and sharing experiences with other countries, Pakistan can gain valuable insights into best practices, legal frameworks, and mechanisms for protecting freedom of speech. This cooperation can help in shaping domestic policies and legislation to align with global standards.

Conclusion

The important part is that everything except God has some definite limit. Nothing, in this world, this universe we are in, is without constraints. Coming back to the above, we would infer that democracy is prevailing in our country Pakistan, as every citizen is guaranteed the freedom of speech and expression as per constitution of the country where in, a sovereign legal system protects it. So there had to be a tradeoff between these basic rights and common security in the center or at the state level.

This work cannot just be done by the state, and the person needs to take on some work in order to exercise these rights. Freedom of Speech is guaranteed in various societies of the world. It is a formal bastion that beneficiaries have inside the Article 19 of the Constitution that lays out to them the right to speak and convey their sentiments with its segment of the world without agitation and hindrance. It is the duty of the judicial, legislative, and executive departments of government to honor this right. Rights of any kind are fundamental rights which are integrated to safeguard one's dignity, reputation, and privacy. Do not say or feel, "I hate Jews," "I hate Palestinians," "I am a racist," "I hate Muslims," "I am a Jew," "I am an anti-Semite," "I am an extremist," "I am a denominationalist," or "I hate people." The research also highlights the need for a balanced approach to media freedom that considers societal interest and challenges. This includes proposals to bring existing laws more in line with international benchmarks, strengthen judicial independence when it comes to freedom of speech cases, and increase public education on responsible ways to express oneself. Thus, this study adds depth and nuance to the ongoing

conversation about freedom of speech and provides a framework for balancing this right with the need to address broader societal concerns.

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