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## Understanding and Balancing the Freedom of Expression and National Security in Realm of Cyberspace: An Overview of Legislative Framework in Pakistan

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### Abstract

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**Keywords:** Barriers to Freedom of Speech, Cyber Space Laws, Limitations, National Security and Legislative Framework

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### Title

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### Abstract

*Freedom of speech and expression is an inherent and indelible freedom that gives liberty so that subjects can express their opinions. Article 19 of Pakistan's 1973 Constitution permits certain restrictions concerning state security. The study aims to explore not only the actual significance of free speech under the umbrella of social media and national security but also the rightful utilization of this constitutional right and discern the necessary conditions for ameliorating limitations imposed on it. Descriptive methodology with case studies and content analysis applied and significance lies in the dearth of research on the reasons behind the misuse of freedom of expression in the context of social media. The findings culminate that freedom of expression is the one way to maintain discipline and efficiency in public administration and concluded with significant recommendations for a noticeable balance between national security imperatives and the preservation of free speech.*

### Contents

- [Introduction](#)
- [Literature Review](#)
- [Research Methodology](#)
- [Conclusion](#)
- [References](#)

**Keywords:** [Barriers to Freedom of Speech](#), [Cyber Space Laws](#), [Limitations](#), [National Security and Legislative Framework](#)

### Introduction

During the French Revolution in 1789, freedom of speech was established as a necessary right for citizens; in 1948, the United Nations formally recognized freedom of expression as a fundamental human right. The United States adopted the First Amendment on December 15, 1791, and put it into the Bill of Rights, which safeguards the right to freely express thoughts and information. Americans

hold dear the principles enshrined in the First Amendment, allowing them to criticize the government and express opinions without fear of censorship or prosecution.

The need for freedom of expression traces back to 1789 when the UDHR, a pivotal document of the French Revolution, granted the freedom of expression. The First Amendment, part of the US Bill of Rights since 1791, outlines four freedoms:



religion, speech, the media, and the right to assembly. The framers believed that Congress should regulate broadcasting and the press to promote the public good while also ensuring strict legal standards to protect freedom of expression. James Madison, a key architect of the Bill of Rights and the First Amendment, ardently advocated for religious freedom, freedom of speech, and freedom of the press during the founding era.

Freedom of expression is made up of the potential to express opinions and ideas without constraint or obstacles, let the freedom to give voice freely without fear of chastise. It is a mainstay of democratic countries and is regularly protected as a legal right in many national constitutions and international human rights instruments. Key elements of freedom of expression include speech and communication, press freedom, artistic expression, political expression, and religious expression. While freedom of expression is an aspect of self-governing communities, it is not absolute. Certain reservations may be imposed in order to secure the interests of the community, national security, public duty, well-being, or the rights and reputation of others. Striking an equilibrium between protecting free expression and labeling these matters is an uninterrupted challenge in many legal and political systems. The term "freedom of expression" is often used interchangeably with "freedom of speech" and refers to an individual's right to openly hold and express their thoughts.

The current study focused on the true essence of freedom of speech, particularly in the realms of social media and national security, exploring the appropriate and responsible exercise of this fundamental and constitutional right. The study aims to understand how, in contemporary times, freedom of expression in the modern era poses a potential threat to national security and to propose and scrutinize the existing legislative framework in Pakistan designed to address instances of the misuse of freedom of expression. The study utilized doctrinal legal research.

The statutory provisions included in several pertinent legal documents served as the primary data sources, and scholarly legal literature, comments, legal textbooks, and credible scholarly papers sourced from various academic databases

and reliable legal journals were among the secondary materials utilized.

To identify gaps in the existing literature pertaining to freedom of expression in cyberspace and its probable intimidation of state security, an extensive review of relevant laws, statutes, and secondary sources was undertaken. This encompassed a comprehensive examination of reports, various books, academic articles, and international documents. Additionally, the study delved into substantive laws and case laws related to freedom of expression in the digital space. This multifaceted approach allowed for a nuanced understanding of the complex interplay between digital expression and national security concerns.

Keeping in view this background, the current study aims at understanding the significance of national security, and the freedom of expression in cyberspace and to understand and examine the legislative framework towards the protection and limitations upon the freedom of thought and expression. Further, the study will lead to reaching a clear understanding of the freedom of expression and thoughts, national security, and reasons for limitations imposed thereon. In order to attain these objectives a descriptive methodology was adopted under the qualitative design.

## **Literature Review**

The historical roots of this fundamental human right highlight its status as an inherent right, since the inception of humanity. This right has been formally acknowledged in various global constitutions, conventions, treaties, and charters. In the context of the Pakistani supreme law, Article nineteenth serves as the legal repository for this inherent right, albeit with certain limitations and constraints. The objective is to strike stability between the ideals of freedom and societal diversity, particularly concerning matters of faith, belief, and religion, recognizing that unchecked freedom may lead to societal disorder (Ahmad & Malik, [2020](#)).

Aleem et al. ([2021](#)) emphasized the interconnected nature of fundamental rights, asserting that they collectively form the anchor for constitutional protections. They argued that freedom, as a concept, should be viewed in conjunction with fundamental rights enshrined in constitutions. However, they cautioned against unqualified freedom, noting that unchecked

individual freedom is incompatible with organized societies, and stressed the importance of balancing rights with civic responsibilities, highlighting that absolute and uncontrolled individual freedom has no place in contemporary states. The equilibrium between fundamental rights and reasonable restrictions is crucial, considering the collective interests, security, and peace of organized societies.

Freedom of speech is a universally recognized fundamental right, enshrined in numerous constitutions. The constitution of Pakistan also acknowledges but that not as an absolute one. It is guaranteed to citizens but subjected to some limitations imposed by law. Various laws, such as those pertaining to defamation, contempt of court, hate speech, and obscenity, exemplify the limitations imposed on freedom of speech. The constitution itself delineates these limitations under Article 19, acknowledging the need to balance freedom with societal interests and legal constraints (Riaz et al., 2020).

In modern states, unrestricted individual rights do not exist, emphasizing the absence of absolute and uncontrolled liberty. The collective interests of society, the protection of the state, and the upkeep of community order take precedence in organized societies. Fundamental rights lose their meaning if the state itself is in danger, necessitating the curbing of liberties that threaten the state's existence. Laws related to defense, security, discipline in the armed forces, sedition, treason, and espionage are deemed constitutionally valid, provided they have a reasonable relation to preserving the security of the state (Mahmood, 2021).

### **Significance of Unrestricted Speech and Expression in Society**

Everyone is entitled to hold thoughts without intervention, and everyone has the right to free expression; this right encompasses the liberty to pursue, obtain, and convey information and thoughts of all types, without geographical limitations, whether verbally, in the script, or in print, in the form of talent, or through any other medium of their distinction (Saeed, 2021).

Freedom of speech, expression, and the press are indispensable elements for democracy to function properly. Without these freedoms, the

entire center of democracy is at stake. Article 9 of the Pakistani constitution, when carefully read, shows that although this right is unassailable, reasonable limitations may be imposed for justifiable reasons. The law acknowledges the necessity of reasonable classification, particularly to maintain discipline in public servants and ensure efficiency in administration. Azeem (2020) emphasizes that certain restrictions on the freedom of speech for government servants are imperative in the interest of proper governance.

Freedom of expression stands as a fundamental right, recognized as the cornerstone of democratic institutions. It is a natural and inherent right that should only be restricted when its exercise poses a genuine threat to the public interest or directly jeopardizes it. This perspective underscores the significance of balancing the protection of individual liberties with the preservation of public welfare. The significance of freedom of expression, therefore, extends beyond individual rights to encompass the vital underpinnings of a democratic society. It is a delicate balance that ensures the protection of personal freedoms while also safeguarding the greater interests of the public and the democratic system as a whole. In navigating this balance, the democratic ideals of free expression and the press remain essential for the survival and thriving of a democratic society.

### **Balancing Freedom of Expression with National Security**

Democracy promotes freedom of thought and various opinions among decision-makers. However, contemporary governments face hurdles to free speech and expression, with the fundamental barrier being the maintenance of law and order. Diverse factions frequently exploit this difficulty, disrupting both governmental and societal harmony. Free speech is an internationally recognized right, although it is not absolute. In order to protect the individual liberties and positive rights that the constitution declares fundamental, as ably as the need to conserve these rights for the benefit of society as a whole, the imperative of state interests is in need of a careful balancing act between two opposing interests (Azeem, 2020).

The imposed constraints are motivated by considerations about the prestige of Islam, the maintenance of law and order, and the preservation of national security, with the objective of achieving

a harmonious equilibrium between "freedom and diversity in society" in relation to matters of faith, belief, and religion. Unbridled freedom, without such constraints, has the potential to destabilize a society. Pakistan has responded to these difficulties by establishing a number of regulations, including the Defamation Ordinance of 2002, the insertion of sections 295A and 295C in the Pakistani Criminal Code of 1860, and the Electronic Crime Prevention Ordinance of 2009. These legal procedures are intended to protect people's interests and prevent emotional harm. The need for striking social control and reasonable curtailment to shield individual liberties and positive rights declared fundamental by the constitution and the imperative of state interests necessitate a vigilant balance between these interests for the well-being of society as a whole (Azeem, 2020).

Article 19 of Pakistan's Constitution (1973) emphasizes citizens' right to expression and free speech, subject to reasonable legal restrictions, with a focus on Islam, Pakistan's integrity, security, or defense, public order, decency or morality, and contempt of court, crime, or incitement. Furthermore, Article 19(A) highlights the right to information by providing citizens access to information on all topics of public concern, subject to legal control and reasonable constraints (Mahmood, 2021).

In the changing world of modern advances and new communication methods, these constitutional clauses highlight the delicate balance between individual freedoms and the common well-being of society (Tiwari & Ghosh, 2014).

### **Boundaries of Freedom of Expression in the Digital Realm**

The conceptual foundation of media autonomy lies in the universal dissemination of information through diverse and sometimes conflicting sources. Similar to the freedom of individuals in independent governments, media freedom is a crucial aspect that should not be constrained. Any infringement or obstruction of this right would be a violation of the rights granted under Article nineteenth of the Pakistani Constitution (1973). The responsible dissemination of news is imperative, with journalists exercising due care, and caution, and obtaining information from credible sources to prevent the circulation of fake news. The

publication of misinformation can not only cause irreparable harm to individuals' reputations and social standing but also tarnish the country's image.

In examining the responsibilities associated with media freedom, it becomes evident that accountability extends beyond the original author. Printers, publishers, editors, and newspaper owners bear equal responsibility for offensive and defamatory content published in their columns. While journalists enjoy the privilege of expressing honest opinions on matters of public importance, this should not be wielded as a shield to incite personal animosity. Press freedom, a vital component of a democratic system, plays a crucial role in updating the public and holding authorities answerable. Constructive criticism from the press is essential for the improvement of a democratic society, but it should be exercised responsibly, devoid of hatred and malicious intent (Daudpota, 2020).

The guarantee of freedom of the press by Article 19 of the Pakistani Constitution places a responsibility on government and state agency employees to act in a manner that aligns with constitutional goals. It is crucial to note that freedom of expression, while a fundamental right, does not grant power that could compromise the honor and prestige of individuals, the state, or the nation. Both autonomy of the press and independence of expression are integral to a free democratic society, sharing similar foundations but differing in their modes of expression. The law acknowledges that reasonable restrictions are acceptable, preserving the dignity and honor of individuals and households, as guaranteed by Article 14 of the Constitution (Bolobhi, 2012).

### **Role of Social Media in Safeguarding and Enhancing Freedom of Speech**

Emphasizing the transformative role of social media in influencing the background of expression and communication is crucial in understanding its profound impact on modern journalism and news consumption. Coined to encapsulate online communication and interaction, social media platforms thrive on their capacity for widespread dissemination through accessible and scalable post technologies. They have become integral tools in newsgathering and reporting, serving as a dynamic space where professionals, citizens, and media

members collaborate to share information, report incidents, and stay informed. The evolution of social media has not only redefined communication but has also revolutionized the way news is created and consumed. News organizations are transitioning from traditional media paradigms to a dynamic digital approach, fostering a culture of experimentation and innovation. In this ever-changing landscape, mobile activities play a pivotal role, and journalists must navigate this terrain adeptly to leverage real-time reporting tools effectively (Ahmed & Malik, 2022).

Effective listening on social media platforms enables newsrooms to track trending conversations in real time, understand audience reactions, and stay attuned to the pulse of public sentiment. What makes social media especially compelling for journalists is its role as a vital communication channel and a rapid source of breaking news in a world that operates in real time. Platforms like Twitter have become indispensable for reporting the latest news as it unfolds. Utilizing social media not only drives traffic to articles but is also instrumental in source discovery and staying abreast of unfolding events, contributing significantly to a journalist's success. The advent of citizen journalism and online journalism further enriches this digital landscape. Citizen journalists act as gatekeepers, curating and evaluating information from various sources, and covering topics of interest and importance to their communities. Online journalism, characterized by mining public knowledge to create community value, is another innovation in response to the changing dynamics of real-time news dissemination (Tiwari & Ghosh, 2014).

In recognizing the transformative power of social media, media organizations worldwide are adopting convergence as a common strategy. This acknowledgment stems from the realization that no single media resource can comprehensively cover the vast information flows on social media. The collaborative nature of real-time reporting depends not only on platform providers but also on active participation from users. This collaborative aspect may have been overlooked by the Pakistani government in its adoption of social media regulations. The shift in news consumption patterns, facilitated by the internet, marks a departure from the era when people relied on television news networks for 24/7 coverage. The

rise of real-time news, characterized by instant coverage and widespread sharing, has reshaped traditional news transmission mechanisms, rendering them less relevant. Online publishers now serve as platforms for user-generated content, underscoring the participatory nature of the contemporary media environment (Daudpota, 2020).

Real-time news exchanges, facilitated by platforms like WhatsApp, Instagram, Facebook, Twitter, and YouTube, have disrupted traditional reporting processes, urging journalists to expedite the dissemination of information. The desire for real-time information has made consumers active contributors to content creation, challenging the conventional roles of media organizations. In this age of instant news, recipients wield influence over the messages that matter to them, shaping the way they consume information on various platforms, and transcending traditional boundaries of time and location (Tiwari & Ghosh, 2014).

### **Concept of National Security**

The framework of state and state security encompasses the strategies and measures implemented by a government to safeguard its citizens, territory, and interests against both internal and external threats. This comprehensive approach involves protection from political, economic, social, and military challenges, emphasizing the overall security and stability of the nation. State security specifically pertains to shielding the state itself, including its institutions, territory, and citizens, from potential internal and external threats. This involves initiatives such as border security, law enforcement, and intelligence gathering to ensure the well-being of the state (Mahmood, 2021).

Conversely, national security extends beyond the borders and focuses on safeguarding the state's interests, encompassing economic, political, and military facets, both domestically and internationally. This entails the formulation of foreign policy, military defense strategies, and initiatives to maintain economic stability. State and national security, although distinct, are interconnected, sharing the overarching objective of preserving the integrity and stability of the state and its citizens. In essence, security concentrates on upholding the sovereignty and integrity of the



state and aims to safeguard and advance the nation's interests and welfare. (Leffler, [1990](#)).

Pakistan's national security encompasses the strategies and initiatives preserving the state's sovereignty, territorial integrity, political equilibrium, economic well-being, and the welfare of citizens. This overarching concept is classified into two primary dimensions: internal security pertains to shielding the state's institutions, citizens, and territory from internal threats such as terrorism, extremism, and separatist movements while external security involves safeguarding the state's interests and territory from external threats, including foreign aggression, espionage, and cyber attacks (Ali & Patman, [2019](#)).

Pakistan's national security strategy adopts a multi-dimensional approach, incorporating diplomatic, economic, military, and intelligence measures. The government collaborates closely with other nations and international organizations to foster regional stability, enhance security, and combat terrorism and extremism. In the realm of military defense, Pakistan boasts a formidable military equipped with well-trained armed forces responsible for protecting the nation's borders and countering external aggression. The state's intelligence agencies play a pivotal role in preserving national security by collecting and analyzing information on potential threats. In essence, Pakistan's national security initiatives are geared towards safeguarding the country's interests both domestically and internationally, with the ultimate goal of upholding the rectitude and stability of the nation and its citizens (Anwar & Rafique, [2012](#)).

### **National Security Policy of Pakistan**

The Comprehensive National Security Policy of Pakistan, as explicated by Anwar and Rafique ([2012](#)), serves as a fundamental framework for orchestrating all endeavors pertinent to national security, inclusive of defense, foreign relations, internal security, intelligence, economic security, cybersecurity, and nuclear security. Informed by a multidimensional perspective, as elucidated by Hussain ([2021](#)), the policy accentuates various pivotal domains. Firstly, with regard to defense, it accords primacy to the preservation of a robust and well-equipped military apparatus aimed at safeguarding territorial integrity and sovereignty

against external threats. Secondly, concerning foreign relations, it underscores the imperative of nurturing amicable ties with other nations and regional bodies to foster regional stability. Thirdly, internal security endeavors concentrate on countering terrorism, extremism, and separatism to ensure domestic stability. Fourthly, intelligence assumes a critical role in discerning and addressing potential threats. Additionally, emphasis is laid on economic security as vital for citizen welfare and overall stability. Moreover, the policy acknowledges cybersecurity concerns by prioritizing the safeguarding of critical infrastructure and information systems vis-à-vis evolving cyber threats. Lastly, nuclear security underscores the necessity of ensuring the safety, security, and non-proliferation of nuclear armaments and technology. Collectively, these components delineate a comprehensive strategy for safeguarding Pakistan's national security interests.

### **The Role and Impact of National Security on Interstate Relations**

In the context of state relations, national security assumes paramount importance, exerting a profound impact on a nation's ability to safeguard its interests and welfare both domestically and internationally. A well-crafted national security policy and strategy are essential pillars in preserving a nation's sovereignty and territorial integrity, and ensuring stability and security within its borders. The observations articulated by Anwar and Rafique ([2012](#)) underscore the multifaceted significance of national security. Firstly, in terms of foreign relations, a robust national security policy facilitates the cultivation of friendly ties with other countries and regional organizations. It functions as a mechanism to safeguard a nation's interests and sovereignty in global affairs through avenues such as diplomatic engagement, economic cooperation, and military alliances. Secondly, concerning internal security, a meticulously devised national security policy is indispensable in addressing internal threats like terrorism, extremism, and separatist movements. It encompasses various measures including law enforcement, intelligence gathering, and counter-terrorism operations aimed at maintaining stability and security within the nation's borders. Thirdly, economic security is intertwined with national security policies as they contribute to

economic development and stability, shielding citizens from economic threats. This entails the formulation of trade agreements, investment policies, and economic sanctions to safeguard a country's economic interests. In sum, these facets underscore the intricate interplay between national security policies and the broader spectrum of state relations, highlighting their indispensable role in safeguarding a nation's well-being and interests on both domestic and international fronts.

### **The Paramount Significance of National Security**

The prevailing importance of national security is underscored by its direct impact on citizens' well-being, territorial integrity, and the stability of political and economic systems. Absent a robust national security policy and strategy, a country becomes susceptible to a spectrum of threats, encompassing terrorism, extremism, foreign aggression, and cyber attacks (Hussain, [2021](#)). The essence of national security lies in protecting a country's sovereignty, ensuring territorial integrity, fostering regional stability, and safeguarding economic interests, culminating in the overall well-being of the nation (Anwar & Rafique, [2012](#)).

### **Limits on Free Speech in Service of National Security**

Limits on freedom of speech in the interest of state security encompass constraints imposed on a person's right to articulate opinions and ideas to safeguard a country's welfare and interests. Such restrictions are typically implemented to mitigate risks posed by threats such as terrorism, extremism, and espionage, as elucidated by Mahmood (2021). Tiwari and Ghosh ([2014](#)) provide illustrative instances of restrictions on free speech pertinent to national security, which include: firstly, constraints on speech that incites violence or advocates terrorism, as expressions endorsing or glorifying terrorism, or inciting violence against specific groups, are commonly perceived as jeopardizing national security and are hence subjected to limitations. Secondly, limitations on speech divulging classified information, such as details regarding military operations or intelligence activities, are enforced due to their potential to undermine national security. Thirdly, restrictions on speech undermining governmental or state

institutions, including dissemination of false information, are instituted to forestall instability and insecurity. Finally, constraints on speech intended to disrupt public order, like hate speech, are regarded as threats to national security and are consequently subjected to restrictions. These examples underscore the intricate stability between safeguarding state security and preserving freedom of speech, delineating the contours within which such limitations operate in service of broader societal welfare and security concerns. US courts have acknowledged that the right to freedom of expression, as incorporated in the constitution, is not unconditional. It is subject to certain limitations and restrictions, which must meet three fundamental criteria before they can be enforced. Firstly, any limitation imposed must be clearly defined and articulated in legal terms, both formally and substantively. Secondly, such limitations must be designed to further the objectives outlined in the Constitution. Finally, the restriction should be strictly necessary to achieve these legitimate aims, with the means employed proportionate to the desired ends, as emphasized by the Inter-American Commission on Human Rights (IACHR) in [2013](#). These necessary conditions serve as crucial safeguards, guaranteeing that limitations on freedom of speech are justified and balanced within the framework of constitutional principles. Restrictions on freedom of speech in the interest of state security involve curtailing an individual's right to express thoughts and ideas to safeguard the country's well-being and interests. These limitations are typically implemented to mitigate threats like terrorism, extremism, and espionage. Speech that promotes or glorifies terrorism, or incites violence against a specific group, is perceived as a potential threat to state security and is subject to restrictions. Similarly, various expressions like divulging classified information, such as details pertaining to military operations or intelligence activities, have the potential to jeopardize national security or undermine government or state institutions. Disseminating false statements can foment instability and insecurity, warranting limitations. Speech designed to disrupt public order, such as hate speech, is generally deemed a threat to national security and is accordingly subject to restrictions. (Tiwari & Ghosh, [2014](#))

## **The Dominance of National Security over Free Speech**

National security and free speech are both important principles in any democratic society. However, in certain circumstances, national security prevails over free speech when the government determines that certain speech poses a clear and imminent threat to the security of the state and its citizens. This can include speech that incites violence or promotes terrorism, speech that reveals classified information, or speech that undermines the government or state institutions. In such cases, the government may take action to restrict or prohibit that speech in order to protect the country's interests and welfare. However, it's important to note that the limits on free speech in the service of national security should be proportionate to the level of threat, and the government must provide clear evidence of the threat and show that the restriction on free speech is necessary and the least obstructive means to protect the country's national security. Additionally, the government must ensure that the restrictions on free speech are not arbitrary, discriminatory, or based on a political agenda. The government must also provide clear, transparent, and fair procedures for individuals to challenge any restrictions on their free speech. National security and free speech are both important principles that must be balanced in a democratic society. In certain circumstances, the government may need to limit free speech in the interest of protecting national security, but it must do so in a proportionate, transparent, and fair manner (Mahmood, 2021)

## **Statutory Measures to Control Social Abuse in the Context of Freedom of Expression**

Freedom of expression is a fundamental right for all citizens; but, due to red tape, this right is rarely used. The State has taken several steps and begun different programs to prevent the misuse of social media in the context of freedom of expression and other concerns ((Liaquat et al., 2016).

Article 19 of the Pakistani Constitution of the Islamic Republic of Pakistan (1973) protects the Pakistani people in two areas: (a) freedom of speech and expression, and (b) freedom of the

press. "Every citizen shall have the right to free speech and expression, as well as freedom of the press, subject to any reasonable restrictions imposed by law in the interest of the glory of Islam, the integrity, security, or defense of Pakistan or any part thereof, friendly relations with foreign states, public order, decency, or morality, or in relation to contempt of court or incitement to an offense."

The State has issued a new rule named "Removal and Blocking of Unlawful Online Content (Procedures, Supervision, and Protection) Rules (2021)," which created the framework for the Electronic Crimes Prevention Act of 2016. Social media corporations and internet service providers may face fines of up to \$3.14 million for failing to prevent the circulation of anything disparaging to Islam, supporting terrorism, hate speech, pornography, or endangering national security. Companies must remove or deactivate all illegal content from their websites within 24 hours of receiving notification from Pakistani authorities. The regulations also have major implications for Pakistani consumers' privacy, allowing tech companies to request access to human contacts and Internet metadata without court review.

They can further undermine press freedom by subjecting journalists to criminal prosecution if they criticize the military or administration, as such criticism may be seen as an attack on the country's sovereignty or security. Any information critical of Islam could be considered blasphemous and those who spread it on social media risk blasphemy charges. Observers and human rights defenders criticize the government's actions (BoloBhi, 2012). Sections 295, 295-C, 298, and 298-A impose restrictions on certain freedoms of expression. For example, Section 295 of the Criminal Substantive Law XLV 1860 (2008) clearly states the penalty for injuring or defiling a place of worship with the intent to insult the religion of any class.

Section 295-C of the Pakistan Penal Law specifies the penalty for using offensive remarks in respect of the Holy Prophet. Death or imprisonment is declared as the punishment for those found guilty of profaning the Prophet's Holy Name verbally, in writing, or through any act of accusation, slander, or gesture. Section 298 clearly states the penalty for uttering words with the deliberate intent to wound religious feelings. It provides that anyone intentionally wounding or outraging the religious

feelings of any person shall be charged under this section. Section 298-A specifies the penalty for using derogatory remarks in respect of Holy personages or places.

Additionally, Section 509 of the Pakistan Penal Code specifies punishment for uttering any word intruding upon the privacy of women with the intent to insult their modesty. Sections 03 and 14 of the Offence of Qazf Ordinance (VIII of 1979) also impose penalties for defiling sacred names or making false accusations against spouses.

The Prevention of Electronic Crimes Act (PECA) (2016) aims to prevent and punish various forms of electronic crimes, including cyberstalking, online harassment, and hate speech. This law was designed to curb cybercrime and illegal activities in Pakistan's information systems and also intended to protect individuals and communities from harmful online behavior. (Aleem et al.2021). PECA (2016) plays an important role in ensuring the national security of the state by providing legal mechanisms to combat various forms of electronic crimes that threaten national security (Khan et al, 2019).

PECA is severely punished for violating the fundamental right to freedom of expression guaranteed by Article 19 of the Constitution. The Pakistan Telecommunication Authority (PTA) has full authority over how section 19 is read and enforced. The PTA may also select content that may or may not be available to Internet users. Authorized PTA personnel have the right to remove any information they deem immoral, anti-state, targeted at any country deemed to be an ally with Pakistan, or politically inappropriate (Khan, 2018). One of the main concerns with PECA is that it gives broad powers to government agencies to investigate and prosecute electronic crimes, including the power to access private communications and data without a warrant. This can potentially lead to misuse of authority and infringement of privacy rights. In terms of freedom of speech, PECA can be seen as a double-edged sword. While it aims to protect individuals and communities from harmful online behavior, it also has the potential to restrict freedom of speech and violate privacy rights. It is important for the government to ensure that the law is implemented in an impartial and fair manner and that any restrictions on freedom of speech are proportionate and necessary to achieve the law's intended purpose (Aleem et al.2021). Section 37 of PECA,

allows an applicant to file a request with PTA to block the content in question. Accordingly, the PTA reserves the right to act independently on such content without obtaining an order from the court. (Gul et al.2021).

The Federal Investigation Agency (FIA) in Pakistan is responsible for investigating and enforcing laws related to cybercrime, which can include abuses of freedom of speech. The FIA has the authority to take action against individuals or organizations that engage in illegal online activities, such as hate speech, provocation of violence, or the spread of misinformation. The FIA also works with other government agencies and international partners to combat cybercrime and protect the rights of citizens online. However, the FIA's actions and the effectiveness of it is a topic of debate in the country (Dr et al.2021).

Actions of a Federal Investigating Agency on abuse of social media refer to actions taken by the government to investigate and enforce laws related to the misuse or abuse of social media platforms. These actions are typically carried out by a federal investigating agency, such as the Federal Bureau of Investigation (FBI) or the Federal Communications Commission (FCC) (Kamran, 2020).

## **Conclusion and Recommendations**

The study indicates that there is a delicate balance between free expression and national security. While free speech is a vital concept, there are limitations on what can be said or conveyed in sequence to preserve national security. In times of war or conflict, speech may be restricted to prevent the dissemination of critical information that could endanger the country. Hate speech and incitement to violence may also be forbidden in order to keep the peace and protect individuals or groups from harm. To maintain a functioning and safe society, a balance must be maintained between free expression and national security. According to the study, freedom of speech and expression is an internationally recognized fundamental right, and its breadth and importance have a large impact on generating balance, democracy, tolerance, justice, and equity in civil society. The survey also found that Pakistan's current cyber rules are insufficient in terms of implementation and that authorities wield irresponsible and disproportionate powers. Exercising the right to express oneself on social media may result in a violation of privacy and

defamation. In truth, there is a fine line in this process that separates the enjoyment of one's rights from the violation of others'. When it comes to cyber security; nonetheless, owning one is always out of reach for most citizens. The larger part of people are unaware of the content and limits of free speech and expression; while Article 19 of the Islamic Republic of Pakistan's Constitution is comprehensive on the subject of free speech and expression and the limitations imposed on it, its complexity makes it difficult to comprehend. As a result, it may be communicated in a clear manner so that all citizens understand. Specific constitutional details on the importance of state or national security should be included in the

curriculum from primary to university levels to ensure that individuals understand its significance. There may be major legal remedies and punishments in place to enforce present rules and laws governing online abuse, and the state must ensure effective supervision. State agencies and law enforcement should use every technological and procedural instrument at their disposal to protect professional confidentiality and lawful professional privilege during surveillance operations. Furthermore, there should be a widely understood and unambiguous legal definition of what constitutes national security, as well as the conditions under which national security can be used to justify a violation of rights.

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