

Regulating Speech In Pakistan: A Legal And Constitutional Analysis Of Freedom Of Speech

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ABSTRACT

The study looks at Pakistan's legal and constitutional restrictions on the right to free speech, especially how current legislation and court rulings affect and limit this essential freedom. Freedom of expression is guaranteed under Article 19 of the Constitution, although it is subject to extensive and often unclear restrictions for the sake of public order, morality, and national security. Concerns regarding censorship and state control have been highlighted by recent legislation revisions, such as the Punjab Defamation Act 2024 and the PECA Amendments 2025. In order to ascertain if present legal procedures are in line with the constitutional guarantee of free expression, this study will look at crucial constitutional clauses, legislative frameworks, and judicial interpretations. It will examine academic literature, international conventions, and primary legal sources using a doctrinal legal research process. Additionally, the study seeks to pinpoint inconsistencies and weaknesses in the legal system and offer reform suggestions. The study contributes to current debates in Pakistan on democratic governance, the rule of law, and civil liberties.

Key Words: Freedom of Expression, Article 19, PECA, Sedition, Judicial Interpretation, Digital Authoritarianism

Introduction

Freedom of expression is frequently referred to as a cornerstone of citizenship in liberal constitutional democracies, a right that is necessary for both political engagement and human dignity. Article 19 of the Pakistani Constitution guarantees this freedom, but it is encircled by a complex web of limitations, including those related to morality, religion, national security, and the state's ill-defined interests. The resultant legal environment is not neutral; rather, it is a contentious place where the boundaries between speech that is protected and speech that is penalized are continually being redrawn, not just by statutes but also by interpretation, enforcement, and silence.

The research presented here aims to do more than just list the laws that allow or prohibit speech. Rather, it starts with a more fundamental question: whose voice is consistently hidden or criminalized, and what form of speech does the state acknowledge as readable, legal, or acceptable? By doing thus, it views speech

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regulation as a diagnostic site where nationalist concerns, state security requirements and the politics of ethnic, religious, and ideological conformity meet rather than as a separate legal category.

Pakistan's legal system intentionally creates a hierarchy of voices rather than merely reacting to speech because of colonial legacies, authoritarian disruptions, and the consolidation of military and religious authority. Some are eliminated before they are even uttered, while others are amplified. Therefore, the question is not just what the law says regarding speech but also what the law itself becomes when disagreement puts the state's reputation at jeopardy. The more closely one studies Pakistani speech, the more obvious it is that silence is created rather than accidental. From cybercrime laws to sedition laws, legal tools become agents of discipline rather than merely protection.

This idea takes a constitutional and legal approach to the issue of expression while being mindful of how it is used differently in different places and among different identities. Not all citizens are equally heard and not all voices are equally allowed to speak. In particular, areas where speech becomes indistinguishable from subversion serve as reminders that law frequently acts as a filter. It is essential to comprehend these differences in order to comprehend Pakistan's legal legitimacy architecture as well as the boundaries of freedom.

Therefore, the study takes on the task of assessing how Pakistani constitutional law simultaneously guarantees and compromises freedom of expression. It seeks to go beyond doctrinal study and into a structural inquiry: Is the current structure of the legal system designed to silence dissent, or can it genuinely tolerate it?

Background of Research Study

Article 19 of the Pakistani Constitution expressly guarantees freedom of expression, which is recognized worldwide as a fundamental democratic right. These clauses are meant to guarantee public engagement and accountability, in addition to Article 19A, which safeguards the right to access information. Despite these constitutional guarantees, freedom of expression has traditionally been limited by wide exclusions like "public order" and "integrity or security of Pakistan." The state has considerable discretion in deciding what kinds of expression are acceptable thanks to these expansive qualifiers.

Human rights organizations have often shown that political and administrative actions, in addition to legislation, are used to control expression. According to the Human Rights Commission of Pakistan (HRCPP), there has been a "serious regression" in the right to free speech in recent years, including instances of censorship, journalist intimidation, and disappearances. Additionally, their 2023 study notes that times of political unrest led to an increase in free speech infringement.

Pakistan's colonial legal heritage has a significant impact on how speech is treated both legally and politically. Public-order concepts, emergency powers, and the sedition legislation (PPC Section 124-A) all reflect a colonial administration style that gave state authority precedence over individual autonomy. Journalists, political critics, and activists are still targeted by these restrictions.

New challenges have been brought about by digital transformation. The state now has more power to monitor online expression, regulate digital journalism, launch

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investigations, and block or remove content thanks to the Prevention of Electronic Crimes Act (PECA) 2016 and the extended PECA 2025 revisions. Human Rights Watch (HRW) has denounced the amendments as ambiguous, overly expansive, and harmful to civil freedoms, while the International Federation of Journalists (IFJ) has cautioned that they greatly tighten state control over digital communication.

According to recent study by the Digital Rights Foundation, PECA prosecutions have led to a general atmosphere of fear among online activists and journalists, which has increased self-censorship. According to media reports, the 2025 PECA revisions strengthened digital tribunals, added new offenses related to "false information," and centralized content regulation.

The experience of voicing dissent is greatly influenced by Pakistan's terrain, in addition to legal and technological limitations. According to reports by HRCP and Amnesty International, areas like Balochistan, Gilgit-Baltistan (GB), Azad Jammu & Kashmir (AJK), and the former FATA districts are subject to increased restrictions on political expression, communication blackouts, security-driven administration, and increased monitoring. These differences show that there is a geography of free expression linked to political sensitivity, administrative structures, and state security goals rather than a uniform implementation of expressive rights throughout Pakistan.

Problem Statement

Despite Pakistan's constitutional guarantee of freedom of expression, the actual situation is marked by multiple layers of restrictions, ambiguous legal classifications, and inconsistent enforcement. Dissent is severely constrained by wide constitutional exceptions, colonial-era crimes like sedition, and the judiciary's emphasis on "security." Censorship and monitoring are accelerated by digital legislation through PECA and the 2025 amendments, and areas with increased security presence are subject to disproportionately harsh restrictions.

As a result, although freedom of expression is guaranteed by law, it does not always work as intended, and the gap between the promise of the constitution and actual reality is growing.

Justification / Significance of the Study

By analyzing regulation as something ingrained in the legal system itself rather than as a breakdown of legal protection, it questions prevailing narratives.

To create a thorough analysis, it combines several academic fields, including political science, surveillance studies, constitutional law, and regional governance.

It fills a vacuum in Pakistani legal scholarship by addressing regional disparities.

It records rapidly changing digital developments including algorithmic control, surveillance systems, and new tools for criminality.

It adds evidence-based perspectives for upcoming legal, judicial, and lobbying work to policy and reform discussions.

Research Objectives

To critically analyze Pakistan's legal and constitutional provisions pertaining to freedom of expression, emphasizing areas of uncertainty and limitation

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To examine the underlying sociopolitical elements that affect how speech laws are enforced, particularly in areas with complicated ethnic and political identities.

To identify the ways in which the state uses the legal system to elevate some voices while marginalizing others.

To determine if the Pakistani judicial system is built to suppress and negate dissenting narratives or whether it permits meaningful dissent

To offer a nuanced viewpoint that goes beyond doctrinal study, placing freedom of expression in the context of more general issues of identity, power, and governmental authority

Research Questions

What are the key constitutional and legal provisions regulating freedom of expression in Pakistan, and how have they evolved?

How do socio-political factors and regional complexities indirectly shape the implementation of speech laws?

In what ways does the Pakistani legal system produce hierarchies of legitimate and illegitimate speech?

Can the current legal framework accommodate dissenting voices without compromising state security and social cohesion?

How does the law's uneven application affect marginalized or politically sensitive groups, and what implications does this have for democratic freedoms?

Limitations of the Study

Limited disclosure about algorithmic content regulation and surveillance systems

Limited access to censorship-related confidential government directives

Violations in high-risk areas are underreported.

GB, AJK, and the erstwhile FATA have released less court rulings.

In areas with little documentation, reliance on reports that are accessible to the public

Literature Review

Freedom of expression in Pakistan is often framed as a constitutional right under threat. However, many studies treat these threats as anomalies, deviations from an otherwise neutral legal system. This research proposal approaches it differently. It begins from the premise that law is not merely failing to protect speech, but is often structured to control it.

Existing literature focuses heavily on Article 19 of the Constitution and its broad "reasonable restrictions." Reports by Amnesty International and the Human Rights Commission of Pakistan document censorship, shutdowns, and repression, particularly of journalists and activists. Yet these accounts rarely question the ideological role of the law itself.

Osama Siddique and Reema Omer, two critical legal voices, start examining how state narratives about public morality and national security create a constrained, regulated space for dissent.

However, there is still a lack of research on the selective interpretation of legal terminology such as "obscenity," "anti-state," and "hate speech." Speech is filtered by identification, locality, and perceived loyalty in addition to being regulated. This

study expands on these criticisms but poses an alternative option; Does everyone have the right to free speech, or is it limited to those who don't pose a threat to the status quo? It views speech restriction as a diagnostic site where concerns about power, religion, ethnicity, and dissent are encoded in the law rather than as a breakdown in the legal system.

To ground this analysis, the research engages with frameworks from Critical Legal Studies and According to postcolonial philosophy, the law is deeply political and historically placed rather than neutral. It will examine legal texts as well as legal silences, which are instances in which courts refrain from directly engaging in repression or censorship, which may be a kind of control in and of itself.

Therefore, this literature study lays the groundwork for an investigation of how Pakistan's legal system specifies which voices are visible, which are criminalized, and which are eliminated, rather than just restricting expression.

Constitutional and Legal Studies

Although Article 19 of the Pakistani Constitution guarantees freedom of expression, the scope and ambiguity of its "reasonable restrictions" have long garnered criticism. Legal experts contend that the language of these exceptions, which address morality, public order, and national security, gives the state undue interpretive and coercive power. The question of whether constitutional rights are truly safeguarded or structurally limited is raised by this dynamic.

The broad legal categories established in Pakistan's constitutional framework reflect governance logics inherited from the British era, maintaining a regime in which state stability predominates over individual liberty, as Osama Siddique's research shows. In a similar vein, legal analysts like Reema Omer of the International Commission of Jurists stress that ambiguous language in Article 19 acts as a catch-all that permits the executive to stifle dissent without precise, objective boundaries. Maryam Khan's research further demonstrates how Pakistani courts often interpret constitutional speech rights in a security-focused manner, diminishing the potential for significant judicial protection.

Beyond constitutional theory, statutory criminal law is essential for controlling the right to free speech. Decades after independence, the sedition clause in Section 124-A of the Pakistan Penal Code (PPC) is still in effect and is still applied to political critics, journalists, and activists. Sedition prosecutions frequently target political dissent rather than actual risks to state security, according to academics and human rights organizations. In addition to sedition, other PPC offenses like public mischief and blasphemy (Sections 295–298) increase the risk for people who question dominant social or religious narratives, making freedom of expression dependent on conformity.

Judicial Interpretation and Legal Silences

Judicial practice is just as significant in determining expressive boundaries as legal texts. Although courts uphold broad regulatory authority, cases like *Hamid Mir v. Federation* (PLD 2013 SC 244) recognize the value of journalistic freedom. The Supreme Court acknowledged the freedom of information in *Benazir Bhutto v. Federation* (PLD 1988 SC 416), but it did not provide strong restrictions on official

ensorship. When deciding situations pertaining to public order or national security, judges frequently show a propensity for deference rather than opposing administrative intrusion.

This tendency, which academics like Siddique and Khan refer to as "judicial silence," occurs when courts refrain from opposing or challenging oppressive state policies, so allowing restricted practices to go unchallenged. This lax approach weakens the judiciary's protective role in defending expressive rights while also legitimizing state power.

Regional Governance and the Geography of Speech Regulation

A significant quantity of material demonstrates how Pakistan's speech rights are enforced very differently in each location, resulting in what might be called a "geography of free expression." Human rights organizations report that expressive freedoms are more severely restricted in areas like Balochistan, Gilgit-Baltistan (GB), Azad Jammu & Kashmir (AJK), and the erstwhile FATA districts. Researchers contend that the regular press restrictions, communications shutdowns, and increased security activities in these areas lead to an uneven implementation of constitutional norms.

According to political scientists and media experts like Khalid Ahmed and Nayantara & Sadaf Khan, these differences are structurally ingrained rather than accidental. They contend that while central regions have a somewhat more lenient legal system, state officials treat peripheral areas as security zones where dissent is more easily criminalized. This regional perspective compels us to take into account not only national law but also the ways in which spatial power dynamics affect who is able to speak and who is silenced.

Digital Regulation, Authoritarianism, and Algorithmic Control

In Pakistan, new restrictions on speech have been brought about by technological advancements. The state's ability to control internet information has been greatly increased by the Prevention of Electronic Crimes Act (PECA) 2016 and its modifications in 2025. Legal experts have cautioned that while the creation of special tribunals diminishes judicial oversight, the amendments' ambiguous definitions, such as "false information", may criminalize a wide range of criticism.

PECA's implementation disproportionately targets journalists, activists, and critics, according to civil society reports by the Digital Rights Foundation (DRF). Online prosecutions, takedowns, and surveillance create a widespread climate of digital fear. Freedom House, on the other hand, gives Pakistan a low ranking for digital rights, citing content banning, frequent internet outages, and harsh legal measures against online speech.

More concerning, the state has deep access to telecommunications metadata through surveillance technologies like the Lawful Intercept Management System (LIMS), which makes it possible to monitor political speech in real time. The connection between this infrastructure and the government's larger content-filtering and censorship plan has been made clear by investigative journalism. Furthermore, automated systems and large language models (LLMs) may embed political and regional biases, influencing which voices are amplified and which are silenced in

online platforms, according to studies on algorithmic governance. According to sociotechnical research on low-income Pakistani communities, algorithmic screening and mistrust of digital spaces might lead to self-censorship and decreased engagement in online public debate.

Critical Legal and Postcolonial Perspectives

Postcolonial theory and Critical Legal Studies (CLS) offer crucial insights into how law works outside of formal processes. CLS academics contend that rather than being based on impartial principles, law is fundamentally political and reflects current power disparities. CLS explains why ambiguous legal classifications like "public order" and "anti-state speech" continue to exist in Pakistan: they are ideological instruments that uphold state power rather than errors.

Additionally, postcolonial theorists contend that the judicial system is an extension of colonial governance structures, in which some groups continue to be politically and legally subjugated, particularly in marginalized areas. According to writers like Chatterjee and Mamdani, postcolonial administrations frequently replicate colonial tactics of control and surveillance, classifying people as "governable" or "unruly" subjects. That perspective explains why regional differences in speech restriction in Pakistan are so closely linked to past trends of marginalization and securitization.

When CLS and postcolonial theory are combined, the law's function becomes apparent as a political endeavor rather than just a collection of regulations. It shapes who is allowed to express dissent, how the state defines loyalty and belonging, and how legal institutions uphold hierarchical control over public discourse.

Gaps in the Literature

Despite a lot of research, there are still a few gaps:

The ways in which digital monitoring infrastructures, such as LIMS, interact with regional administration to stifle speech have not been thoroughly studied by academics.

Current legal research frequently examines PECA solely as a criminal law matter, failing to adequately consider how AI and algorithmic content regulation influence expressive control.

Empirical studies on the perceptions and experiences of marginalized people regarding digital regulation are scarce, particularly in rural or conflict-affected areas.

Few studies critically assess why courts refrain from using oppressive technology, which contributes to the under-theorization of the concept of judicial silence.

Lastly, there aren't many comprehensive frameworks that look at algorithmic governance, regional authority, surveillance technologies, and constitutional law all at once.

By combining doctrinal legal analysis with socio-legal and technical critique, this study aims to fill these gaps and provide a thorough explanation of speech restriction in Pakistan.

Research Methodology

This study suggests a qualitative and critical legal technique that focuses on how the law itself structures visibility, silence, and dissent rather than whether it safeguards

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freedom of expression in Pakistan. The methodology seeks to comprehend how laws function in practice, selectively, strategically, and frequently unfairly, as opposed to assessing laws solely on the basis of their formal substance.

In addition to treating law as a set of regulations, the study views it as a political text that shapes citizenship, legitimacy, and deviance. As a result, the approach treats censorship as an active function of legal order rather than an anomaly by combining critical reading of legal texts with socio-political interpretation.

Research Design

Qualitative, descriptive, analytical, and interpretive research methods are used.

It integrates:

Doctrinal legal research (case law, statutes, and constitutional text)

Socio-legal research (human rights reports, digital governance, regional imbalances, and political context)

This dual design adheres to the tradition of socio-legal scholars who contend that the political and social context of law is essential to understanding it.

The research design enables an examination of:

Constitutional and statutory instruments of speech regulation

Judicial tendencies and interpretive behavior

Disparities in expressive freedom among regions

Algorithmic and digital control methods

This framework guarantees that the study stays comprehensive and multifaceted.

Research Approach

The study employs an interpretivist qualitative methodology, which is suitable for examining socially created terms like "public order," "national security," and "legitimate speech."

The approach draws on four theoretical bases:

Critical Legal Studies (CLS): The legal system as a tool of authority.

Postcolonial legal theory: colonial perspectives on modern governance.

Surveillance studies: self-censorship, monitoring, and visibility.

Digital authoritarianism: the use of digital and algorithmic technologies for state control.

These frameworks aid in the identification of covert control mechanisms inside Pakistan's speech regulation system and serve as a guide for the interpretation of political trends and legal texts.

Data Collection Methods

Primary Sources:

Primary data includes:

Constitutional provisions

Article 19

Article 19A

Statutory laws

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PPC Section 124-A (sedition)
PPC Sections 295–298 (blasphemy)
PECA 2016 and PECA Amendments 2025

Case law
Benazir Bhutto v. Federation (PLD 1988 SC 416)
Hamid Mir v. Federation (PLD 2013 SC 244)

Government notifications
PTA blocking orders
Internet shutdown directives
These sources provide the formal legal framework required for doctrinal analysis.

Secondary Sources

Scholarly journal publications about regional governance, digital regulation, political repression, and constitutional interpretation
Books about postcolonial law and Pakistani legal development
Reports on human rights (HRC, Amnesty International, DRF, Freedom House)
Investigative reporting on algorithmic filtering, LIMS, and digital surveillance
Policy papers on national security law, censorship, and PECA
Secondary sources provide background for the application of the law and the workings of power through digital and legal procedures.

Sampling Strategy

Purposive sampling, which is common in qualitative socio-legal research, is used in this study.

The following are chosen via purposeful sampling: • Important court decisions that influence expressive rights • The areas with the most obvious limitations (Balochistan, GB, AJK, ex-FATA) • Relevant human rights reports; • Digital regulatory events under PECA; • High-impact censorship events (shutdowns, raids, arrests, takedowns). This sampling technique guarantees that important, not haphazard, instances of speech modulation are included in the study.

Data Analysis Tools

Doctrinal Analysis

Used to interpret:

Constitutional text
Statutory language
Judicial reasoning
Regulatory rules

Inconsistencies, general words, security-focused interpretations, and legal gaps are all found through doctrinal examination.

Thematic Analysis

The socio-legal component groups recurrent concepts from reports, cases, and political events using thematic analysis.

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Themes include:

Disparities in regional administration;

Digital takedown practices; and

Selective enforcement of sedition

Self-censorship motivated by surveillance; judicial deference; and algorithmic suppression
Interpretive legal study frequently use thematic analysis.

Comparative Regional Analysis

Regions are compared on:

Enforcement intensity

Types of cases registered

Nature of censorship

Presence of security forces

Internet shutdown frequency

This tool helps map the “geography of free expression” across Pakistan.

Ethical Considerations

The following ethical guidelines are followed because the study deals with delicate political subjects:

Relying solely on publicly accessible data;

Not identifying people from high-risk areas;

Refraining from making unfounded accusations about any institution; and

Ensuring that criticism stays scholarly and grounded in evidence

These actions are in compliance with socio-legal research ethics norms.

Limitations of the Methodology

Limited court reporting from GB, AJK, and old FATA;

Underreported infractions because of intimidation;

Lack of transparency in algorithmic screening;

No direct interviews (for safety and scope concerns)

The combination of doctrinal and socio-legal analysis offers a rigorous, solid methodological framework in spite of these drawbacks.

Analysis, Findings and Recommendations

By examining legal texts, court rulings, regional governance trends, and digital regulatory practices, this chapter summarizes the main conclusions of the study. It examines how statutory law limits constitutional protections for freedom of expression, how courts interpret expressive rights, how location influences enforcement, and how content control and digital surveillance alter the space for communication. Critical Legal Studies, postcolonial theory, surveillance studies, and the political geography of law are some of the theoretical frameworks used to analyze these findings.

Constitutional and Statutory Analysis

Freedom of speech is guaranteed by Article 19 of the Pakistani Constitution; however, this promise is greatly weakened by its numerous limitations. The general wording of

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"public order" and "integrity of Pakistan" allows state authorities to interpret them broadly. This freedom allows the administrative and legislative branches room to manage dissent under extremely wide pretences. As a result, the constitutional promise is no longer absolute but rather conditional.

This limitation is made harder by the statutory structure. Even when criticism of the state does not constitute violent or insurrectionary behavior, people are nonetheless subject to Section 124-A of the Pakistan Penal Code (sedition). The continued use of this colonial-era clause demonstrates how firmly ingrained legal restrictions on dissent are in Pakistan's criminal justice system.

Similarly, by making speech deemed hurtful to religion illegal, the blasphemy rules under PPC (Sections 295–298) further restrict the freedom of expression. These regulations are frequently implemented in a way that silences dissenting or minority views, demonstrating that statutory prohibitions are ideologically biased rather than neutral.

Judicial Interpretation and Legal Silences

One important conclusion is that Pakistani courts frequently put state stability ahead of expressive freedom, even though they do occasionally uphold press freedom. For example, the Supreme Court recognized the need for press control while upholding media regulating powers in *Hamid Mir v. Federation*. Such ambivalence shows that judicial protection of free speech is tempered by respect for the executive. Notable judicial silences, occurrences in which courts decline to directly contest state action that stifles speech, also exist. The judiciary frequently gives state-led limits on speech implicit sanction rather than limiting executive power, particularly when national security is mentioned. By following this pattern, the courts support legal systems that prioritize the state's interpretative power over the defense of human rights.

Regional Disparities: Geography of Speech Control

The unequal enforcement of expressive rights across regions is one of the study's most important conclusions. State control over speech is noticeably more severe in provinces or regions that are heavily guarded, such as Balochistan, Gilgit-Baltistan, Azad Jammu & Kashmir, and the erstwhile FATA districts. Internet shutdowns, harassment of journalists, and intimidation of dissidents are significantly more common in these locations than in more central or politically secure areas, according to field reports and human rights documents. The idea of a "geography of free expression," in which expressive liberties are depending on geography, is supported by this geographic discrepancy. Instead of functioning consistently, the legal system interacts with political, administrative, and security factors to create areas where speech is strictly regulated.

Digital Regulation, Surveillance, and Algorithmic Control

The increasing significance of digital infrastructure in controlling expression is a key finding. Particularly after its 2025 revision, the Prevention of Electronic Crimes Act (PECA) has given state agencies the authority to keep an eye on, look into, and penalize online activity. The creation of specialized tribunals and ambiguously defined offenses like "false information" under the amendments weaken procedural

protections and increase administrative discretion. Real-time communication monitoring and comprehensive metadata collection are made possible by surveillance infrastructure, especially LIMS (Lawful Intercept Management System). Because people, particularly journalists and activists, may self-censor in anticipation of being watched, this surveillance capability acts as a permanent restriction on speech.

Additionally, a new level of control is introduced via algorithmic and AI-driven content moderation. According to research, political and regional biases may be encoded via linguistic models (LLMs) and automated systems, influencing which voices are amplified and which are repressed online. Although less obvious than takedowns or arrests, these algorithmic restrictions may be more widespread. Lastly, there is a digital divide in the perception of regulation. Low-income rural populations and other marginalized groups with lesser levels of digital literacy are less equipped to deal with or confront censorship and surveillance. Because of this gap, algorithmic regulation not only limits communication but also exacerbates already-existing disparities.

Synthesis: Hierarchies of Speech

When these results are combined, a distinct hierarchy of expressive freedom in Pakistan is revealed. Speakers in urban, politically linked areas who adhere to constitutional and legal norms are at the top and are generally safe, mainstream, and state-aligned. Critical voices at the bottom include journalists who oppose state authority, ethnic minorities, regional activists, and digital critics. These voices are subject to algorithmic repression, judicial deference, surveillance, and legal threats (blasphemy, sedition). This hierarchical structure does not develop at random. Instead, it results from a combination of institutional practices, legal theories, regional power dynamics, and technological capabilities. Through both conventional legal tools and contemporary digital technology, the state maintains and institutionalizes its control over speech.

Summary of Key Findings

Vague and broad exceptions severely limit constitutional rights (Article 19).

Blasphemy and sedition laws continue to be important legal instruments for suppressing opposition.

Courts often avoid challenging oppressive governmental actions by deferring to security arguments (a practice known as "judicial silence").

There is a geographic hierarchy of speech in areas with significant security presence due to disproportionately restrictive policing.

The state's ability to monitor online communication is significantly increased by digital regulation (PECA) and surveillance technologies (LIMS).

Less obvious but potent new types of voice control are introduced by AI and algorithmic systems.

A structured, multifaceted hierarchy of expression that systematically marginalizes dissenting voices is created by the combination of these multiple mechanisms, legal, geographic, and technical.

Implications of the Analysis

These results provide credence to the idea that Pakistani freedom of expression is hierarchical, discriminatory, and regulated rather than equally available. A regulatory ecology that actively shapes who can speak, what they can say, and where they can say it is formed by the combination of institutional, technological, legal, and geographic factors.

Recommendations

The following changes are suggested in light of the findings:

Clarification of the Constitution

Instead of using wide political interpretations, amend Article 19 to establish "reasonable restrictions" with precise, limited justifications that adhere to international human rights norms.

Sedition Repeal (PPC 124-A)

To ensure that peaceful protest cannot be criminalized on colonial-era doctrines, Section 124-A should be repealed or significantly revised.

The Standard of Judicial Proportionality

To help courts strike a balance between state interests and basic freedoms, proportionality analysis should be introduced and upheld in constitutional rights matters.

Digital Policing Transparency

Require independent oversight for digital surveillance technologies such as LIMS, algorithmic auditing, and PECA investigations

Protection of Regional Rights

Establish uniform procedures and public reporting systems for media restrictions, internet shutdowns and enforced disappearances throughout GB, AJK, Balochistan, and combined districts

Public Access and Algorithmic Fairness

To lessen prejudice against minority languages and local populations, make sure AI systems for content moderation are transparent, accountable, and multilingual.

Strengthening Civil Society

Encourage community-based organizations, digital rights organizations, and independent journalism that focus on the rights of expression in marginalized communities

Conclusion

Through constitutional, statutory, judicial, regional, and digital lenses, this study investigated Pakistan's framework for freedom of expression. Despite being legally protected by Articles 19 and 19A, the analysis demonstrates that freedom of expression functions as a conditional and unevenly distributed right. The law

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purposefully creates a hierarchy that favors some voices while marginalizing others, rather than just failing to protect expression.

The state might prioritize public order, national security, and morality over expressive rights due to the too expansive definition of "reasonable restrictions" in the constitution. Statutory laws continue to be applied in disproportionately broad ways, especially Section 124-A (sedition) and the PPC's blasphemy penalties. A trend of judicial deference in the face of security claims is revealed by the fact that court interpretation frequently coincides with administrative preferences. Courts frequently refrain from contesting state overreach in important cases, which perpetuates what academics refer to as judicial silence.

The territorial disparity in expressive freedoms is a major finding of this study. Due to militarization, political sensitivities, and infrastructure limitations, official control over speech is far more stringent in areas like Balochistan, Gilgit-Baltistan, Azad Jammu & Kashmir, and the erstwhile FATA. These regional disparities highlight Pakistan's territorially contingent and uneven application of free expression. A new area of control is introduced by the digital environment. The ability to regulate has been strengthened by the PECA amendments, the state's increasing dependence on algorithmic and AI-based content filtering, and the growth of surveillance infrastructure like LIMS. Compared to traditional censorship, digital repression is more widespread and quieter, but it also lasts longer. Algorithms create an environment where exposure becomes a function of political safety rather than public significance by amplifying some narratives and suppressing others.

Overall, the results support the idea that a multi-layered hierarchy of speech is created by Pakistan's legal and regulatory framework. Voices that support prevailing state narratives are at the top, while dissenters, whether journalists, political activists, members of ethnic minorities, or internet critics, face institutional, technological, legal, and geographic limitations. Although there is legal protection for freedom of expression, it is technologically mediated, institutionally limited, and structurally uneven.

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