**[Silencing Pakistan](https://www.dawn.com/news/1767243/silencing-pakistan)**

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THE project to scare Pakistani citizens into silence continues, this time with a desperate last-minute effort by the current government at the end of its tenure.

[Three pieces of legislation and amendments](https://www.dawn.com/news/1766979) to a set of the Rules are about to be bulldozed through parliament and the cabinet. The Prime Minister’s Office has stated that a Personal Data Protection Bill, 2023, and an E-Safety bill, that still has not been made public, are to be tabled soon. Another bill proposing amendments to Peca, 2016, and social media rules is also due to be tabled.

The Peca amendment bill includes measures that will roll back the freedom of speech rights of Pakistani citizens, cementing Peca as Pakistan’s premier censorship law.

It proposes the addition of Section 20-A, titled “fake or false information” with a five-year punishment in case of conviction and a Rs1 million fine for disseminating, publicly exhibiting, and transmitting “any information through any information system”, which one “knows or has reason to believe to be false or fake and likely to cause or create a sense of fear, panic or disorder or unrest in general public or in society”. Such broad terminology and vague criteria are clearly meant to be abused by the state to clamp down on criticism of its policies.

Moreover, this will impact journalism as reporting that does not toe the state’s line will be questioned and prosecuted.

Furthermore, the bill proposes to add Section 20-A to the list of offences that are cognisable, non-bailable, and non-compoundable, empowering the FIA to arrest anyone accused of spreading “fake or false information” without a warrant, not have the option of bail or compromise.

This will have a chilling effect on Pakistanis, especially journalists, activists, and political workers; and is the most draconian attempted attack on freedom of speech in Pakistan yet.

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Another proposal in the Peca amendment bill is substituting Section 37, which deals with “unlawful online content” with a new iteration of Section 37, which includes additions from the previous version of the Removal and Blocking of Unlawful Online Content Rules, 2021, promulgated by the PTI government and opposed by the PPP and PML-N. The Islamabad High Court in 2022 had ruled that these rules are unconstitutional. The PDM government is now pasting the rules onto Peca and passing them through parliament.

The new Section 37 adds 16 different types of content indicating that the PTA can order social media companies to block or remove these; and these stipulations are to override the community standards or rules that social media companies have globally for all jurisdictions.

The most concerning of these includes Part C relating to content that “incites or is likely to incite public to take the law in own hands”; Part L relates to content that is “known to be fake or false”, which is similar to the proposed Section 20-A; Section M relates to content that “contains aspersions against the judiciary or armed forces of Pakistan”, effectively making it illegal to criticise their decisions; and Section N outlines content that “amounts to intimidation, blackmailing or false incrimination of any person”.

These sections use broad and vague terminology leaving room for abuse, especially for content critical of state policies, and threatens press freedom.

Section 37-A proposes actions that the PTA will take in case of failure of social media companies to comply with the PTA’s censorship demands, including degradation of services and blocking an entire social media platform subject to approval from an inter-ministerial committee, which is repeated in the RBUCR (Removal and Blocking of Unlawful Content Rules) 2023.

It appears that the economic impact of blocking entire platforms, as seen with the blocking of Wikipedia, Twitter, and Facebook earlier this year and TikTok in the past is lost on the government. With appeals before the PTA preceding the option of appeal to a high court, it makes the PTA judge, jury, and executioner without due process.

The proposed RBUCR, 2023, requires social media companies to open local offices so their employees can be coerced into compliance with censorship orders, something that has already been happening in India.

They empower any person or government department or agency to report social media content to the PTA, with social media companies being given 12, 48, and 72 hours to remove or block content categorised as “emergency, high risk, and standard review”, respectively.

This is also obvious in the supposedly revised draft of the Personal Data Protection Bill that the PDM government is trying to pass which is not much different than the PTI government’s.

The most concerning clause deals with data localisation where companies are being forced to open data centres in Pakistan and process critical personal data, as well as a requirement for companies to share sensitive personal data with the government, with broad definitions of what constitutes critical and sensitive personal data.

This can lead to international companies ceasing to offer certain services because of the high compliance cost, something that beats the purpose of the internet which is to make communication, information exchange, and business easier.

This will increase the cost for local technology start-ups, impacting the innovation and technology sector that is already experiencing brain drain. With an economy in crisis, the IT sector is one of the few hopes we have; but such short-sighted measures that make Pakistan into a police state are counterproductive to progress and growth.

Tech companies have reacted strongly through the Asia Internet Coalition which has termed the PDPB as “falling short of international standards for data protection”.

Pakistan would be better off creating a conducive environment for technology and social media companies to operate rather than arm twisting them into sharing user data and censoring content in violation of international human rights law. These bills pose a huge challenge to rights and the IT economy of the country. What side of history does the PDM government want to be on?

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