



Below is a record of petitions filed against the Federation of Pakistan, Pakistan Telecommunications Authority and the Federal Investigation Agency for exercise of power, abuse of authority, violation of fundamental rights – especially freedom of expression – and due process of law, in connection with the Prevention of Electronic Crimes Act (PECA) 2016.

Sr No	Date	Petitions
1	23 May 2017	<p><a href="#">Journalist Taha Siddiqui filed W.P. No. 1956/2017 before the Islamabad High Court (IHC)</a> against intimidation and harassment by the FIA. As stated in the petition, on 18.05.2017 Siddiqui received a phone call from an officer of the FIA's counterterrorism wing, instructing him to appear before them for interrogation regarding his "opinion on certain issues" and "journalistic pieces" by him. According to the petition, the officer acted without lawful authority. The IHC issued notices to the FIA to appear before the court on 29.05.2017 and restrained them from harassing the petitioner, instructing them to proceed in accordance with the law. Despite court orders, the FIA issued a summon directing Siddiqui to appear before them for questioning, failure to do which would carry legal consequences.</p>
2	07 June 2017	<p><a href="#">C.P. 3927/2017</a> filed by nine citizens before the <a href="#">Sindh High Court (SHC)</a> against the <a href="#">Ministry of Interior and FIA</a> challenging the detentions and arrests of activists and journalists under the Prevention of Electronic Crimes Act (PECA) 2016. The petitioners viewed FIA action as a violation of due process of law and fundamental rights. The petition argued that criticism of the armed forces did not constitute a criminal offence, nor did it fall within the exceptions to Article 19. The <a href="#">petitioners contended</a> the "government and the FIA, through both their statements and their actions, have created a chilling effect on freedom of speech and deliberately hindered the public exercise of the rights guaranteed under Article 19 of the Constitution by obstructing the right of citizens to even engage in constructive criticism."</p>



		<p><a href="#">Notices</a> were issued to the FIA and they were directed to submit a response. On 06.07.2019, the FIA submitted a <a href="#">response to court</a>.</p>
3	06 July 2017	<p>Pakistan Press Foundation moved the Islamabad High Court (IHC) <a href="#">through W.P. 2529/2017</a> to declare “Sections 9, 10, 11, 20, 25, 26 and 37 of the PECA to be ultra vires of the Fundamental Rights Chapter and in particular Article 19 of the Constitution.” The petition argued these provisions violated the right to freedom of expression as guaranteed under Article 19 of the Constitution as well as Pakistan’s international commitments “as a State Party to the ICCPR” and were therefore “illegal and unconstitutional.”</p> <p>Notices were issued to the Ministry of Information Technology and Telecom and the Ministry of Law and Justice through the deputy attorney general on 10.12.2018. The case is fixed for reply by the Federation of Pakistan.</p>
4	20 November 2017	<p>Upon the directions of the Islamabad High Court (IHC), Bolo Bhi <a href="#">submitted a response</a> to court in W.P. No. 4994/2014 Bolo Bhi etc versus Federation of Pakistan, etc. The petition, filed in 2014, challenged the Federation of Pakistan and the Pakistan Telecommunication Authority’s (PTA) powers to issue directions and block content on the Internet.</p> <p>In August 2016, the Prevention of Electronic Crimes Act (PECA) came into effect with content management powers given to the PTA under Section 37. During this time, the Ministry of Interior instructed the FIA to monitor and act against content on social media. In its written submission, Bolo Bhi contended the Federation of Pakistan had no legal authority to regulate internet content under the Telecom Act and/or PECA and that a transitory and unregulated power granted to PTA via Section 37 of PECA could not be abused to regulate content on the internet for an indefinite period.</p> <p>In order dated 25.05.2018, the <a href="#">IHC held</a> that while the PTA was exclusively vested with the powers and jurisdiction to decide matters described under Section 37 (1) of PECA 2016, this was</p>



		to be done independently and uninfluenced by any direction issued/information placed before it by the Federal Government. It held that while exercising such power and discretion, the Authority must not act “arbitrarily and capriciously.”
5	13 March 2018	<p>Media Matters for Democracy filed W.P. 951/2018 before the Islamabad High Court (IHC), <a href="#">challenging the Pakistan Telecommunication Authority’s move to shut down Twitter, Facebook for 30 hours on 25 November 2017</a>, after violent protests broke out at Faizabad Interchange in Islamabad. On 13.03.2018, the court ordered comments to be filed.</p> <p>Prior to filing the petition, on 4 December 2017, MMFD had filed a Right to Information request, asking for the “notification letter received by the PTA from the government for the suspension of social media including Facebook and Twitter on 25 November 2017 in the midst of recent Faizabad Dharna.” No response was received from PTA. Following this, MMFD sent PTA a notice saying the suspension of the platforms was “unnecessary and unproportionate, and ultra vires the mandate of Section 37.” The notice called upon PTA “to tender a public apology for violating fundamental rights of the citizens of Pakistan within 7 days, the failure of which will compel a lawsuit against the Authority.”</p>
6	18 February 2019	<p><a href="#">Awami Workers Party (AWP) filed W.P. No. 634/2019 before the Islamabad High Court (IHC) against the Pakistan Telecommunications Authority</a> for blocking AWP’s website. In addition to asking the court to unblock its website, the “AWP urged the court to guard the fundamental rights of citizens in online spaces and to compel PTA to exercise its powers of blocking online content strictly in accordance with the law.”</p> <p>AWP’s website was blocked on 3 July 2018. Prior to filing the writ petition, <a href="#">AWP had approached the Election Commission of Pakistan (ECP) on 06 June 2018</a>, asking the ECP to issue directions to the PTA to unblock its website.</p> <p>On 18.02.2019, <a href="#">the IHC admitted the petition and issued directions to the PTA</a> to file comments within a fortnight. No comments were filed by the PTA when the case came up for</p>



		hearing on 20.03.19. The <a href="#">IHC said it would hold PTA Chairman in contempt</a> if a response was not submitted within a fortnight. PTA recently filed comments/parawise reply (i.e. May 2019). Next hearing expected soon.
7	23 April 2019	C.P. 2332/2019 was filed before the Sindh High Court against the Federal Investigation Agency (FIA) for negligence which led to the loss of the evidence file in case 947/2017 pending before a Sessions Court in Karachi. The petition states that “despite repeated requests by the petitioner, the FIA has failed to recover the lost police file, refused to provide any explanation for the loss of evidence, or disclose if they have in their possession any alternative or substitute to the original evidentiary record.” The petition requests the SHC to direct the FIA to produce the evidence in the lost evidence file including the seizure memo immediately or provide alternative best evidence for the trial to commence in a fair manner, and direct the FIA to conduct a thorough inquiry into the lost evidence file. Notices were issued on 23.04.2019 to the FIA to submit response by 21.05.2019.