

Between free expression and reputation: Colonial legacies and the contemporary abuse of defamation law in Pakistan's digital age

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Abstract

There is a dilemma ongoing in Pakistan, as on one hand, it is the right to free speech, and on the other hand, it is the right to safeguarding good name. It explores the development of Pakistan's laws on the harming of reputations from the time of the British. It then explains how these old rules transformed into today's complex internet laws. The study and reveals disturbing truths. These laws are not only being used to settle personal differences, but to quell dissent, instill fear in journalists to censor themselves, and manipulate the judicial system to the benefit of the one who files the lawsuit.

Keywords: challenges, historical context, laws, opportunities, theoretical context

Introduction

The harsh laws, however, are unworkable, as new studies demonstrate (Suddle et al., 2025). They don't do anything but frighten everyone to keep them silent. They are used to silence reporters, activists, and ordinary people who speak out on the internet (Idrees, 2024). New internet laws that govern what people post get even worse. PECA is a good example of a law dating from 2016 (Warraich et al., 2025). This law has two conflicting provisions. On the other hand, they despise it due to the fact that the government utilizes it to suppress complimentary expression and conceal the truth (Arain et al., 2024). On the other hand, it is attempting to do a good thing by shielding journalists from being bullied online (Nazir & Bhatti, 2024).

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The comparative analyses also point out that the media laws in Pakistan are below international standards on the protection of speech, and therefore, there is a need to align the constitution and provide more clarity in the protection of speech against disproportionate punishment (Akram et al., 2025).

The choice of high-profile cases in Pakistan exemplifies the intersection of the law of defamation with gendered speech, social media activism, and the discourse. Even though the *Meesha Shafi v. Ali Zafar* case dates back to the year 2020, the consequences of the case remain influential in the academic discourse on the legal and social aspects of defamation claims associated with the allegations related to the #MeToo movement and online communication. In a related case, *Imran Khan v. Rana Sanaullah* (2023), the concern of defamation due to political speech is also reflected (Khan & Aziz, 2023), as the defamation suit occurred due to the assertion of a reputational claim (on a political issue) and the extent of an issue of how reputational claims are being abused within partisan discourse poses the question of where criticism and defamation intersect in democratic discourse. Similarly, in *Shahbaz Gill v. State* (2024), the case of controversial statements broadcasted on TV proved how the amplification of speech through digital means can worsen the damage to reputation and brings about the tensions between the state and a free speech (Ramzan & Zarkoon, 2025).

The existing legal sources position such controversial dynamics in the context of greater procedural and substantive difficulties in the Pakistani defamation regime, particularly when claims follow criminal and civil channels in the context of digital mobilization (Hassan et al., 2025). At the same time, the research relating to the functions of online platforms in the formation of political and reputational discourses leads to the conclusion that the changing technological environment makes the classical framework of defamation more difficult (Aftab, 2024).

Racist statutory reforms have also fueled controversy on media freedom, accountability, and legal overreach. Legal academics have criticized the Punjab Defamation Act 2024, which was enacted to regulate defamatory statements in print, electronic, and social media, as being vaguely worded, establishing special tribunals, and likely to stifle speech without due process protections. While Warraich et al. (2025) scholarly commentary on the defamation framework of Pakistan has observed that the law of defamation in the country, as informed by common law and cultural practices, can be abused by those with political influence

to silence dissent and prevent a critical form of public discussion in both the offline and online media (Nazir & Bhatti, 2024).

Research Justification

Pakistan's political and social world is changing very fast. This has led to the struggle between free speech and personal reputation becoming a major one over defamation laws. With the rise of social media and online news, there are more instances of lies about others online. Presently, most of the Pakistani laws are framed in the times of British Rule, which are not sufficient to deal with the current issues of the internet. A careful examination of these old laws is required to determine whether they can be effective in the modern era of communication and a free society.

This study is justified because of the direct consequences of the law on defamation on journalists, policy makers, activists, and ordinary civilians. There has been concern over the abuse of the defamation laws, especially under political duress or in stifling dissent, which is why there is an urgency to review the reasonableness and sanity of the existing laws. Also, there is confusion in the courts due to a lack of consistency in criminal and civil remedies to cases, which contributes to delays in court cases. The theoretical basis of defamation, such as the freedom of expression and personal dignity, is also a reason why the scholarly investigation is necessary. Through exploring gaps in law, procedural, and developing digital problems, this study will help policy debates and contribute to the creation of a more sensible and rights-based approach to regulating defamation in Pakistan.

Review of the Literature

The recent academic writing on the jurisprudence of defamation laws in Pakistan is a critical assessment of the suitability of the laws with constitutional protection of freedom of expression. Ramzan & Zarkoon (2025) explore the legal and constitutional limitations that exist in Pakistan regarding the freedom of speech and particularly how the existing laws and judicial decisions impact and hinder this fundamental right. Arain et al. (2024) place the jurisprudence of defamation in Article 19 of the Constitution, and concludes that the courts tend to place reputational interests over democratic discourse. Particularly, Akram et al. (2025) look at the Punjab Defamation Act 2024 and caution that the act might compromise due process because of its shortcuts in procedures and excessively severe penalties.

Similarly, researcher Aftab (2024) notes that Pakistan has too many laws that are intertwined. Criminal law, civil court, and rules on the internet all overlap, and the whole thing is a giant mess. This confusion allows the powerful people and the government to select the rules to enforce when they choose. Overall, these studies reveal that the nation's laws are totally violated. Indeed, they are in direct opposition to the rights guaranteed in the Constitution.

Another literature deals with defamation law and the freedom of media and political responsibility. Idrees (2025) makes comparisons between the trends in defamation litigation in South Asia and label Pakistan as a place where defamation litigation is so common to silence journalists and critics. Warraich et al. (2025) report that investigative journalists have to confront the law by defamation laws, which adds to self-censorship. Nazir and Bhatti (2024) also explain that inconsistency in judicial rulings in defamation cases is also a source of uncertainty for media houses. According to Khan and Aziz (2023), the civil defamation remedies are ineffective owing to delays in the process, which motivates litigants to use criminal provisions as an alternative. All these analyses show how chilling the freedom of the press in Pakistan is through the law on defamation.

The increased issue of online and digital defamation has been addressed in more recent studies. Hassan et al. (2025) analyze defamation through social media and observe apparent gaps in the current laws in terms of evidence and jurisdiction. Suddle et al. (2025) suggest that the legal framework imposed by Pakistan has not kept up with platform-based speech, which puts it at risk of being over-criminalized. These experts continuously urge decriminalization, better statutory clarification, and a rights-based reform in line with the global human-rights principles.

Historical Context of Defamation Laws in Pakistan

In Pakistan, the history of defamation law has very strong British Indian roots (Aftab, 2024; Arain et al., 2024). The basis of the defamation system in Pakistan is the Indian Penal Code of 1860, which was adopted to form the Pakistan Penal Code and which made defamation statements a criminal offense in order to safeguard personal reputation and social order (Ramzan & Zarkoon, 2025). These regulations were in fact passed by the British rulers long ago. This was not to be used by ordinary people to speak freely; it was designed solely for the purpose of silence and control (Idrees, 2024).

Rather, they will employ brutal criminal punishments as a tool to silence the opposition and to shield those in power from accountability (Warraich et al., 2025). Despite the attainment of independence after 1947, Pakistan maintained these draconian laws with a small adjustment, leading them to a modern legal framework that has a colonial mentality (Nazir & Bhatti, 2024). Today, Pakistan's constitution has made it clear that personal dignity and freedom of expression are guaranteed, but its defamation laws are firmly in the past with respect to enforcement and purpose (Hassan et al., 2025).

Post-colonial Pakistan faced the challenge of harmonizing inherited criminal defamation law with growing democratic and international human rights norms (Akram et al., 2025). This has created an historical imbalance in Pakistan such that the liberty of expression is generally given short shrift in favor of the protection of reputation under the law of defamation (Suddle et al., 2025). This colonial history is quite responsible for the juridical mentality, political paralysis, and lack of willingness to change, which is a part of the understanding of the current situation and the need for a rights-based rethinking of defamation laws in Pakistan (Khan & Aziz, 2023).

Theoretical Context of Defamation Laws in Pakistan

The defamation law in Pakistan is mostly shaped by two influential philosophies, namely, liberal free-speech theory and communitarian theory. Freedom of expression is a key principle of liberal theory, which underlines the need to safeguard this freedom. The school of thought believes that the people's transparency, accountability, and participation require free criticism of government, its institutions, and policies. Defamation laws, including those that are criminal, are seen as too constricting or harsh for a healthy democracy.

Communitarian theory also places much importance on the maintenance of the reputations of people, social unity, and the order of the larger society. The theory has a significant influence on the attitude of defamation in a culturally conservative society such as Pakistan, where honor and dignity are social values that are instilled. It claims that the reputation of an individual is critical in upholding social cohesion as well as in the avoidance of conflict. In the provisions of the law of Pakistan, this communitarian touch is evident as dignity is a concern of law.

Finally, the theoretical background of defamation laws in Pakistan is the conflict on how to reconcile these conflicting philosophies. It's very difficult to reconcile these rights on the internet. However, we really need to find a way. A fresh approach is needed, one that is truly online-friendly. This plan should not impact free speech, but it also needs to prevent lying about others online.

Laws Regarding Defamation in Pakistan

❖ Criminal Defamation under the Pakistan Penal Code (PPC) 1860

Main criminal laws on defamation are contained in the Pakistan Penal Code.

- In section 499, defamation is the imputation of any form or character directed at an individual, made or published with the intention that the imputation is harmful to the reputation of the individual. It comprises written, oral, and symbolic expressions. Other explanations and ten exceptions are also given in the section, including expressions made in good faith, opinions about the conduct of the people, and statements in the public interest.
- Section 500 specifies the penalty of defamation, which can be imprisonment of not more than two years, a fine, or both.
- Sections 501 and 502 address the printing or sale of defamatory content, which further criminalizes the conduct.
- Such parts are remindful of the colonial roots of the Pakistani legal system, with criminal punishments enforced for safeguarding individual reputation.
- Civil Defamation under the Defamation Ordinance 2002
- This ordinance offers a civil redress to people whose reputation is hurt.
- It broadens the definition of defamation, including written, oral, digital, and visual statements.
- Damages, an apology, withdrawal, and injunctions are some of the remedies.
- The burden of proof is often shifted to the defendant, who needs to prove his statement to be truthful, in good faith, or in the interest of the people.

Although the ordinance was aimed at being a reform in a modern sense, it has taken an ambiguous form in its definitions, which has resulted in irregularities in judicial rulings.

Constitutional Protections

- Article 19 ensures the freedom of speech, but permits reasonable limitations, such as censorship on defamation and reputation safeguarding.
- Article 14 upholds the dignity of individuals, which emphasizes the significance of reputation in society.

Online Defamation under PECA 2016

The Prevention of Electronic Crimes Act 2016 deals with cyber harassment, false information, and online defamation, and criminal procedures are used to punish such offenses.

Challenges for Defamation Laws in Pakistan

There are quite a number of serious issues with Pakistan's laws on defaming names. There are issues relating to the content of the laws, the way laws operate, and the concepts contained in the laws. These flaws, rather than a level playing field, bring a constant state of confusion to the entire legal system. The Pakistan Penal Code and the Defamation Ordinance 2002 have entirely different standards, and proof and burden of proof that can result in vastly different results in the same trial. This confused and split legal system is extremely malleable, particularly in politically polarized cases where strong personalities abuse the law.

One other obvious problem is that there are extremely vague legal definitions. The concept of "false statement," for instance, could be deemed false for any reason, and "harm to reputation" is open-ended enough to be construed as harm for any reason. There is no limit on how broadly the judges can read the words of "false statement" or "harm to reputation," and no clear limit on what constitutes "public good." This speculation leaves you with no idea of what's going to happen in court. It also leaves journalists and activists wondering whether their defense will be successful in court, compelling many writers and media institutions to act aggressively at times to stifle themselves in order not to face the devastating consequences of a lawsuit.

Getting a quick remedy is almost impossible, regardless of the person's right to justice, due to the slow pace of the judicial system in Pakistan. With no body of

specialists, no body of procedures, and overworked court judges, defamation cases are routinely dragged out over a number of years. When final judgment is eventually rendered, the harm to a person's reputation has already been caused, and the legal triumph appears to be futile and insignificant.

Twitter, Facebook, and all the other social media outlets just fuel the flames. Defamation on the Web is explosive and anonymous, and sometimes difficult, if not impossible, to trace to its source or even determine which court has jurisdiction. The Prevention of Electronic Crimes Act (PECA) was meant to regulate the digital space, but has become notorious for its wide and overreaching powers to be used for state monitoring and over-regulation. Finally, the biggest foe is the ease with which these laws can be used for political ends. Defamation laws are often used to intimidate the press, silence critics, and stifle public debate, instead of serving to maintain the integrity of personal dignity.

Opportunities for Defamation Laws in Pakistan

The laws in Pakistan regarding defamation are huge issues but we can resolve such issues and modernize these laws. There is a middle ground between safeguarding free speech and protecting good names. There is a balance between the protection of freedom of speech and the protection of good names. The most pressing challenge today is to realign the various court rules. The role of the old rules and the Defamation Ordinance 2002 rules needs to be explained by the lawmakers. This will ensure that people are not confused and know what to expect from the courts. The system in the end must comply with the international conventions on human rights. We also have a great chance to fix the law by making unclear words easy to understand. Precise definition of terms such as "false statement," "public good," and "injury to reputation" provides courts with clear boundaries and removes arbitrary and unpredictable decisions from the equation. The clear-cut definitions would provide journalists, activists, and the public with a clear path of how their rights and responsibilities for free speech should be understood, eliminating the guesswork.

This is because our social media and online landscape is exploding, and it's an ideal time to reimagine defamation in our current world. The law should aim to create a more targeted approach to addressing real online problems, rather than relying on heavy-handed measures such as PECA to silence internet users, rather than simply trying to deal with thorny issues of conflicting online jurisdictions, anonymous

trolls, and the spread of weaponized fake news. There is a crying need for dedicated Cyber Defamation teams or fast-track digital courts, which could intervene and swiftly dispose of online feuds because simply waiting for years in a slow court is not helpful when someone is being digitally defamed whose life and reputation are being ruined.

These changes will also improve the workings of the courts. Establishing special courts or select judges to perform the duties of these courts will enable the speeding up of everything. This will allow individuals to no longer have to wait years for a response. However, we need to engage news organizations, lawyers, public organizations, and internet rights professionals to make this work. Only through a coordinated effort can a fair system be developed that will secure a person's dignity and freedom.

Discussion

Pakistan's laws are caught in a bad trap. They are caught between the horns of a problem: how to defend both honor and free speech. At the present time, individuals are involved in two kinds of court proceedings. This puts an advantage for powerful people who can choose the legal route they want that will cause the most trouble and fear for the targeted individual. This dual-track system strikes the journalists, political commentators, and activists the most, often leading to devastating lawsuits or even prison sentences. The Defamation Ordinance of 2002 was meant to modernize the rules, but its ambiguous terms, the inconsistent application of the rules in different courts, and the lack of any real measures to protect against abuse have made it virtually useless, while PECA 2016 took these cumbersome rules online without providing anything to protect against misuse.

The courts of Pakistan are always facing a dilemma between the right to dignity (Article 14) and the right to freedom of speech (Article 19). The system's fixation on suffocating honest speech is a disease that infects public discourse, to the point that politicians have openly made the defamation charge a weapon to bully opponents, not to clean up true reputational damage, yet still claim a right to constitutional protection. We can protect both sides and see other countries. Let's put an end to putting people in jail for words. Only fines should be used. Judges need to be trained, and human rights need to be preserved in Pakistan. This will take our very old laws up to the global standards.

Conclusion

Pakistan's laws are a mixture of old laws and new internet issues. They should ensure the safeguarding of names, but they simply block free speech. Rules are unclear, and court delays are caused. Individuals may even end up in jail. In fact, these weaknesses are exploited by those in power and intimidate the press, as well as prevent open discussion. Courts are coming to fresh decisions. There must be fair laws in a free country. Pakistan is to suspend the use of criminal charges. It needs to safeguard dignity and ensure the safety of free speech.

Recommendations

First, parliament must completely cease to treat defamation as a crime and instead deal with it through civil lawsuits. You would prevent strong men from threatening with jail time to threaten and silence critics. Secondly, the Defamation Ordinance of 2002 should be thoroughly tidied up, with the meaning of terms such as "false statement", "public good," and "harming a reputation" clearly and unequivocally defined, so that judges can reach a consensus.

Third, the government should establish special courts or designate specific judges who understand media laws, free speech, and the internet. This would speed up the legal process and make court decisions a lot more predictable. Fourth, there is the need to update the controversial cybercrime law, PECA 2016, which is desperately needed to be updated to prevent people from misusing it. Although there is a need for ways to pursue anonymous online bullies and cross-border trolls, they can be done without killing everyday online freedoms.

Fifth, Pakistan must explore simpler means to resolve disputes other than before a court of law, such as permitting the parties to first attempt mediation, and then initiating a large-scale lawsuit. This would solve issues quicker without the arguments, arguments, and arguments. Finally, the new laws need to be developed with the journalists, the activists, the digital rights organizations, and legal experts working hand-in-hand. In order to create a fair system that safeguards a person's reputation, while not sacrificing freedom of speech, one must bring everyone to the table.

Research Limitations

In terms of methodology, the study is mainly doctrinal in nature, and secondary sources, current legislation, and judicial commentaries are utilized. Therefore, it has no direct empirical data, interviews, or case studies to better illustrate the application of these defamation laws in practice. There are several reasons for this, one of which is that we don't know all the facts. Many defamation cases in lower courts are not even recorded or published. Besides, the majority of legal research remains in books. It does not account for the real world, where power and politics can bend the justice system. We also could not compare Pakistan with other countries, as that may have provided some ideas. Last but not least, the Internet is fast-moving. The technology and rules have changed by the time you write about online defamation.

Research Implications

The findings of the study make a valuable contribution to the study of law, law reform, and judicial practice in Pakistan. In the academic field, it contributes to the current knowledge by giving a joint discussion of criminal, civil, and digital defamation law in a constitutional and theoretical context. This study provides evidence that such as old colonial laws cannot be continued in a modern democracy. The question is balancing free speech with safeguarding their reputation. Politically, it is time for a change now. Defamation should not be a criminal offence, and the ambiguity of powerful people and their ability to trick the system should be corrected. Judges also should be "on the same page" when exercising their responsibility to respect constitutional rights, or they may end up silencing people. Finally, this study provides evidence for journalists and activists to push for improved and fairer laws in Pakistan.

Future Research Directions

The future study needs to include empirical studies to determine how laws on defamation are enforced in the Pakistani courts, the trends in the duration of cases, compensation given, and the effects that it has on the defendants. Judges, lawyers, journalists, and policymakers would be interviewed to further understand procedural problems and views on legal fairness. Comparative legal studies may be

able to draw any lessons on reform that can be turned into action in the process of decriminalizing defamation (UK or Sri Lanka).

The other major focus of guidance is on digital defamation, particularly in terms of algorithms of social media, virality, anonymity, and cross-border jurisdiction. Researchers should also take into account the interpretation that can be given by researchers and the courts to PECA 2016 in order to determine whether the safeguards sufficiently provide protection of free expression. Lastly, sociological and psychological studies of the sociology and psychology of reputation in Pakistani society may assist legislators in formulating more culturally-based reforms. This broadened research would help to inform a more balanced and simple system of controlling defamation.

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