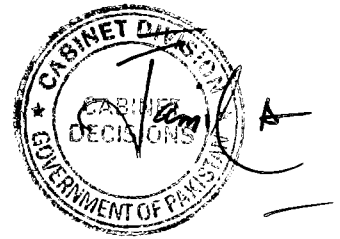


Case No. 108/24/2023 Dated: 26.07.2023	In Principle Approval for Enacting the Personal Data Protection Bill, 2023, as per Rule 16 Read with Rule 27 of the Rules of Business, 1973.
Presented by: IT & Telecom Division	

DECISION

The Cabinet considered the summary titled '**In Principle Approval for Enacting the Personal Data Protection Bill, 2023, as per Rule 16 Read with Rule 27 of the Rules of Business, 1973**' dated 24th July, 2023, submitted by the IT & Telecom Division, and approved the proposal contained in para 3 thereof.



DISCUSSION DRAFT

The e-Safety Bill, 2023 ACT No. [...]

An Act to provide for fostering and promoting safe online Social Network Platforms

WHEREAS it is expedient to protect the fundamental rights of the users of Social Network Platforms in general and particularly in respect of buying of commodities and hiring of services to prevent deceptive and unfair acts or practices and to monitor Social Network Platforms accordingly;

AND WHEREAS it is expedient to foster competition, increase private investment, protect the interests of the users of the Social Network Platforms pertaining to e-commerce services and for the matters connected therewith or incidental thereto;

AND WHEREAS it is expedient to promote online safety and prevent online harm in terms of Article 14;

AND WHEREAS it is expedient to counter hate speech, hate crime, violence, disinformation and other prohibited content on Social Network Platforms and to ensure the implementation of Article 19 of the Constitution;

It is hereby enacted as follows:

CHAPTER I **PRELIMINARY**

1. **Short title, extent, application and commencement.** (1) This Act shall be called the **e-Safety Act, 2023**.
 - (2) It extends to the whole of Islamic Republic of Pakistan.
 - (3) It shall come into force at once.
2. **Definitions.-** In this Act, unless there is anything repugnant in the subject or context:
 - (a) **“advertisement”** means a set of visual, pictorial, audio and text message for the projection of a product, service, or idea with the object of propagating sale, purchase or hiring of the product, service or idea for creating other related effects;
 - (b) **“Advertiser”** means a person who is engaged in the business of advertisement on Social Network Platforms in any form either directly or indirectly;
 - (c) **“aspersion”** means spreading false and harmful information against someone and attacking the reputation of a person with harmful allegations; ‘fair comment’ being an exception thereto;
 - (d) **“Authority”** means the Authority established under Section 3;

- (e) **“authorized officer”** means an officer of the Authority authorized to perform any function on behalf of the Authority under this Act;
- (f) **“Chairman”** means the Chairman of the Authority;
- (g) **“Code”** means the Code of Criminal Procedure, 1898 (Act V of 1898);
- (h) **“communication device”** means cell phones, tablets, laptops, personal desktop computers, or any other device used to communicate, send or transmit any text, video, audio or image;
- (i) **“company”** means a company as defined in the Companies Act, 2017;
- (j) **“complainant”** means any person or his/her guardian, aggrieved by unlawful Online Content or illegal act or as may be prescribed on Social Network Platform(s) and shall include a Ministry, Division, attached department, sub-ordinate office, provincial or local department or office or a law enforcement or any agency of the Government;
- (k) **“consent”** means consent that is express; voluntary; and informed; but does not include: consent given by a child; or consent given by an adult who is in a mental or physical condition (whether temporary or permanent) that makes the adult incapable of giving consent; or substantially impairs the capacity of the adult to give consent.
- (l) **“copyright”** means copyright as defined in the Copyright Ordinance, 1962 (XXXIV of 1962) and the other rights which come under the Intellectual Property Organization of Pakistan Act, 2012;
- (m) **“data”** means a representation of information, knowledge, facts, concepts or instructions which are being prepared or have been prepared in a formalised manner, and is intended to be processed, is being processed or has been processed through a device, and may be in any form (including printouts, magnetic or optical storage media, punched cards, punched tapes) or stored internally in the memory of a device; includes content data and traffic data for any purpose including entertainment;
- (n) **“e-commerce service”** means buying or selling any product and any service for a consideration on Social Network Platform;
- (o) **“e-commerce service provider”** means a person on Social Network Platform engaged in buying or selling any product and any service for a consideration;
- (p) **“electronic”** includes electrical, digital, magnetic, optical, biometric, electrochemical, electromechanical, wireless or electromagnetic technology;
- (q) **“foreign company”** means a company or body corporate organized, and registered under the laws of a foreign government;
- (r) **“Government”** means the Federal Government of Islamic Republic of Pakistan;

- (s) **“hate speech”** means any expression that may incite violence, hatred or discrimination on the basis of religion, ethnicity, colour, race, gender, origin, caste, mental or physical disability;
- (t) **“High Court”** means High Court in whose territorial jurisdiction the original order under challenge was passed;
- (u) **“illegal operation”** means the operation of the Social Network Platform without having a valid registration from the Authority;
- (v) **“incitement”** means and includes an act by a person to incite another to commit a crime;
- (w) **“indecent”** shall have the same meanings as assigned to it in the Indecent Advertisements Prohibition Act, 1963 (XII of 1963) or any other law for the time being in force;
- (x) **“information”** includes text message, data, voice, sound, database, video, image, signals, software, computer programmes or any other form of information shared, disseminated or posted on the Social Network Platforms;
- (y) **“investigation agency”** means the law enforcement agency established by or designated under this Act;
- (z) **“member”** means a member of the Authority including its Chairman;
- (aa) **“online safety”** means to use Social Network Platform(s) in a safe manner;
- (bb) **“person”** includes an individual, partnership, association, company, trust or corporation or institution;
- (cc) **“prescribed”** means prescribed by the rules or regulations;
- (dd) **“programme”** means the systematic streaming of video, audio or images through Social Network Platforms and such other forms of media as the Authority may prescribe;
- (ee) **“propaganda”** means dissemination of any doctrine, rumour or selective information to promote one sided views on any controversial issue;
- (ff) **“proscribed organization”** shall have the same meaning as assigned to it under the Anti-Terrorism Act, 1997 (XXVII of 1997) or any other law for the time being in force;
- (gg) **“publisher of news and current affairs content”** means an online paper, news portal, news aggregator, news agency and such other entity called by whatever name, which is functionally similar to publishers of news and current affairs content but shall not include newspapers, replica e-papers.

- (hh) **“registration”** means a registration certificate issued by the Authority to establish and operate Social Network Platform;
- (ii) **“Registration Holder(s)”** means a person to whom the Authority has issued a registration certificate to operate a Social Network Platform;
- (jj) **“regulated activity”** means an activity requiring a Registration under this Act;
- (kk) **“rules”** means rules made under this Act;
- (ll) **“sectarian”** shall have the same meaning as assigned to it under the Anti-Terrorism Act, 1997 (XXVII of 1997) or any other law for the time being in force;
- (mm) **“seize”** with respect to a Communication Device or data includes taking possession of such device or data or making and retaining a copy of the data;
- (nn) **“smoking”** shall have the same meaning as assigned to it under the Prohibition of Smoking and Protection of Non-Smokers Health Ordinance, 2002 or any other law for the time being in force;
- (oo) **“Social Network Platform”** means:
 - a. Online information and content delivery system accessed via internet and any cloud-based content distribution services such as Over the Top (OTT) platforms, Web TV channels (YouTube channels, Vlogs, Netflix, Amazon Prime etc.), and any other similar platform as the Authority may prescribe.
 - b. social networking sites or other such content made available for viewing over the internet, any cloud-based content distribution service including a website, application or mobile web application, platform or communication channel and any other such application and service that permits a person to become a registered user, establish an account, or create a public profile for the primary purpose of allowing the user to post and share user-generated content through such an account or profile or enables one or more users to generate content that can be viewed, posted and shared by other users of such platform including but not limited to Twitter, Facebook, SnapChat, Instagram, Tik Tok etc..
 - c. Advertisers or e-commerce services providers.
- (pp) **“streaming”** means any content – live or recorded – delivered to Communication devices via the internet and any cloud-based content distribution services.
- (qq) **“subscriber information”** means any information held in any form by a Registration Holder relating to a subscriber other than traffic data;
- (rr) **“terrorism”** shall have the same meaning as assigned to it under the Anti-Terrorism Act, 1997 or any other law for the time being in force;

- (ss) “**terrorist**” shall have the same meaning as assigned to it under the Anti- Terrorism Act, 1997.
- (tt) “**tribunal**” means a tribunal established under this Act;

CHAPTER II
ESTABLISHMENT OF AUTHORITY

3. **Establishment of the Authority.-** (1) As soon as may be, after the commencement of this Act, the Federal Government shall, by notification in the Official Gazette, establish an authority to be known as the e-Safety Authority for carrying out the purposes of this Act.
- (2) The Authority shall be a body corporate having perpetual succession and a common seal with powers subject to the provision of this Act to hold and dispose of property by the said name, sue and be sued.
- (3) The principal office of the Authority shall be at Islamabad and it may set up offices in the provincial capitals and at such place or places across Pakistan as the Authority may deem appropriate.
- (4) No act or proceedings of the Authority shall be invalid by reason only of the existence of a vacancy in, or defect in the constitution of the Authority.
4. **Powers and functions of the Authority.-** (1) The powers and functions of the Authority shall be to:
- (a) promote and develop Social Network Platforms;
- (b) regulate the Advertisers and e-commerce service providers on the Social Network Platforms;
- (c) ensure protection of the users of the Social Network Platforms from any kind of online harm;
- (d) regulate establishment, registration and operation of Social Network Platforms throughout Pakistan;
- (e) regulate the content on the Social Network Platforms;
- (f) grant, renew, refuse, revoke registration of Social Network Platforms;
- (g) monitor and enforce registrations for the Social Network Platforms;
- (h) regulate transfer of registrations and changes in management/transfer of shares of the Registration Holder(s);
- (i) inquire, investigate and adjudicate on its own motion or on the complaints and/or applications made against the Social Network Platform(s) arising out of any contravention of the provision(s) of this Act and any rules or regulations made thereunder and take appropriate action(s) accordingly;
- (j) promote and protect the interests of users of Social Network Platform(s) and various services provided by them in Pakistan;

- (k) determine fees including fees for grant of registration and renewal, annual fees, base prices and other charges at such rates and in respect of such ancillary matters as may be prescribed;
- (l) prescribe fines for contravention of the provisions of this Act or rules and regulations made thereunder;
- (m) issue guidelines, directives and standards to be maintained by the Social Network Platform(s);
- (n) carry out inspection of premises owned or occupied by the Social Network Platform(s) and summon any person for inquiry or investigation;
- (o) block access to:
 - (i) material that promotes abhorrent violent conduct; or
 - (ii) material that incites abhorrent violent conduct; or
 - (iii) material that instructs in abhorrent violent conduct; or
 - (iv) material that depicts abhorrent violent conduct.
- (p) coordinate, monitor or engage, in conjunction with other authorities, international agencies or organizations, in any study, training or cooperation project related to online safety;
- (q) enter into contracts for the supply of goods or services or materials or for the execution of works as may be necessary for the discharge of any of its duties and functions;
- (r) advise the Federal and Provincial Governments and any other public or private sector entities on policies relating to online safety;
- (s) promote education and research in the field of online safety;
- (t) advise the Federal Government regarding the international negotiations in the area of online safety;
- (u) engage in human resource development and training of its officers and staff;
- (v) promote awareness about online safety issues in the public and private sector through print, digital/social and electronic media etc. or any other medium as the Authority may deem appropriate;
- (w) liaise and interact with counterpart organizations in other countries for capacity building and exchange of information;
- (x) propose legislation to further online safety in Pakistan;
- (y) carry out capacity building and training of Social Network entrepreneurs and providing them with facilities, including but not limited to, setting up incubation centres to promote responsible Social Network Platforms;

- (z) initiate enforcement and protection of online safety rights through designated law enforcement agencies of the Government, Federal or Provincial;
- (aa) refer matters and complaints, related to offences to the concerned law enforcement agencies and authorities as may be necessary for the purposes of this Act;
- (bb) coordinate the implementation of any foreign-aided technical assistance projects on online safety;
- (cc) attend foreign funded international forums, conferences, meetings or training programmes;
- (dd) perform any other function which is ancillary, incidental or consequential to any of the aforesaid functions;

5. Establishment of Authority.- (1) The Authority shall consist of Chairman and thirteen members to be appointed by the Federal Government.

- (a) Out of the thirteen members, one shall be appointed by the Federal Government on full-time basis;
 - (b) Five members, one from each Province and one from the Federal Capital Territory, each of whom shall be a person not more than 65 years of age, to be appointed by the Federal Government;
 - (c) Secretary Ministry of Information Technology and Telecommunication, Secretary Ministry of Commerce, Secretary Ministry of Interior, Secretary Ministry of Finance, Chairman PEMRA and Chairman Pakistan Telecommunication Authority shall be the ex-officio members.
 - (d) The remaining one member to be appointed by the Federal Government on full time basis shall be an eminent professional of known competence from General public having substantial experience in the field of Information Technology (“IT”).
 - (e) The members shall receive such fee and expenses for each meeting as may be prescribed.
 - (f) A member, other than an ex-officio member, shall be deemed to have vacated his office if he absents himself for three consecutive meetings of the Authority without the leave of the Authority.
- (2) The Chairman of the Authority shall be an eminent professional of known professional competence with at least fifteen years of media experience and who holds a minimum of Bachelors degree in either IT, media, business management, finance, economics or law.
- (3) The members of the Authority shall be persons of known professional competence who hold at least Bachelors degree in the field of media, law, management, social sciences with minimum of fifteen years of professional experience in the relevant field.

6. **Tenure of members.-** (1) The Chairman and members, other than ex-officio members, unless earlier removed for misconduct or physical or mental incapacity, shall hold office for a period of four years and shall be eligible for re-appointment for a similar term or as the Federal Government may determine:

Explanation.- For the purposes of this section the expression “misconduct” means conviction for any offence involving moral turpitude and includes conduct prejudicial to good order or unbecoming of a gentleman.

- (2) The Federal Government may remove the Chairman or a member from his office if he is found unable to perform the functions of his office due to mental or physical disability or to have committed misconduct.
- (3) In case of a vacancy occurring due to the death, resignation, retirement or removal of any Member of the authority including Chairman, the Federal Government shall appoint another qualified person within a period not exceeding three months from the date the vacancy occurred as Chairman or member.
- (4) The Federal Government may appoint an acting Chairman out of the members of the authority for a maximum period of three months to perform day to day functions.
7. **Meetings of the Authority, etc.** (1) The Chairman or, in his absence, the member elected by the members for the purpose, shall preside at a meeting of the Authority.
- (2) One-third of the total members holding office shall constitute a quorum for meetings of the Authority requiring a decision by the Authority.
- (3) The members shall have reasonable notice of the time and place of the meeting and the matters on which a decision by the Authority shall be taken in such meeting.
- (4) The decisions of the Authority shall be taken by the majority of its members present, and in case of a tie, the member presiding a meeting shall have a casting vote. The presence of members for the purposes of quorum shall be deemed to be adequate if the meeting is carried out through Social Network Platforms.
- (5) All orders, determinations and decisions of the Authority shall be taken in writing.
8. **Executive Director General and Secretary to the Authority:** The Authority shall appoint any person as Executive Director General who has a minimum of Bachelors degree in IT, public administration or law and having a minimum 10 years’ experience in public sector organizations or in the field of IT. The Executive Director General shall also act as Secretary to the Authority.
9. **Remuneration of members.-** The Chairman and members shall be paid such emoluments as the Federal Government may determine and shall not be varied to their disadvantage during their term of office.

10. Chairman and members not to engage themselves in certain business, etc.-

(1) The Chairman or any member shall not, during his term of office, engage himself in any other service, business, vocation or employment, or enter into the employment of, or accept any advisory or consultancy relationship with any person or entity engaged in applying for the Registration from the Authority or operating any media related business within the purview of the Authority or in providing services or products to the Authority on any of the projects, schemes, proposals or plans undertaken, executed or supervised by the Authority or any related undertaking of such aforesaid person or entity. The Chairman or any member shall not have any direct or indirect financial interest or any connection which might reasonably be viewed as giving rise to a conflict of interest with any person, entity or related undertaking involved in any regulated activity under the Act.

(2) The Chairman or any member shall neither, for as long as he holds office and for a period of one year thereafter, seek or hold any office or employment nor acquire or purchase (whether in his name or otherwise) any interest in any company, corporation, partnership, trust, firm or company carrying on business in any regulated activity or the business of providing consultancy or advisory services to any person undertaking any regulated activity under this Act.

11. Officers, employees, etc. – To carry out the purposes of this Act, the Authority may, from time to time, appoint members of its staff, experts, consultants, advisers and other officers and employees on such terms and conditions as it may deem fit.

12. Officers, etc. deemed to be public servants. – The Chairman, members, other officers and employees of the Authority shall be deemed to be public servants within the meaning of Section 21 of the Pakistan Penal Code (Act XLV of 1860).

13. Delegation.- The Authority may, by general or special order, delegate to the Chairman or a member or any member of its staff, or an expert, consultant, adviser, or other officer or employee of the Authority any of its powers, responsibilities or functions under this Act.

Provided that the delegation of such power shall not include the power to grant, issue, renew or revoke or cancel a registration.

14. Transitional provision. – Upon commencement of this Act, the first Chairman shall be appointed by the President on the advice of the Prime Minister for a period of three years.

15. Access to data- (1) the Authority or any person authorised by it in this behalf shall, if he has reasonable cause to suspect that any contravention of the provisions of this Act has been committed, have access to any Communication Device or any other material connected therewith, for the purpose causing a search to be made for obtaining any such information or data.

(2) For the purposes of sub-section (1), the Authority or any person authorized by it may, by order, direct any person in charge of, or otherwise concerned with the operation of, the Communication Device(s), to provide

him with such reasonable technical and other assistance as he may consider necessary.

16. Call for information: (1) The Authority may call for any information, audited financial statements, or any other relevant document required for carrying out the purposes of this Act from any person in respect of any regulated activity or any matter incidental or consequential thereto.

(2) Any person called upon to provide such information, documents or reports shall do so within the stipulated time period and his failure to do so shall be punishable by the imposition of such fines and/or penalties as may be prescribed.

17. Certain matters to be kept confidential. Any information coming into notice of the Authority or any of its officers in relation to any article or process, subject to the provision of this Act or any other law for the time being in force shall be treated as confidential and shall not be communicated or revealed to any person:

Provided that nothing in this section shall apply to the disclosure of any information for the purpose of prosecution under this Act or to carry out the purposes of this Act by the Authority or its officers.

18. Power to vary or modify the Registration conditions.— The Authority shall have the power to vary or modify a Registration or its terms and conditions on the request of the Registration Holder(s) on payment of such fee as may be prescribed.

19. Suspension of Registration.—(1) The Authority may, if it is satisfied after making such inquiry, as it may think fit, that a Registration Holder has— (a) made a statement in, or in relation to, the application for the issue or renewal of the Registration, which is incorrect or false in material particulars; (b) failed to comply with the terms and conditions subject to which the Registration was granted; (c) failed to maintain the procedures and standards specified (d) contravened any provisions of this Act, rule, regulation or order made thereunder, suspend the Registration.

20. Power to revoke the Registration .- (1) The Authority may revoke or suspend the Registration of a Social Network Platform by an order in writing on one or more of the following grounds, namely:-

(a) the Registration Holder(s) has failed to pay the Registration fee, annual renewal fee or any other charges including fine(s) imposed, if any;

(b) the Registration Holder(s) has failed to comply with any condition of the Registration; and

(c) where the Registration Holder(s) is a company, and its shareholders have transferred a majority of the shares in the issued or paid-up capital of the company or if control of the company is otherwise transferred to persons not being the original shareholders of the company at the time of grant of Registration, without written permission of the Authority.

Except for reason of necessity in the public interest a Registration shall not be varied or revoked under sub-section (1) or sub-section (2) unless the Registration Holder(s) has been given reasonable notice to show cause and a personal hearing.

(d) Notwithstanding anything contained in this Act, where the Authority takes action under this section without notice by reason of necessity in the public interest, the Authority or the Chairman, as the case may be, may order in writing seize the Communication Device(s) or seal the premises of the Registration Holder(s).

21. **Appeal-** Any person aggrieved by any decision of the Authority may file an Appeal with the eSafety Tribunal within 30 days of its decision.

22. **Fund.-** (1) There shall be established a fund to be known as “e-Safety Fund” which shall vest in the Authority and shall be utilized by the Authority to meet financial needs in connection with carrying out its functions, including expenses incurred in setting up and maintaining offices, purchasing and maintaining equipment, payment of salaries and other remunerations to the Chairman, members, employees, experts and consultants of the Authority and any other expenditures that may be incurred in carrying out the purposes of this Act and matters incidental thereto.

(2) The Fund shall consist of.-

(i) Seed money by the Federal Government;

(ii) Registration fees, application processing fees, annual fees including fixed fee and such percentage of gross revenue or gross advertisement revenue as determined by the Authority from time to time, renewal fees and such other fees as may be prescribed in connection with various categories of Registration Holders;

(iii) loans obtained with the special or general sanction of the Federal Government;

(iv) all other sums received by the Authority from any other source.

(3) The Authority may open and operate one or more accounts in local or foreign currency, in any scheduled bank in Pakistan.

(4) The Authority may invest its funds in such investments as it may, from time to time, determine.

23. **Budget.-** The Authority shall, in respect of each financial year, prepare its own budget and submit it to the Federal Government three months before the commencement of every financial year for information.

24. **Accounts and Audit.** – (1) The Authority shall maintain complete and accurate books of accounts of its actual expenses and receipts in such form as the Federal Government may, in consultation with the Auditor General of Pakistan, determine.

(2) The Authority shall cause to be carried out audit of its accounts by one or more auditors who are chartered accountants within the meaning of the Chartered Accountants Act, 1961 (X of 1961).

(3) Notwithstanding the audit provided in sub-section (2) the Auditor-General shall have the power to audit or cause to be audited the accounts of the Authority.

25. **Annual report.** – The Authority shall compile and submit an annual report on its operations and accounts for each financial year to the Federal Government and shall also arrange for its publication and circulation to the media and the public.

CHAPTER III **REGISTRATION**

26. **Registrations:** (1) Any person desirous of obtaining a Registration for any Social Network Platform shall apply to the Authority in such manner and form as may be prescribed.
- (2) No person shall engage in establishment, operation or continuation of operation or activity of a Social Network Platform without getting the same registered with the Authority.
- (3) All existing Social Network Platforms shall obtain registration from the Authority within three months of establishment of the Authority under this Act.
- (4) Every registration shall be subject to such terms and conditions including fees as may be prescribed.
- (5) The Authority shall prescribe a Code of Conduct for operation of Social Network Platforms and content thereof that is accessible to persons based in Pakistan for compliance by its Registration Holder(s).
27. **Enlistment:** The Authority may require the persons operating Social Network Platforms to enlist with the Authority prior to registration in such manner and form as may be prescribed.

CHAPTER IV **FUNDAMENTAL PRINCIPLES**

28. **Prohibited Content:** (1) All Registration Holder(s) shall ensure that no Content is streamed which—
- (a) is against the Islamic values and ideology of Pakistan etc.;
- (b) incites or condones dislodgement of democratic setup against the command of the Constitution of Pakistan, provided that discussions on improvement of democracy shall constitute a fair comment;
- (c) includes a call to arms against the Federation of Pakistan or anything against the integrity, security and defense of Pakistan;
- (d) passes derogatory remarks about any religion, sect, community or uses visuals or words contemptuous of religious sects and ethnic groups or which promote communal and sectarian attitude or disharmony;
- (e) contains anything obscene or pornographic material;

- (f) contains abusive comment that incites hatred and contempt against any individual or group of persons, on the basis of race, caste, nationality, ethnic or linguistic origin, color, religion, sect, gender, age, mental or physical disability;
- (g) is in violation of copyrights or any other intellectual property rights as protected under any law for the time being in force;
- (h) is likely to incite, aid, abet, glamorize or justify violence, commission of any crime, terror or leads to serious public disorder;
- (i) is known to be false or there exists sufficient reasons to believe that the same may be false beyond a reasonable doubt;
- (j) contains aspersions against the judiciary or armed forces of Pakistan;
- (k) amounts to intimidation, blackmail or false incrimination of any person;
- (l) is defamatory as defined in the law for the time being in force; or
- (m) depicts behavior such as, alcohol consumption, narcotics and drug abuse as glamorous or desirable:

Provided that where showing of smoking, alcohol consumption, narcotics and drug use is necessary for dramatic or educational purposes, a clear warning as to injurious effects of the same shall also be shown simultaneously.

- (n) anything which promotes and encourages terrorism and other forms of violence against the State or its institutions;
 - (o) anything which has been banned for exhibition or distribution under the applicable laws or by any court of competent jurisdiction.
- (2) Without prejudice to any other restrictions in this regard, while reporting the proceedings of the Parliament or a Provincial Assembly, such portion of the proceedings as the Chairman of Senate, the Speaker of National Assembly or, as the case may be, Speaker of the Provincial Assembly may have ordered to be expunged, shall not be streamed or made available for viewing on Social Network Platforms in any manner and every effort shall be made to release a fair account of the proceedings.
 - (3) Statements of proscribed organizations or their representatives or members shall not be streamed or made available for viewing on Social Network Platforms in any manner unless such statement is an admission which maybe in the larger public interest for

exposing ideology, abuse of religion or barbarianism.

29. Obligations for children programming: (1) Programmes and advertisements meant for children shall not—

- i. be presented in a manner which may be disturbing or distressing to children or which may in any way adversely affect their general well being;
 - ii. contain violence; or
 - iii. be deceptive or misleading or against commonly accepted social values;
- (2) The Registration Holder(s) shall include appropriate warning through a disclaimer before streaming any content that may not be suitable for children.
- (3) Due care must be taken over the physical and emotional welfare and the dignity of persons under eighteen years of age who take part or are otherwise involved in programmes. This is irrespective of any consent given by the participant or by a parent, guardian or other person over the age of eighteen years in loco parentis.

30. News and current affairs programmes:— The Registration Holder(s) shall ensure that:-

- (i) News, current affairs or documentary programmes shall present information in an accurate and fair manner.
- (ii) Any political or analytical programme, whether in the form of a talk show or otherwise, shall be conducted in an objective manner ensuring representation of the concerned parties and the guests shall be treated with due respect.
- (iii) Streaming of Programmes on sub-judice matters or making them available for viewing on Social Network Platforms in any manner shall be done only in an informative manner and shall be handled objectively;

Provided that no content shall be streamed or made available for viewing on Social Network Platforms in any manner, which tends to prejudice the determination of a sub-judice matter by a court, tribunal or any other judicial or quasi-judicial forum.

- (iv) News shall be clearly distinguished from commentary, opinion and analysis.
- (v) Unnecessary details and footages of gory scenes including bloodshed and dead bodies shall not be streamed or made available for viewing on Social Network Platforms in any manner .

- (vi) Content based on extracts of court proceedings, police records and other sources shall be fair and correct.
- (vii) In talk shows or other similar programmes, the Registration Holder and its employees shall ensure that:-
 - a. Information being provided is not false, distorted, or misleading and relevant facts are not suppressed for commercial, institutional or other special interests;
 - b. the programme is conducted in an objective and unbiased manner;
 - c. programme does not debase or demean a person or group of persons does not intrude into private life, grief or distress of individuals unless such individual is a public figure and such intrusion is justified in the public interest .
 - d. Any personal interest of a reporter or presenter which may call into question due impartiality of the programme shall be disclosed prior to streaming of the programme through an appropriate disclaimer.
 - e. News or any other programme shall not be streamed in a manner that is likely to jeopardize any ongoing inquiry, investigation or trial.

31. Coverage of incidents of accidents, violence and crime:— The Registration Holder(s) shall ensure that:

- (i) Coverage of incidents of accidents, violence and crime shall not incite, glamorize or in any way promote violence or anti-social behavior and such coverage does not prejudice the success of an ongoing security operation.
- (ii) Appropriate warning shall be given upfront for content which may be potentially disturbing or upsetting so as to enable viewers to make an informed choice.
- (iii) Scenes with violence or suffering such as close-up shots of persons brutally tortured or killed shall be shown with appropriate precautions, including, but not limited to blurring.
- (iv) reporting of incidents of crime, accident, natural disaster or violence does not create hurdles in dispensation of the duties of the law enforcement agencies, rescue agencies, hospitals and doctors, etc.
- (v) Extreme caution shall be exercised in handling themes, plots or scenes that depict sex offence and violence, including rape and other sexual assaults Identity of any victim of rape, sexual abuse,

terrorism or kidnapping or such victim's family shall not be revealed without prior permission of the victim or victim's guardian where victim is a minor.

- (vi) During any ongoing rescue or security operation, identity and number of victims or other important information shall not be revealed unless the same is warranted by the rescue or security agency incharge of the operation.
 - (vii) there is no live coverage of any ongoing security operation by the law enforcement agencies and Registration Holder(s) shall stream only such information as may be warranted by the security agency incharge of the operation.
 - (viii) Registration Holder shall not stream head money or bounty other than announced by the competent authority.
 - (ix) Registration Holder shall ensure that coverage of the activities in conflict zone are carried out in accordance with the guidelines issued by the concerned law enforcement agencies.
 - (x) Registration Holder shall not stream speculative or biased reporting that may compromise any security operation.
 - (xi) Registration Holder shall ensure that any of its reporter, camera man or other crew does not enter the area where security operation is being carried out without prior permission of the security agency incharge of the operation.
 - (xii) Registration Holder shall provide necessary protection gear and training to its reporters, cameramen and other crew deployed for coverage of any crime incident or conflict zone.
32. **Re-enactment:**— (1) Dramatic re-enactment shall ensure same rigors as required for a factual programme reporting crime. Re-enactment of any sex crime shall not be allowed.
- (2) Standards in respect of entertainment programmes, relating to obscenity and gory scenes shall apply to such re-enactment also.
33. **Religious tolerance and harmony:**— (1) Registration Holder shall ensure that the programmes streamed by it or made available for viewing on Social Network Platforms in any manner do not contain any derogatory statement or visual which is likely to lead to bias, hatred or disharmony with reference to any religion, sect, community or ethnic group;
- (2) beliefs and practices of any faith are described accurately when discussed and interfaith harmony is promoted at all times;
- (3) no programme or comment is streamed or made available for viewing on Social Network Platforms in any manner which incites or condones acts of violence and encourages violation of law in the

name of religion, sect, community or ethnic group or any other pretext.

34. Advertisements:— It would be the responsibility of the Registration Holder(s) that:-

- (a) Advertisements shall be in conformity with the laws for the time being in force.
- (b) Advertisements intended for children shall not directly ask the children to buy the product.
- (c) Advertisements shall not promote obscenity or violence.
- (d) Advertisements of any alcoholic beverages, tobacco products, illegal drugs or narcotics shall not be streamed.
- (e) Advertisements of lotteries, gambling or betting as prohibited under Pakistan Penal Code (Act XLV of 1860) or any other law for the time being in force shall not be streamed.
- (f) A Registration Holder shall not advertise or promote black magic, quackery or superstition.
- (g) Exploitation of religious or nationalistic sentiments and use of religious or national symbols and anthem purely for the purposes of promotion of a product or any quality in such product shall be prohibited.
- (h) Advertisements shall be readily recognizable as such and kept separate from programmes.
- (i) Advertisements relating to e-commerce services shall not be misleading or deceptive.

35. Responsibility for advertising:— (1) The Registration Holder(s) shall be held liable for streaming of illegal or prohibited advertisements.

- (2) A sponsor, advertiser or other authority shall not influence the content of a programme in such a way as to impair the responsibility and editorial independence of the Registration Holder(s).

36. Errors and corrigendum:— Where any false news or information is streamed, the Registration Holder(s) shall acknowledge and correct it on the same medium without any delay in the same manner and magnitude as that of the false news or information was streamed. The corrigendum shall be streamed at appropriate time

37. Facts and opinion:- The Registration Holder shall ensure that :-

- (1) If during a talk show or news show a guest makes or asserts an opinion that is presented as a fact, on a serious issue, the channel and or its representative must intervene and protect the audience by clarifying this is an opinion and not a fact.

- (2) If the host/moderator is giving his or her own opinion, he or she must also clarify that this is a personal opinion and not a fact.
38. **Hate speech:-** The Registration Holder(s) shall ensure that hate speech by any of its employees or any guest on its Social Network Platform(s) is not streamed.
39. **Handling of complaints about unlawful content:** The Registration Holder shall maintain an effective and transparent procedure for handling complaints about unlawful content. The Registration Holder(s) shall supply users with an easily recognisable, directly accessible and permanently available procedure for submitting complaints about unlawful content.
40. **Disclosure:-** The Registration Holder shall in individual cases disclose information to the law enforcement agency about the data of the subscriber within its possession, insofar as it is necessary for the enforcement of the Act.
41. **Power of the Federal Government to issue directives.** – The Federal Government may, as and when it considers necessary, issue directives to the Authority on matters of policy relating to Article 19 of the Constitution of the Islamic Republic of Pakistan, and such directives shall be binding on the Authority, and if a question arises whether any matter is a matter of policy or not, the decision of the Federal Government shall be final,.

CHAPTER V
E-SAFETY COMPLAINTS COMMISSION

42. **eSafety Complaints Commission.** – (1) The Federal Government on the recommendations of the Authority, shall by notification in the official Gazette, establish eSafety Complaints Commission at Islamabad, and at such other places as the Federal Government may determine;
- (2) Each Commission shall receive and decide complaints made by any person, or matters referred to it by the Authority, against any aspect of content or expression shared by Social Network Registration Holder(s);
- (3) The Commission shall have the power to impose penalty including censure, fine against any Social Network Registration Holder(s) for violation of any provision of the Act or the rules, regulations or code of conduct as prescribed by the Authority;
- (4) the Authority or Chairman may on its own motion take cognizance of any online content and exercise its powers under this Act;
- (3) Each Commission shall consist of a Chairperson, four members being citizens of eminence from the general public at least two of whom shall be women and one journalist registered with the concerned press club;
- (4) The Commissions shall have the powers to summon any person against whom a complaint has been made and call for explanation regarding any matter relating to online content in any form;

- (5) The Commission shall decide a complaint or matter referred to it within one month of lodging of complaint or reference.
- (6) The Authority shall formulate rules for the functions and operation of the Commission within Sixty days of the establishment of the Authority.
- (7) The Commission shall have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters, namely:-
- I. Summoning and enforcing the attendance of any person ; and
 - II. Requiring the supply of any information and production of any document which may be useful for the conduct of personal hearing.
43. **Appeal.-** Any person aggrieved of any order or final decision of the Commission may file an appeal with the eSafety Appellate Tribunal within a period of 30 days of receipt of such order or decision.

CHAPTER VI
ESTABLISHMENT & JURISDICTION OF E-SAFETY APPELLATE
TRIBUNALS

44. **Tribunals.**-(1) The Federal Government may, by notification in the official Gazette, establish one or more eSafety Appellate Tribunals. Where there are established more than one Tribunal, the Federal Government shall specify in the notification the territorial limits within which each Tribunal shall exercise jurisdiction under this Act.
- (2) A Tribunal shall consist of :-
- a) a Chairman, who has been or is qualified to be a Judge of High Court;
 - b) a journalist registered with any Press Club of Pakistan having not less than 12 years of relevant experience with known competence and professional competence and minimum qualification of Bachelors in journalism;
 - c) Software Engineer having a minimum of Bachelors degree in Software Engineering or allied subject and not less than 12 years of relevant experience;
 - d) One of the members of the Tribunal shall be a woman.
- (3) The Chairman, members of a Tribunal shall be appointed by the Federal Government on such terms and conditions as he may determine.
- (4) The Chairman or a member of a Tribunal may resign his office by writing under his hand addressed to the Federal Government.

- (5) The Tribunal shall decide all the cases within the span of 30 days. In case the decision is not rendered within the stipulated period, the Tribunal shall record the reasons for the extension in time.
- (6) If the members of a bench differ in opinion as to the decision to be given on any point,— (a) the point shall be decided according to the opinion of the majority;
45. **Appeal against Decisions of the Tribunal:** Any person aggrieved of any decision of the Tribunal may file a Petition before the High Court having jurisdiction within 30 days of receipt of the decision.

CHAPTER VII
PUNISHMENTS AND PENALTIES

46. **Offences and penalties.-** (1) Any person operating a Social Network Platform who violates or abets the violation of any of the provisions of the Act or Rules or Regulations made thereunder shall be guilty of an offence punishable with a fine prescribed by rules;
- (2) Where such person repeats the violation or abetment, such person shall be guilty of an offence punishable with imprisonment for a term which may extend to three years, or with fine prescribed by rules or with both.
- (3) In addition to criminal prosecution, the Authority may also initiate proceedings for revocation of Registration where the violation is serious or the offender is repeating the same.
- (4) Where the violation, or abetment of the violation of any provision of this Act is made by a person who does not hold a Registration or Enlistment to operate a Social Network Platform, such violation shall be punishable with imprisonment for a term which may extend to five years, or with fine prescribed by rules or with both.
47. **Non-cognizable and non-compoundable offences.-** The offences under Subsection (1) and Subsection (2) of Section 45 shall be non-cognizable and non-compoundable.
48. **Offences to be compoundable and cognizable.-** The offence under Subsection (4) of Section 45 of this Act shall be compoundable and cognizable.
49. **Cognizance of offences etc.-** (1) No court inferior to that of a Magistrate of the first class shall try an offence punishable under this Act.
- (2) Notwithstanding anything contained in section 32 of the Code it shall be lawful for any Magistrate of the first class to pass any sentence authorized by this Act even if such sentence exceeds his powers under the said section 32.
50. **Cases to be initiated on complaint.-** No court shall take cognizance of any offence under this Act except on a complaint in writing by the Authority or any officer authorized by it.

CHAPTER VIII
MISCELLANEOUS

51. **Dues to be recovered as arrears of land revenue.-** All fees, dues including outstanding Registration fee, annual renewal fee, late payment fee or any other charges including fine as imposed by the Authority or the Chairman or any of its officer shall be recoverable as arrears of land revenue.
52. **Jurisdiction of courts barred.-** No court, authority or forum other than those conferred jurisdiction under this Act shall have jurisdiction to question legality of anything done or any action taken under the Act.
53. **Power to grant exemptions.-** The Authority may grant exemptions from any provisions of this Act, where the Authority is of the view that such exemption serves the public interest and the exemptions so granted shall be supported by recording the reasons for granting such exemptions in writing provided that the grant of exemptions shall be based on guidelines and criteria as may be prescribed and that such exemptions shall be made in conformity with the principles of equality and equity as enshrined in the Constitution.
54. **Officers of Federal, Provincial and Local Governments to assist Authority.-** The officers of the Federal Government, Provincial Governments and Local Governments including the Islamabad Capital Territory Police, the Provincial Police Departments and particularly, the Federal Investigation Agency & Pakistan Telecommunication Authority shall act in aid of the Authority in respect of enforcement of the Act and extend prompt assistance to the Authority and its officers in the discharge of their functions under the provisions of this Act and the Rules and Regulations framed thereunder.
55. **Warrants for search.-** (1) Where on information furnished by the Authority, the area magistrate has reason to believe that any unregistered Social Network Platform is being owned, controlled or operated or its equipment is being kept or concealed, it may issue a search warrant and the person to whom such warrant is directed, may enter the premises where such unregistered Social Network Platform(s) is being owned, controlled, operated or provided or its equipment is being kept or concealed, or carry out search and inspection thereof and seize all or any equipment therein.
- (2) Any equipment seized under sub-section (1) having no ostensible owner shall vest with the Authority.
56. **Offences by companies.-** Where the person guilty of an offence under this Act, is a company, corporation or firm, every director, partner and employee of the company, corporation or firm shall, unless he proves that offence was committed without his knowledge or consent, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.
57. **Act to override other laws.-** The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force, or any contract, agreement or any other instrument whatsoever.
58. **Indemnity.-** No suit, prosecution or other legal proceedings shall lie against the Government or public authority / functionary or any other person

exercising any power or performing any function under this Act or for anything done in good faith.

59. **Power to make rules.-** The Authority may, with approval of the Government, by notification in the official Gazette, make rules to carry out the purposes of this Act.
60. **Power of the Authority to make regulations.-** The Authority may, by notification in the official Gazette, make regulations, not inconsistent with this Act and the rules made thereunder to provide for all matters for which provisions are necessary or expedient for carrying out the purposes of this Act.
61. **Removal of difficulties.-** If any difficulty arises in giving effect to the provisions of this Act, the Authority may make such order, not inconsistent with provisions of this Act, as may appear to it to be necessary for the purpose of removing the difficulty.
62. **Amendment of Prevention of Electronic Crimes Act, 2016 (Act No. XL OF 2016) and pending proceedings.—** (1) Section 37 of the Prevention of Electronic Crimes Act, 2016 (Act No. XL of 2016) are omitted.
- (2) Any action taken by or with the approval of the Pakistan Telecommunication Authority or proceedings pending under Section 37 of the Prevention of Electronic Crimes Act, 2016 (Act No. XL OF 2016) repealed by sub-section (1), shall continue and be deemed to have been taken or initiated under this Act.
63. **Repeal and saving.-** The Unlawful Online Content (Procedure, Oversight and Safeguards) Rules, 2021 shall stand repealed from the date of promulgation of this Act, provided that notwithstanding the repeal of the said Rules, any proceedings pending under the aforesaid Rules before any Authority or Court of Law shall continue under said Rules until their logical conclusion.