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PART II

Statutory Notifications (S.R.O.)

GOVERNMENT OF PAKISTAN
INFORMATION TECHNOLOGY AND TELECOMMUNICATION DIVISION
(Ministry of information technology and telecommunication)

NOTIFICATION

Islamabad, the 6th October, 2020

S. R. O. 1077(I)/2020.—In exercise of the powers conferred by sub-section (2) of sections 37 of the Prevention of Electronic Crimes Act, 2016, (XL of 2016), the Federal Government is pleased to approve the following rules prescribed by the Pakistan Telecommunication Authority:—

CHAPTER-I PRELIMINARY

1. **Short Title and Commencement.**—(1) These rules may be called the Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards), Rules 2020”.

(2) They shall come into force at once.

(2295)

Price: Rs. 20.00

[6234(2020)/Ex.Gaz.]

2. **Purpose and scope of these rules.**—These rules provide for safeguards, process and mechanism for exercise of powers by the Authority under the Act for removal of or blocking access to unlawful Online Content through any information system.

3. **Definitions.**—(1) In these Rules, unless there is anything repugnant in the subject or context:—

- (i) “Act” means the Prevention of Electronic Crimes Act, 2016 (Act No. XL of 2016);
- (ii) “Community Guidelines” shall mean any community guidelines, community standards, policies, rules and regulations, user agreements or any other instruments devised by a Service Provider including a Social Media Company, or owner of any Information System, website and webserver;
- (iii) “Complainant” means any person or his/her guardian, where such person is a minor, aggrieved by unlawful Online Content and includes an entity or a person authorized under these rules to lodge a complaint;
- (iv) “Contempt of Court” shall bear the same meaning as given under the Contempt of Court Ordinance, 2003 (Ordinance V of 2003) and section 37 (1) of the Act;
- (v) “Database Server” means back-end system of an information system or service or OTTA using server architecture, which performs tasks such as data analysis, storage, data manipulation, archiving, and other non-user specific tasks;
- (vi) “Https” means Hyper Text Transfer Protocol Secured used as underlying protocol by the World Wide Web for formatting, transmission and communication of messages on internet in a secure encrypted form;
- (vii) “incitement” means and includes an act by a person to incite another to commit a crime; an aider or abettor;
- (viii) “Online Content” means an Information on an Information System including but not limited to photo, image, video, audio, text, infographic, article, sub-content and status uploaded or updated on any online Information System;
- (ix) “Online Systems” means an Information System connected with other Information System through internet and any cloud-based content distribution services;

- (x) "Over The Top Application (OTTA)" means the service or an application or a content which is provided to User over the public Internet with or without the involvement of the network provider;
- (xi) "Person" shall include any individual, servant of the state or public servant, company, body politic or corporate, or association or body of individuals whether incorporated or not;
- (xii) "Social Media" means any social media application or service or platform or communication channel dedicated to community based input, interaction, content, sub-content, sharing and collaboration, and includes Facebook, Twitter, Google+, Youtube, Dailymotion, Instagram, Snapchat, Pinterest, LinkedIn, Reddit, Tik Tok and any other such application and service;
- (xiii) "Social Media Company" means any Person that owns or manages Online Systems for provision of social media;
- (xiv) "Universal Resource Locator" (URL) means the global address of information and other resources located on or served from Information System connected through internet; and
- (xv) "User" means any Person who accesses or avails any Online System for the purpose of hosting, publishing, creating, displaying sharing or uploading any information including views and includes other persons jointly participating in using the Online Systems.

(2) All other words and expressions used but not defined in these Rules shall have the same meanings as may be assigned to them in the Constitution of Islamic Republic of Pakistan 1973, the Act, the Pakistan Telecommunication (Re-organization) Act 1996 (XVII of 1996), Pakistan Penal Code (Act XLV of 1860), Code of Criminal Procedure 1898 (Act V of 1898), and Qanoon-e-Shahadat, 1984 (P.O.No.X of 1984).

CHAPTER-II SAFEGUARDING THE FREEDOM OF SPEECH AND EXPRESSION

4. **Freedom of speech and expression.**—(1) Every Person or organization shall have the right to express and disseminate any Online Content on an Online System as ensured and guaranteed under Article 19 of the Constitution of Islamic Republic of Pakistan, 1973:

Provided that the Authority shall not restrict, disrupt the flow or dissemination of any Online Content unless it is necessary for the reasons as prescribed in Section 37(1) of the Act: