

# IN THE HIGH COURT OF SINDH AT KARACHI

Constitution Petition No. D-97 of 2023

Rabia Iqbal Khan D/O Muhammad Iqbal.....Petitioner.

**VERSUS**

Federation of Pakistan & Others.....Respondents.

## ORDER

05.01.2023

M/s. Haider Waheed & Shahzeb Akhtar Khan, Advocates for the petitioner alongwith the Petitioner Rabia Iqbal Khan alias Kubra Khan.

- 
1. Urgency granted.
  2. Exemption granted subject to all just exceptions.
  - 3-4. Learned counsel for the petitioner states that the petitioner is an actress by profession and commands a celebrity status in the showbiz industry due to her extensive, dedicated and hardwork in television, media and films that has received numerous accolades. Learned counsel next states that the petitioner has been seriously aggrieved by a social media storm generated due to certain videos made by an individual by the name of "Adil Farooq Raja" who claims to be a "Geopolitical Analyst" and "Rights Activist" running a YouTube channel by the name of "Soldier Speaks", as well as a twitter handle by the name of "@soldierspeaks", who on 1<sup>st</sup> January, 2023 live streamed a video on his above named YouTube channel wherein he made blatantly false, derogatory, defamatory, malicious, incendiary, dangerous and sensationalizing allegations against four actresses of Pakistani media industry lowly degrading each of them and causing an affront to their modesty and dignity by alleging that they were used by intelligence agencies to lure



politicians into compromising positions at safe houses where videos were made of such actresses with politicians. Learned counsel has reproduced full text of the story aired in the said video in para-4 hereof, a perusal of which reflects that assertion of the learned counsel are well founded. Per learned counsel whilst that the said video was aired on YouTube it was also immediately carried over Twitter as well as Instagram where it was distributed through a host of Twitter/Instagram accounts details of (some of) which accounts are as under:-

| <u>Twitter accounts</u> | <u>Instagram accounts;</u>                       |
|-------------------------|--|
| i. @UsamaRandhawaOO     | xv. Malangvibes                                  |
| ii. @da_nish_k          | xvi. Lens_propak                                 |
| iii. @Paknewsisbest     | xvii. Officialmodellingpakis<br>tan - ask client |
| iv. @alialove98         | xviii. Bakchodi_kiduniya                         |
| v. @KB4sa               | xix. Meganews.pk                                 |
| vi. @ZainWatozai        | xx. Ayeshatweets_                                |
| vii. @Kayani_Sabine     | xxi. B4bisti                                     |
| viii. @FunTV4u          | xxii. Ayesahveerxsherry                          |
| ix. @PubgSta34022999    | xxiii. Smjha_kr_yaar                             |
| x. @CapitalTVLive       | xxiv. Pak_celebreties_news<br>- ask client       |
| xi. @azhartalpur125g    | xxv. Zoya_blogs                                  |
| xii. @sriaz82           | xxvi. Inflics                                    |
| xiii. @mSaleemJaved     | xxvii. etrendsdotpk                              |
| xiv. @MuhammadIrfanSi   |  |



Per learned counsel the said Adil Farooq Raja while later on uploaded another video on YouTube on 03.01.2023 where he clarified the issue and retracted from his earlier version, however, during the process it irreparably damaged the reputation of the actresses including the petitioner, and on account of the contents already uploaded in the real and cyber space, through various

channels including Youtube, Twitter and Instagram, illegal acts have been committed by a host of (abovenamed) individuals which are strictly cognizable under the Prevention of Electronic Crimes Act, 2016 ("PEC Act, 2016") where the respondent No.3 i.e. PTA is the designated agency to arrest such illegalities and to pass orders to forthwith block such transmissions and to ensure removal of such contents. Learned counsel referred to Sections 20, 21(1)(d) and 21(3) to show that respondent No.3 is duty bound to forthwith pass orders not only for the removal and destruction of such contents, but also preventing transmission and blocking thereof.

Learned counsel informs the Court that the petitioner has lodged formal complaints with the said respondent (PTA) as well as FIA (respondent No.2) which are available at pages 113 and 115, however, till date even no acknowledgement thereof has been made to the petitioner, let alone these entities having taken any action. Learned counsel states that such an inaction violated rights of the petitioner, and led to irrecoverable and irreparable damage to her dignity and modesty, which valuable rights are guaranteed under Article 14 of the Constitution too. A request is made to issue directions to PTA/FIA to take immediate actions against the perpetrators of the PECA law as time is of the essence.

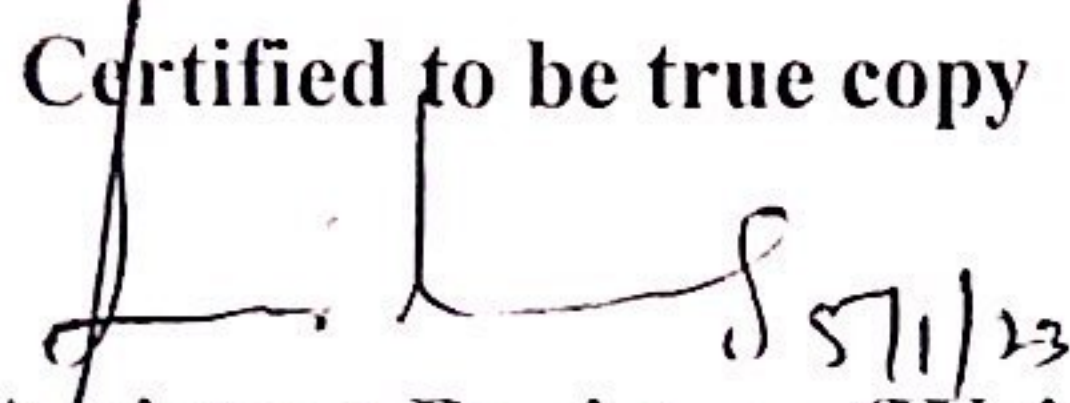
Issue notice to the respondents as well as DAG for 09.01.2023, in the meanwhile respondent Nos. 2 and 3 to take immediate steps for discharge of the duties casted upon them under PEC Act, 2016 and pass appropriate orders forthwith to block the channels/handles details of which are mentioned in the foregoing paragraph and remain vigilant in this regard. Let a copy of this order be sent by fax to the respondent No.2 and 3 by the office immediately.



Let an officer of the respondent No. 2 & 3 also be in attendance alongwith record on 09.01.2023 without fail, when this matter is fixed.

SD/. JUDGE  
SD/. JUDGE

Certified to be true copy

  
Assistant Registrar (Writ)

C.P.No.D.97/2023

Karachi Dated 05.01.2023

Copy of above order forwarded for information compliance to:

**Respondent No.2 & 3**

**2. Federal Investigation Agency**

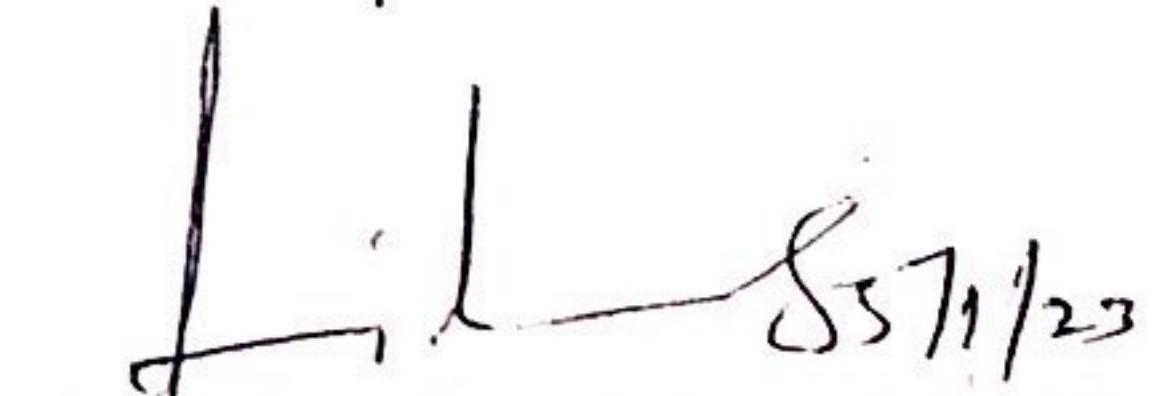
Through

- iii) Additional Director General, National Response Centre for Cyber Crime, Cyber Crime Headquarters, National Police Foundation Building, 2<sup>nd</sup> Floor Sector G-10/4 Islamabad.
- iv) Deputy Director, Cyber Crime, Karachi, FIA Office, Near Darul Sehat Hospital, Gulistan-e-Johar, Karachi.

**3. Pakistan Telecommunication Authority**

Through its Chairman, PTA Headquarters Sector F-5/1 Islamabad.



  
Assistant Registrar (Writ)