

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Suit No. 1457 of 2021

Date Order with signature of Judge

1. For orders on CMA No. 10654 of 2021.
2. For orders on CMA No. 10655 of 2021.

28th June, 2021.

M/s. Maaz Waheed & Muhammad Asad Ashfaq, Advocates for the plaintiff.

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1. Urgency granted.
 2. Learned counsel for the plaintiff files a suit for Declaration and Injunction against the defendants, stating therein that the plaintiff is an active user of a social medial application 'TikTok', which he is actively using since the year 2019 and has a following of above 7000 people. The defendant No.1 is the Federation of Pakistan through the Ministry of Information Technology and Telecommunication. Whereas, the defendant No.2 is a body corporate established under the Pakistan Telecommunication 9Re-Organization) Act, 1996 which directly regulates the establishment and operations of all telecommunications systems and services including all the social media platforms) across Pakistan. While the defendant No.3 is a video-sharing focused social networking service, used to make a variety of short-videos from numerous genres, including but not limited to dance, movies, comedy, amongst others, and it mainly popular amongst the younger generation across the world. The defendant No.3 paved its way into and seized attention in Pakistan around the year 2019, when a large number of teenagers/youth downloaded and/or subscribed to it. That on account of excessive and continuous spread of immorality and obscenity by the defendant No.3, a

citizen of Pakistan being aggrieved thereby, approached the Peshawar High Court Writ Petition No. 4004-P of 2020, seeking a direction to impose ban on the operations on the defendant No.3 in Pakistan and on 11.03.2021 the Peshawar High Court impose a ban on the defendant No.3. However, on the subsequent date of hearing in the petition, a representative of defendant No.2 had asserted that they had communicated with the defendant No.3 which has assured them that they shall regulate the content posted on TikTok in Pakistan in line with the local laws and shall block accounts spreading vulgarity. In view of such submission by the representative of the defendant No.2 the ban was lifted from the defendant No.3, but the defendant No.3 paying no heed to the constant undertakings and assurances given by them before various Courts and the defendant No.2 nor respecting the law and the basic injunctions of Islam as well as the culture of Pakistan, has recently started a social media campaign whereby they are celebrating 'LGBT-Pride Month' (LGBT is an abbreviation for Lesbianism, Gayism, Bisexuality and Transgender community). Therefore, being aggrieved of the aforementioned immorality and obscenity being spread by the defendant No.3 in Pakistan, which is against the glory and principles of Islam and morality, the plaintiff on 14.06.2021 filed a complaint under Rule 5 of the Removal and Blocking of Unlawful Online Contents Rules, 2020 before the defendant No.2 seeking a direction to impose immediate ban on the TikTok application /defendant No.3, but the defendant No.2 malafidely and being hand-in-golve with the defendant No.3 did not pay any heed thereto. Therefore, the plaintiff on 21.06.2021 had sent a letter of request to the defendant No.2 seeking urgent fixation/hearing of the Complaint in question.

however, to the plaintiff's dismay, the defendant No.2 again turned deaf upon the request of the plaintiff. Hence this Suit.

The learned counsel for the plaintiff has also filed an application under Order XXXIX Rule 1 & 2 R/W Section 94 and 151 CPC praying therein that to suspend the operations of and/or access to the TikTok application in Pakistan, till the pendency of the proceedings or till deciding his complaint dated 14.06.2021.

Let notice be issued to the defendants as well as D.A.G, Pakistan for ***08.07.2021 and till then the defendant No.2 is hereby directed to suspend the operations of and/or access to the TikTok application in Pakistan.***

Faheem/PA