



Pakistan Media Legal Review 2019

**COERCIVE CENSORSHIP
MUTED DISSENT**

**Annual Review of Legislative, Legal and Judicial
Developments on Freedom of Expression, Right to
Information and Digital Rights in Pakistan**

IRADA

Institute for Research, Advocacy and Development

PAKISTAN MEDIA LEGAL REVIEW 2019

COERCIVE CENSORSHIP, MUTED DISSENT: PAKISTAN DESCENDS INTO SILENCE

**Annual Review of Legislative, Legal and Judicial Developments on
Freedom of Expression, Right to Information and Digital Rights in
Pakistan**



Institute for Research, Advocacy and Development

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This report was voluntarily produced by the **Institute for Research, Advocacy and Development (IRADA)**, an Islamabad-based independent research and advocacy organization focusing on social development and civil liberties, with the contribution of **Faiza Hassan** as research assistant and **Muhammad Aftab Alam** and **Adnan Rehmat** as lead researchers.

TABLE OF CONTENTS

Executive Summary	1
Attempts to Radicalize Media Regulatory Framework	3
Pakistan Media Regulatory Authority (PMRA)	3
Media Tribunals.....	4
Journalistic and Media Freedoms	6
Murders of Journalists	6
Serious Incidents of Harassment and Attacks on Journalists and Media.....	7
Criminal Cases Against Journalists.....	8
Use of Cybercrime Law against Journalists.....	8
Rizwan ur Rehman Razi Case	8
Shahzeb Jilani Case	9
FIA Enquiries against Journalists on Displaying Jamal Khashoggi’s Picture on Social Media Accounts	10
Closure of Iconic Herald and NewslinesMagazines	10
Journalist Protection Bill/Law	11
Pakistan’s Electronic Media Regulator and Curbs on Free Speech	13
PEMRA Advisories	13
PEMRA Directives	15
PEMRA Show-Cause Notices	17
Gagging Channels, Banning Programs and Censoring Individuals Expression	18
PEMRA’s Licensing for New Television Channels	22



Courts, Media and Freedom of Expression.....	23
Petition Against Media Coverage of PashtunTahaffuz Movement (PTM)	23
Contempt of Court Proceedings Against TV Anchorpersons.....	23
Lahore High Court Ban on Media Coverage on Mall Road Lahore.....	24
Court Directions to Stop Derogatory Remarks Against Lawyers	24
Websites Blocking Declared Illegal.....	24
Suspension of Social Media Accounts of Pakistanis by Twitter and Facebook.....	26
Curfew in Indian-Held Kashmir and Suspension of Social Media Accounts.....	26
Suspension of Jamaat-e-Islami’s Official Facebook Page.....	26
Blockade of Official Facebook Page of Radio Pakistan	27
Global Reaction on State of Freedom of Expression in Pakistan.....	28
Facebook Transparency Report (Jan-June 2019)	28
Twitter Transparency Report (Jan-June 2019)	28
Right to Information.....	30
Federal Government and Proactive Disclosure of Information	30
Extension of Khyber Pakhtunkhwa Right to Information Act to Erstwhile FATA.....	31
Blasphemy and Defamation	32
Blasphemy	32
Defamation.....	33

EXECUTIVE SUMMARY

The year 2019 saw Pakistan lurching from bad to worse within the broader context of the media legal framework of the country, especially on freedom of expression and right to information. These rights diminished considerably while the operational framework of the media industry also shrunk hampering its ability to remain professional due to state pressures.

The media legal context of Pakistan during 2019 was characterized by an aggressive federal government seeking to extend and expand its authority to overregulate the media sector and to redefine the boundaries of free speech not just of media and information practitioners, including journalists and online citizens, but also of opposition political parties and civil society movements – and their leaders – aimed at constructing their struggle for human rights.

The government onslaught on civil liberties employed a combination of conservative policy proposals and liberal administrative overreaches. These included a major policy attempt to merge all media regulators into a single centralized entity, which was thwarted by public, media and civil society outrage. Administratively, the cybercrime law (i.e., the Prevention of Electronic Crimes Act (PECA) 2016), was repeatedly invoked against journalists and opinion makers for exercising freedom of expression and social media activism.

In 2019, both the federal government and the four provincial governments failed in moving forward on their earlier commitments to enact special legislation to safety of journalists. The absence a specialist legal cover meant that the threats and vulnerabilities facing journalists, opinion makers and other information ended up hurting them. At least seven journalists were killed during the year while many others were attacked and injured. Some faced legal cases brought on by the authorities.

The year also witnessed a spike in forced official censorship of the political parties and their leaders through a beleaguered media pressurized by the government. Interviews of the senior leadership of several opposition parties were forced off air on various TV channels including Pakistan People's Party Co-Chairman and former President Asif Zardari, Pakistan Muslim League-N senior leaders including former Prime Minister Nawaz Sharif and Maryam Nawaz, Jamiat Ulema-e-Islam-F chairman Maulana Fazlur Rehman, Balochistan National Party-M chief and former Balochistan Chief Minister Akhtar Mengal.



Throughout the year there remained in place not only a de facto ban on live coverage of press conferences by opposition party leaders but also any kind of coverage by civil rights groups such as Pashtun Tahaffuz Movement (PTM) and Awami Workers Party (AWP). The media was also forced to prevent coverage of widespread protests by students, women's groups and peasants.

Throughout the year, the Pakistan Tehrik-e-Insaf government of Prime Minister Imran Khan remained consistently focused on shackling both the mainstream media and social media as well as curbing freedom of speech of journalists and citizens reflecting dictatorial tendencies and authoritarian attitudes indicating that the government did not brook criticism of any kind from any medium.

The experiences of 2019 showed a consistent worsening of the media legal environment that encompasses the freedom of expression and access to information domains, indicating that 2020 was all set to become even a worse year.

ATTEMPTS TO RADICALIZE MEDIA REGULATORY FRAMEWORK

Pakistan Media Regulatory Authority (PMRA)

In calendar year 2019, the Pakistan government came up with various controversial proposals for radical changes in the prevailing legal and regulatory framework governing media in the country. One of these was to merge existing telecom, electronic and print media regulators into one centralized regulatory body. The plan to merge these regulators first appeared in October 2018¹ when Federal Information Minister – Fawad Chaudhry – mentioned the draft of the ‘Pakistan Media Regulatory Authority (PMRA)’ during a Senate standing committee meeting. The crux of this proposal, according to him, was that “all the relevant legislation and rules would be merged in order to achieve a one-window operation.”

Following this announcement, a draft of the proposals was leaked to selected people and groups. However, the government never made the final draft, approved by the federal cabinet, officially public. While reflecting on the unofficial draft of the proposals, local and international media, civil society groups and digital rights organizations rejected the move to merge all three regulators without any consultative process. The Institute for Research, Advocacy and Development (IRADA) and Centre for Law and Democracy (CLD),² on January 14, 2019, stressed the need for a broad-based consultation on the proposed move involving all stakeholders, including media, civil society and citizens. Both organizations emphasized that the proposals fail to address, and in some ways even exacerbate, some of the most serious problems with the existing regulatory regime and hence constitute a regression rather than reform process.

On January 24, 2019, the federal cabinet approved³ formation of the Pakistan Media Regulatory Authority (PMRA). However, media and civil society stakeholders strongly reacted to this proposal.⁴ All Pakistan Newspapers Society (APNS) termed the decision of federal cabinet as the “most regressive measure against media.” It further stated that the proposed PMRA “was being formed without any consultation with the stakeholders.” APNS argued that “it would be impractical to bring print and electronic media (i.e., television, radio, social and digital media) under one regulatory

¹ <https://www.dawn.com/news/1439946>

² Centre for Law and Democracy (CLD)

³ <https://www.dawn.com/news/1459636>

⁴ <https://www.dawn.com/news/1459855/apns-cpne-assail-move-to-form-new-media-body>



authority.” Similarly, the Council of Pakistan Newspaper Editors (CPNE) described “it as a move aimed at curbing the freedom of print media.” They argued that there “was no need for special laws for the print media.”

On January 26, 2019, Dawn⁵ newspaper termed the government proposal an “agenda to tighten its control over the media.” The editorial further stated that the [proposal] is a short-sighted approach, especially when the government itself has been one of the biggest beneficiaries of media freedom in Pakistan. Similarly, the Pakistan Federal Union of Journalists (PFUJ) endorsed the views⁶ expressed by APNS and CPNE stating that establishing such an authority would be an act worse than the Press and Publications Ordinance promulgated by former military dictator Ayub Khan. The PFUJ statement mentioned that establishment of a federal institution to regulate printing and publication, which is a provincial subject after the 18th Constitutional Amendment devolving powers to the provinces, will be construed as interference in the provinces’ domain and is, therefore, in conflict with the Constitution.

Despite all criticism and objections raised by media and civil society groups and activists, then Federal Information Minister Fawad Chaudhry insisted on a centralized regulatory authority⁷ for all types of media, including, print, electronic and digital. However, Prime Minister announced a major reshuffle of the federal cabinet⁸ on April 18, 2019 and changed the portfolio of Chaudhry from information to science and technology. Resultantly, the PMRA proposal to merge three media regulators – Pakistan Electronic Media Regulatory Authority (PEMRA), Pakistan Telecommunication Authority (PTA) and Press Council of Pakistan (PCP) – disappeared from the radar.

Media Tribunals

Though Dr. Fidous Ashiq Awan, who took over the portfolio of ministry of information as a special assistant to prime minister, scrapped the idea of PMRA,⁹ she came up with the controversially substitute idea of media tribunal/courts¹⁰ to deal with cases relating to media and media regulators. She disclosed this proposal during a conversation with media persons at a meeting with the office-bearers of Pakistan Broadcasters Association (PBA) on July 24, 2019 in Karachi. However, both, APNS and CPNE strongly criticized the proposal to establish media courts, terming it as

⁵ <https://www.dawn.com/news/1459873/pmra-senseless-and-dangerous>

⁶ <https://www.dawn.com/news/1460213/pfuj-faction-opposes-new-regulatory-authority>

⁷ <https://www.dawn.com/news/1466057>

⁸ <https://www.dawn.com/news/1476954>

⁹ <https://bit.ly/37JJP0t>

¹⁰ <https://www.thenews.com.pk/print/503116-govt-to-establish-media-courts-says-firdous>

an added and institutionalized lever for arm-twisting of media and curb voices of dissent by all means.

Nevertheless, on September 17, 2019 the federal cabinet approved the plan to form “media courts”¹¹ to seek speedy disposal of media related cases within a particular time limit of 90 days. However, political parties,¹² APNS, CPNE,¹³ PFUJ and civil society groups¹⁴ including Human Rights Commission of Pakistan (HRCP) unanimously rejected the government’s decision. Dawn newspaper, in its editorial on September 19, 2019,¹⁵ termed the proposal to set up media tribunals / courts as “an extraordinarily unwise and provocative idea.” The publication suggested that “the government should strengthen PEMRA and PCP by respecting their autonomy rather than proposing a system whereby they would function as mere post offices.” As a result of the strong opposition from all media and civil society stakeholders, the government went on the back foot and dropped the idea.¹⁶



¹¹ <https://www.dawn.com/news/1505851>

¹² <https://www.dawn.com/news/1506021>

¹³ <https://bit.ly/2SG70EY>

¹⁴ <https://www.thenews.com.pk/print/528793-political-parties-hr-media-bodies-reject-media-courts>

¹⁵ <https://www.dawn.com/news/1506257/media-courts>

¹⁶ <https://www.dawn.com/news/1506250>

JOURNALISTIC AND MEDIA FREEDOMS

The issue of safety of journalists and security of media remained a serious challenge throughout 2019. In its latest report on impunity of crimes against journalists, Freedom Network – a Pakistani media rights watchdog – documented cases of seven journalists murdered during the period between November 2018 to October 2019.¹⁷ Followings are briefs on killings of journalists as well as incidents of harassment, attacks, abduction and criminal cases, etc. against journalists in the country during 2019.

Murders of Journalists

1. On April 30, 2019, unidentified assailants shot dead a local reporter, Malik Amanullah Khan, in what appeared to be an incident of targeted killing in Parowa area of Dera Ismail Khan District of Khyber Pakhtunkhwa province.¹⁸
2. On May 4, 2019, in Naushehro Feroze district of Sindh province, a journalist - Ali Sher Rajpar¹⁹ – who was associated with Sindhi newspaper Awami Awaz was killed in an attack on the Padidan Press Club. Later, the police booked six persons²⁰ including Chairman of Padidan Town Committee Shakeel Ahmed Rajper in his murder.
3. On June 15, 2019, Mohammad Bilal Khan, a social media activist was stabbed to death in Islamabad.²¹
4. On June 17, 2019, Ilyas Warsi, a journalist associated with the daily Kawish, was found murdered in his flat within the jurisdiction of the Cantonment police station of Hyderabad in Sindh province.²²
5. On August 30, 2019, Mirza Waseem Baig, a 92 News television channel correspondent was shot dead in Sarai Alamgir area of Jhelum District in Punjab province.²³ Later in September, police claimed to have killed the alleged assassin of the journalist in an encounter.²⁴

¹⁷ <http://www.fnpc.org/100-impunity-for-killers-0-justice-for-pakistans-33-murdered-journalists-in-2013-19/>

¹⁸ <https://www.dawn.com/news/1479544/journalist-killed-in-di-khan>

¹⁹ <https://www.dawn.com/news/1480365/journalist-killed-in-attack-on-pad-eidan-press-club>

²⁰ <https://tribune.com.pk/story/1966380/1-town-committee-chairman-booked-journalists-murder-case/>

²¹ <https://www.dawn.com/news/1488828/social-media-activist-stabbed-to-death-in-capital>

²² <https://www.dawn.com/news/1488480/journalist-found-murdered-in-hyderabad>

²³ <https://92newshd.tv/92-news-correspondent-shot-dead-in-sarai-alamgir/#.XjqRnxMzbOQ>

²⁴ <https://www.dawn.com/news/1506791/journalists-killer-gunned-down-in-encounter>

6. In September 2019, Mr Abbas, a newsman working for a TV channel was found dead in Vehari district of Punjab province. He went missing for a few days before his body was found on September 10, 2019.²⁵
7. On November 25, 2019, Ms. Urooj Iqbal, a young woman journalist, was shot dead outside her office in Lahore.²⁶

Serious Incidents of Harassment and Attacks on Journalists and Media

1. In April 2019, in Sindh province, the house of journalist Waheed Phulpoto was attacked by a few armed assailants from Ghari Yasin tehsil of Shikarpur.²⁷
2. In June 2019, Masroor Siyal, a Pakistan Tehreek-e-Insaf (PTI) leader, assaulted Karachi Press Club President Faran during a talk show aired on a private TV channel.²⁸
3. In June 2019 in Islamabad, Baqir Sajjad, who works with the Dawn newspaper as foreign affairs correspondent, was harassed by unknow individuals when he was returning from a meeting with diplomats from British High Commission.²⁹
4. In November 2019, Rana Ghulam Mustafa, a journalist associated with ARY News Channel and his cameraman were beaten by the owners and employees of a local flour mill in Daska, district Sialkot of Punjab province.³⁰
5. In January 2019, a journalist was injured in shooting by unknown men in Sialkot.³¹
6. In February 2019, ruling Pakistan Tehreek-e-Insaf workers manhandled media workers who were protesting during the visit of Federal Railway Minister Sheikh Rashid to Hyderabad.³²
7. In December 2019, a mob staged a protest against Dawnnewspaper (on December 2 in Islamabad and December 3 in Karachi) over a news item regarding the Pakistani origins of a UK resident who attacked pedestrians in London.³³ On December 4, journalists across Pakistan protested the siege of Dawn's Islamabad

²⁵ <https://www.dawn.com/news/1504925/tv-journalist-found-dead-in-mailsi-town>

²⁶ <https://www.dawn.com/news/1518815>

²⁷ <https://dailytimes.com.pk/382515/journalists-condemn-attack-on-the-house-of-senior-journalist/>

²⁸ <https://tribune.com.pk/story/2000196/1-journalists-protest-pti-leaders-assault-kpc-president/>

²⁹ <https://twitter.com/baqirsajjad/status/1138772037269372928>

³⁰ <https://nation.com.pk/E-Paper/islamabad/2019-11-08/page-5/detail-2>

³¹ <https://www.dawn.com/news/1455689/journalist-injured-in-shooting>

³² <https://bit.ly/38EjyCk>

³³ <https://www.dawn.com/news/1520606>



offices by a mob. On December 6, protesters again besieged Dawn Islamabad office, chanted slogans against the media group and set copies of the newspaper on fire.³⁴

Criminal Cases Against Journalists

1. In Karachi, Matloob Hussain Moosavi, a reporter of the Jang newspaper, was reportedly abducted from his residence by unidentified individuals on March 30, 2019.³⁵ The journalist was released in May 3 but arrested on May 5 on charges of sectarian killings.³⁶ However, on June 13, an anti-terrorism court in Karachi granted bail to him in the case pertaining to alleged possession of an illicit weapon.³⁷
2. Nasrullah Chaudhry, a journalist associated with Nai Baat newspaper and a member of Karachi Press Club, was arrested in November 2018 for alleged possession of proscribed literature.³⁸ He was released on bail the same month.³⁹ However, in December 2019, an anti-terrorism court awarded five-year imprisonment to him in the case pertaining to possessing literature allegedly against the state and spreading religious hatred.⁴⁰

Use of Cybercrime Law against Journalists

During 2019 journalists also became target of cybercrime law including the Prevention of Electronic Crimes Act (PECA), 2016. A number of journalists faced inquiries, abductions, investigations, arrests and criminal cases due to their online/social media activities and posts. The arrest of Lahore-based journalist Rizwan ur Rehman Razi, a criminal case against Karachi-based journalists Shahzeb Jilani and inquiries by the Federal Investigation Agency (FIA) against five other well-known journalists were victims of PECA law.⁴¹ Followings are their case details:

Rizwan ur Rehman Razi Case

On February 8, 2019, the Federal Investigation Agency (FIA) registered a first information report (FIR) against journalist and news anchor Rizwan ur Rehman Razi, also known as Razi Dada.⁴² He was accused of violation of Section 11 and 20

³⁴ <https://www.dawn.com/news/1520802>

³⁵ <https://www.thenews.com.pk/latest/451052-daily-jang-reporter-matloob-hussain-mosavi-missing-after-armed-men-break-into-house>

³⁶ <https://www.dawn.com/news/1480736>

³⁷ <https://www.dawn.com/news/1488080>

³⁸ <https://bit.ly/2SDY5DO>

³⁹ <https://dailytimes.com.pk/327484/atc-grants-bail-to-journalist-nasrullah-chaudhry/>

⁴⁰ https://epaper.dawn.com/DetailImage.php?StoryImage=31_12_2019_116_008

⁴¹ <https://dailytimes.com.pk/327484/atc-grants-bail-to-journalist-nasrullah-chaudhry/>

of the PECA and 123-A and 500 of Pakistan Penal Code. The FIR stated that Razi was implicated due to his 'defamatory' tweets on his twitter handle @RaziDada against the judiciary, state institutions and intelligence agencies.⁴³ He was later arrested by the Agency over cybercrime charges.⁴⁴ The authorities also took his mobile phone into custody for forensic data extraction report. A magistrate granted him bail on February 10, 2019 on furnishing a surety bond amounting to Rs100,000 and declined the request of the FIA to remand him into its custody.⁴⁵

Shahzeb Jilani Case

On April 10, 2019 it was reported that FIA had initiated inquiry against journalist Shahzeb Jilani after an FIR was filed against him over 'remarks against state institutions.'⁴⁶ The FIA booked him under Sections 500 (defamation), 109 (abetment) and 34 (common intention) of the Pakistan Penal Code (PPC) read with Sections 10-A (cyber terrorism), 11 (hate speech) and 20 (offences against dignity of a natural person) of the Pakistan Electronic Crime Act (PECA), 2016, on the application by one Maulvi Muhammad Iqbal Haider.⁴⁷ The applicant alleged that Jilani accused law enforcement agencies of kidnapping dozens of people which leads towards missing persons.

However, on April 12, 2019, a court in Karachi granted interim bail to Jilani upon submission of surety bonds amounting to Rs100,000.⁴⁸ His interim bail was later extended thrice until April 30, 2019 when a district court in Karachi confirmed the bail.⁴⁹ Local and international media freedom organizations and advocates including Reporters without Borders (RSF) slammed the move to initiate criminal case against the journalist.⁵⁰ Finally, on May 18, 2019, the court cancelled a case of alleged cyber terrorism, defamatory remarks against state institutions and hate speech against Jilani for lack of evidence.⁵¹

⁴² <https://www.dawn.com/news/1462793>

⁴³ <https://nayadaur.tv/2019/02/attack-on-press-freedom-fia-arrests-journalist-razi-dada-people-demand-immediate-release/>

⁴⁴ <https://bit.ly/2vljvqy>

⁴⁵ <https://www.thenews.com.pk/print/430430-journalist-granted-bail>

⁴⁶ <https://nayadaur.tv/2019/04/fia-initiates-inquiry-against-shahzeb-jilani-over-remarks-against-state-institutions/>

⁴⁷ <https://www.dawn.com/news/1483196/cyber-terror-case-against-journalist-cancelled-lawyer>

⁴⁸ <https://nayadaur.tv/2019/04/journalist-shahzeb-jilani-granted-pre-arrest-bail-an-fir-was-filed-against-him-over-anti-state-remarks/>

⁴⁹ <https://www.dawn.com/news/1479414/journalist-shahzeb-jilani-pre-arrest-bail-confirmed-by-district-court>

⁵⁰ <https://www.dawn.com/news/1476622/rsf-slams-move-to-charge-reporter-with-cyber-terrorism>

⁵¹ <https://www.dawn.com/news/1483196/cyber-terror-case-against-journalist-cancelled-lawyer>



FIA Enquiries against Journalists on Displaying Jamal Khashoggi's Picture on Social Media Accounts

On March 13, 2019, the FIA directed its all additional directors of cybercrimes wing in Rawalpindi region to register enquiries against six individuals and four organizations including five well-known journalists - Murtaza Solangi, Matiullah Jan, Azaz Syed, Umar Cheem and Ammar Masood. The directive was reported in the media on March 28, 2019 when it was shared by Solangi in a tweet.⁵² The directive stated that, during the two-day visit of Saudi Crown Prince to Pakistan, "a targeted social media campaign was planned / executed against the visit by these individuals and organizations." The direction was made on the complaint of Federal Ministry of Interior.⁵³ The fate of under-enquiry journalists and organizations is not clear as the information on the status of enquiries is not available in public.

Similarly, in June 2019, Bahawalpur police registered an FIR against an individual – Zulqarnain, son of Muhammad Shafi – for allegedly posting on Facebook 'negatively propagating' against the state and state institutions.⁵⁴

Closure of Iconic Herald and Newline Magazines

During 2019, independent media in Pakistan experienced closure of two iconic monthly news magazines that had hitherto survived decades of threats and resistance. The closure of these magazines represented the end of an era of fiercely independent, public interest print journalism in Pakistan.

The Herald Pakistan, reputed for its highly professional, in-depth investigative journalism, had to close its production after five decades of commendable journalistic contribution.⁵⁵ The closure was termed as a classical example of curbs on media, resulting in financial squeeze, and changing reading habits.⁵⁶

Azhar Abbas, a well-known media manager in Pakistan, wrote that "latest attack on media that started in 2014 has not only affected journalists' freedom to write and speak the truth, it is financially crippling those who are not ready to play ball as per the rules set for [them].⁵⁷ Press curbs making journalism difficult are proving to be the last nail in the coffin, particularly for the print." Herald is the first major casualty of this onslaught. However, "despite the pressure of daily newspaper coverage, the magazine kept itself relevant by doing investigative stories and detailed political analyses."

⁵² <https://www.dawn.com/news/1472234>

⁵³ <https://bit.ly/2V2DRFI>

⁵⁴ <https://www.pakistantoday.com.pk/2019/06/20/fir-registered-over-anti-state-propaganda-facebook-posts/>

⁵⁵ <https://herald.dawn.com/>

⁵⁶ <https://www.thenews.com.pk/print/498947-herald-s-closure-is-a-sad-statement-on-state-of-media>

⁵⁷ <https://www.thenews.com.pk/print/498947-herald-s-closure-is-a-sad-statement-on-state-of-media>

Zahid Hussain, senior journalist and author, recognized the closure “as end of one of the brightest chapters in independent journalism in Pakistan.”⁵⁸ He further wrote that “over four decades of its publication, the magazine upheld the finest traditions of professionalism, objectivity and resistance, a fast vanishing legacy.”

The growing economic curbs on media resulted in closure of the Newline, another well-regarded leading monthly magazine mainly known for its reviews and analysis, in November 2019.⁵⁹ Newline was an independent, journalist-owned magazine, set up by a team which once worked for the monthly Herald in 1989.⁶⁰ Razia Bhatti, highly reputed professional journalist of that time who left Herald in a dispute with its management, led the magazine as its first editor.

Journalist Protection Bill/Law

Given the state of safety of journalists and information practitioners, as mentioned in the previous chapter, it is imperative to have specialized laws to combat the high level of impunity of crimes against them. These laws are needed, both, at federal as well as provincial levels because the issue falls under the provincial domain after 18th Constitutional Amendment. However, despite continuous onslaught against journalists, media persons and information practitioners in the country, the efforts for a comprehensive law for journalists’ safety and protection remained fruitless during 2019. Neither federal government nor any provincial governments have taken any substantive action to mitigate the circumstances except verbal statements of assurances for public consumption.

This is evident from the fact that the federal minister for information and broadcasting, reportedly, in January 2019, announced that his ministry was planning to present a bill in the National Assembly for protection of journalists.⁶¹ Similarly, information minister of Punjab province, Syed Sumsam Bukhari, stated that the provincial government is formulating a draft law on the media and journalism in the light of 18th Constitutional Amendment.⁶² Saeed Ghani, the Sindh information minister, during a national conference to end impunity in November 2019 in Karachi, hosted jointly by Freedom Network and Council of Pakistan Newspaper Editors (CPNE), announced that the provincial assembly, for the first time in the country’s history, would pass the journalists’ safety law in the province.⁶³ In Khyber Pakhtunkhwa province, journalists and civil society organizations approached the provincial assembly speaker to play his constitutional role in enactment of a journalist safety law in the province. A promise was made but did not materialize by the end of 2019.⁶⁴

⁵⁸ <https://www.dawn.com/news/1493166>

⁵⁹ <https://newlinemagazine.com/>

⁶⁰ <https://www.thenews.com.pk/tns/detail/568788-end-line>

⁶¹ <https://www.dawn.com/news/1457756/journalists-protection-bill-to-be-tabled-in-na-minister>

⁶² <https://www.thenews.com.pk/print/446465-18th-amendment-draft-law-on-media-journalism-soon-minister>

⁶³ <https://tribune.com.pk/story/2098330/1-sindh-enact-law-journalists-safety/>

⁶⁴ <https://www.thenews.com.pk/print/574370-kp-assembly-speaker-asked-to-help-make-pro-journalists-legislation>



The enactment of such laws has been consistently delayed despite the fact that draft of a proposed law to check impunity of crimes against media persons in the country was prepared in 2017 through an extensive consultative process with the stakeholders and submitted to the policy makers at federal and provincial levels. The government of Pakistan endorsed the UN Plan of Action on Safety of Journalists and Issues of Impunity in 2013, a year after it was instituted by UNESCO. The action plan recommends, among other things, special legislation guaranteeing protections and safety of journalists. Moreover, International Federation for Human Rights (FIDH) and other rights organizations called upon the government to take concrete action [including enactment of a special law for journalists' safety] against threats, intimidation and harassment against journalists and to unequivocally condemn attacks on the independent media in Pakistan.⁶⁵ However, laws for safety and protection of journalists, media persons and information practitioners remained a 'pipe dream.'⁶⁶

⁶⁵ <https://www.dawn.com/news/1522660/rights-bodies-ask-govt-for-concrete-action-against-attacks-on-media>

⁶⁶ <https://www.dawn.com/news/1514803/laws-to-protect-journalists-remain-a-pipe-dream>

PAKISTAN'S ELECTRONIC MEDIA REGULATOR AND CURBS ON FREE SPEECH

The Pakistan Electronic Media Regulatory Authority (PEMRA) is, officially, mandated “to improve the standards of information, education and entertainment and to enlarge the choice available to the people of Pakistan Including news, current affairs, religious knowledge, art and culture as well as science and technology.” Its statutory function is to regulate “the establishment and operation of all broadcast media and distribution services in Pakistan.” This also includes regulation of electronic media market and facilitation of a level playing field for a fair competition in the market for all – small and big – players.⁶⁷

Nevertheless, it appears that PEMRA is more active on ‘regulation or controlling the content’ of its licensees rather than ‘regulating the market’ for them. This is evident from the fact that during 2019, the Authority has taken several actions concerning the programmes and content of the TV channels. These actions include at least 20 show-cause notices, five advisories, five notices and nine directives issued to its licensees during 2019. The Authority also banned airing of programmes on satellite TV channels and gagged individuals from appearing as guests in talk shows or anchoring the show altogether.

Following are the details of some of PEMRA’s ‘content controlling actions’ during 2019 alone:

PEMRA Advisories

- On January 2, 2019, the Authority issued an advisory to television channels to produce ‘sensible’ morning shows.⁶⁸ PEMRA alleged that over the years the standard of content in entertainment genre has deteriorated, especially in morning shows being aired on almost every satellite TV channel. The advisory stressed that channels have to keep in mind social, cultural, religious and ethical values of our society as well as provisions of the Electronic Media (programmes & advertisements) Code of Conduct, 2015 and PEMRA laws.
- On January 3, 2019, PEMRA issued advice to TV channels “regarding airing of indecent and misleading healthcare/fitness related advertisements of various

⁶⁷ <http://www.pemra.gov.pk/>

⁶⁸ <https://www.dawn.com/news/1455170/tv-channels-told-to-improve-quality-of-morning-shows>



products for weight loss, hair growth, losing body fats, improving complexion, treatment for infertility etc.”⁶⁹ It stated in its advisory that these “advertisements are unequivocally, misleading and hazardous to public safety and health and are severely criticized by the general public on Pakistan Citizen Portal (PCP) and PEMRA complaint call center.”

- On January 8, 2019, PEMRA issued an advisory for television channels to ‘observe decency in their non-news content.’⁷⁰ The advisory asked the channels “not to air dramas containing controversial themes, indecent clothing and gestures, controversial plots (involving infidelity and extramarital affairs, etc) and unnecessary details of events.”

While reacting to this flurry of advisories by the PEMRA, daily The Nation termed these notices against freedom of thought and expression and asked PEMRA to be careful while using vague and ill-defined terms like ‘culture’ or ‘national identity’ for regulating media or curbing freedom of expression.⁷¹ Similarly, on January 11, 2019, Daily Dawn wrote that “the culture wars appear to be heating up once again as regulators and the superior judiciary wades awkwardly into the realm of media content monitoring and censorship.”⁷² While questioning the justification of this series of advisories, Dawn stated that PEMRA’s interventions “appear to be arbitrary and subject to the whims of the regulator rather than a consistent enforcement of rules and norms that have been rigorously and transparently evaluated.” It termed these actions as ‘moral policing’ by PEMRA.

- However, disregarding criticism from media and other stakeholders, in June 2019, PEMRA once again issued advisory to TV channels asking them not to “demean individuals representing various political parties and law enforcement agencies through caricatures, animated characters, photo shopped images and memes.”⁷³ Interestingly, two leading opposition parties, who were main target of such caricaturing, maintained that such advisories should not be used to muzzle the media.
- Similarly, in August 2019, the Authority asked the channels not to air “pre-recorded or live special programmes on Eid-ul-Azha as it would be “hurt sentiments of not only our nation but also the Kashmiri brethren.”⁷⁴ The regulator advised the news

⁶⁹ <https://www.thenews.com.pk/print/414583-pemra-issues-advice-to-tv-channels-on-ads>

⁷⁰ <https://www.dawn.com/news/1456372>

⁷¹ <https://nation.com.pk/E-Paper/islamabad/2019-01-10/page-6/detail-2>

⁷² <https://www.dawn.com/news/1456830/pemra-diktats>

⁷³ <https://www.dawn.com/news/1488124/pemra-advises-channels-not-to-demean-individuals>

⁷⁴ <https://www.pakistantoday.com.pk/2019/08/10/pemra-bars-channels-from-airing-special-programmes-on-eid/>

channels not to invite any Indian celebrity, politician, journalist, and analysts in their talk shows for any kind of “comments” and “analysis”.

- On October 30, 2019, as reported, PEMRA issued an advisory to all satellite TV licensees to comply with a Lahore accountability court’s order against broadcasting programmes “maligining the courts without any basis”.⁷⁵ As per PEMRA notification, reportedly, the accountability court on October 25 stated that “without legal acumen politicians and media personnel were involved in maligining the courts on television. Therefore, the chairman PEMRA is directed to control these kinds of programmes maligining the courts without any basis.” The advisory also state that “[i]n case of any violation, appropriate legal action under relevant provisions of PEMRA laws may be initiated.”

PEMRA Directives

In addition to advisories, PEMRA also issued a large number of directives to its licensee broadcasters. These directives include, but not limited to, the followings:

- On January 1, 2019, PEMRA issued direction to the satellite TV channels with regards to the coverage of cases pending or being heard in different courts.⁷⁶ The directive asked the TV channels to refrain from unnecessary debate on cases, being heard in courts.
- On April 26, 2019, PEMRA directed Channel 24 and its anchor – Najam Sethi - to air an apology for allegedly propagating false news about Prime Minister Imran Khan. The channel was also directed to deposit a sum of one million rupees fine in favor of PEMRA within a week. In case of failure to comply with the above orders, the programme titled “Najam Sethi Kay Sath” shall remain prohibited for 30 days.⁷⁷ Later in August 2019, Channel 24 HD cancelled the “Najam Sethi Show,” after it received a phone call from an unidentified individual demanding the show be dropped.⁷⁸
- On October 28, 2019, it was reported that PEMRA had barred TV anchors from giving their “opinions” during talk shows and asked them to remain limited to their role as “moderators.” Media houses were advised to select the guests in talk shows with “utmost care” and keeping in view of their knowledge and expertise

⁷⁵ <https://www.pakistantoday.com.pk/2019/10/30/pemra-urges-tv-channels-not-to-malign-courts-without-basis/>

⁷⁶ <https://www.thenews.com.pk/print/413761-pemra-cautions-tv-channels-on-discussing-sub-judice-cases>

⁷⁷ <https://twitter.com/najamsethi/status/1121819249507487744>

⁷⁸ <https://cpj.org/2019/08/pakistani-news-program-cancelled-amid-defamation-s.php>



in a particular subject. PEMRA claimed that the Islamabad High Court had in its order dated October 26 in the matter of Shahbaz Sharif versus the State taken cognizance of various speculative TV talk shows whereby anchorpersons, in violation of the code of conduct, tried to malign the judiciary and its decision with mala fide intention. PEMRA also stated in the directive that “the court has sought a report of PEMRA’s actions on such violations with reprimand.”⁷⁹

A group of senior Pakistanis journalists and TV anchors asked the government to immediately withdraw this directive of PEMRA.⁸⁰ They argued that it is not PEMRA’s jurisdiction to decide who should be guest speakers, experts and commentators on television shows.” Other stakeholders including members of ruling Pakistan Tehreek-e-Insaf party, Council of Pakistan Newspaper Editors (CPNE), and Pakistan Federal Union of Journalist (PFUJ) also slammed PEMRA’s directive.⁸¹ They called for immediate withdrawal of the advice which was considered as a stain on freedom of press, media and freedom of expression. The Nation newspaper termed the directive as completely irrational.⁸² Dawn newspaper, in its editorial, treated it as “bizarre directive.”⁸³

The group of senior journalists also approached the Lahore High Court for annulment of the directive. On October 30, 2019, the Court put PEMRA’s notification on hold and issued a notice to the regulatory body for a response, since PEMRA mentioned a court case as grounds for the directive.⁸⁴ Similarly, the Islamabad High Court, on October 29, 2019, issued a contempt of court notice to PEMRA Chairman Saleem Baig for using its name in the directives barring anchorpersons to appear as panelists. As a result of strong reaction from the stakeholders, PEMRA issued a clarification that its “advisory was misinterpreted and by no mean it was to restrict freedom of expression.”⁸⁵

On November 17, 2019, it was reported that Chairman PEMRA Saleem Baig had tendered an unconditional apology in the Islamabad High Court and expressed his regrets for issuing a ‘misleading’ advisory that banned the appearance of TV anchorpersons in other talk shows.⁸⁶

⁷⁹ <https://www.dawn.com/news/1513365/pemra-bars-anchors-from-offering-opinions-in-talk-shows>

⁸⁰ <https://www.ucanews.com/news/pakistan-journalists-vow-to-fight-tv-ban/86439>

⁸¹ <https://www.thenews.com.pk/print/547881-pemra-slammed-for-imposing-ban-on-tv-channel-anchors>

⁸² <https://nation.com.pk/E-Paper/islamabad/2019-10-29/page-6/detail-0>

⁸³ <https://www.dawn.com/news/1513763/pemras-absurd-directive>

⁸⁴ <https://bit.ly/2wy9RqP>

⁸⁵ <https://nation.com.pk/E-Paper/islamabad/2019-10-29/page-4/detail-2>

⁸⁶ <https://www.dawn.com/news/1517186/pemra-chief-apologises-for-misleading-advisory>



PEMRA Show-Cause Notices

During 2019, PEMRA issued a number of show-cause notices to its various licensees. Followings are details of those notices, which had a bearing on free speech.

- On April 15, 2019, ARY News and Bol News channels aired news about a possible 'reshuffle' in the federal cabinet. While alleging that the news was 'fake and unsubstantiated,' PEMRA issued show-cause notices to these TV channels on April 16, 2019, for airing this story.⁸⁷ The notices mentioned that "by airing such news, the channel management is creating chaos among the public and maligning the government functionaries." However, on April 18, 2019, Prime Minister Office announced a major reshuffle in the federal cabinet and confirmed the news.⁸⁸
- On May 15, 2019, a 10-year-old girl, Farishta, vanished in Islamabad.⁸⁹ Her dead body was found on May 20. Media reported the issue including alleged mishandling of the case by the police. The authorities seemed to be unhappy with the reporting of the incident. Therefore, on May 24, it was reported that PEMRA had issued show-cause notices to two TV channels for allegedly "sensationalizing" the Farishta case.⁹⁰ However, no further development has been reported in the media in this regard.
- On June 1, 2019, PEMRA issued show-cause notices to 14 news TV channels - Geo News, DawnNewsTV, Dunya News, ARY News, Channel 24, 92 News, Express News, Aaj News, Ab Tak News, GNN, Samaa TV, Sach News, Neo TV and Koh-i-Noor - for alleged violation of [PEMRA's] earlier advisory prohibiting TV channels from discussing the reference filed against two senior judges with the Supreme Judicial Council (SJC).⁹¹
- On July 7, 2019, PEMRA issued notices to 21 TV channels for the "unedited live telecast" of a press conference by Pakistan Muslim League-N Vice President Maryam Nawaz in Lahore on July 6.⁹² In the press conference, the daughter of former Prime Minister Nawaz Sharif claimed that the judge of an accountability court confessed he had been "pressurised and blackmailed" to convict her father in the Al-Azizia reference.

⁸⁷ <https://dailytimes.com.pk/377667/pemra-serves-notices-to-ary-bol-news-over-fake-news-regarding-cabinet-reshuffle/>

⁸⁸ <https://www.dawn.com/news/1476954>

⁸⁹ <https://www.bbc.com/news/world-asia-48364434>

⁹⁰ <https://www.dawn.com/news/1484257/two-channels-served-notices-for-sensationalising-farishta-issue>

⁹¹ <https://www.dawn.com/news/1486068/notices-issued-to-14-tv-channels-for-violating-pemra-advisory>

⁹² <https://www.dawn.com/news/1492660>

GAGGING CHANNELS, BANNING PROGRAMS AND CENSORING INDIVIDUALS EXPRESSION

In 2019, PEMRA blocked transmission of TV channels, banned various TV anchors and their programs and stopped individual experts from appearing on TV. Following is an overview of PEMRA's gagging orders for TV channels, programs and individuals.

Ban on Orya Maqbool Jan

On January 1, 2019, it was reported that PEMRA had imposed a 30-day ban on the broadcast of Harf-i-Raaz, a program of Orya Maqbool Jan on Neo TV, for alleged violating PEMRA Ordinance, 2002, and several other rules.⁹³ As per the reports, in the program, Jan talked to a spokesperson for Afghan Taliban by telephone and solicited his views on the national and foreign policy of the government of Pakistan.

Ban on Dr Danish

On January 30, 2019, Daily Dawn reported that PEMRA has prohibited anchor Dr Danish from appearing on any TV channel for a month in any capacity, for allegedly leveling false and unfounded allegations against senior officials of the Oil and Gas Development Company Limited (OGDCL) in one of his talk shows.⁹⁴

Restrictions on Appearance of Retired Military Officers in TV Shows

On April 6, 2019, it was reported that PEMRA had directed all the news channels inviting retired army officers in current affairs talk shows as 'defense analysts' to seek prior clearance from the Inter-Services Public Relations (ISPR), the army's media wing.⁹⁵ The Pakistan Ex-Servicemen Society (PESS) supported PEMRA's decision to impose restrictions on TV channels over inviting retired military officers to their talk shows and other programs as defence analysts.⁹⁶ The PESS distanced itself from a decision taken by the Ex-Servicemen Legal Forum, which announced to challenge PEMRA's directives in the Court.⁹⁷ However, convener of Ex-Servicemen Legal Forum Retired Lt Col Inamur Rahim Khawaja, challenged the order in Islamabad High Court.⁹⁸

⁹³ <https://www.dawn.com/news/1454761/pemra-imposes-30-day-ban-on-neo-tvs-programme>

⁹⁴ <https://www.dawn.com/news/1460675>

⁹⁵ <https://dailytimes.com.pk/373731/only-ispr-approved-defense-analysts-can-appear-on-tv-shows/>

⁹⁶ <https://www.dawn.com/news/1474651/ex-servicemen-body-supports-pemras-restrictions>

⁹⁷ <https://www.dawn.com/news/1474445>

⁹⁸ <https://www.thenews.com.pk/print/471403-ex-servicemen-s-tv-appearance-ihc-moved-against-pemra-order>



Stopping of Interview of Former President Asif Ali Zardari

On July 1, 2019, an interview of Pakistan People's Party (PPP) Co-Chairman and former president of Pakistan Asif Ali Zardari conducted by journalist and anchorperson Hamid Mir was taken off air within a few minutes of beginning broadcast on Geo News TV channel.⁹⁹ In a post-cabinet meeting presser on July 9, 2019, Shafqat Mehmood, the federal education minister, mentioned that PEMRA will be asked to justify the airing of interviews of "under-trial prisoners."¹⁰⁰ Earlier, on July 3, 2019, Special Assistant to Prime Minister on Information Firdous Ashiq Awan claimed that taking off air of the interview of Zardari was done under PEMRA Rules.¹⁰¹

Suspension of Transmission of AbbTak, 24 News and Capital TV

On July 8, 2019, transmission of three TV channels - AbbTakk TV, 24 News and Capital TV – were suddenly suspended for cable viewers, reportedly, by PEMRA.¹⁰² Local and international community strongly reacted to the suspension of transmission and demanded that the channels should immediately be unblocked for cable viewers.¹⁰³

Stopping of Interview of Politician Maryam Nawaz

On July 11, 2019, an interview of Maryam Nawaz Sharif, vice president of the PML-N, was taken off air after just a few minutes after it started.¹⁰⁴

Ban on Commentator Hafiz Ullah Niazi

On October 2, 2019, it was reported that PEMRA, on recommendations of its Council of Complaints, Islamabad, had banned the appearance of analyst Hafeez Ullah Niazi on any channel for 30 days.¹⁰⁵ Niazi challenged PEMRA's gagging order in the Lahore High Court.¹⁰⁶ The Court suspended the order as result of Niazi's petition.¹⁰⁷

Ban on Coverage of Politician Fazlur Rehman's Pressers

On October 13, 2019, it was reported that PEMRA had instructed TV channels not to give coverage to press conferences of Jamiat Ulema-e-Islam-F (JUI-F) chief Maulana FazlurRehman.¹⁰⁸ In a briefing to the Senate Standing Committee on Information and Broadcasting on October 22, 2019, the PEMRA chairman informed that there was

⁹⁹ <https://www.pakistantoday.com.pk/2019/07/01/hamid-mir-show-taken-off-air-pemra-says-not-responsible/>

¹⁰⁰ <https://www.dawn.com/news/1493049>

¹⁰¹ <https://www.thenews.com.pk/print/493636-panel-made-to-amend-pemra-act-to-stop-fake-news-on-social-media>

¹⁰² <https://rsf.org/en/news/three-pakistani-tv-news-channels-suddenly-taken-air>

¹⁰³ <https://www.dawn.com/news/1493393/pemra-asked-to-lift-curbs-on-tv-channels>

¹⁰⁴ <https://www.dawn.com/news/1493463>

¹⁰⁵ <https://dailytimes.com.pk/476742/pemra-bans-tv-appearance-of-hafeez-ullah-niazi-for-30-days/>

¹⁰⁶ <https://www.dawn.com/news/1508571>

¹⁰⁷ <https://www.dawn.com/news/1508751>

¹⁰⁸ <https://www.pakistantoday.com.pk/2019/10/13/fazls-presser-not-aired-by-tv-channels/>

only a ban on live coverage and no TV channel had been asked to ban a particular figure.¹⁰⁹ However, the Peshawar High Court ruled that PEMRA's act of stopping TV channels from airing the news conference of Fazlur Rehman was illegal and a violation of the Constitution and the PEMRA Ordinance, 2002.¹¹⁰

Ban on Politician Hafiz Hamdullah

On October 26, 2019, PEMRA directed all TV channels in the country to refrain from inviting Hafiz Hamdullah of the JUI-F on their programs, claiming he was not a Pakistani citizen.¹¹¹

Fines and Penalties by PEMRA

- On June 13, 2019, it was reported that the PEMRA had imposed Rs1 million fine on News OneTV channel for airing 'malicious' content against National Accountability Bureau (NAB) Chairman (retired justice) Javed Iqbal during its transmission on May 23, 2019.¹¹²
- In August, daily Pakistan Today reported that PEMRA had imposed Rs 1 million fine on Geo News for airing "highly seditious and scandalous" program against the NAB chairman and "maligning state institutions."¹¹³
- In November 2019, PEMRA imposed a fine of Rs 0.5 million on a private channel for airing a defamatory programme against the senior faculty and management of the Government College University, Lahore.¹¹⁴

Banning Indian Content and DTH

On October 19, 2016, with the approval of the federal government, PEMRA imposed a complete ban on airing Indian content on local television and FM radio channels.¹¹⁵ While adjudicating a petition filed by Leo Communication, the parent organization of TV channel Filmazia, on July 18, 2019, Lahore High Court lifted the ban calling it "unreasonable restrictions."¹¹⁶ However, the Supreme Court, on March 5, 2019, reinstated the ban by endorsed PEMRA's 2016 decision of restricting electronic media in Pakistan from broadcasting Indian content and suspended the July 18, 2017 order of the Lahore High Court.¹¹⁷ Earlier, on January 11, 2019, Chairman PEMRA asked

¹⁰⁹ <https://www.thenews.com.pk/print/545094-only-live-coverage-on-tv-channels-banned-senate-body-told>

¹¹⁰ <https://www.thenews.com.pk/print/545094-only-live-coverage-on-tv-channels-banned-senate-body-told>

¹¹¹ <https://www.dawn.com/news/1513047>

¹¹² <https://www.dawn.com/news/1487903/tv-channel-fined-over-malicious-video-clip>

¹¹³ <https://www.pakistantoday.com.pk/2019/08/06/pemra-imposes-rs1m-fine-on-tv-channel/>

¹¹⁴ <https://www.dawn.com/news/1516150>

¹¹⁵ <https://www.dawn.com/news/1291120>

¹¹⁶ <https://www.newsweekpakistan.com/lahore-high-court-lifts-ban-on-indian-tv-shows/>

¹¹⁷ <https://www.dawn.com/news/1467873>

[for] strict compliance of the orders of the Supreme Court of Pakistan regarding the complete ban on Indian content.¹¹⁸

Furthermore, in the wake of security situation in Indian-administered Kashmir after revocation of its special status under Article 370 of the Indian Constitution in August 2019, the special assistant to the prime minister on information and broadcasting said that a ban on screening of Indian movies and airing of its dramas and other related content in Pakistan would continue besides a ban on cultural exchange between the two countries.¹¹⁹ As a follow-up of this policy decision of the government, it was reported on August 16, 2019, that PEMRA had banned advertisements of different consumer products either produced in India or carrying Indian talent being aired on electronic media in the country.¹²⁰

During 2019, PEMRA also conducted raids on shops to confiscate and torch CDs of Indian movies, cards and other 'illegal' equipment of Indian DTH. Such raids and actions were conducted in Rawalpindi¹²¹ in April and in Peshawar¹²² in August. In Lahore,¹²³ PEMRA raided cable operators' offices as a crackdown against cable operators airing Indian channels and content. Reportedly, PEMRA teams seized transmitters, illegal Indian DTH receivers, computers and other equipment.

Order to former PEMRA chairman Absar Alam to Return Salaries

On October 6, 2019, it was reported that the government had asked former PEMRA Chairman Absar Alam to return Rs51 million which he received as salaries, perks and privileges, after the Lahore High Court (LHC) declared his appointment illegal and void ab initio.¹²⁴ The appointment of Absar Alam was revoked by the government in the light of the LHC decision. The Establishment Division withdrew the notification of his appointment made during the PML-N government.

¹¹⁸ <https://nation.com.pk/E-Paper/islamabad/2019-01-12/page-4/detail-5>

¹¹⁹ <https://www.thenews.com.pk/print/510333-ban-on-indian-movies-to-continue-firdous>

¹²⁰ <https://nation.com.pk/E-Paper/islamabad/2019-08-16/page-12/detail-3>

¹²¹ <https://www.dawn.com/news/1477007>

¹²² <https://nation.com.pk/E-Paper/islamabad/2019-08-09/page-12/detail-2>

¹²³ <https://nation.com.pk/E-Paper/islamabad/2019-08-18/page-5/detail-7>

¹²⁴ <https://nation.com.pk/E-Paper/islamabad/2019-10-06/page-3/detail-4>



PEMRA'S LICENSING FOR NEW TELEVISION CHANNELS

On January 24, 2019, the PEMRA chairman announced that the Authority was planning to issue licences for 76 new satellite TV channels. Prior to this, PEMRA had issued 88 licences for various categories of satellite TV channels.¹²⁵ According to the latest Annual PEMRA Report (2015-2018), these categories include: news and current affairs (26 channels), entertainment (37 channels), regional language (18 channels), specialized subject (four channels), health (one channel), sports (one channel) and agriculture (one channel).

Before this announcement, PEMRA had already offered 70 satellite TV licences in seven categories – eight in news and current affairs category, 27 in entertainment, five in sports, two in agriculture, 12 in regional languages, four in health and 12 in education – through an advertisement dated December 25, 2018.¹²⁶ According to the reports, a total of 237 applications were received by PEMRA against the 70 slots. However, PEMRA auctioned 58 licences for satellite TV channels.¹²⁷ PEMRA received the highest offer of Rs 283.5 million for a licence in the news and current affairs category.

However, on May 7, 2019, the Islamabad High Court stopped PEMRA from issuing new licenses on a petition filed by the Pakistan Broadcasters Association (PBA) against issuance of new TV channels licenses.¹²⁸ The court sought replies from PEMRA and the Ministry of Information & Broadcasting. Nevertheless, the court dismissed the PBA petition on July 1, 2019 allowing PEMRA to issue new licences.¹²⁹ As a result of this adverse court decision, PBA approached the Supreme Court to stop PEMRA from issuing the licences.¹³⁰ A two-member bench of the Supreme Court while issuing notice to PEMRA adjourned the hearing of issuance of more TV channel licenses case for an indefinite period.

¹²⁵ <https://www.dawn.com/news/1459616/pemra-to-license-76-new-channels>

¹²⁶ <https://dailytimes.com.pk/387855/pemra-auctions-off-58-satellite-tv-licences/>

¹²⁷ <https://www.dawn.com/news/1480164>

¹²⁸ <https://www.thenews.com.pk/print/468553-ihc-stops-pemra-from-issuing-new-tv-licences>

¹²⁹ <https://nation.com.pk/02-Jul-2019/ihc-rejects-pba-plea-against-pemra-for-new-tv-licences>

¹³⁰ <https://nation.com.pk/15-Oct-2019/sc-issues-notice-to-pemra-in-issuance-of-license-for-more-tv-channels-case>

COURTS, MEDIA AND FREEDOM OF EXPRESSION

Petition Against Media Coverage of PashtunTahaffuz Movement (PTM)

On May 26, 2019, it was reported that Colonel (retired) Javed Iqbal, a former army officer, had filed a petition in Islamabad High Court (IHC) against Pashtun Tahafuz Movement (PTM) for allegedly speaking against national institutions.¹³¹ The petitioner asked the court to halt PTM's social media accounts and [direct] PEMRA to stop coverage of PTM bigwigs on media. On June 3, 2019, Islamabad High Court summoned the director general of Pakistan Telecommunication Authority (PTA) and the chairman of PEMRA in person in a petition seeking a ban on the media coverage of PTM.¹³² On June 28, 2019, it was reported that PTA and PEMRA had submitted their replies in response to the court order.¹³³

Contempt of Court Proceedings Against TV Anchorpersons

On October 26, 2019, the Islamabad High Court (IHC) expressed concern over the debate on court proceedings in former prime minister Nawaz Sharif's bail plea on TV channels and asked several TV anchorpersons and PEMRA to submit their replies.¹³⁴ The court served showcase notice to Bol TV's CEO and its anchor Sami Ibrahim for maligning the court proceeding regarding Sharif's bail. The court also asked other TV anchors including Hamid Mir, Aamir Mateen, Kashif Abbasi, etc., to submit their reply on the matter.

Reacting to the court proceedings on this issue, as mentioned in earlier part of this report, PEMRA barred TV anchors from giving their "opinions" during talk shows claiming that "the court has sought a report of PEMRA's actions on such violations with reprimand."¹³⁵ The IHC, however, reprimanded the Authority for issuing the directive, having reference to the Court, without any specific Court direction in this regard. On October 29, 2019, as reported, the court stated that PEMRA had failed to satisfy it regarding using the court's reference in a notification banning TV anchors to participate in other TV programs.¹³⁶ The court order further mentioned that prima facie, the PEMRA chairman had committed a contempt of court and thus a showcase notice had been served on him. On November 17, 2019, it was reported that

¹³¹ <https://www.suchtv.pk/pakistan/general/item/86895-petition-filed-in-ihc-to-ban-ptm.html>

¹³² <https://nation.com.pk/E-Paper/islamabad/2019-06-04/page-3/detail-3>

¹³³ <https://nation.com.pk/E-Paper/islamabad/2019-06-28/page-4/detail-0>

¹³⁴ <https://www.pakistantoday.com.pk/2019/10/26/ihc-irked-by-tv-anchorpersons-claims-of-deal-in-nawaz-bail-case/>

¹³⁵ <https://www.dawn.com/news/1513365/pemra-bars-anchors-from-offering-opinions-in-talk-shows>

¹³⁶ <https://www.thenews.com.pk/print/548571-ihc-issues-written-orders-in-contempt-case-against-tv-anchors>



the chairman of PEMRA had tendered an unconditional apology in the IHC expressing his regrets for issuing a ‘misleading’ advisory.¹³⁷

In the proceedings, the court also ordered two TV channels to submit their programme’s recording dated October 25, within three days, while four TV channels had been directed to submit their answers. The court ordered a TV channel’s CEO and anchorperson to submit answer within seven days regarding using word “deal” in talk show. The court appointed eminent journalists I.A. Rehman and M. Ziauddin, former senator Javed Jabbar, the president of the Pakistan Federal Union of Journalists, Afzal Butt, and Pakistan Broadcasters Association President Shakeel Masood as amici curiae in the matter related to regulations for private media houses.¹³⁸

On next date of hearing on November 18, 2019, the Court stressed to devise a code of conduct for media.¹³⁹ Justice Athar Minallah remarked that code of conduct of PEMRA is not sufficient. In a short order, the Court formulated eight questions for consideration of parties to the case and amici while preparing their comments / responses.

Lahore High Court Ban on Media Coverage on Mall Road Lahore

On November 22, 2019, the Lahore High Court (LHC) put a ban on the media coverage of all kind of protests held on The Mall, a red zone in the city, and ordered PEMRA to ensure its compliance.¹⁴⁰

Court Directions to Stop Derogatory Remarks Against Lawyers

On December 19, 2019, it was reported that a Peshawar High Court Bench had ordered PEMRA to issue directives to the electronic media not to air derogatory and one-sided programmes and remarks against lawyers on account of a rowdism incident involving lawyers at the Punjab Institute of Cardiology in Lahore.¹⁴¹ The bench issued the order after preliminary hearing of a writ petition filed jointly by 46 advocates of Hazara division including Mohammad Zareeb Qureshi, secretary of PHC Bar Association, Abbottabad Bench, and others.

Websites Blocking Declared Illegal

On September 26, 2019, the PTA informed the National Assembly Standing Committee on Information Technology and Telecom that 900,000 URLs had been blocked for reasons such as carrying blasphemous and pornographic content and/or

¹³⁷ <https://www.dawn.com/news/1517186/pemra-chief-apologises-for-misleading-advisory>

¹³⁸ <https://www.dawn.com/news/1513746>

¹³⁹ <https://www.thenews.com.pk/print/570981-court-has-to-look-how-much-freedom-media-should-have-ihc>

¹⁴⁰ <https://www.dawn.com/news/1518286>

¹⁴¹ <https://www.dawn.com/news/1523136>

sentiments against the state, judiciary and the armed forces. The PTA was blocking these websites under the power give in Section 37 of the Prevention of Electronic Crimes Act (PECA), 2016.¹⁴²

The website of Awami Workers Party, a progressive political group – was also among those blocked by PTA. The website was blocked on June 3, 2018, just ahead of the general election in July that year. The party approached both the Election Commission of Pakistan (ECP) and PTA for unblocking of its website. However, it remained inaccessible on most of the Internet Service Providers (ISPs) in the country.

The AWP on February 18, 2019, filed a petition in the Islamabad High Court against the censorship of its website.¹⁴³ In response, the court issued a notice to the PTA for a reply. While adjudicating the petition, the court termed the ‘blocking of website [by PTA], without hearing the other party, in violation of the principles of natural justice.¹⁴⁴ The Court held that “PTA is not empowered to pass an order or take action under section 37 of the PECA in derogation of the mandatory requirements of due process.” The Court further noted that “it is a statutory duty of the PTA to prescribe the rules contemplated by the legislature under sub-section 2 of section 37 of the Act.”



¹⁴² <https://www.dawn.com/news/1507590/900000-websites-blocked-over-content-says-pta>

¹⁴³ <https://www.dawn.com/news/1464651/ihc-issues-notice-to-pta-for-blocking-political-partys-website>

¹⁴⁴ <https://www.dawn.com/news/1506656>

SUSPENSION OF SOCIAL MEDIA ACCOUNTS OF PAKISTANIS BY TWITTER AND FACEBOOK

Curfew in Indian-Held Kashmir and Suspension of Social Media Accounts

After revocation of the special status of Indian-administered Kashmir through repeal of Article 370 of the Indian Constitution in August 2019, a strong reaction was observed on several social media accounts in Pakistan. As a result of this, both Twitter and Facebook suspended a large number of accounts which were posting in support of Kashmir allegedly 'violating terms of services' of these social media platforms.

On August 18, 2019, Inter-Services Public Relations (ISPR) Director General Major General Asif Ghafoor revealed that they had taken up issue with Twitter and Facebook.¹⁴⁵ Prime Minister's Focal Person on Digital Media Arslan Khalid said that "[we] are approaching this case with a multi-pronged strategy where PTA has sent the complaint mentioning [200] accounts to the regional office seeking an explanation for their suspension."¹⁴⁶ However, reportedly in October 2019, Twitter agreed to give prior notice for suspension of 'government verified accounts.'¹⁴⁷

Nevertheless, in December 2019, it was reported that micro-blogging website, Twitter, had again suspended many accounts of Pakistani users without assigning any reasons and prior notice.¹⁴⁸ PTA termed this action of Twitter against set principles of freedom of speech.¹⁴⁹

Suspension of Jamaat-e-Islami's Official Facebook Page

In December 2019, Facebook suspended the official page of Jamaat-e-Islami (JI) days before its Kashmir Solidarity March in Islamabad. On December 10, 2019, JI members submitted a resolution in the Khyber Pakhtunkhwa Provincial Assembly Secretariat against blocking of Facebook accounts of Pakistani nationals by the Facebook administration over raising voice against the oppression of Indian forces in Indian-

¹⁴⁵ <https://dailymtimes.com.pk/450034/pakistan-approaches-twitter-facebook-over-suspension-of-accounts-posting-in-ihk-favour/>

¹⁴⁶ <https://www.dawn.com/news/1500457/200-accounts-suspended-over-kashmir-reported-to-twitter>

¹⁴⁷ <https://www.dawn.com/news/1510031>

¹⁴⁸ <https://thefrontierpost.com/twitter-suspends-pakistani-users-accounts-without-assigning-any-reason/>

¹⁴⁹ <https://nation.com.pk/E-Paper/islamabad/2019-12-06/page-14/detail-1>

administered Kashmir.¹⁵⁰ JI chief Senator Sirajul Haq also expressed concern over the blockage of their official Facebook pages.¹⁵¹

Blockade of Official Facebook Page of Radio Pakistan

It was also reported in last week of December 2019 that Facebook had blocked live streaming of the Pakistan Broadcasting Corporation's (PBC) news bulletins for, as reported, "raising voice against continued atrocities, curfew and military lockdown in Indian occupied Kashmir."¹⁵²



¹⁵⁰ <https://thefrontierpost.com/blocking-pakistani-nationals-accounts-ji-submits-resolution-in-kp-pa-against-facebooks-act/>

¹⁵¹ <https://nation.com.pk/13-Dec-2019/siraj-reacts-to-blocking-ji-facebook-page>

¹⁵² <https://thefrontierpost.com/facebook-stops-live-streaming-of-pakistan-broadcasting-corporation-for-highlighting-indian-atrocities-in-iok/>

GLOBAL REACTION ON STATE OF FREEDOM OF EXPRESSION IN PAKISTAN

Reporters without Borders (RSF), a global watchdog for press freedom, ranked Pakistan at number 142 out of 180 countries in its annual World Press Freedom Index of 2019.¹⁵³ The Index observed that the state of press freedom had deteriorated in Pakistan compared to the preceding two years. In 2017 and 2018, Pakistan was at number 139 out of 180 countries. Freedom House, an international watchdog on internet freedom, declared Pakistan 'Not Free' in terms of internet use for a ninth consecutive year.¹⁵⁴ Its annual Freedom on the Net (FoTN) report placed Pakistan at 26 out of 100 (with 0 being the worst score) — one place down from the preceding year's ranking.¹⁵⁵

Facebook Transparency Report (Jan-June 2019)

According to the Facebook Transparency Report, the government of Pakistan submitted a total of 1,849 requests to Facebook during January to June 2019, at least 97 more than the request submitted in preceding six months.¹⁵⁶ Facebook restricted access to more than 5,500 content items reported as violating Pakistani laws, of Pakistani Facebook users during this period. According to this transparency report, the highest number of content restriction requests originated from Pakistan during this period.¹⁵⁷

Twitter Transparency Report (Jan-June 2019)

During the period of January to June on 2019, according to Twitter Transparency Report, the micro-blogging platform received a total of 23 accounts information requests from Pakistan specifying 70 Twitter accounts. In the last six months of the preceding year, the number of requests was 17 which specified 23 accounts. Similarly, Twitter received 273 requests, specifying 1,798 twitter accounts, during January-June 2019 from Pakistan. During July-December 2018, the number of requests was 192.¹⁵⁸

¹⁵³ <https://rsf.org/en/pakistan>

¹⁵⁴ <https://www.dawn.com/news/1515156/pakistan-among-worst-countries-for-internet-freedom-report>

¹⁵⁵ https://www.freedomonthenet.org/sites/default/files/2019-11/11042019_Report_FH_FOTN_2019_final_Public_Download.pdf

¹⁵⁶ <https://transparency.facebook.com/government-data-requests/country/PK/jan-jun-2019>

¹⁵⁷ <https://www.dawn.com/news/1516806/pakistan-leads-in-number-of-censorship-requests-sent-to-facebook>

¹⁵⁸ <https://transparency.twitter.com/en/countries/pk.html>

The authorities in Pakistan do not seem to be happy with the overall response from Twitter and Facebook on these requests related to content posted by Pakistanis on these social media platforms. Therefore, on September 06, 2019, the National Response Centre for Cyber Crimes (NR3C) informed Senate's Sub-Committee on Information Technology and Telecommunication that social media giant Facebook and Twitter were not cooperating with the Pakistani authorities regarding spread of fake news on social media through unverified accounts.¹⁵⁹



¹⁵⁹ <https://nation.com.pk/07-Sep-2019/facebook-twitter-not-cooperating-with-authorities>

RIGHT TO INFORMATION

The Pakistan Information Commission, under the Federal Right of Access to Information Act 2017, was notified in November 2018. Since its establishment, a three-member body has been struggling in securing dedicated office space, equipped with technical apparatus and human resource, and financial support in running its day-to-day activities.¹⁶⁰ The Commission in 2019 temporarily operated from one room of the Federal Information Services Academy in Islamabad. However, despite all constraints, the Commission issued a number of remarkable judgements on the complaints of citizens under the Act during 2019.¹⁶¹ The Commission notified a schedule of costs for getting information from federal public bodies.¹⁶² The Commission also complained of a lack of government support required to deliver on various occasions.¹⁶³ Considering the issue of resource constraints for the Commission, IRADA and Freedom Network moved the Islamabad High Court for direction to the Federal Government for allocation of resources including staff, equipment, budget and a dedicated official space for the effective functioning of the Commission.¹⁶⁴ The case is pending in the Court for further proceedings.

Federal Government and Proactive Disclosure of Information

Section 5 of the Federal Right of Access to Information Act, 2017, requires all public bodies under the federal government to proactively disclose 39 categories of information on their websites. IRADA, in its Annual Proactive Information Disclosure Status Report 2019,¹⁶⁵ shared the following startling findings:

- Overall the federal ministries achieved poor scores and fell way below good performance markers in terms of complying with the right to information law governing them.
- Every single one of the 33 federal ministries failed to provide over half of the minimum 39 categories of information on their website required under the proactive disclosure clause of the federal RTI law.

¹⁶⁰ <https://www.dawn.com/news/1467635/access-to-information-commission-unable-to-appoint-staff-carry-out-functions>

¹⁶¹ <http://rti.gov.pk/landmark-orders/>

¹⁶² <https://www.dawn.com/news/1502868/costs-notified-to-access-govt-information-under-rti-law>

¹⁶³ <https://www.dawn.com/news/1515369/information-body-head-regrets-lack-of-govt-support>

¹⁶⁴ <https://www.thenews.com.pk/print/468026-as-rti-commission-is-dysfunctional-complainants-move-court>

¹⁶⁵ <https://irada.org.pk/wp-content/uploads/2019/10/Annual-Proactive-Information-Disclosure-Status-Report-2019.pdf>

- In accumulation, the 33 federal ministries of the Government of Pakistan in 2019 could score only 419 (32.56%) out of a maximum of 1,287 performance points.
- The notification of a designated official by every federal public body is mandated by the law but only eight of the 33 federal ministries had this information on their websites in 2019.

Extension of Khyber Pakhtunkhwa Right to Information Act to Erstwhile FATA

As a result of the passage of the 25th Constitutional Amendment, the Federally Administered Tribal Areas (FATA) became part of Khyber Pakhtunkhwa in 2018. These areas were previously governed through political agents under the direct control of the federal government. The president of Pakistan had the sole authority to legislate for these areas. The 25th Amendment shifted legislation power for these areas to the provincial government of Khyber Pakhtunkhwa.

In the follow up of this development, it was reported in April 2019, that provincial Information Department of Khyber Pakhtunkhwa had directed the authorities in the merged and ex-Provincially Administered Tribal Areas (PATA) districts that all [provincial] laws – including Khyber Pakhtunkhwa Right to Information Act 2013 -enforced in the province stood extended to erstwhile FATA and PATA as well.¹⁶⁶

¹⁶⁶ <https://www.thenews.com.pk/print/459048-citizens-in-merged-districts-get-right-to-access-data-held-by-depts>



BLASPHEMY AND DEFAMATION

During 2019, several cases relating to blasphemy and defamation came to the fore. Following are details of the cases monitored as reported in the media:

Blasphemy

1. In February 2019, police in Kamalia Tehsil of Toba Tek Singh district of Punjab province registered a case under sections 295-A and 298-A of the Pakistan Penal Code (PPC), related to blasphemy, and Section 16 of Maintenance of Public Order (MPO) against a youth of Chak 186-GB due to his alleged posting of religious hate material and videos on Facebook. He was later arrested under the above offences.¹⁶⁷
2. In March 2019, the police in Pasrur tehsil of Sialkot District in Punjab province registered a blasphemy case under Section 295-C of PPC against a man for allegedly committing blasphemy at Badiana village of Pasrur tehsil.¹⁶⁸
3. In March 2019, Professor Khalid Hameed, the head of the English Department at Bahawalpur's Government Sadiq Egerton College, was murdered after far-fetched accusations of blasphemy.¹⁶⁹ The professor was seated inside his office at the college when he was accosted and attacked with a knife by a student his department.
4. On March 26, 2019, police in Kasur district of Punjab province registered a blasphemy case against seven people, arresting one of them, after they were accused of burning pages of the Quran at Hariher village of the district.¹⁷⁰
5. In April 2019, police in Taxila Tehsil of Rawalpindi district in Punjab, registered a case under Section 295 (c) of PPC and arrested a suspect after scores of charged people gathered outside the Hazro police station and raised slogans to protest against an alleged blasphemy incident.¹⁷¹
6. On May 11, 2019, Aabpara police in Islamabad booked a person on charges of

¹⁶⁷ <https://www.dawn.com/news/1465925/man-held-for-blasphemy-thru-fb-posts>

¹⁶⁸ <https://www.dawn.com/news/1469287/man-booked-for-committing-blasphemy>

¹⁶⁹ <https://dailytimes.com.pk/367850/professor-murdered-over-far-fetched-blasphemy-accusations/>

¹⁷⁰ <https://www.dawn.com/news/1472112/blasphemy-case-against-seven-for-burning-holy-pages>

¹⁷¹ <https://www.dawn.com/news/1474650/man-arrested-on-blasphemy-charge>

blasphemy due to his alleged derogatory posts/remarks on Facebook.¹⁷² The FIR was registered on the complaint lodged by one Abdul Rehman Muavia.

7. On May 16, 2019, it was reported that Golra police in Islamabad had filed a case under Sections 295 (A) and 295 (B) of PPC against a retired army officer due to his alleged derogatory posts and comments on Facebook.¹⁷³ The retired officer was later arrested and sent to jail.
8. On June 20, 2019, a local court in Lahore sentenced a man to death penalty in a three-year-old blasphemy case and fined him Rs200,000.¹⁷⁴
9. On September 25, 2019, the Supreme Court acquitted a man who had been condemned to death in a blasphemy case in 2002 and had consequently remained behind bars for 18 years.¹⁷⁵
10. On December 21, 2019, district and sessions court sentenced Junaid Hafeez, a former visiting university lecturer at the Department of English Literature of the Bahauddin Zakariya University (BZU), Multan, to death on blasphemy charges.¹⁷⁶ He was booked on a blasphemy charge on March 13, 2013 and was arrested the same day. The trial began in 2014 and the court reserved its verdict on December 18, 2019.
11. On September 14, 2019, police in Ghotki District of Sindh province registered an blasphemy case against a principal – who happened to be Hindu – of Sindh Public School after his alleged derogatory remarks against the prophet of Islam.¹⁷⁷

Defamation

- On August 3, 2019, Prime Minister Imran Khan filed a defamation lawsuit against journalist Najam Sethi - a journalist and TV anchor who served as caretaker chief minister of Punjab province in 2013 and headed the Pakistan Cricket Board during 2017-18 - for allegedly creating misleading propaganda about Imran Khan's personal life. The defamation suit of Rs 10 billion was filed by lawyer and politician Babar Awan on the direction of the prime minister. The court issued a notice to Najam Sethi for his reply in the case.¹⁷⁸ Sethi also filed a defamation

¹⁷² <https://www.dawn.com/news/1481748/man-booked-on-blasphemy-charge>

¹⁷³ <https://www.dawn.com/news/1482583/man-sent-to-adiala-jail-on-blasphemy-charge>

¹⁷⁴ <https://www.dawn.com/news/1489457/death-sentence-in-blasphemy-case>

¹⁷⁵ <https://www.dawn.com/news/1507410/man-acquitted-in-blasphemy-case-after-18-years-in-prison>

¹⁷⁶ <https://www.dawn.com/news/1523612/multan-lecturer-sentenced-to-death-on-blasphemy-charge>

¹⁷⁷ <https://www.dawn.com/news/1505352>

¹⁷⁸ <https://www.dawn.com/news/1498044>



suit against Imran Khan in 2014 alleging that Khan had accused him of alleged rigging in general elections in 2013. The court has yet to decide that case.¹⁷⁹

- In September 2019, the Bahria Town Private Limited real estate developer served a defamation notice of Rs5 billion on Dawn Media Group and sought its unconditional apology for having run an allegedly false report in an attempt to tarnish “Asia’s largest private real estate developer’s reputation and business.”¹⁸⁰ The notice was served against the story, published in daily Dawn on September 12¹⁸¹ and 13,¹⁸² 2019, alleging the deprivation of poor people of their land through illegal means and in connivance with the public officials.

¹⁷⁹ <https://www.thenews.com.pk/archive/print/521280-sethi's-defamation-suit-against-imran-put-off>

¹⁸⁰ <https://tribune.com.pk/story/2058188/1-bahria-town-sends-rs5b-defamation-notice-newspaper/>

¹⁸¹ <https://www.dawn.com/news/1503689/bahria-town-others-greed-unbound>

¹⁸² <https://www.dawn.com/news/1504800>

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2. Strengthening local empowerment *through* devolution of powers
3. Strengthening governance through accountability and transparency
4. Strengthening justice *through* fundamental rights

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1. Promoting inclusivity and pluralisms *through* support for free speech, civil liberties, peace and rights of minorities and marginalized communities
2. Promoting devolution of powers *through* support for empowerment of provinces and districts, policy development, provincial-level legislation and local governance
3. Promoting accountability and transparency *through* support for right to information, free media, open internet, open government
4. Promoting fundamental rights *through* support for equality, access to justice and rule of law.



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