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A Conceptual Framework to Measure the Freedom of Press and media Regulation in Pakistan

ABSTRACT

This article is taking a conceptual approach to test the perception of journalist and practices of journalist on freedom of press in Pakistan. Specifically, this study attempts to evaluate the perception and use of code and conducts of PEMRA (Pakistan Electronic Media and Regulatory Authority), PTA (Pakistan Telecommunication Authority) and PCP (Press Council of Pakistan). Also this study assesses the freedom and impunity against journalists during PMLN and PTI regime. A quantitative approach, in which survey questionnaires administered to 214 reporters, working in both Sindhi and Urdu media were selected through disproportionately simple random sampling. For primary data analysis SPSS software and for testing the proposed hypothesized model, Structural Equation Modelling (SEM) will be used. Findings will provide important implication to researchers, policymakers, human right organizations and media practitioners on what journalists perceive when they practice their journalistic duties on different issues while keeping the codes and conducts of PEMRA, PTI and PCP.

Keywords: Freedom of Press, Media legalization, Regularities bodies, Media houses, Threats, PMLN, and PTI regime

Introduction

Until the dawn of 21st century, the Pakistan's electronic media had been under state control. The state had a monopoly over television and radio broadcasting, thus only two state-owned electronic media entities namely, Pakistan Television (PTV) and Radio Pakistan were broadcasted (Najam-u-

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Din, 2019). However, in 2002, media was liberalized under the military rule of General Pervez Musharraf (Shaikh, 2007). Since then multiple media outlets emerging, contributing to widening the space for expression. Almost one hundred private television channels are currently broadcasted, reaching a wide section of the society (Pakistan Press Foundation, 2014). Also, more than 188 commercial and non-commercial FM radios are going on air (Yusuf & Schoemaker, 2013). This media growth has opened new discourse on issues ranging from domestic politics to social and cultural matters. Also, media helps to strengthen civil society and democratic process in the country. However, there are certain area where freedom of media is being curtailed in the name of security and religion.

In the seventy-two years of Pakistan, Pakistan has been ruled by the military than the democratic government. Hence, both regimes have used different legal and constitutional means to control media from public debate and criticism except in the democratic regime of Benazir Bhutto (Aleem, 2019; Memon, 2010; Siraj, 2009). Although, the policies of Musharraf regime were quite liberal that brought epoch of information revolution in Pakistan. However, the grounded realities were different (Siraj, 2009). During the Musharraf rule, lots of offices of private TV channels were attacked, hundreds of reporters were beaten and arrested and their equipment were sealed (Soomro, 2009).

Historically, since the independence of Pakistan, media has been facing curb on freedom of expression. Just after the death of Muhammad Ali Jinnah, the Public Safety Ordinance was declared. As a result, many newspapers were closed. Similarly, in Ayub Khan's regime, the Press and Publication Ordinance was enacted, that lead shut down of many agencies and arrest of dissenting journalists. Likewise, several journalist were arrested and many newspapers were closed in the democratic regime of Zulfikar Ali Bhutto (Aslam & Ali, 2009). However, in Zia's regime media saw a lot of pre-censorship and "advisories." Most of the time journalist faced imprison as well as closure of publications (Aslam & Ali, 2009). Also, Zia enacted Revised Press and Publication Ordinance (RPPO) with excessively harsh and severe amendments against media practitioners (Zafar, 2019). This revised PPO was used to curb and prosecute publishers for writing against his interest (Ibid). Hence, during the Benazir Bhutto and Nawaz Sharif regime laws were same but those were not strictly implement as it was in Zia regime thus both regime still used to restrict and exploit the press in order to gain vested political interests (Ibid).

Conversely, Media in Pakistan always been heavily regulated through legalization. Many media laws have been designed and implemented to regulate media. One of them is the article 19A of the 18th constitutional amendment entitled 'Right to Information' which ensures the right of

citizens to access information. Hence, from perusal of 'Right to Information' indicates that the government wants to control media (Najam-u-Din, 2019). Thus, these law are going against the thoughts of founder of Pakistan, Quaid-e-Azam, who said "I Expect press for complete fearless" (Siraj, 2009). This is because, media offers substantial comprehension into the problems and chances remaining for the state's political development. Therefore, "Without press freedom, a smooth transition to democracy will remain merely a pipe dream". However, without democracy, the existence of a free media is inconceivable.

This study aims to explore the perception of journalist towards the freedom of press. Also, this study attempts to compare the freedom of press and violence of journalist in PTI and PMLN regime. In this regard, the detail of curb on freedom of press, impunity and threats to the journalist is discussed in detail

Freedom of Expression under Threat

In Pakistan, Media face instance pressure from an array of actors including law enforcement agencies, militants, religious scholars, politicians, feudal lords, criminals, and tribal leaders (Committee to Protect Journalists, 2014; PFF, 2018). These state and non-state actors restrict the media institution to play a potential role. Thus, making it vulnerable amid on-going murders, assaults, abduction, and detention to media workers. Such violence against media institution leads "Pakistan fourth on the list of the deadliest countries in the world for journalists, and comes behind Mexico, Philippines and Iraq according to an International Federation of Journalists (IFJ)" (Dawn, 2016). According to Pakistani Press Foundation (2018) 72 journalists are murdered since the liberalization of Media in 2002, with only five cases are investigated and rest are still unprosecuted. Hence, this is unsolved and unpunished cases fail to end the impunity for murders and other attacks on journalists' community and media institutions. Thus fuels the violence against them. To explain, Pakistani Press Foundation (2015) released a "report on safety of media workers" and declare that 25 journalists were killed while covering dangerous assignment, 45 of journalists were deliberately murdered, 89 of journalists were injured, 76 of journalists were assaulted, 36 of journalists were abducted and 40 journalists were detained in the line of duty (see Table 1.).

PPF MEDIA VIOLENCE INDEX 2001-2015							
	Killed while working	Murdered	Injured	Assaulted	Abducted	Detained	Total cases
2015	0	1	1	2	2	2	8
2014	0	7	14	14	0	1	32
2013	5	5	8	4	3	1	24
2012	2	5	12	5	2	0	26
2011	2	4	12	0	3	0	21
2010	8	5	5	10	4	2	32
2009	2	3	8	7	3	1	23
2008	1	5	6	1	5	3	21
2007	3	3	6	7	5	4	28
2006	1	2	7	4	4	3	21
2005	1	1	4	6	1	2	15
2004	0	1	3	8	1	7	20
2003	0	2	0	7	1	5	15
2002	0	2	1	0	2	3	8
2001	0	0	2	1	0	6	9
Total cases	25	45	89	76	36	40	311

Table 1: Media violence Index

Curving the Freedom of Press Through Media Legislation

Apart from the safety issues, the freedom of journalists and media houses is being suppressed through the legalizations. Although media was liberated in Musharraf's government, however, in the same year, a regulatory body namely, Pakistan Electronic Media Regulatory Authority (PEMRA) was established. Hence, Pakistan is the first country in South Asian region to introduce the regulatory authority for electronic media (Rasul & McDowell, 2012). In fact, this regulatory authority has legislative, executive, and judicial powers to regulate electronic media (Abrar, 2014). It set up rules for electronic media, enforces those rules, and hears initial cases that involve alleged violation of those rules (Abrar, 2014). Although it was established as an independent regulator, however, the appointment of its members by the president shows discrimination (Abrar, 2014; Najam-u-Din, 2019). This is because; president can protect its party agendas and can influence the fair system (Abrar, 2014).

Therefore, many times it has been reported that PEMRA has used to silence the broadcast media by either suspending the license or by threatening to do so (International Media Report, 2009; Najam-u-Din, 2019). Also, this regulatory body has banned many anchorpersons on different time for

different reasons (Dawn, 2019; Najam-u-Din, 2019; PPF, 2017). Recently, PMERA suspended all the broadcasting media for 28 houses across the country (Wasif, 2017). The suspension of transmission went off when the police and paramilitary forces launched a crackdown on protesters on 2017 in Rawalpindi (Wasif, 2017). Hence, similar media blackout had occurred when Musharraf imposed emergency in 2007 (Aleem, 2019). Such act of both democratic and military government signposted the attack on freedom of the press. Hence, indicating the enforcement of national laws for controlling the freedom of electronic media through PEMRA (Abrar, 2014).

Apart from the defined red line to the electronic media by the PEMRA, the freedom of online media speech is also restricted by the Pakistani Telecommunication Authority (PTA). Many times, it has been noted that state had proposed legislation that increased their surveillance powers, in a way that missed the mark concerning human rights standards (Haque, Khan & Butt, 2018). Previously, many journalists and media organizations found an online space to share their views, which they could no longer voice on conventional mediums. However, soon sustained efforts were made to curb free speech (Haque, Khan & Butt, 2018). One of the recent incident of this curb is of the journalist and activist, who used online space to criticize non-democratic forces and soon that person was abducted (AFP, 2018a; Haque, Khan & Butt, 2018; Shahzad, 2018). However, non-democratic forces have denied any role in the kidnapping of that journalist and activist (APF, 2018). Similarly, an attempt of abduction was made to well-known reporter of New York Time and the Guardians, who was known for posting comments on social media against the non-democratic forces (PPF 2018; Qarar, 2018). However, both abduction and attempt to kidnap are not investigated yet.

Over all, freedom of expression is eroded in Pakistan, in the report submitted to Supreme Court of Pakistan; the PTA has declared the blockage of 84,000 websites, 400,000 Internet Service Provider, 937 Uniform Resources Locators (URLs). More surprisingly, PTA has banned “Khabaristan Times”, a satirical news website without any reason and without prior notification (Dawn, 2017; PPF, 2017). However, banning the satirical news website is the hallmark of the authoritarian state, not a democratic country (Ghyas, 2017).

Status of Press Freedom during the First Six Months of Pakistan Muslim League Nawaz (PMLN) Government

2013 observed the transformation of one democratic government (PPP) to another (PMLN). However, this year brought despair and hopelessness among journalists and media organizations. From the elections day till the end of the 2013, approximately five journalists have been killed. Moreover,

many incidents of harassment and physical attack were reported during this period (Dawn, 2014). In addition to this, freedom to express views on online space was deteriorate, for example, Tumblr and Vimeo was blocked during the first two months of PMLN regime. Equally, it was reported by the Citizen Lab that Pakistani government is using Network and Domain Name System (DNS) interfering, for political and social filtering (The citizen Lab, 2013; X index, 2014). Such kind of Internet censorship by the government of Pakistan leads Pakistan at the bottom 10 in the list of “Freedom on the Net” (Freedom House, 2013).

Generally speaking, in 2013 Asia Pacific region were observed as deadliest regions for journalists. Therefore, observing to this curb on freedom and impunity for attacks against journalists, the United Nation has declared the 2nd November as an International Day to End Impunity (Ifex, 2013). Owing to the fact, international organization took stint but government of Pakistan did not talk on this issue. Although, several promises were made by the PMLN government hence small measures were taken to combat impunity against journalist (Freedom Network, 2015). Soon the Minister of State for Information, Broadcasting and National Heritage only suggested bill for the safety and protection of the journalists (Samaa, 2017). However, no action plan was implemented by the PMLN government until media stake holders initiated an UN action plan through Pakistan Coalition on Media Safety (PCOMS) to serve as the platform for collective measures to fight violence against journalists in Pakistan (Freedom Network, 2015; PPF, 2014).

Status of Press Freedom during the First Six Months of Pakistan Tehreek-E-Insaf (PTI) Government

Although during the PTI government the violence and murders against the journalists is declined, however, the freedom of press is also observed being deteriorating (CPJ, 2018). To explain, in the first six months of PTI government, the media industry has witnessed severe economic pressures (PPF, 2018). One of the drastic economic pressures is the reduction of advertisement rates up to 1000 percent (Jamal, 2018; Pro Pakistani, 2018). Hence, such massive cuts in electronic media advertisement has led to the closure of a many television channels and numerous newspapers also loss of employment for hundreds of journalists and other media professionals (Ibid). In addition, to this invisible curbs and economic turmoil to the journalist and media industry, this government has used a systematic curtailment of freedom of expression in the form of new regulatory authority. To explain, PTI proposed the formation of Pakistan Media Regulatory Authority (PMRA) to merge the existing separate regulations

such as PEMRA, Press Council of Pakistan (PCP) and Pakistan Telecommunication Authority (PTA) into a one regulation body (Ali, 2018; Zafar 2019). However, this indicates the invisible curb to silence digital and social media in a similar manner as it previously did with mainstream media. As the result of this curb on freedom of press, Pakistan comes at 142 among 180 countries in its 2019 freedom index, thus showing increasing suppression as compare to 2018, which was 139 (Reporters Without Borders, 2019).

Generally speaking, PTI government systematically is trying to curb conventional fourth pillar of the state. From the aforementioned attempt to bring all media under state control, smacks of an authoritarian line that should have no place in a democratically elected system (Dawn, 2019). Similarly, reducing the price of government advertisements for the private channels indicating that the government has adversarial relationship with the media (Dawn, 2019).

Theoretical Framework

Authoritarian theory (AT) has used as underpinning theory for the current study. Sibert, Peterson, and Schramm propounded the AT in 1956 (Baran & Davis, 2015). The AT posits that all communication means are under the state control (Baran & Davis, 2015). Meanwhile, in Pakistan media and communications means are controlled by media regulatory authority such as PEMRA, PTA and PCP. Thus, these regulatory bodies work under the government of Pakistan. Therefore, this theory is suitable for the current study.

Additionally, this theory postulates that authorities' controls media and communication means in the name of protection and preserving a divinely ordained social order by king (Baran & Davis, 2015). Equally, Pakistani media regulatory bodies (PEMRA, PTA and PCP) impose some restriction in the interest of the religion, the integrity, and national security. Consequently, it makes this theory more appropriate. Moreover, AT assumes that king have authority to give licenses to media practitioners. If media practitioners' violet the charter, they can be jailed or their license can be canceled. Consequently, all kind of censorship can be made. Similarly, it has been many times reported in media also observed by the media watch dogs that PCP more specifically PEMRA and canceled many private channels licenses. Also, PTA has blocked the websites and web pages for different reasons on different time. Hence, all the assumption of AT suits the context of Pakistani media, thus making it more suitable to be used in the study.

Research Design

This paper is taking the conceptual approach to test the perception of journalist and practices of journalist on freedom of press in Pakistan. Accordingly, the quantitative approach and cross sectional design will be adopted for this study. Data will be collected through a survey by distributing self-administered questionnaires to Urdu and Sindhi Journalist from Sindh Pakistan. To explain Sindh province have been chosen because Sindh province have largest number of news media houses. Accordingly, the highest ranked channels from Urdu and Sindhi channels such as Geo News, ARY news, KTN News, and Sindh TV News reports, having ten years' experience will be selected for current study (Media Logic, 2018). For determining the appropriate sample size G* statistical analysis software was used, thus got 107 minimum sample for this study (Faul, Erdfelder, Buchner & Lang, 2009). Moreover, to void low response or non-return of questionnaire we oversampled (Keyton, 2015) by increasing the sample size by 100% (Gregg, 2008) making the final sample size 214. Accordingly, from each of the news channels 53 reports will be selected through disproportionately. Subsequently, the simple random sampling technique will be used to collect data from each of the stratum (channels).

Conclusion

The study contributes to the literature on freedom of press through exploring the perception of journalist and practices in Pakistan. Also this study tests the Authoritarian Theory by applying and testing it in the context of Pakistani journalist perception and practice of journalist work on freedom of press. Moreover, this researcher compares the both PTI and PMLN regimes in order to find out the level of violence against journalist and press freedom. Additionally, media regulatory bodies for print, electronic and online media's codes and conducts were evaluated. Thus, this research provides important implication to researchers, policymakers, human right commission of Pakistan and media practitioners on what journalists perceive when they practice their journalistic duties on different issues while keeping the codes and conducts of PEMRA, PTI and PCP. Also how do they perceive the legalizations of regulatory bodies in their ongoing practices.

References

- Abrar, M. (2012). Enforcement and regulation in relation to TV broadcasting in Pakistan (Doctoral dissertation, University of Glasgow).
- Abrar, M. (2014). Pakistan Electronic Media Legal and Regulatory System. *Journalism and Mass Communication*. Vol. 4, No. 1, 36-41
- AFP. (2018b, June). Pakistan army denies any role in Gul Bukhari Abduction. *Newsweek Pakistan*. Retrieved from <https://apnews.com/44d517d02edd46798963c3b27439e1b6>
- Agency France Press. (2016, February 4). 115 killings make Pakistan fourth deadliest country for journalists. *Dawn online newspaper*. Retrieved from <https://www.dawn.com/news/1237386>
- Ali. K. & Fawad (2018). Govt plans new body to regulate media: Dawn Report. *Dawn online newspaper*. Retrieved from <https://www.dawn.com/news/1439946>
- Anwar. M (2018). Freedom of Expression in Pakistan Continues to Face Challenges. VoA. Retrieved from <https://www.voanews.com/a/freedom-expression-pakistan-continues-face-challenges/4376718.html>
- Aslam, I., & Ali, K. (2009). Media Matters in Pakistan. *Middle East Report*, (251), 32-36. doi:10.2307/27735299
- Associated Press. (2018, June). Pakistan's media faces threats, abductions ahead of vote. *Gulf News*. Retrieved from <https://gulfnews.com/world/asia/pakistan/pakistans-media-faces-threats-abductions-ahead-of-vote-1.2242424>
- Baran, S., & Davis, D. (2015). Mass communication theory: Foundations, ferment, and future. *Nelson Education*
- Dawn. (2017, February 4). 'Khabaristan Times' ban. Retrieved from <https://www.dawn.com/news/1312530/khabaristan-times-ban>
- Dawn. (2019). PMRA: senseless and dangerous. Retrieved from <https://www.dawn.com/news/1459873>

- Dawn. (2019, January 30) Pemra bans TV anchor for 30 days retrieved from <https://www.dawn.com/news/1460675>
- Desk report (2014, January 1). 11 journalists killed in 2013. *Dawn online newspaper*. Retrieved on June 13, 2019 from <https://www.dawn.com/news/1077668>.
- Eijaz, A., Rahman, B. H., Ahmad, R. E., & Butt, J. A. (2014). Challenges and Options for Pakistani Media in the 21st Century. *Journal of Political Studies*, 21(1).
- Faul, F., Erdfelder, E., Buchner, A., & Lang, A.G (2009). Statistical power analyses using G*Power 3.1: Tests for correlation and regression analyses. *Behavior Research Methods*. 41(4), 1149-1160. doi:10.3758/brm.41.41149.
- Freedom House (2013). Freedom On the Net. Retrieved from https://freedomhouse.org/sites/default/files/resources/FOTN%202013_Pakistan.pdf
- Freedom Network (2015). State of Media in Pakistan: Key Trends of 2014 and Main Challenges in 2015. Retrieved from <http://www.fnpc.org/wp-content/uploads/2015/01/State-Of-Media-In-Pakistan-Key-Findings-of-2014-And-Challenges-in-2015-PDF.pdf>
- Gregg, M. B. (2008). *Field epidemiology*. Oxford University Press, USA.
- Ifex (2013). 108 journalists killed in 2013 to test UN Day to End Impunity. Retrieved from <https://ifex.org/108-journalists-killed-in-2013-to-test-un-day-to-end-impunity/>
- International Media Support. (2009). Between Radicalization and Democratization in an Unfolding Conflict: Media in Pakistan. Retrieved from <https://www.mediasupport.org/wp-content/uploads/2012/11/ims-media-pakistan-radicalisation-2009.pdf>
- Jamal. N. (2018). media. *Dawn online newspaper*. Retrieved from <https://www.dawn.com/news/1446393>
- Keyton, J. (2015). *Communication research: Asking questions and finding answers* (4th ed.). New York: McGraw Hill Higher Education.

- Marriyum (2017). First ever bill for safety and protection of journalists soon. *Dunya News online newspaper*. Retrieved from <http://dunyaonline.com/en/Pakistan/411445-First-ever-bill-for-safety-and-protection-of-journalists-soon:-Marriyum>
- Media logic Monthly Review. (2018, June) report. Retrieved from <http://medialogic.com.pk/tam/wp-content/uploads/2018/08/6-Medialogic-Monthly-Review-June-2018.pdf>
- Najam-u-Din. (2019) Pakistan-Media Landscape. *The European Journalism Centre* Retrieved from <https://medialandscapes.org/country/pdf/pakistan> on June 13, 2019.
- Pakistan Press Freedom (2014). Working group on media safety constituted. Retrieved from <https://www.pakistanpressfoundation.org/working-group-media-safety-constituted/>
- Pro Pakistani (2018). Govt Dramatically Cuts Ad Rates for TV Channels. Retrieved from <https://propakistani.pk/2018/12/24/govt-dramatically-cuts-ad-rates-for-tv-channels/>
- Shahzad.M (2018, June 6) Columnist Gul Bukhari back home after hours-long 'abduction' in Lahore. *The Express Tribune online newspaper*. Retrieved from <https://tribune.com.pk/story/1728710/1-columnist-gul-bukhari-abducted-lahore/>
- Shaikh, M. A. (2007). *Satellite Television and Social Change in Pakistan: A case study of rural Sindh*. Orient Books Publishing House.
- Shakeel Qarar (2018, January 10). Journalist Taha Siddiqui beaten by '10-12 armed men', escapes 'attempted abduction'. *Dawn online newspaper*. Retrieved from <https://www.dawn.com/news/1382025>
- Shamila Ghyas.(2017, January 31). Why was Khabaristan Times blocked? *The Express Tribune online newspaper*. Retrieved from <https://blogs.tribune.com.pk/story/45632/why-was-khabaristan-times-blocked/>
- Soomro. Z. I. (2009, September4). Musharraf versus freedom of media. *Dawn online newspaper*. Retrieved from <https://www.dawn.com/news/488720>

- The citizen Lab (2013). Net sweeper in Pakistan. Retrieved from <https://citizenlab.ca/2013/08/netsweeper-in-pakistan/>
- Wasif. S. (2017, November 25). PEMRA blocks all TV channels. *The Express Tribune online newspaper*. Retrieved from <https://tribune.com.pk/story/1568146/1-media-blackout-faizabad-sit-pemras-orders/>
- X index (2014, January 9). A deadly year for Pakistan's internet freedom. Retrieved from <http://www.indexoncensorship.org/2014/01/2013-deadly-year-pakistans-internet-freedom/>
- Yusuf, H., & Schoemaker, E. (2013). The media of Pakistan: Fostering inclusion in a fragile democracy. BBC report Policy Briefing, 9. Retired from http://downloads.bbc.co.uk/mediaaction/pdf/bbc_media_action_pakistan_policy_briefing.pdf
- Zafar. I. (2019, February 1). Imran Khan or Ayub Khan: Is PMRA the new tool to curb freedom of press and control media? *Express Tribune online newspaper*. Retrieved from <https://blogs.tribune.com.pk/story/78129/imran-khan-or-ayub-khan-is-pmra-the-new-tool-to-curb-freedom-of-press-and-control-media/>