

Not a matter of concessions

By I.A. Rehman

Down
3/5/70

Press freedom

THE state of press freedom in Pakistan is revealed every time somebody in authority proclaims that the press is now free. The implication clearly is that the press enjoys freedom as a consequence of state policy and not as a right the administration is obliged to respect. The state remains in an adversarial position towards the press but for the time being it chooses not to use its coercive powers against it.

The press spokespersons, unfortunately, judge the freedom available to them by comparing the present climate with their experiences during the past regime(s). In this situation, the parameters of the freedom that the press needs regardless of the disposition of governments will remain undefined.

The most important result of treating press freedom as a matter of policy and not of principle is that the agenda of the country's press community has remained unchanged for nearly four decades. An endless haggle has been going on on newsmen's demand for the abrogation of special press laws and the government's insistence on creating new bodies to impose its notions of good behaviour on the print media. Countless meetings and consultations have been held over the past several decades and have failed to bear fruit mainly because of the government's obsession with devising mechanisms for enforcing its list of don'ts.

The very premise of such exercises is wrong inasmuch as attention is concentrated on regulatory devices, the assumption being that the issue is not press freedom but preventing the press from committing mischief. The idea that freedom allowed to an institution is the best safeguard against mischief has never been acceptable to any government, not has it been properly articulated by press representatives themselves either.

The state's fear of a free press, inherited like other things from its colonial predecessor, is also reflected in the hash that has been made of legislation regarding the right to information. In spite of the fact that the

right to freedom of expression, which includes the right to receive information, has been included in the fundamental rights chapter of all constitutions, Authority has been guilty of harbouring indefensible reservations.

The Freedom of Information Bill drafted by Mr. Fakhruddin G. Ebrahim as the caretaker law minister in 1996 was mutilated by his cabinet colleagues themselves and the explanation offered was that the press and the people should be content with what the establishment was willing to concede. The ordinance that was finally issued in January 1997 naturally betrayed the government's determination to grant the right to information on its own arbitrarily determined terms. Even this law was rendered ineffective by

The Chief Executive says the press is free to criticize him but it will not be allowed to 'play with national interests.' So long as the press is obliged to submit to what any regime alone defines as national interest, the press will be free only to sustain the status quo, not to change it. Freedom in any context has only one meaning — freedom to change the world, to discard tradition.

resorting to the device of not making the essential rules.

The quibbling over how much of the right to information can be allowed to the journalists and the people of Pakistan has not ended. The foremost issue regarding press freedom in Pakistan thus remains the people's right to know. If there is a national consensus on free access to public records being an essential prerequisite to good and transparent governance, and it is not a matter only of noble-sounding rhetoric, all public records must be thrown open to the people's scrutiny. This will be a legitimate proof of respect for press freedom.

It should not be difficult to realize the loss caused to the nation and the press by remaining stuck with a decades-old agenda on the elementary issues of press freedom.

We have ignored the fact that freedom of the media, like other freedoms, is not a concept frozen in the existing time-frame. With the passages of time, the area of press freedom must expand. Till some time ago restrictions on press freedom, considered necessary for national security or those imposed by laws, were considered justified. By and by these notions began to be challenged and debates took place as to what was meant by law, what was national security and who determined these measures.

Now in a large part of the democratic world national security has been accepted as an issue. The press is free to define itself and a law that restricts press freedom has to meet the test of public sanction and has to be justified in terms of the people's interest.

In Pakistan there has been very little movement in this direction. There was a time when the press in Pakistan could be muzzled

by following the letter of laws however bad they were. It was the judiciary that came to the rescue of the press by ruling that restrictions imposed by law had to be reasonable and all actions against the press were justiciable. If the press had been free more concepts could have been debated in public and its role in socio-political advancement of the people would have grown.

Today, when the whole world is observing the Press Freedom Day, the press community has to inform the people of the objectives for which it seeks freedom. To be able to report what the administration

is doing or to bring some skeletons out of the cupboards of politicians and state functionaries is to accept a juvenile's definition of freedom. The real freedom means ability to challenge the traditional notions applied to public affairs, including such "sensitive" issues as the role of religion in politics, security strategies, and the imperatives of dewatering and demilitarization.

The Chief Executive says the press is free to criticize him but it will not be allowed to 'play with national interests.' So long as the press is obliged to submit to what any regime alone defines as national interest, the press will be free only to sustain the status quo, not to change it. Freedom in any context has only one meaning — freedom to change the world, to discard tradition.