



Aziz Siddiqui looks at the role of the press in Pakistan, its relationship with the government and the part it has played in highlighting the problems which plague the country

For the first time, or at least more so now than in the past, the press seems less at the mercy of the government than the other way round. The leverage of the laws, of official advertisements, newsprint and the repertoire of dirty and not-so-dirty tricks still exist, but the ability of weak governments — uncertain of when they will need their next vote to manoeuvre these ploys to their advantage — appears diminished, and their fear of risks from predictable reaction has risen.

Follies still occur to show that the dangers are far from over, yet some of the recent actions such as against a couple of Karachi eveningers, *Parcham* and *Public*, or against the journalist-cum-NGO-associate Zafaryab Ahmed, seem more a mark of nervous impulsiveness than a warning of a well-considered policy of repression. If also newspaper reporters in remoter areas (like the interior of Sindh) still live with the threat of violence from local despots, that is part of a legacy of entrenched tyranny that will take time to die out.

The official press law used to make no secret of wanting to "control" the press. The Regulation of Printing Press and Publications Ordinance, which was issued several times following the demise of Ayub Khan's infamous Press and Publications Ordinance of 1963 and which itself has stood lapsed for the last couple of years, has just been repromulgated. It still has a chapter titled, in bold capital letters, 'Control of Printing Press and Newspapers'. This lists the categories of newspaper contents liable to invite penalty.

Mainly, the law forbids newspapers to publish material which may incite a reader to the commission of a violent cognisable offence, or which, based on unverified rumour, is calculated to cause public alarm and may induce a person to commit an offence against public tranquility. It

warns against newspapers seducing public officials from allegiance to their duty or their service discipline, or causing willful obstruction in their discharge of their duties. Also forbidden is material which may bring the government into hatred or contempt, provoking defiance of its authority, or which may create ill-will or hatred among sections of the population.

Nothing much seems wrong with this, especially after the clarification that disapprobation of a government measure with a view to coaxing a lawful change will not be construed as bringing that government into hatred, nor will furtherance of legitimate interest of a section of the population be seen as creating ill-will between it and the others. In practice though, there will be room for the exercise of one's judgement. The line dividing the permissible from the impermissible can be too narrowly or too broadly drawn.

The perception may also depend on which side it is being looked at from: fair comment from one angle may appear calumny from another. When do allegations of rampant corruption or harassment of the opposition, for instance, cease to be a bid to coax a lawful change of policy and become an attempt to bring the government into contempt? This has often in the past depended on the eye of the beholder, so to speak.

The accused in these offences will be afforded an opportunity of being heard before the penalty (the forfeiture of the impugned issue of the publication) is imposed. But heard by whom? Obviously by the official, or a nominee of the official, who had determined in the first place that an offence had occurred. An appeal to the High Court will be possible only after the forfeiture has taken place. Normally this is all right. It is all right in the case, say, of a consignment of cement whose value being intrinsic will remain intact over several days. But what will it avail a daily newspaper if its issue of Monday is, with luck, ordered released by the court on Tuesday? Nothing is deadlier than yesterday's newspaper.

There are, however, incidental safeguards. By the time the authorities decide on seizure of a newspaper, that issue of it will either already have reached, or will be well on the way to reaching, the hands of most of its readers. In the case of a periodical, a wrongful action may even bring it both credit and profit. The court's

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eventual restoration of an impounded issue of *Herald* magazine three years ago obliged its publishers to print an extra edition of it to meet the demand.

Such seizures have therefore been — and are likely to remain — rather rare. Hate-filled sectarian pamphlets are sometimes banned, but only after they have done their mischief; extremist ethnic writings are occasionally confiscated but usually when copies that can no longer be sold are relegated to the cold corners of the stalls. The only regular victims incidentally, have been the Ahmadis whose publications have frequently been impounded, usually under laws more stringent than the RPPPO.

In the matter of official advertisements too, governments are not able to hand out punishments or rewards as brazenly as they did in the past. The practice has not been forsworn but a

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relative restraint has been promoted partly by the fear of political fallout and partly by the compulsion of what measure of accountability has come in with parliamentary governance, and a relatively free press possible of causing embarrassment.

The official size of the advertisement cake has also diminished in proportion to the deregulation and privatisation that has taken place. And this government in particular neither exercises the charm to persuade nor commands the clout to compel the private sector in the direction of its own likes and dislikes.

The measure of manoeuvrability that the press has thus come to enjoy has not come in fortuitously. It has been a result of national advance towards representative governance, of the educated section's general yearning to qualify for at least the more visible of the civi-

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ized norms, and of the resistance to controls maintained in the more humble redoubts of the newspaper industry. The achievement is still, however, tentative. The hostile tendency has not been vanquished nor converted. If it has become warier, it is not from conviction but from current expediency. Nothing will give it an easier handle than failure within the press, the possibilities of which abound.

In the standoff reached between the government and the representatives of the newspaper owners and editors, last year over proposed changes in the definition law and setting up of a press tribunal, the editors and owners had offered to bring in their own code of ethics within three months. It is unfortunate that that did not materialise. A code of conduct with a mechanism for its strict enforcement is, as free press everywhere has found, a primary

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baggage of convenience for such a press. It forecloses interference by the government, it wins the confidence and support of the people and not least, it applies necessary restraints on individuals practitioners of the freedom who are liable now and again to be carried away by discovery of the potentials of the power they enjoy.

In the market place of journalistic favours there are now others equally or even more resourceful than the government; resourceful in the means both of persuasion and coercion. When recently, disturbed by the excesses of its presses, the British parliament set up the Calcutt Commission, the press there pleaded for a 'last chance' to regulate itself. The Commission agreed and asked that it adopt a code of practice and set up a Press Complaints Commission as a 24-hour hotline for the

redressal of all complaints and for the monitoring and implementation of the code. If that Commission was made to fail in any instance, warned Calcutt, it would be replaced by a statutory Press Complaints Tribunal.

The demands being made on the press here are thus not altogether peculiar. Progress on the accord reached with the government would have been useful in other ways as well. The government had been made to agree to apply the code to the electronic media as well. That would have been a significant breakthrough in liberating that medium from government control. The opening would have created the passage for automatic advance. Secondly, with a code and an enforcement mechanism in place, ground would have been created for negotiating changes in half a dozen other laws that have hung menacingly over the freedom of the press, including those on sedition (Section 124-A), creating ill-will between classes (153-A), and causing offence against public tranquility (505).

Even more significantly, it would have lent greater force to the demand for relaxation of the Official Secrets Act and its supersession by a Freedom of Information Act. It would also have strengthened the case for systematisation of the award of advertisements and newsprint and professionalisation of the auditing of the circulation of newspapers and periodicals. Effort in these directions in any case needs to be mounted.

All this is of course only a means to the ends that press freedom has to direct itself to. Its most pressing responsibility is to democracy, from which it is itself derived and upon which it most depends. For press freedom to take root, democratic forms have to be helped to consolidate themselves. Those in the press who flog dogmas of one kind or another, who divide the nation into categories of traitors and patriots, who denounce dissent, any dissent, as heresy, are no friends of democracy or of press freedom. Many in the press hierarchy had actually lent support to past dictators.

A free press cannot exist except in a tolerant society. Any freedom which instead of enhancing the play of tolerance knowingly or unknowingly works to limit its scope, is on way to committing hara-kiri.

Ultimately, the responsibility of the press is to the people and to society. There is no better

way of judging what use a press is making of its freedom than asking what it is doing to probe the factors of human misery and human tyranny, how consistent and outspoken it is in its exposes, and how unremitting, unsparring and innovative in the quest for corrections.

Apart from a small body of defence secrets and commercial intelligence, there is no category of national interest that isn't best served by openness of information and debate and relentlessness of investigation. If a campaign against child labour, for instance, causes momentary setback to the national export of carpets, that will be more than compensated in the longer run by the national attention it is bound to focus on the plight of the labouring child.

That the press only mirrors reality is, like all easy generalisations, only partly true. It camouflages the fact, striking in our circumstances, that sometimes the press also makes happen a part of what it mirrors. Certainly some of the violence in Karachi occurs just to make headlines; worse violence for bigger headlines. This in turn contributes to the lengthening from one day to the next of the inexorable chain of deadly reactions. It is the press again that makes the intolerant mullah loom larger than remotely justified by his electoral or popular support. He packs his inconsequential voice with fire and brimstone, and the sound of the menace thus created has sometimes caused sensible initiatives to beat a fearful retreat.

And the repetitious rigmarole of the major politicians, routinely put together by their small-time mediemen, unfailingly get the display of momentous new pronouncements in the following day's papers. The politicians are thus not made to work for their place in the popular press. There is apparently profit in sensationalising violence, goodwill in pandering to the orthodoxy, and political and commercial sense in daily traumatising the readership with intimations of imminent political doom. But all that does far less for spreading conviction about the worth of press freedom and even of the democratic form itself.

Normally the press itself learns its way around as its readership grows wiser and more discriminating and demanding. But there is the possibility that the press here may be overtaken by the tendencies it is helping to develop. It may not be afforded the normal time of growing up. There are no more menacing dangers to press freedom today than those that spring from within itself. And no surer guarantees of it than those it can secure for itself.