

## LAW

A law is basically a body of principles or rules which are the basis of a society and are abide by the society. No system in a society can exist without a law. Human life needs a proper rule of conduct or principle at every step. It is also important for a successful society. If it will not happen then there will be anarchy and disturbance in a society and it will not exist for long.

There are various definitions of law. Some of them are as follows

1. A rule of conduct or procedure established by custom, agreement, or authority.
2. A code of principles based on morality, conscience, or nature.
3. A law is rules of conduct of any organized society, however simple or small, that are enforced by threat of punishment if they are violated. Modern law has a wide sweep and regulates many branches of conduct. A body of rules of conduct of binding legal force and effect, prescribed, recognized, and enforced by controlling authority.
4. A body of rules of conduct of binding legal force and effect, prescribed, recognized, and enforced by controlling authority.

### Need and importance of law

There are a number incidents taking place all the time which could be harmful to people. This leads to the need of making law. People need a proper code of life. They need to know their as well as others right only then they could lead a peaceful life. Laws were made by the kings to empower themselves. Why laws are too important for a society or for a community! In ancient periods, laws were made due to fear, like prohibited areas in this case animals or the nature were the main force to construct laws or restrictions. Actually, restrictions were the first source of laws that were adopted by human beings. Today, we believe that it was our ancestors those made life very miserable in some context. On the other hand we are highly blessed that we do not need to go in details of such things those are proved by our forefathers' experiences. However, it is quite clear that we need some rules and regulation to live. So, that's why we make laws to be known as knowledgeable creature. We are ruling over other creatures because of the law that is "Survival of the fittest".

### Natural Laws

Even nature has certain laws which are strictly obeyed by nature as well as its creatures. Such as laws of sunrise and sun set, changing of day and nights, revolving of earth around sun, law of birth and death. Such laws are above human control and cannot be altered. We have to obey them. Thus they also affect our customs, culture, traditions and on the whole our whole life.

Common laws are dependent on natural laws but natural laws are not dependent on common laws. For example let's talk about our traffic laws. They were made to control the traffic, to bring a discipline and organization in traffic system. If there would be no laws there would be no discipline and thus it will cause disturbance not for an individual but for a whole society so it has given a sense to society that if they will obey them there would be a discipline and peace.

A gentle and sensible man always obeys the laws not because of fear but because he has been trained like that since his childhood. But some people obey them because of the fear of being punished. Because if you will break any law whether its man made or natural laws you will have to pay for them. In other words you will be punished.

### ETHICS

Ethics is a branch of philosophy. It is related to human nature. It reflects our behaviour. It plays an important role in building up our nature and behavior. As a society is made by people and their behavior and ethics plays an important role in organizing our behaviors so it is an important part of a society.

**DEFINITIONS**

Following are some of the definitions of ethics as is defined by some philosophers.

**Ethics is a branch of philosophy that deals with moral component of human life.**

Ethics are involved in a society to a great extent. Even they are much involved in human life therefore the more a person is having or following ethics in his life, the more his life become decent, disciplined and organized. Hence it is an important component of human life.

Ethics can also be defined as

**It reflects a society's notions about the rightness or wrongness of an act and the distinctions between virtue and vice.**

Ethics is taken as a collection of principles or a code of rules. It consists of such rules which a society adopts in its daily routine. Sometimes some of the rules or principles are set by the society and you have to obey them.

For example drinking is prohibited in an Islamic society but there are no restrictions in western societies on it. Therefore being a Muslim and a part of Muslim society it is compulsory for us to stay away from it. Even for an Islamic state it is unlawful. But if we are in a western society as there is no restriction hence now is the place where our ethics comes into action.

**Ethics is often thought of as a set of principles or a code of moral conduct.**

As we have discussed in the above example, that there are some places where we are no bounded for certain things. There are no restrictions on us. It is that time where we have to utilize our personal ethics to differentiate between right and wrong. Hence ethics regulate our moral conduct.

Another definition of ethics is

**Ethics involves the evolution and application of those moral values that a society or culture has accepted as its norms**

It means that there are certain things which are purposed and applied by the society. They are then accepts as the cultural norms of that society. It also differentiates it from other societies.

Hence it has been shown by the above definitions that ethics is a branch of social sciences that deals with the moral conduct of individuals and also it is a collection of certain norms that are formulated and followed by a society.

**Ethics and Media**

Media has always got a great attraction for people. Since its evolution it has been performing its duty of entertaining as well as guiding people. Weather it is print media or electronic media people always tries to adopt its importance in their daily life.

With the evolution Of print media people had a great thirst for it. They take it as their foremost source of information. Hence media start playing three main roles which are as follows.

- Information
- Entertainment
- Guidance

With the addition of features and columns and magazines people's interest was enhanced and they started idealizing the writers. They take their writings as for their guidance.

Observing that much importance of media, there should be some limitations set for it. So that writers cant go beyond the ethics. Their writings and publications should be checked and controlled.

For that matter certain laws to regulate media were formulated to keep a check on it. Hence a code of ethics was formulated for print media which is to be obeyed by the publishers.

Then with the gain in popularity of electronic media again there was a need to put a check on it. So different regulatory committees were made to regulate a code for them. So with the passage of time many codes were formulated and applied for them.

By now a proper and complete code of principles is been set for whole media. but still there is another debate of freedom of media due to which changes keep on happening in these4 principles.

### **Sources of Ethics**

There are certain sources of ethics. These sources include those persons, places or people which affect our lives at different stages and thus help us in developing and adopting our ethics.

These sources are as follows.

- **Parents**
- **Peer groups**
- **Educational institutions**
- **Teen Age [school level]**
- **Adult Age [higher studies]**
- **Observations & Experiences**
- **Society**

### **Parents**

Parents are the primary and most important source of ethics. They are the first source which introduce us to the worlds. They teach us how top behave, how to talk how to walk, how to eat and above all hoe to develop our ethics i.e. the way to deal with others.

### **Peer Group**

Our second source of ethics is our peer group. This includes our age fellows and our friends. So it is the first time when you interact with the people other then your family. You gain many things from here also. The most important thing you get from your peer group is the development of your attitude. For example some of the children developed tolerance. Others may gain to react harshly to certain situations .Hence it also play an important role in developing ones self.

### **Educational Institutions**

It includes development at two levels.

**School level** when we are at a stage of learning and adopting thing. At this period of age children try to copy others. They try to gain the qualities of those personalities which they like the most. So people around him specially teachers try to develop good qualities in them. They try to make them differentiate between right and wrong.

At **Higher Educational** level when children have both the pictures in front of them. Now they are socially bound to show their ethics. It is the time when others expect the particle side of their ethics they have learned so far. Hence they have to prove themselves what kind of nature he has developed so far.

### **Observations & Experiences**

After passing through your higher education, the next source is our own observations and experiences. Because at this level we are mature enough to observe our society.

Secondly when we talk about experiences then there are two possibilities.

1. We can learn from others' experiences
2. We can experience our self.

### **Society**

This is the biggest source of learning as it is effective at all stages of life but becomes even more effective when we comes in our particle life. It is the time or stage which requires more responsibilities and ethical behavior from us.

**JOURNALISTIC CODES AND ETHICS**

**Journalism ethics and standards** include principles of ethics and of good practice to address the specific challenges faced by professional journalists. Historically and currently these principles are most widely known to journalists as their professional "code of ethics" or the "canons of journalism." The basic codes and canons commonly appear in statements drafted by professional journalism associations and individual print broadcast, and online news organizations.

**Every news organization has only its credibility and reputation to rely on.**

Tony Burman, editor-in-chief of CBC News

While various existing codes have some differences, most share common elements including the principles of — truthfulness, accuracy, objectivity impartiality, fairness and public accountability — as these apply to the acquisition of newsworthy information and its subsequent reportage to the public.

**THE CODE**

All members of the press have a duty to maintain the highest professional standards. The Code, which includes this preamble and the public interest exceptions below, sets the benchmark for those ethical standards, protecting both the rights of the individual and the public's right to know. It is the cornerstone of the system of self-regulation to which the industry has made a binding commitment.

It is essential that an agreed code be honored not only to the letter but in the full spirit. It should not be interpreted so narrowly as to compromise its commitment to respect the rights of the individual, nor so broadly that it constitutes an unnecessary interference with freedom of expression or prevents publication in the public interest.

It is the responsibility of editors and publishers to apply the Code to editorial material in both printed and online versions of publications. They should take care to ensure it is observed rigorously by all editorial staff and external contributors, including non-journalists, in printed and online versions of publications. Editors should co-operate swiftly with the PCC in the resolution of complaints. Any publication judged to have breached the Code must print the adjudication in full and with due prominence, including headline reference to the PCC.

The Press Complaints Commission is charged with enforcing the following Code of Practice which was framed by the newspaper and periodical industry and was ratified by the PCC on 01 August 2007.

**Evolution and purpose of codes of journalism**

The principles of good journalism are directed toward bringing the highest quality of news reporting to the public, thus fulfilling the mission of timely distribution of information in service of the public interest. To a large degree, the codes and canons evolved via observation of and response to past ethical lapses by journalists and publishers. Today, it is common for terms of employment to mandate adherence to such codes equally applicable to both staff and freelance journalists; journalists may face dismissal for ethical failures. Upholding professional standards also enhances the reputation of and trust in a news organization, which boosts the size of the audience it serves.

Journalistic codes of ethics are designed as guides through numerous difficulties, such as conflicts of interest, to assist journalists in dealing with ethical dilemmas. The codes and canons provide journalists a framework for self-monitoring and self-correction as they pursue professional assignments.

**Codes of practice**

While journalists in the United States and European countries have led in formulation and adoption of these standards, such codes can be found in news reporting organizations in most countries with freedom of the press. The written codes and practical standards vary somewhat from country to country and organization to organization, but there is a substantial overlap among mainstream publications and societies.

One of the leading voices in the U.S. on the subject of Journalistic Standards and Ethics is the Society of Professional Journalists. The Preamble to its Code of Ethics states:

**Public enlightenment is the forerunner of justice and the foundation of democracy. The duty of the journalist is to further those ends by seeking truth and providing a fair and comprehensive account of events and issues. Conscientious journalists from all media and specialties strive to serve the public with thoroughness and honesty. Professional integrity is the cornerstone of a journalist's credibility.**

The Radio-Television News Directors Association, an organization exclusively centered on electronic journalism, maintains a code of ethics centering on -- public trust, truthfulness, fairness, integrity, independence and accountability. RTDNA publishes a pocket guide to these standards. RTDNA publishes a pocket guide to these standards.

Examples of journalistic codes of ethics held by international news gathering organizations may be found as follows:

- British Broadcasting Corporation: Editorial Guidelines
- Canadian Broadcasting Corporation: *Journalistic Standard and Practices*
- Al Jazeera: Code of Ethics.
- Code of Journalists of the Republic of Slovenia

### **Definition Code of Ethics**

A Code of Ethics is a set of standards, rules, guidelines, and values that govern and guide ethical business behavior in a company, profession, or organization of its employees, interactions among the employees, and interactions between the employees and the general public.

Some codes of ethics have the force of law. Violations of these codes may be subject to administrative (e.g., loss of license), civil or penal remedies. Other codes can be enforced by the promulgating organization alone; a violation of these codes is usually limited to loss of membership in the organization. Other codes are merely advisory and there are no prescribed remedies for violations or even procedures for determining whether a violation even occurred. Furthermore, the effectiveness of codes of ethics depends on the extent to which the management of the organization embraces and supports them.

### **Common elements**

The primary themes common to most codes of journalistic standards and ethics are the following.

#### **Objectivity**

- Unequivocal separation between news and opinion. In-house editorials and opinion pieces are clearly separated from news pieces. News reporters and editorial staff are distinct.
- Unequivocal separation between advertisements and news. All advertisements must be clearly identifiable as such.
- Reporter must avoid conflicts of interest — incentives to report a story with a given slant. This includes not taking bribes and not reporting on stories that affect the reporter's personal, economic or political interests. See envelope journalism.
- Competing points of view are balanced and fairly characterized.
- Persons who are the subject of adverse news stories are allowed a reasonable opportunity to respond to the adverse information before the story is published or broadcast.
- Interference with reporting by any entity, including censorship, must be disclosed.

#### **Seek the Truth and Report It**

Journalists should be honest, fair and courageous in gathering, reporting and interpreting information.

Journalists should:

Test the accuracy of information from all sources and exercise care to avoid inadvertent error. Deliberate distortion is never permissible.

Diligently seek out subjects of news stories to give them the opportunity to respond to allegations of wrongdoing.

Identify sources whenever feasible. The public is entitled to as much information as possible on sources' reliability.

Always question sources' motives before promising anonymity. Clarify conditions attached to any

promise made in exchange for information. Keep promises.

Make certain that headlines, news teases and promotional material, photos, video, audio, graphics, sound bites and quotations do not misrepresent. They should not oversimplify or highlight incidents out of context.

Never distort the content of news photos or video. Image enhancement for technical clarity is always permissible. Label montages and photo illustrations.

Avoid misleading re-enactments or staged news events. If re-enactment is necessary to tell a story, label it.

Avoid undercover or other surreptitious methods of gathering information except when traditional open methods will not yield information vital to the public. Use of such methods should be explained as part of the story

### **Never plagiarize**

Tell the story of the diversity and magnitude of the human experience boldly, even when it is unpopular to do so.

Examine their own cultural values and avoid imposing those values on others.

Avoid stereotyping by race, gender, age, religion, ethnicity, geography, sexual orientation, disability, physical appearance or social status.

Support the open exchange of views, even views they find repugnant.

Give voice to the voiceless; official and unofficial sources of information can be equally valid.

Distinguish between advocacy and news reporting. Analysis and commentary should be labeled and not misrepresent fact or context.

Distinguish news from advertising and shun hybrids that blur the lines between the two.

Recognize a special obligation to ensure that the public's business is conducted in the open and that government records are open to inspection.

## **Code of ethics for Journalists and other Media Professionals**

### **Ethical responsibility to Sources and Subjects**

#### **Minimize harm**

It is essential that all risks of being inflammatory, misleading, or inconsiderate to subjects and sources be minimized. This is especially relevant to those engaging in original reporting. To minimize possible harm, we encourage our writers to do the following:

- Ensure facts are correct by getting verification from multiple sources.
- Try to contact the subject of the article whenever possible.
- Not publish an article based solely on speculation, hunches or wild guesses.
- Before publishing, make a mental list of all parties involved in the article and think about how each will feel about the article.

#### **Avoid misrepresentation**

Do not publish any sort of interview story without ensuring that the interviewee is absolutely happy with the article's final text. Even if this means giving up the interview - Wikinews will only lose out if it offends interviewees - remember to respect that they have taken the time to talk to us.

#### **Get all sides of a story**

Ensure sources and quotes from both sides of an argument are included in articles to avoid being biased towards either side. Ideally, all opinions expressed in an article should be direct quotes. Wikinews has no official opinion on anything; however, sources often do.

#### **Respect anonymity**

Any source that requests to remain anonymous is fully entitled to this. You are not obliged to bring up the possibility of anonymity, but you are obliged to honor requests for it. It is important not to apply undue pressure to the source if they do not wish to be named. At the same time, anonymous sources can make stories less credible, so it is important to make some effort to persuade reluctant sources to volunteer to go

on the record. Explaining to a source why you would prefer them to go on the record is a gentle and often effective way of persuading them to do so. In any case, the decision rests with the source.

### **Ethical responsibility to our Readers**

To our readers we have the duty to be:

#### **Independent**

Wikinews is not owned by a corporate entity. It is a project that is under the banner of the non-profit organization, the Wikimedia Foundation.

#### **Neutral**

All Wikimedia Foundation projects must conform to the policy of Neutral point of view. Wikinews is no exception. Our responsibility to our readers is to provide news that contains no bias. This includes removing and re-editing stories that have been determined to advocate a particular point of view to the exclusion of others.

#### **Truthful**

Wikinews wants to be truthful. We want to bring the real information. We work hard to do that. We make sure what is being reported is truthful. We remove and re-edit stories that contain unverified sources and thus may be untruthful.

#### **Accountable**

In relation to being truthful, Wikinews wants to be accountable also. We make sure that what we are reporting to the public can be accounted for. We take blame for stories that contain untruthful information.

#### **Accuracy and standards for factual reporting**

- Reporters are expected to be as accurate as possible given the time allotted to story preparation and the space available, and to seek reliable sources.
- Events with a single eyewitness are reported with attribution. Events with two or more independent eyewitnesses may be reported as fact. Controversial facts are reported with attribution.
- Independent fact-checking by another employee of the publisher is desirable
- Corrections are published when errors are discovered
- Defendants at trial are treated only as having "allegedly" committed crimes, until conviction, when their crimes are generally reported as fact (unless, that is, there is serious controversy about wrongful conviction).

Opinion surveys and statistical information deserve special treatment to communicate in precise terms any conclusions, to contextualize the results, and to specify accuracy, including estimated error and methodological criticism or flaws.

#### **Ethics and standards in practice**

As with other ethical codes, there is perennial concern that the standards of journalism are being ignored. One of the most controversial issues in modern reporting is media bias, especially on political issues, but also with regard to cultural and other issues. Sensationalism is also a common complaint. Minor factual errors are also extremely common, as almost anyone who is familiar with the subject of a particular report will quickly realize.

There are also some wider concerns, as the media continue to change, for example that the brevity of news reports and use of sound bites has reduced fidelity to the truth, and may contribute to a lack of needed context for public understanding. From outside the profession, the rise of news management contributes to the real possibility that news media may be deliberately manipulated. Selective reporting (spiking, double standards) are very commonly alleged against newspapers, and by their nature are forms of bias not easy to establish, or guard against.

This section does not address specifics of such matters, but issues of practical compliance, as well as differences between professional journalists on principles.

**Standards and reputation**

Among the leading news organizations that voluntarily adopt and attempt to uphold the common standards of journalism ethics described herein, adherence and general quality varies considerably. The professionalism, reliability and public accountability of a news organization are three of its most valuable assets. An organization earns and maintains a strong reputation, in part, through a consistent implementation of ethical standards, which influence its position with the public and within the industry.

## ETHICS & ITS RESPONSIBILITIES (Islamic & Western Perspective)

### Introduction

Mass media appear to be more practical than abstract and philosophical. However, both news and entertainment convey, reinforce, and are based on certain beliefs and value system. The epistemological and the ethical foundations of contemporary mass media practices are deeply rooted in the western ideologies and philosophies. The major motive behind all mass media structures, practices and processes is based on sales values and governed by the market mechanism.<sup>1</sup> Media code of ethics and watchdog mechanism are ignored by the media practitioners because they contradict the prevailing social order and hinder the pursuit of private good. The situation in Muslim countries, or of Muslim media practitioners, is no different from that of the western media.

### Western Perspective

Various forms of mass media ethics pertaining to the rights, responsibilities, freedom, and regulation of the press have been debated in European cultures since the introduction of the press in the 15th and early 16th centuries. Most of these debates focused on two areas: professional ethics related to the training of media professionals; and normative philosophical theories of public communication which bear on the professional obligations of media practitioners.

The new information technologies of our time have tremendously increased the power and function of the mass media, and at the same time have put enormous pressure on media scholars to rethink and redefine the parameters of ethics for journalists and media practitioners. On the one hand these new technologies are democratizing the process of communication by encouraging communication between individuals; on the other hand they also provide opportunities for the rich and elite to monopolize the information and manipulate it and thus control others' destinies without their consent or even against their will. This, as an eminent communication scholar Everett Rogers notes, is an epistemological turning point in media analysis and the new communication technologies are the driving force behind this revolution.

Merrill has divided existing media codes of ethics and responsibility into three types: that which is legally defined or determined by governments; that which is professionally defined or determined by the press itself; and that which is pluralistically defined or determined by individual journalists themselves. Merrill sees the third theory as the only one that is valid, meaningful, and in harmony with the values and goals of western societies, especially American society.

In attempting to compare existing codes of ethics, Thomas W. Cooper has provided a national, ideational, historical, and linguistic context. Placing these codes within a spectrum of emphasis, Cooper illustrated some of the most important polarities by which most of the codes can be explained from 'informal' to 'formal', from 'minimal' to 'ideal', from 'material' to 'metaphysical', the 'inhibitive' to the 'inspirational', etc. While obviously there is no attempt, by western scholars, to compare these codes within the Islamic framework, Claude-Jean Bertrand has noted that the West is more concerned with ethical issues in the context of a 'free press', 'and the rest of the world is more interested in issues regarding 'justice'. Herbert Altschull has used loose categories of market oriented countries, Marxist, and advancing nations, and has described the articles of faith that form the basis of media codes of ethics.

There may be numerous contexts and methodological devices by which codes may be classified. However looking at the three perspectives discussed in this article, (John C. Merrill, Thomas Cooper, and Herbert Altschull) one may conclude that most western nations, including the newly liberated nations of East Europe, are increasingly inclined towards a market based theory of responsibility in mass media which is in fact a theory of individual pluralism. Or in clearer terms: the code of ethics is what an individual journalist, or a particular media institution, or a particular society deems fit for the material benefit of the journalist, or the press, or of the society as a whole. Thus the meaning and values assigned to concepts such as news, truth, objectivity, freedom, people's right to know, and facts, may change according to particular circumstances or according to the needs and priorities of a particular society at a particular time.

This is the most that one can get from reviewing the existing literature on media ethics from western scholars' theses on this issue. Individual codes of ethics may vary from nation to nation only with respect to national priorities, linguistic constraints, cultural diversity, or the type of political structure.

Despite efforts to draw up an internationally agreed code of ethics, in practical terms there exist different codes of journalistic ethics in many nations of the east, west, north and south. The process of mass communication is dictated by a journalist's own vision of what can be most readily sold to the public, and in what form. That is why there are 'codes without conduct, technology without humanity, theory without reality [practice], global change without personal change, and personal ethics, without world awareness.'

### **An Islamic perspective**

In practice today there is no journalistic code of ethics based on the principles of Islam, and few scholars have attempted to define an Islamic framework for mass media ethics. However, their thinking did not go beyond academic discussions. That is why the Muslim Ummah of more than one billion has no control over sources of information and the way it wants to disseminate news despite having more than 600 daily newspapers, about 1500 weeklies, 1200 monthly news and views magazines, and about 500 miscellaneous Muslim publications.

It is difficult for a researcher to find a well defined Islamic code of journalistic ethics. One can find press codes in Pakistan, Turkey, Indonesia, Egypt, maybe in Iran, and a few more Muslim countries, but most of these reflect, to a great extent, the same secular bias that is part of the existing code of ethics in most other countries. The first Asian Islamic Conference organized by the Mecca-based World Muslim League in Karachi, Pakistan, in 1978 decided that co-ordination should be developed between Muslim journalists to offset and counter the Western monopoly of the mass media and its anti Islamic propaganda

The first International Islamic News Agency (IINA) was established by the Organization of Islamic Conference (OIC) in 1979 with its headquarters in Jeddah, Saudi Arabia, but as Schleifer has noted, 'The most poorly served IINA objective is its very first one - to consolidate and safeguard the rich cultural heritage of Islam... A more significant limitation to IINA coverage, from a Muslim perspective, is the relatively low amount of intrinsically Islamic news content.'

The first International Conference of Muslim Journalists held in Jakarta, Indonesia, in 1981 endorsed a covenant for Muslim media professionals emphasizing that: Islamic rules of conduct should form the basis for all Muslim media practitioners in their journalistic endeavors, and Muslim media should work towards achieving integration of the Muslim individual's personality. It was stated that the consolidation of faith of the Muslim individual in Islamic values and ethical principles should be the main obligation of Muslim media.

However, none of the above mentioned efforts could lead to the development, and more importantly, the practice of an Islamic code of ethics among the Muslim journalists. The reasons being: lack of support from Muslim governments; lack of interest and enthusiasm by Muslim journalists themselves; and lack of support from Muslim scholars as well Muslim society in general. Even the many Islamic magazines and newspapers have not been able to demonstrate that what they practice is inherently different from the secular media. As Schleifer has observed,

'The reverse-secularism of Western and Islamic Movement journalism insists that religion is worthy of reporting only in the political domain, and a political domain of confrontation. The specific danger of "Islamic journalism" to date is that the journalist substitutes the life and activities of the various Islamic movements for the life and activities of the much broader Islamic ally conscious society... of which the political movements are but a small part. When the "Islamic journalist" substitutes the life and drama of Islamic movements for the life and drama of Islamic society, he not only over politicizes Islam but he invariably becomes side-tracked into the same sort of surface reporting of organized political life in the Muslim world that characterizes the secular press and ends up even reporting poorly on many political and public developments of profound importance to Muslims.'<sup>14</sup>

The above statement is a true reflection of many Muslim magazines such as Impact International of London, The Minaret and The Message, both of the USA, Takbir of Pakistan, Radiance of Delhi, and even Al-Dawah of Egypt. It is evident that an Islamic code of journalistic ethics is inevitable if Muslims wish to have their own information system and also wish to see it play an important and effective role in the flow of news and information across the continents.

### **Basis for an Islamic Code of ethics**

Since a journalist's foremost concern is the dissemination of news, we have to agree upon a definition of news that is permissible within the framework of Quran and Sunnah. Not only that, we have also to consider a process of news gathering, news making and news disseminating that is acceptable within an Islamic framework. And in order to compete with the existing information orders we have to provide theoretical foundations and arguments as well a driving force that will ensure its implementation among Muslim journalists throughout the world.

Before defining news and attempting to develop an Islamic code of ethics, let us briefly discuss the basis of the Islamic moral system because it plays a very important role in the realization of the Islamic worldview within which a Muslim journalist has to operate and which is inherently different from the secular or Western worldview.

The central force in the Islamic moral system is the concept of **Tawhid** - the supremacy and sovereignty of one God. Tawhid also implies unity, coherence, and harmony between all parts of the universe. Not only has this, but the concept of Tawhid signified the existence of a purpose in the creation and liberation of all human kind from bondage and servitude to multiple varieties of gods. The concept of the hereafter becomes a driving force in committing to one God, and the inspiration as well definitive guidelines are provided by the traditions and the life of the Prophet (PBUH).

A journalist who uses his/her faculty of observation, reason consciousness, reflection, insight, understanding and wisdom must realize that these are the Amanah (trust) of God and must not be used to injure a human soul for the sake of self-promotion or for selling the news, rather, as Dilnawaz Siddiqui has noted these are to be used in arriving at truth. A journalist must not ignore God's purpose in creating this universe and various forms of life.

Explaining the implications of Tawhid, Hamid Mowlana has noted that the responsibility of a Muslim journalist and the Muslim mass media system would be:

**To destroy myths.** In our contemporary world these myths may include power, progress, science, development, modernization, democracy, achievement, and success. Personalities as they represent these must not be super humanized and super defined... Under the principle of Tawhid another fundamental consideration in communication [another important duty of Muslim journalists] becomes clear: the destruction of thought structures based on dualism, racialism, tribalism, and familial superiority... One of the dualisms according to this principle is the secular notion of the separation of religion and politics.

Another guiding principle in the development of an Islamic code of journalistic ethics is the concept of **social responsibility**. As mentioned earlier, the social responsibility theory on which secular or Western media practices are based is rooted in pluralistic individualism. Whereas the Islamic principle of social responsibility is based on the concept of amar bi al-Maruf wa nahi an al-munkar or commanding right and prohibiting wrong'. This implies that it is the responsibility of every individual and the group, especially the institutions of social or public communication such as the press, radio, television, and cinema, to prepare individuals and society as a whole to accept Islamic principles and act upon them.

Throughout Islamic history many institutions as well as channels of mass communications such as mosques, azan, and Friday khutba have used this concept of social responsibility to mobilize public opinion and persuade individuals to work for the collective good of society in general and for their own individual pursuit of good in this world and the hereafter. The Islamic revolution in this country has demonstrated well the strength of such uses of non-traditional means of public communication. However, in a highly individualistic society of ours the press seems to play the opposite role of amar bi Munkar WA nahi an al Maruf. Whether Muslim or non Muslim, the media are more interested in conflict, contention, disorder, and scandal than in peace, stability, continuity, and moral conformity. Unless Muslim media practitioners accept social responsibility as a cornerstone of their profession, no Islamic code of ethics can even be realized.

### **Challenges, problems and suggestions**

A brief conceptual framework for an Islamic code of journalistic ethics has been presented above. There is nothing new in it. It only reminds us that putting such concepts into practice is the most difficult aspect of the entire discussion. No effort has yet materialized in a viable Islamic information system that may

end Muslim's reliance on Western sources of information. Muslim media practitioners are dependent on the four transnational news agencies and wire services: the AP, UPI, AFP and Reuters. In a survey conducted in 1986 it was revealed that most Muslim newspapers in Arabic, English, Persian, and Urdu base 90% of their news coverage on these four agencies. Seventy percent of foreign news bureau in Muslim countries belong to the Western news agencies, whereas the number of Muslim countries' news bureau is hardly 5% of the total.<sup>18</sup> Ten years on, the situation is not much different. The strong presence of Western news agencies in Muslim countries discourages media practices that do not conform to the norms of these sources of information. Therefore it is essential to develop an alternative and viable source of information that will replace reliance on sources of information whose primary objectives are in contradiction with the basic value system of Islam.

Unless Muslim media take a lead in the development of alternative sources of information, and unless they show great willingness to accommodate neglected social groups such as Muslim youth, women, children and the rural population, they will remain confined to a small audience without any practical relevance to the Muslim masses in particular and the world in general. As a consequence the desire to adhere to an Islamic code of ethics would also remain low.

It is important to note that Muslim media practitioners themselves have to develop an independent structure. Unfortunately there is very little exchange of ideas, experiences, and expertise among Muslim journalists, newspapers, and magazines. As a result, already scarce human and material resources are wasted in duplicating similar efforts. Thus a core group of Muslim media practitioners, drawn from various countries, could be formed to serve as a media think tank. Such a group should work in close co-operation with those who are actively engaged in defining an Islamic framework for other areas of study i.e. sociology, psychology, political science, philosophy, and anthropology etc., in order to develop a thorough Islamic approach to the process of mass communication.

An important aspect of the development of a professional code of journalistic ethics is the training of Muslim journalists. There are numerous training centers to train journalists in all other aspects of the job, but none where journalists can get training on specifically Islamic aspects. There is an urgent need to establish an Islamic Institute of Mass Media Research and Training. Such an institute could perform many important tasks besides just training journalists: 1) Preparation of a directory of Muslim journalists for world wide and regional co-operation; 2) Preparation of an exhaustive bibliography on the existing literature on the Muslim world media; 3) Preparation of books introducing the basic concepts in mass communication history, methodology, and process with a critical examination of the contemporary approaches; 4) Preparation of monographs on specific issues and problems faced by Muslim media and Muslim journalists related to the editorial tasks, circulation and distribution, advertisement, and effective use of new communication technologies; 5) Establishment of a media monitoring group in order to keep up with the Western media's distortion of Islam and Muslim societies as well as to monitor and assess the press-government relationship in Muslim countries; and 6) Organize regional and international seminars and conferences in which both Muslim and non-Muslim media practitioners can exchange their thoughts and experiences in order to appreciate the importance of an Islamic code of ethics for journalists.

These are few suggestions towards realizing the goal of developing a workable code of media ethics within an Islamic framework. To begin with, an active forum of Muslim media practitioners and academicians could be created to exchange information about codes of journalistic ethics in Muslim countries, and also to cooperate and co-ordinate with non-Muslim media practitioners, associations and organizations that have a concern about media, culture and religion. Such forum could later play a key role in the formation of an international institute for media training and research for Muslim journalists.

## ABSOLUTE VS. RESPONSIBLE FREEDOM

### Definition of the word freedom

Freedom means to be really free and able to do exactly:

- whatever you want
- when ever you want
- how ever you want
- with who ever you want

Freedom is the basis for Love to develop and the basis for health and the basis of general well being and happiness in your life.

Freedom is one of the most valuable gifts God gave to mankind. It is one of the most powerful as well, it let's you feel like a child of God - made to the image of God. But who of you truly feels like a child of God, who of you can truly say "I am free!""? Let's have a look at freedom, what it is, how it feels and how to restore it.

To know exactly what freedom is, we may first have a look at a few examples of the opposite of freedom. The opposite of freedom is slavery.

The old fashioned slavery, where a person was property of another person still exists in certain countries - however usually in different forms than earlier. Modern slavery is different and often in disguise. Hundreds of Millions of people on this planet feel uncomfortable without knowing why. Often it is due to lack of absolute freedom. Freedom to do whatever they want, whenever they want.

Politicians may be slaves of their political party, of their own ideas, of their own beliefs and desires, of their own career or of their wish to be in a reputable position and to be mighty.

Citizens may be slaves of their country, of the politics in their country, being restricted in their activities, restricted in the free expression of their opinion, selection of jobs, selection of the educational system of their own choice, to travel or leave their own country. Managers may be slaves of their own business, position, investment, system, ideas, and projects.

Children and babies may loose their freedom to their parents, to their teachers, to educational systems, to the government who deprives them of many potential rights and their divine freedom while being children, to the church or religion they have been made to belong to.

### Concept of Freedom

When you have truly realized absolute freedom in your life, then you certainly know exactly how it feels to be free and what freedom is. To circumscribe or define the status of absolute Divine freedom may be difficult. Freedom is, if any day, any second of each day's time you can do exactly what you want, what you decide, you can be where you want to be and then you are free. The vast majority of the world's population at present has little or no freedom at all, without being put in jail. Their mind, country, job or home is their jails. Most of the world's population has put themselves into jail without realizing it.

To make you fully aware of the definition of freedom I'll describe a few examples of various situations in life where people currently have lost their freedom partially or completely on this planet. From these situations described you may derive a full understanding of the definition of freedom and get a clear and shocking picture of your own status of freedom within yourself.

### Individuality, Freedom and Ethics.

The modern conception of man is characterized, more than anything else, by individualism. Existentialism can be seen as a rigorous attempt to work out the implications of this individualism. The purpose of this lecture is to makes sense of the Existentialist conception of individuality and the answers it gives to these three questions: (1) what is human freedom? What can the absolute freedom of absolute individuals mean? (2) What is human flourishing or human happiness? What general ethic or way of life emerges when we take our individuality seriously? (3) What ought we to do? What ethics or code of action can emerge from a position that takes our individuality seriously?

Let's begin by seeing what it could mean to say we are absolute individuals. When you think of it, each of us is alone in the world. Only we feel our pains, our pleasures, our hopes, and our fears immediately, subjectively, from the inside. Other people only see us from the outside, objectively, and, hard as we may try, we can only see them from the outside. No one else can feel what we feel, and we cannot feel what is going on in any one else's mind.

Actually, when you think of it, the only thing we ever perceive immediately and directly is ourselves and the images and experiences in our mind. When we look at another person or object, we don't see it directly as it is; we see it only as it is represented in our own experience. When you look at the person next to you (contemplating how their rear-end feels), do you really see them as they are on the inside or feel what they feel? You see only the image of them that is presented to your mind through your senses. This is easily demonstrated by considering how our senses deceive us in optical illusions, but one simple example will have to suffice here. [Split image demonstration] It seems, then, that we are minds trapped in bodies, only perceiving the images transmitted to us through our bodies and their senses.

Each of us is trapped within our own mind, unable to feel anything but our own feelings and experiences. It is as if each of us is trapped in a dark room with no windows. Our only access to the outside world being a television screen on one wall on which we (with our mind's eye) perceive the images of other people, places, and things. Thus, to be an absolute individual is to be trapped within ourselves, unable to perceive or contact anything but the images on our mental TV screen and to be imperceptible ourselves to anyone outside of us. In a world where science has opened up and laid bare the nature of subatomic particles, far-away planets, and the workings of our very own bodies and brains, it is to remain, ourselves, hidden from the objective view. It is to be an island of subjectivity in an otherwise objective world.

### **The Ethics of Absolute Freedom**

This conception of happiness, however, raises our third question: How ought we to act towards other people? If the source of our value and nature is wholly internal, what obligations can I have to other humans? Can I freely and authentically choose to kill my mother, as Orestes does? Can I choose to be a murderer, a thief, or an exploiter of humanity? Is it true, as some Existentialist were fond of pointing out, that if God is dead then all things are allowable?

The ethics of absolute freedom, it would seem, are not absolutely free. To be free we must take on the responsibility of choosing for all men, we must desire and work for the freedom of all men, and we must create ourselves within the context of the relationships and obligations we have to other people.

Is the ethic of absolute freedom a portrait of human greatness? Human excellence often defines itself in the struggle against the forces that oppose human flourishing. Existentialism attempts to find happiness, value, and meaning in a modern world characterized by isolation, in authenticity, and absurdity. It attempts to see what human excellence can consist of if we find ourselves to be islands of subjectivity in an otherwise objective world. You will certainly want to ask if this is in fact what we find ourselves to be, but can it be doubted that the Existentialist attempt to find meaning in the face of absurdity exemplifies the basic drive that all portraits of human excellence must embody.

### **Responsibilities of Freedom**

Whenever one begins to write down "rules" and develop structures and social theories invariably a cry comes out about limiting freedom. This cry is often ignored, we do not wish to ignore it, it deserves an answer, though not a particularly polite one.

### **Individualism Is Oppression**

Freedom, along with many other words we use in political debate, has been twisted by rhetoric and spin to the point that it is almost simply propaganda. The "freedoms" we talk about almost invariably require that others provide for our actions. We rarely speak of the freedom to walk down the street, or the freedom to grow our own food, we often speak of the right to housing (which must be built) or food (which must be harvested), or this that or the next thing. Insofar as our "freedoms" require the work of others they are not liberatory, they are oppressive, they are privileges, not rights, and in the interest of justice they require our equitable participation and labor.

To attempt to disclaim responsibility for this work, for the labor which must be expended to have "freedom" by necessity denies freedom to others, it is no less oppressive than slavery or war and it is in fact the tacit demand for both.

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### **Responsible Freedom:**

We could claim the right to the freedom to do whatever we are capable of, and some people do this. It would be difficult to argue that claiming the right to all that is possible is in any way conducive to justice. If it were so injustice would be impossible, and it would not be an issue. This is clearly not the case.

What then do we have the just freedom to do? What actions does justice grant us the right to perform? Can we construct a just freedom which is not, in fact, a responsibility as well? We have the just right to the freedom and means to perform at least as much labor as we require providing for ourselves as well as the freedom to demand and hold responsible all others to the same criteria. We further have the just right to not be oppressed, not oppress, and not permit oppression.

It is commonly claimed that choice is necessary for freedom, and this is to some extent true, but only within limits. Are we free to choose not to be free? Are we free to choose not to respect the freedoms, rights, and responsibilities of others? Clearly we can not justly claim boundless freedom of choice, we must constrain our right to choice to the point that they do not infringe upon the freedoms or rights of others, either through action or inaction, and that this responsibility extends beyond the obvious to the consequences of all which we actively or tacitly support.

It is a common tenant of law that malice is more damnable than neglect. Justice leaves us no such sanction; inaction is only possible to the dead. Only the ridiculous oversimplifications of law allow for the assertion that one did nothing. If one simply breathes and eats one requires that food is grown. By consuming that which has been made available through human labor, one becomes fully culpable for the consequence of the act of non-contribution.

Since we are justly responsible for what we do, and to equitably contribute to what is done for us, and as we must eat, breathe and have shelter in order to live, justice then require that the living must act and contribute. We must therefore accept that there is no just freedom without this responsibility, that "freedom" without this responsibility is not freedom at all, but the act of enslavement of others.

To any question of "rules" we should then ask: Is this rule non-conducive to justice? Can we honestly act contrary to this rule without contributing to the oppression of others? If we can not answer these questions in the affirmative then we must accept that these "rules" are statements of responsibilities, responsibilities which we already have, whether we have been living up to them or not.

**Conclusion**

God given freedom - given to all mankind means ZERO limits in anything you ever want to do or however you want to do it. Freedom means also to move freely around all planets, free of borders, free of administration, free of visa or other requirements.

Freedom is the result of God's infinite and eternal love - at home in God all will enjoy eternal freedom.

Any restriction of freedom is the result of ego only and needs to be dissolved.

Any - even smallest restriction of God given freedom is always against God. All are free by divine birthright - all will be free when ever they decide to return home. At home in God no single person ever can restrict freedom of anyone as freedom is above human laws.

Divine freedom eternally and infinitely is always above all human laws - anyone to select his freedom and making use of his freedom always benefits from God's help, grace and mercy - provided he achieves his freedom with love and only love.

## ETHICS IN PUBLIC RELATIONS

### Definition

The term Public Relations was first used by the US President Thomas Jefferson during his address to Congress in 1807.

One of the earliest definitions of PR was created by Edward Bernays. According to him, "Public Relations is a management function which tabulates public attitudes, defines the policies, procedures and interest of an organization followed by executing a program of action to earn public understanding and acceptance."

Examples/users of public relations include:

- Corporations using marketing public relations (MPR) to convey information about the products they manufacture or services they provide to potential customers in order to support their direct sales efforts. Typically, they support sales in the short to long term, establishing and burnishing the corporation's branding for a strong, ongoing market.
- Corporations using public relations as a vehicle to reach legislators and other politicians, in seeking favorable tax, regulatory, and other treatment. Moreover, they may use public relations to portray themselves as enlightened employers, in support of human-resources recruiting programs.
- Non-profit organizations, including schools and universities, hospitals, and human and social service agencies: such organizations may make use of public relations in support of awareness programs, fund-raising programs, staff recruiting, and to increase patronage of their services.
- Politicians aiming to attract votes and/or raise money. When such campaigns are successful at the ballot box, this helps in promoting and defending their service in office, with an eye to the next election or, at a career's end, to their legacy.

Today "Public Relations is a set of management, supervisory, and technical functions that foster an organization's ability to strategically listen to, appreciate and respond to those persons whose mutually beneficial relationships with the organization are necessary if it is to achieve its missions and values."

Essentially it is a management function that focuses on two-way communication and fostering of mutually beneficial relationships between an organization and its publics.

### History

Evidence of the practices used in modern day public relations are scattered through history. One notable practitioner was Georgiana Cavendish, Duchess of Devonshire whose efforts on behalf of Charles James Fox in the 18th century included press relations, lobbying and, with her friends, celebrity campaigning.

A number of American precursors to public relations are found in publicists who specialized in promoting circuses, theatrical performances, and other public spectacles. In the United States, where public relations has its origins, many early PR practices were developed in support of the expansive power of the railroads. In fact, many scholars believe that the first appearance of the term "public relations" appeared in the *1897 Year Book of Railway Literature*.

Later, PR practitioners were—and are still often—recruited from the ranks of journalism. Some reporters, concerned with ethics, criticize former colleagues for using their inside understanding of news media to help clients receive favorable media coverage.

In the United Kingdom Sir Basil Clarke (1879-12 Dec 1947) was an early pioneer of public relations (PR). Despite many journalists' discomfort with the field of public relations, well-paid PR positions remain a popular choice for reporters and editors forced into a career change by the instability and often fewer economic opportunities provided by the print and electronic media industry.

### Persuasion & Public Relation

Much of what we know of modern business, industry, entertainment, government, even religion, has been shaped by the practice of public relations. The act of helping an organization and its public adapt to each other or to "win the corporation of groups of people" calls on practitioners to "establish and maintain

mutual lines of communications” to manage problems or issues, to help management respond to public opinion and to use change in a positive way, to “serve as an early warning system and to help management understand how best to serve the public interest. In other words practitioners are asked to serve a variety of roles within the organization, including those of spokesperson, listener, planner, surveyor and counselor.

Such a daunting task list has prompted calls for increased emphasis on ethical practice. The two largest organizations have adopted formal codes of ethical practice, each with something distinctive within the field of professional communication ethics enforcement process.

### **Standards**

In 1950 PRSA enacts the first "Professional Standards for the Practice of Public Relations," a forerunner to the current Code of Ethics, last revised in 2000 to include six core values and six code provisions. The six core values are "Advocacy, Honesty, Expertise, Independence, Loyalty, and Fairness." The six code provisions consulted with are "Free Flow of Information, Competition, Disclosure of Information, Safeguarding Confidences, Conflicts of Interest, and Enhancing the Profession."

In 1982 effective Public Relations helped save the Johnson & Johnson Corporation, after the highly publicized Tylenol poisoning crisis.

### **Public Relations Ethics Challenges**

It's a pretty scary world we work in these days. Public relations activities of influence, and that includes such simple activities as communications meant to educate, are being closely scrutinized. The general public is on our case, the news media is on our case, and even we are on our own case.

At a time when the public relations profession is most needed, at a time when institutions and values are being attacked from all sides, we are taking our lumps -- and mighty big lumps they are.

"Spin doctors," "PR ploy," "PR maneuver," "PR effort" -- these denigrating epithets abounds in the news media and in normal, daily conversations between normal, educated citizens. More and more, people are paying attention to what we as public relations professionals are doing. And more and more, they're calling us on actions they consider unethical.

Let's face it, folks. The "ethics police" are here. They're outside your door, they're on the street, they're in their homes, they're in front of their TV sets, and they're in their cars listening to their radios. Why, and they're even in your own offices.

Every minute of the day, every day of the year, know that you are being watched. The ethics police are looking hard for conflicts of interest, they're looking hard for improprieties, they're watching for a slip-up, they're itching for a fight, and they're waiting to pounce.

But you know what? They have every right to. After all, public relations is an advocacy profession. Our ultimate goal is to influence public opinion. Our ultimate objective is to get people to take positive action on behalf of our client, organization or cause. And that in itself is controversial.

### **Three Ethics Systems**

Before we talk about some solutions and present some thoughts that will help you, let's examine ethics itself. The question of what is right and what is wrong is not an easy one. We all have our personal ethical standards; each of ours is different.

Let's begin with a look at three basic ethical systems: Deontology, teleology, and Aristotle's Golden Mean.

#### **Deontology:**

This system is duty-based and relies on moral obligation. Deontological ethics says that all actions are inherently right or wrong. This system depends on the inner-based, self-discipline of each individual public relations practitioner, and because we are all human, and of different environmental backgrounds, it changes from person to person, depending on their own cultural and traditional biases.

**Teleology:**

This system is outcome-based. Teleological ethicists believe that "the ends justify the means." While this system has had its detractors, there is considerable historical precedence, and deserves extended discussion.

Christianity, for example, began with one man battling what he considered corrupt religion. Jesus Christ used what we today would call classic public relations techniques: He used the two-step flow theory of communication, He did a lot of public appearances, He staged special events, He identified and targeted specific audiences, and He adapted His message to each audience. In the case of Christianity, did the ends justify the means?

Today, the techniques being used by Greenpeace bear watching. Only history will tell if their activities of civil disobedience as once described by Henry David Thoreau bring changes for the better good in the end.

**Aristotle's Golden Mean:**

This system is based on what's best for the majority, the greatest good for greatest number. This is generally the system used in a democracy (rule of the majority with respect for the minority), where the minority sometimes has to sacrifice something of value if it's good for the country as a whole.

This ends our quick lesson on ethical systems. Let's turn now to knowledge and truth.

**PR's "Advocate Trilemma"**

We public relations professionals have a problem. It's something known as "The Advocate Trilemma." As counselors, we need to know everything about a company, organization or cause. This is indisputable. We cannot fulfil our responsibilities without this knowledge. And yet, because of our loyalties to our employer or client, we must keep it confidential. No matter how open and candid we wish to be, there are some things (e.g., trade secrets, business strategies, employee information) that must be kept in confidence.

And yet, as the conscience of business, as the company's liaison with the public, we have a duty and obligation to reveal it to the public, even if we could lose our job or hurt others -- including our own dear family members -- in the process.

Which brings us to a defining question for public relations practitioners: "What is the threshold beyond which an advocate may not ethically go? Is there some point at which we can say "It is ethical for me to do this one thing, but if I change this one particular element a mere 0.01%, then it becomes unethical"?

Where then is the line beyond which public relations counselors are morally obligated to sacrifice self and client for a larger social good? And if such a line exists, then how do we know when we've crossed it?

**Is It A Matter Of 'Truth'?**

Is it question of truth? The word truth in big, honking capital letters implies that there is only one truth. It can make anyone nervous. TRUTH has a bullying, assertive tone. It lacks humility, and it presents a posture of undeniable, inescapable superiority. Like some people we've all come across, it has an "I-know-better-than-you" quality that quite frankly, can get on your nerves.

**Serving the "5 Masters"**

I have no simple solutions to the public relations dilemmas you will face. But I do offer a simple guide. I call it "Serving the 5 Masters."

In their book, *Public Relations Ethics*, Philip Seib and Kathy Fitzpatrick talked about five duties of public relations professionals. These are the 5 Masters that I referred to -- self, client, employer, profession and society.

When faced with an ethical dilemma, look first within yourself at your own values. These will guide decisions based on what you truly believe is right or wrong (remember "deontology"?). Ask yourself, "Can I sacrifice my own personal values for the client, for my employer, for my profession, or for society?"

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The **client** is generally the first loyalty beyond self (you can substitute the word "organization" if you don't do work for clients). Decide if you are doing work for the client or organization, or if it's for the "cause" that they represent. Remember—as long as you work for a client, there are some confidences that you must keep. Ask yourself, "Knowing what I know, can I represent the client, do what has to be done, and still sleep well at night?"

Your **employer** signs your paycheck. No work, no public relations ethics decisions. It's as easy as that. But if you knowingly allow harmful work to continue, you'll be violating your duty to the public, which many would agree takes precedence over duty to employer. Ask yourself, "Is the work I'm being asked to do harmful to the public?"

As a public relations **professional**, you are obligated to support your colleagues. You are obligated to be responsible to your peers. To produce unprofessional work is unethical. Allowing others to produce unprofessional work borders on being unethical. Ask yourself, "Is what I'm about to do professional? Is it what my role models would do?"

Finally, **society** is the key component to ethical public relations decisions. We must serve the public interest. I believe that this particular master takes precedence over all the others, including self. Ask yourself, "Will my decision benefit society, even if I hurt myself, my client, my employer or my profession?"

That is the toughest question to answer. But nobody said this was easy. There is no right or wrong answers. There are only courageous decisions.

We need to suggest and adopt standards of organizational and individual behavior. If your organization has an ethics policy, make sure you communicate it properly to your employees or members, to your board, to your management, and to your customers and other stakeholders.

## ETHICS IN ADVERTISING

**Advertising** is paid, one-way communication through a medium in which the sponsor is identified and the message is controlled by the sponsor. Variations include publicity, public relations, etc.. Every major medium is used to deliver these messages, including: television, radio, movies, magazines, newspapers, video games, the Internet (see Internet advertising), and billboards.

**Advertising** is a paid form of communicating a message by the use of various media. It is persuasive, informative and designed to influence purchasing behaviour or thought pattern.

Advertisements can also be seen on the seats of grocery carts, on the walls of an airport walkway, on the sides of buses, heard in telephone hold messages and in-store public address systems. Advertisements are usually placed anywhere an audience can easily and/or frequently access visuals and/or audio.

Advertising clients are predominantly, but not exclusively, profit-generating corporations seeking to increase demand for their products or services. Some organizations which frequently spend large sums of money on advertising but do not strictly sell a product or service to the general public include: political parties, interest groups, religion-supporting organizations, and militaries looking for new recruits. Additionally, some non-profit organizations are not typical advertising clients and rely upon free channels, such as public service announcements.

### History

Commercial messages and political campaign displays have been found in the ruins of ancient Arabia. Egyptians used papyrus to create sales messages and wall posters, while lost-and-found advertising on papyrus was common in Ancient Greece and Ancient Rome. Wall or rock painting for commercial advertising is another manifestation of an ancient advertising form, which is present to this day in many parts of Asia, Africa, and South America.

The tradition of wall painting can be traced back to Indian rock-art paintings that date back to 4000 BC. As printing developed in the 15th and 16th century, advertising expanded to include handbills. In the 17th century advertisements started to appear in weekly newspapers in England. These early print advertisements were used mainly to promote: books and newspapers, which became increasingly affordable due to the printing press; and medicines, which were increasingly sought after as disease ravaged Europe. However, false advertising and so-called "quack" advertisements became a problem, which ushered in the regulation of advertising content.

In 1841, the first advertising agency was established by Volney Palmer in Boston. It was also the first agency to charge a commission on ads at 25% commission paid by newspaper publishers to sell space to advertisers

At the turn of the century, there were few career choices for women in business; however, advertising was one of the few. Since women were responsible for most of the purchasing done in their household, advertisers and agencies recognized the value of women's insight during the creative process.

### Importance

The importance of advertising is "steadily on the increase in modern society. Just as the media of social communication themselves have enormous influence everywhere, so advertising, using media as its vehicle, is a pervasive, powerful force shaping attitudes and behavior in today's world.

The responsibility of media is to contribute to the authentic, integral development of persons and to foster the well being of society. "The information provided by the media is at the service of the common good. Society has a right to information based on truth, freedom, justice and solidarity."

It is in this spirit that calls attention to moral principles and norms relevant to social communications, as to other forms of human endeavor, while criticizing policies and practices that offend against these standards.

Advertising can and does make positive contribution. In today's society, advertising has a profound impact on how people understand life, the world and themselves, especially in regard to their values and their ways of choosing and behaving. These are matters about which we must be deeply and sincerely concerned.

The field of advertising is extremely broad and diverse. In general terms, of course, an advertisement is simply a public notice meant to convey information and invite patronage or some other response. As that suggests, advertising has two basic purposes: to inform and to persuade, and — while these purposes are distinguishable — both very often are simultaneously present.

Advertising is not the same as marketing (the complex of commercial functions involved in transferring goods from producers and consumers) or public relations (the systematic effort to create a favorable public impression or image of some person, group, or entity). In many cases, though, it is a technique or instrument employed by one or both of these.

Advertising can be very simple or it can be very complex, involving sophisticated research and multimedia campaigns that span the globe. It differs according to its intended audience, so that, for example, advertising aimed at children raises some technical and moral issues significantly different from those raised by advertising aimed at competent adults.

Not only are many different media and techniques employed in advertising; advertising itself is of several different kinds: commercial advertising for products and services; public service advertising on behalf of various institutions, programs, and causes; and a phenomenon of growing importance today, political advertising in the interests of parties and candidates. Making allowance for the differences among the different kinds and methods of advertising, we intend what follows to be applicable to them all.

Advertisers are selective about the values and attitudes to be fostered and encouraged, promoting some while ignoring others. This selectivity gives the lie to the notion that advertising does no more than reflect the surrounding culture.

### **The Benefits of Advertising**

Enormous human and material resources are devoted to advertising. Advertising is everywhere in today's world, so that, as "No one now can escape the influence of advertising." Even people who are not themselves exposed to particular forms of advertising confront a society, a culture — other people — affected for good or ill by advertising messages and techniques of every sort.

Some critics view this state of affairs in unrelieved negative terms. They condemn advertising as a waste of time, talent and money — an essentially parasitic activity. In this view, not only does advertising have no value of its own, but its influence is entirely harmful and corrupting for individuals and society.

There is truth to the criticisms, and we shall make criticisms of our own. But advertising also has significant potential for good, and sometimes it is realized. Here are some of the ways that happens.

#### **a) Economic Benefits of Advertising**

Advertising can play an important role in the process by which an economic system guided by moral norms and responsive to the common good contributes to human development. It is a necessary part of the functioning of modern market economies, which today either exist or are emerging in many parts of the world and which, provided they conform to moral standards based upon integral human development and the common good, currently seem to be "the most efficient instrument for utilizing resources and effectively responding to needs" of a socio-economic kind.

In such a system, advertising can be a useful tool for sustaining honest and ethically responsible competition that contributes to economic growth in the service of authentic human development.

Advertising does this, among other ways, by informing people about the availability of rationally desirable new products and services and improvements in existing ones, helping them to make informed, prudent consumer decisions, contributing to efficiency and the lowering of prices, and stimulating economic progress through the expansion of business and trade. All of this can contribute to the creation of new jobs, higher incomes and a more decent and humane way of life for all. It also helps pay for publications, programming and productions that bring information, entertainment and inspiration to people around the world.

#### **b) Benefits of Political Advertising**

It ensures the participation of citizens in making political choices, guarantees to the governed the possibility both of electing and holding accountable those who govern them, and of replacing them through peaceful means when appropriate."

Political advertising can make a contribution to democracy analogous to its contribution to economic well being in a market system guided by moral norms. As free and responsible media in a democratic system help to counteract tendencies toward the monopolization of power on the part of special interests, so political advertising can make its contribution by informing people about the ideas and policy proposals of parties and candidates, including new candidates not previously known to the public.

#### **c) Cultural Benefits of Advertising**

Because of the impact advertising has on media that depend on it for revenue, advertisers have an opportunity to exert a positive influence on decisions about media content. This they do by supporting material of excellent intellectual, aesthetic and moral quality presented with the public interest in view, and particularly by encouraging and making possible media presentations which are oriented to minorities whose needs might otherwise go unserved.

Moreover, advertising can itself contribute to the betterment of society by uplifting and inspiring people and motivating them to act in ways that benefit themselves and others. Advertising can brighten lives simply by being witty, tasteful and entertaining. Some advertisements are instances of popular art, with a vivacity all their own.

#### **d) Moral and Religious Benefits of Advertising**

In many cases, too, benevolent social institutions, including those of a religious nature, use advertising to communicate their messages — messages of faith, of patriotism, of tolerance, compassion and neighborly service, of charity toward the needy, messages concerning health and education, constructive and helpful messages that educate and motivate people in a variety of beneficial ways.

### **THE HARM DONE BY ADVERTISING**

There is nothing intrinsically good or intrinsically evil about advertising. It is a tool, an instrument: it can be used well, and it can be used badly. If it can have, and sometimes does have, beneficial results such as those just described, it also can, and often does, have a negative, harmful impact on individuals and society.

#### **a) Economic Harms of Advertising**

Advertising can betray its role as a source of information by misrepresentation and by withholding relevant facts. Sometimes, too, the information function of media can be subverted by advertisers' pressure upon publications or programs not to treat of questions that might prove embarrassing or inconvenient.

More often, though, advertising is used not simply to inform but to persuade and motivate — to convince people to act in certain ways: buy certain products or services, patronize certain institutions, and the like. This is where particular abuses can occur.

The practice of "brand"-related advertising can raise serious problems. Often there are only negligible differences among similar products of different brands, and advertising may attempt to move people to act on the basis of irrational motives ("brand loyalty," status, fashion" etc.) instead of presenting differences in product quality and price as bases for rational choice.

Sometimes advertisers speak of it as part of their task to "create" needs for products and services that is, to cause people to feel and act upon cravings for items and services they do not need. "If a direct appeal is made to his instincts while ignoring in various ways the reality of the person as intelligent and free, then consumer attitudes and life-styles can be created which are objectively improper and often damaging to his physical and spiritual health."

Similarly, the task of countries attempting to develop types of market economies that serve human needs and interests after decades under centralized, state-controlled systems is made more difficult by advertising that promotes consumerist attitudes and values offensive to human dignity and the common good. The problem is particularly acute when, as often happens, the dignity and welfare of society's poorer and weaker members are at stake. It is necessary always to bear in mind that there are "goods which by their very nature cannot and must not be bought or sold" and to avoid "an idolatry" of the market" that, aided and abetted by advertising, ignores this crucial fact.

**b) Harms of Political Advertising**

Political advertising can support and assist the working of the democratic process, but it also can obstruct it. This happens when, for example, the costs of advertising limit political competition to wealthy candidates or groups, or require that office-seekers compromise their integrity and independence by over-dependence on special interests for funds.

Such obstruction of the democratic process also happens when, instead of being a vehicle for honest expositions of candidates' views and records, political advertising seeks to distort the views and records of opponents and unjustly attacks their reputations. It happens when advertising appeals more to people's emotions and base instincts, to selfishness, bias and hostility toward others, to racial and ethnic prejudice and the like, rather than to a reasoned sense of justice and the good of all.

**c) Cultural Harms of Advertising**

Advertising also can have a corrupting influence upon culture and cultural values. We have spoken of the economic harm that can be done to developing nations by advertising that fosters consumerism and destructive patterns of consumption. Consider also the cultural injury done to these nations and their peoples by advertising whose content and methods, reflecting those prevalent in the first world, are at war with sound traditional values in indigenous cultures. Today this kind of "domination and manipulation" via media rightly is "a concern of developing nations in relation to developed ones," as well as a "concern of minorities within particular nations."

The indirect but powerful influence exerted by advertising upon the media of social communications that depend on revenues from this source points to another sort of cultural concern. In the competition to attract ever larger audiences and deliver them to advertisers, communicators can find themselves tempted, in fact pressured, subtly or not so subtly, to set aside high artistic and moral standards and lapse into superficiality, tawdriness and moral squalor.

**d) Moral and Religious Harms of Advertising**

Advertising can be tasteful and in conformity with high moral standards, and occasionally even morally uplifting, but it also can be vulgar and morally degrading. Frequently it deliberately appeals to such motives as envy, status seeking and lust. Today, too, some advertisers consciously seek to shock and titillate by exploiting content of a morbid, perverse, pornographic nature.

We note, too, certain special problems relating to advertising that treats of religion or pertains to specific issues with a moral dimension.

In cases of commercial, advertisers sometimes include religious themes or use religious images or personages to sell products. It is possible to do this in tasteful, acceptable ways, but the practice is obnoxious and offensive when it involves exploiting religion or treating it flippantly.

In cases of the second sort, advertising sometimes is used to promote products and inculcate attitudes and forms of behavior contrary to moral norms. That is the case, for instance, with the advertising of products harmful to health, and with government-sponsored advertising campaigns for similar practices.

**Some Ethical and Moral Principles**

If the media are to be correctly employed, it is essential that all who use them know the principles of the moral order and apply them faithfully in this domain. The moral order to which this refers is the order of the law of human nature, binding upon all because it is "written on their hearts" and embodies the imperatives of authentic human fulfillment.

In this context, the media of social communications have two options, and only two. Either they help human persons to grow in their understanding and practice of what is true and good, or they are destructive forces in conflict with human well being. That is entirely true of advertising.

Within this very general framework, we can identify several moral principles that are particularly relevant to advertising. We shall speak briefly of three: truthfulness, the dignity of the human person, and social responsibility.

**a) Truthfulness in Advertising**

Even today, some advertising is simply and deliberately untrue. Generally speaking, though, the problem of truth in advertising is somewhat more subtle: it is not that advertising says what is overtly false, but that it can distort the truth by implying things that are not so or withholding relevant facts.

To be sure, advertising, like other forms of expression, has its own conventions and forms of stylization, and these must be taken into account when discussing truthfulness. But it is a fundamental principle that advertising may not deliberately seek to deceive, whether it does that by what it says, by what it implies, or by what it fails to say. "The proper exercise of the right to information demands that the content of what is communicated be true and, within the limits set by justice and charity, complete. ... Included here is the obligation to avoid any manipulation of truth for any reason."

**b) The Dignity of the Human Person**

There is an "imperative requirement" that advertising "respects the human person, his right duty to make a responsible choice, his interior freedom; all these goods would be violated if man's lower inclinations were to be exploited, or his capacity to reflect and decide compromised."

These abuses are not merely hypothetical possibilities but realities in much advertising today. Advertising can violate the dignity of the human person both through its content — what is advertised, the manner in which it is advertised — and through the impact it seeks to make upon its audience. We have spoken already of such things as appeals to lust, vanity, envy and greed, and of techniques that manipulate and exploit human weakness. In such circumstances, advertisements readily become "vehicles of a deformed outlook on life, on the family, on religion and on morality an outlook that does not respect the true dignity and destiny of the human person."

This problem is especially acute where particularly vulnerable groups or classes of persons are concerned: children and young people, the elderly, the poor, the culturally disadvantaged.

Much advertising directed at children apparently tries to exploit their credulity and suggestibility, in the hope that they will put pressure on their parents to buy products of no real benefit to them. Advertising like this offends against the dignity and rights of both children and parents; it intrudes upon the parent-child relationship and seeks to manipulate it to its own base ends. Also, some of the comparatively little advertising directed specifically to the elderly or culturally disadvantaged seems designed to play upon their fears so as to persuade them to allocate some of their limited resources to goods or services of dubious value.

**C) Advertising and Social Responsibility**

Social responsibility is such a broad concept that we can note here only a few of the many issues and concerns relevant under this heading to the question of advertising.

The ecological issue is one. Advertising that fosters a lavish life style which wastes resources and despoils the environment offends against important ecological concerns. "In his desire to have and to enjoy rather than to be and grow, man consumes the resources of the earth and his own life in an excessive and disordered way.

As this suggests, something more fundamental is at issue here: authentic and integral human development. Advertising that reduces human progress to acquiring material goods and cultivating a lavish life style expresses a false, destructive vision of the human person harmful to individuals and society alike.

When people fail to practice "a rigorous respect for the moral, cultural and spiritual requirements, based on the dignity of the person and on the proper identity of each community, beginning with the family and religious societies," then even material abundance and the conveniences that technology makes available "will prove unsatisfying and in the end contemptible."

Advertisers, like people engaged in other forms of social communication, have a serious duty to express and foster an authentic vision of human development in its material, cultural and spiritual dimensions. Communication that meets this standard is, among other things, a true expression of solidarity. and the free circulation of ideas that further knowledge and respect for others

**CONCLUSION**

The indispensable guarantors of ethically correct behavior by the advertising industry are the well formed and responsible consciences of advertising professionals themselves: consciences sensitive to their duty not merely to serve the interests of those who commission and finance their work but also to respect and uphold the rights and interests of their audiences and to serve the common good.

Many women and men professionally engaged in advertising do have sensitive consciences, high ethical standards and a strong sense of responsibility

Advertising professionals and all those involved in the process of commissioning and disseminating advertising can eliminate its socially harmful aspects and observe high ethical standards in regard to truthfulness, human dignity and social responsibility. In this way, they will make a special and significant contribution to human progress and to the common good.

**FREEDOM OF SPEECH & EXPRESSION**

**Freedom of speech** is the concept of being able to speak freely without censorship. It is often regarded as an integral concept in modern liberal democracies. The right to freedom of speech is guaranteed under international law through numerous human rights instruments, notably under Article 19 of the Universal Declaration of Human Rights and Article 10 of the European Convention on Human Rights, although implementation remains lacking in many countries. The synonymous term **freedom of expression** is sometimes preferred, since the right is not confined to verbal speech but is understood to protect any act of seeking, receiving and imparting information or ideas, regardless of the medium used.

In practice, the right to freedom of speech is not absolute in any country, although the degree of freedom varies greatly. Industrialized countries also have varying approaches to balance freedom with order. For instance, the United States First Amendment theoretically grants absolute freedom, placing the burden upon the state to demonstrate when (if) a limitation of this freedom is necessary. In almost all liberal democracies, it is generally recognized that restrictions should be the exception and free expression the rule; nevertheless, compliance with this principle is often lacking

**Theories of free speech**

The most important justification for free speech is a general liberal or libertarian presumption against coercing individuals from living how they please and doing what they want. However, a number of more specific justifications are commonly proposed.

For example, Justice McLachlan of the Canadian Supreme Court identified the following in *R. v. Keegstra*, a 1990 case on hate speech:

1. Free speech promotes "The free flow of ideas essential to political democracy and democratic institutions" and limits the ability of the state to subvert other rights and freedoms
2. It promotes a marketplace of ideas, which includes, but is not limited to, the search for truth
3. It is intrinsically valuable as part of the self-actualization of speakers and listeners
4. It is justified by the dangers for good government of allowing its suppression.

Such reasons perhaps overlap. Together, they provide a widely accepted rationale for the recognition of freedom of speech as a basic civil liberty.

Each of these justifications can be elaborated in a variety of ways and some may need to be qualified. The first and fourth can be bracketed together as democratic justifications, or a justification relating to self-governance. They relate to aspects of free speech's political role in a democratic society. The second is related to the discovery of truth. The third relates most closely to general libertarian values but stresses the particular importance of language, symbolism and representation for our lives and autonomy.

This analysis suggests a number of conclusions. First, there are powerful overlapping arguments for free speech as a basic political principle in any liberal democracy. Second, however, free speech is not a simple and absolute concept but a liberty that is justified by even deeper values. Third, the values implicit in the various justifications for free speech may not apply equally strongly to all kinds of speech in all circumstances.

**Self-governance**

Freedom of speech is crucial in any democracy, because open discussions of candidates are essential for voters to make informed decisions during elections. It is through speech that people can influence their government's choice of policies. Also, public officials are held accountable through criticisms that can pave the way for their replacement. The US Supreme Court has spoken of the ability to criticize government and government officials as "the central meaning of the First Amendment." *New York Times v. Sullivan*. But "guarantees for speech and press are not the preserve of political expression or comment upon public affairs, essential as those are to healthy government." *Time, Inc. v. Hill*.

Some suggest that when citizens refrain from voicing their discontent because they fear retribution, the government can no longer be responsive to them, thus it is less accountable for its actions. Defenders of free speech often allege that this is the main reason why governments suppress free speech – to avoid accountability.

However, it may be argued that some restrictions on freedom of speech may be compatible with democracy or even necessary to protect it. For example, such arguments are used to justify restrictions on the support of Nazi ideas in post-war

### **Discovering truth**

A classic argument for protecting freedom of speech as a fundamental right is that it is essential for the discovery of truth. This argument is particularly associated with the British philosopher John Stuart Mill. Justice Oliver Wendell Holmes wrote that "the best test of truth is the power of the thought to get it accepted in the competition of the market, and that truth is the only ground upon which their wishes safely can be carried out." In *Abrams v. United States* Justice Holmes also invoked the powerful metaphor of the "marketplace of ideas."

This marketplace of ideas rationale for freedom of speech has been criticized by scholars on the grounds that it is wrong to assume all ideas will enter the marketplace of ideas, and even if they do, some ideas may drown out others merely because they enjoy dissemination through superior resources.

The marketplace is also criticized for its assumption that truth will necessarily triumph over falsehood. It is visible throughout history that people may be swayed by emotion rather than reason, and even if truth ultimately prevails, enormous harm can occur during the interim. However, even if these weaknesses of the marketplace of ideas are acknowledged, supporters argue that the alternative of government determination of truth and censorship of falsehoods is worse.

Alan Haworth in his book *Free Speech* (1998) has suggested that the metaphor of a marketplace of ideas is misleading. He argues that Mill's classic defence of free speech, in *On Liberty*, does not develop the idea of a market (as later suggested by Holmes) but essentially argues for the freedom to develop and discuss ideas in the search for truth or understanding. In developing this argument, Haworth says Mill pictured society not as a marketplace of ideas, but as something more like a large-scale academic seminar. This implies the need for tacit standards of conduct and interaction, including some degree of mutual respect. That may well limit the kinds of speech that are justifiably protected.

Another way of putting this point is to concede Mill's claim that freedom of speech of certain kinds is needed for rational inquiry. This can support the claimed need to protect potentially unpopular ideas. However, it can then be added that this does not necessarily lead to the conclusion that a wide range of speech, including offensive or insulting speech, must be given the same protection.

As put by Mill, the argument can also be seen as somewhat elitist, since it may seem that relatively little speech or expression appeals primarily to the intellect. However, there are senses in which this justification can be extended beyond the speech of individuals who are involved in narrowly intellectual inquiry, such as scientists and academic scholars. In one sense, it merges with justifications based on autonomy; if it is interpreted as relating to the psychological need felt by individuals to pursue truth and understanding. In another sense, it may be extended to the protection of literature and art that has a claim to some kind of social value.

### **Promoting tolerance**

Still another explanation is that freedom of speech is integral to tolerance, which some people feel should be a basic value in society. Professor Lee Bollinger is an advocate of this view and argues that "the free speech principle involves a special act of carving out one area of social interaction for extraordinary self-restraint, the purpose of which is to develop and demonstrate a social capacity to control feelings evoked by a host of social encounters." The free speech principle is left with the concern of nothing less than helping to shape "the intellectual character of the society".

This claim is to say that tolerance is a desirable, if not essential, value, and that protecting unpopular speech is itself an act of tolerance. Such tolerance serves as a model that encourages more tolerance throughout society. Critics argue that society need not be tolerant of the intolerance of others, such as those who advocate great harm, such as genocide. Preventing such harms is claimed to be much more important than being tolerant of those who argue for them.

### **Restrictions on free speech**

Ever since the first consideration of the idea of 'free speech' it has been argued that the right to free speech is subject to restrictions and exceptions. A well-known example is typified by the statement that free

speech does not allow falsely "shouting fire in a crowded theatre" (Schenck v. United States ) other limiting doctrines, including those of libel and obscenity, can also restrict freedom of speech.

Various governing, controlling, or otherwise powerful bodies in many places around the world have attempted to change the opinion of the public or others by taking action that allegedly disadvantages one side of the argument. This attempt to assert some form of control through control of discourse has a long history and has been theorized extensively by philosophers like Michel Foucault. Many consider these attempts at controlling debate to be attacks on free speech, even if no direct government censorship of ideas is involved.

### **Freedom of Press**

Freedom of the Press (or Press Freedom) is the guarantee by a government of free public press for its citizens and their associations, extended to members of news gathering organizations, and their published reporting. It also extends to news gathering, and processes involved in obtaining information for public distribution. Not all countries are protected by a bill of rights or the constitutional provision pertaining to Freedom of the Press.

With respect to governmental information, a government distinguishes which materials are public or protected from disclosure to the public based on classification of information as sensitive, classified or secret and being otherwise protected from disclosure due to relevance of the information to protecting the national interest. Many governments are also subject to sunshine laws or freedom of information legislation that are used to define the ambit of national interest.

In developed countries, freedom of the press implies that all people should have the right to express themselves in writing or in any other way of expression of personal opinion or creativity.

### **The Universal Declaration of Human Rights indicates:**

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions and impart information and ideas through any media regardless of frontiers"

This philosophy is usually accompanied by legislation ensuring various degrees of freedom of scientific research (known as scientific freedom), publishing, press and printing the depth to which these laws are entrenched in a country's legal system can go as far down as its constitution. The concept of freedom of speech is often covered by the same laws as freedom of the press, thereby giving equal treatment to media and individuals.

Besides said legal environment, some non-governmental organizations use more criteria to judge the level of press freedom around the world. Reporters without Borders considers the number of journalists murdered, expelled or harassed, and the existence of a state monopoly on TV and radio, as well as the existence of censorship and self-censorship in the media, and the overall independence of media as well as the difficulties that foreign reporters may face. Freedom House likewise studies the more general political and economic environments of each nation in order to determine whether relationships of dependence exist that limit in practice the level of press freedom that might exist in theory. So the concept of independence of the press is one closely linked with the concept of press freedom.

### **The media as a necessity for the government**

Elizabeth's notion of the press as the fourth branch of government is sometimes used to compare the press (or media) with Montesquieu's three branches of government, namely an addition to the legislative, the executive and the judicial branches. Edmund Burke is quoted to have said: "Three Estates in Parliament; but in the Reporters' Gallery yonder, there sat a Fourth estate more important far than they all."

The development of the Western media tradition is rather parallel to the development of democracy in Europe and the United States. On the ideological level, the first pioneers of freedom of the press were the liberal thinkers of the 18th and 19th centuries. They developed their ideas in opposition to the monarchist tradition in general and the divine right of kings in particular. These liberal theorists argued that freedom of press was a right claimed by the individual and grounded in natural law. Thus, freedom of the press was an integral part of the individual rights promoted by liberal ideology.

Freedom of the press was (and still is) assumed by many to be a necessity to any democratic society. Other lines of thought later argued in favor of freedom of the press without relying on the controversial

issue of natural law; for instance, freedom of expression began to be regarded as an essential component of the social contract (the agreement between a state and its people regarding the rights and duties that each should have to the other).

Freedom of expression has always been emphasized as an essential basis for the democratic functioning of a society. The reasons for this are: the right of an individual to self-fulfillment, which right requires the communication of thought; the importance of constantly attempting to attain the truth, an attempt which is frustrated if information is suppressed or comment blocked; the inherent democratic right to participate in decision-making, which obviously implies the freedom to obtain, communicate and discuss information; and the practical importance of maintaining the precarious balance between healthy cleavage and the necessary consensus

A further dimension to the freedom of expression is added by the existence of mass society in which communication among citizens can take place only through the use of media like the Press and broadcasting and not directly, except in a limited way. With State monopoly over broadcasting which prevails both technical and financial, the importance of the Press is even more crucial.

Our actual experience since Independence, and especially in the last decade or so, also suggests that a free and vigilant Press is vital to restrain corruption and injustice at least to the extent that public opinion can be roused as a result of press investigations and comments. Recently a number of injustices and wrongdoings have been uncovered as a result of the initiative taken by newspapers. Whether it is the question of various types of bonded labour in different parts of the country, the misuse of powers or the existence of smuggling rackets for example on the West Coast, newspapers have served a very useful purpose by exposing them. The fear that the Press will expose such wrong-doing is a major restraint on potential wrong-doers.

### **Who Threatens Freedom? Owners Structure**

Having accepted that the freedom of the Press is of vital importance especially in our contest, the question arises: is this freedom threatened and, if so, by whom?

It has been frequently alleged, especially in India, that the freedom of the Press is in danger because of the ownership of the newspaper industry and the predominance of some newspaper groups and chains. It is also suggested that the editors and journalists cannot have adequate freedom of collecting and disseminating facts and offering comments as they are under the pressure of the capitalist owners. It is further pointed out that free collection and dissemination of facts is not possible in the case of newspapers which depend to a large extent on revenue from advertisements as the advertising interests cannot but influence the presentation of news and comments. Unless this whole structure of ownership and control in the newspaper industry, and also the manner of the economic management of the Press, is changed, it is therefore suggested, the Press cannot be really free.

### **Freedom of Press**

#### **World Press Freedom Committee**

The World Press Freedom Committee is an international umbrella organization that includes 45 journalistic groups (print, online and broadcast, labor and management, journalists, editors, publishers and owners on six continents) united in the defense and promotion of press freedom in all media.

The WPFC is unique. It is the only press freedom group with primary focus on:

- Monitoring threats that develop at UNESCO, the UN and other leading intergovernmental organizations.
- Promoting a global common front against restrictions on news through leadership of a worldwide Coordinating Committee of Press Freedom Organizations, facilitating joint action and administering shared projects.
- Seeking to ensure press freedom is a primary consideration for the Internet and other new media.

In the forefront of the struggle for a free press everywhere, WPFC

- Emphasizes monitoring, coordinating and vigorous advocacy of free-press principles.
- Is a watchdog for free news media at UNESCO, the UN, and OSCE, Council of Europe, European Union, UN Commission on Human Rights and other international meetings considering free-press issues?

- WPFC's Charter for a Free Press provides guideposts for press freedom wherever these are needed. It has been widely endorsed and available in a number of languages including Russian, Chinese and Arabic. A similar statement of principles for press freedom on the Internet also outlines conditions for press freedom there.
- A Fund against Censorship which WPFC administers in cooperation with other free-press groups extends self-help legal grants to help local news media around the world fight back when governments move in.
- In the years since its founding, WPFC also has completed nearly 200 training and related projects including publication of journalism manuals in Africa, the Caribbean, Latin America, Russia and Central and Eastern European countries.

### **World Press Freedom Day**

Throughout the world, 3 May serves as an occasion to inform the public of violations of the right to freedom of expression and as a reminder that many journalists brave death or jail to bring people their daily news.

### **Green Press**

Media in Pakistan has always been in forefront of highlighting issues of national importance, but its' emphasis has remained on political climate of the country rather than on human environment.

In the 1980s, nobody cared what environment was and if someone tried to write on green issues, editors stuffed their pieces on inside science or agriculture pages. Till 1992 environment was considered something related to atmospheric disturbances.

In 1992 media pundits in Pakistan started trying their hands on new concepts like sustainable development, ozone depletion, greenhouse effect, global warming etc. Green campaign of media spurred from the government, but since it was in the hands of non-specialist bureaucrats, the real message behind environmental awareness campaign could not reach the people.

Amid such a vacuum of information and persuasive communication on environmental issues some young journalists in Islamabad formed an association, Green Press.

It launch coincided with the World Environment Day on June 5, 1992. The association aimed at networking of journalists interested in green issues

Green reporting has still a long way to, because environment is not a single phenomenon, but a complex mix. It encompasses subjects like population studies and demography, economics, geography, meteorology, oceanography, agriculture, irrigation, forestation, chemistry, governance and international politics to name a few.

Thus a multi-disciplinary approach is required to understand and then disseminate information through mass media. The Green Press has an advantage, as its members have graduated in different disciplines, so through discussions and holding forums, they enhance their understanding on basic green issues.

Green Press has completed its eight years. Its preliminary efforts have contributed to environmental awareness in Pakistan. It holds many success stories but still lot more is to be done.

### **Affiliations**

Green Press is associated with Forum of Environmental Journalists Pakistan and serves as its Islamabad - Rawalpindi Chapter. Internationally it is affiliated with Asia Pacific Forum of Environmental Journalists (AFEJ) and the Commonwealth Environmental Journalists Association. These national, regional and global linkages enable Green Press to benefit from the experience of environmental journalists in other parts of the world.

Green Press operates as a consciousness-raising group representing the entire spectrum of print and electronic media.

Amidst a vacuum of information and persuasive communication on environmental issues a group of young journalists in Islamabad launched Green Press, coinciding with the World Environment Day on June 5, 1992.

The association aims at networking of journalists interested in green issues besides highlighting issues related to human rights and freedom of press.

Green Press is also the first in Pakistan to launch internet radio, providing recorded talk shows on environmental issues, entertainment and programs for all age groups.

Green Press started monitoring press freedom violations in 1995 and since then has published a series of five Press Freedom Report: Pakistan.

The report is made public every year on May 3, to mark World Press Freedom Day.

In 1997 Green Press was also able to release public service ads for free, democratic and pluralistic press in Pakistan.

**EVOLUTION OF PRESS LAWS**

Press laws are the laws concerning the licensing of books and the liberty of expression in all products of the printing press, especially newspapers. The liberty of press has always been regarded by political writers as of supreme importance. Give me liberty to know, to utter and to argue freely according to conscience, above all other liberties says Milton.

**General Description**

The Islamic Republic of Pakistan celebrated 50 years of independence in 1997. Those years have often been turbulent ones, given that military rulers have remained heads of state for 28 of those 50 years. This fact has affected the press and laws governing the press in Pakistan.

In 1947 when the British agreed to partition British India into the two self-governing countries of India and Pakistan, only four major Muslim-owned newspapers existed in the area now called Pakistan: Pakistan Times, Zamindar, Nawa-i-Waqt, and Civil and Military Gazette, all located in Lahore. However, a number of Muslim papers moved to Pakistan, including Dawn, which began publishing daily in Karachi in 1947. Other publications moving to Pakistan included the Morning News and the Urdu-language dailies Jang and Anjam.

By the early 2000s, 1,500 newspapers and journals exist in Pakistan, including those published in English, Urdu, and in regional languages; and the press remains strong and central to public life in spite of government efforts to control it.

**Conditions of press in various Eras**

The press in Pakistan holds significant power and has suffered much under various political leaders, only to emerge resilient and more committed to freedom of speech. The press' existence is remarkable given the often harsh means used by government officials and military dictators to control it.

The press is, in fact, central to public life in Pakistan because it provides a forum for debating issues of national importance. As the national English-language daily The News notes, the press has in fact replaced what think tanks and political parties in other countries would do. Columnists engage in major debates and discussions on issues ranging from national security to the social sector.

The competitive nature of politics helps to ensure press freedom, because the media often serve as a forum for political parties, commercial, religious, and other interests, as well as influential individuals, to compete with and criticize each other publicly. Islamic beliefs, which are taught in the public schools, are widely reflected by the mass media. Although the press does not criticize Islam as such, leaders of religious parties and movements are not exempt from public scrutiny and criticism. The press traditionally has not criticized the military; the Office of Inter-Services Public Relations (ISPR) closely controls and coordinates the release of military news.

In general, the quality of journalism is high. English language newspapers tend to present more foreign news than Pakistani papers in other languages.

**Press laws in Pakistan**

The Constitution of the Islamic Republic of Pakistan provides for its citizens, fundamental rights, one of which pertains specifically to the Press, Article 19, Freedom of Speech:

Every citizen shall have the right to freedom of speech and expression, and there shall be freedom of the press, subject to any reasonable restrictions imposed by law in the interest of the glory of Islam or the integrity, security or defense of Pakistan or any part thereof, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, commission of or incitement to an offense.

The Constitution of Pakistan, then, guarantees the freedom of expression and freedom of the press, subject to reasonable restrictions that may be imposed by law. It is the responsibility of the judiciary to determine the scope and parameters of the permissible freedoms and the extent of restrictions placed on their enjoyment. The judiciary can play a full and effective role only if it is free and independent of any and every kind or form of control or influence. Although the judiciary has generally been supportive of the freedom of expression and information, and sought to strengthen the mass media, the courts are

subject to pressure from the executive branch because the president controls the appointment, transfer, and tenure of judges.

### **State Press Relation**

The press has traditionally experienced the often harsh effects of Pakistan's political instability. When partition resulted in the establishment of Pakistan as an independent homeland for the Muslims, the Muslim League as a political party struggled with the tasks of leading the new country into stable statehood. Factionalism, however, quickly contributed to instability, internal strife, incompetence, and corruption. The press at this point was largely a remnant of the Muslim press present during the struggle for independence, and it was seen as aggravating the problems being faced by keeping these issues out in front of the people. Thus, the government began its long history of attempting to control the press through arrests, the banning of certain publications, and other punitive measures.

### **Ayub Khan's Era**

Between 1948 and 1956, political turbulence intensified with the assassination of the country's first Prime Minister, Quaid-i-Millat Liaquat Ali Khan, in 1951 and the dissolution of the Constituent Assembly in 1954. However, by 1956, the Constitution of the Islamic Republic of Pakistan was enforced; it contained an article specifically devoted to freedom of speech. The 1956 Constitution lasted less than three years when it was abrogated by the imposition of martial law in October 1958. A new enforcement of the constitution in 1962 occurred with the removal of martial law by President Ayub Khan. Although this constitution continued the recognition of an initial concept of freedom of expression, in reality, a military ruler imposed the constitution, and it contained no separate chapter on fundamental rights. The press and the public commented on the implications of living under a constitution devoid of mention of such basic rights, which resulted in Constitutional Amendment No. 1 to the 1962 Constitution.

### **General Yahya's Regime**

However, in 1963, just one year after the adoption of the new constitution, the Press and Publications Ordinance (PPO) came into being. This ordinance contained the harshest of laws curtailing freedom of expression and the progressive development of the media and leading to the March 1969 relinquishing of power by President Ayub Khan to General Yahya Khan who imposed martial law. General Khan relied heavily on one of the measures of this ordinance, the system of press advice given out by the Ministry of Information and Broadcasting in order to avoid publication of news and reports deemed unsuitable for public consumption. It was also during this period that newspapers and magazines known for their independent and progressive views were first taken over by the government. Eventually the National Press Trust, created in 1964, took over these journals and acted as a front to control a section of the press. In 1960, the Western Pakistan Maintenance of Public Order Ordinance was promulgated. On the outside, the aim was to consolidate into one law different provisions for preventive detention of persons and control of persons and publications for reasons connected with the maintenance of public order. The real aim was to refine and reinforce the mechanism of repression. With amendments in 1963 and 1964, this law empowered the government to ban the printing of publications, to enter and search premises, and to prohibit import of newspapers, among other measures. These powers have been used by succeeding government's right up until the government of Musharraf.

In 1961, the government also took over the principal news agency of the country, the APP, arguing that administrative and financial breakdown justified such a move. Instead of allowing private enterprise to improve the quality of the news agency, the government saw this as an opportunity to control what news would be supplied to the print media, to radio, and to the outside world.

In spite of such repressive times, the press took a bold stand in providing alternative sources of news through an independent press. It was also during this time that the Press and Publications Ordinance collected under one law a number of excessive regulatory measures and punitive concepts that had previously existed in different laws and were now applied heavily to control the press. This press law (PPO) endured for 25 years before being repealed in September 1988.

**Zulfiqar Ali Bhutto's Era**

In December 1971, when the break-up of Pakistan and the birth of Bangladesh occurred, General Yahya Khan handed over power to Zulfiqar Ali Bhutto as President and Pakistan's first civilian Chief Martial Law Administrator who continued to use martial law up to April 1972 when an interim constitution was adopted, prior to the enactment of a new constitution by the National Assembly in August 1973. Bhutto, however, reacting to criticism by various members of the press, imprisoned editors and publishers on the pretext of national security.

The next five years, from 1972 to 1977, represented the beginnings of democracy; however, they were marred by repressive actions toward the press. The new constitution, although formulated on the principles of democracy, human rights, and freedom of speech, did not deliver on these promises. The PPO remained, as did the National Press Trust. Furthermore, through coercion and manipulation, the government insured that the only other news agency in the country (aside from the government-owned APP), the Pakistan Press International (PPI), was brought under its authority.

**General Zia's Era**

In 1977, General Zia ul Haq ousted Bhutto from the prime minister position and once again imposed martial law under which abuse of journalists became public rather than covert. Journalists were flogged in public at Zia's whim. Although martial law usually ends with a Supreme Court-imposed deadline by which elections must be held, Zia was given no such deadline, and his time in office up to August 1988 had a deleterious effect on the mass media. Not one single law or regulation of any progressive character was created during Zia's rule. The only positive outcome of Zia's rule was the restoration of the news agency PPI to its original shareholders. Since then PPI provides a valuable alternative news source to the government-controlled APP.

In 1985, Prime Minister Mohammad Khan Junejo was elected to the National Assembly, based on nonparty elections, and lifted martial law in December 1985. Even though Junejo was a more democratic political figure, the PPO remained in place under him, and he relied on the old media laws. However, in May 1988 President General Zia ul Haq dissolved the National Assembly and dismissed the Government of Prime Minister Junejo, replacing them with a cabinet of his own and no prime minister. This arrangement only lasted 11 weeks as Haq was killed in a suspicious plane crash in August 1988.

This incident resulted in the Chairman of the Senate, Mr. Ghulam Ishaq Khan, succeeding to the office of President as per the constitution. A caretaker government provided transition to a full-fledged democracy, which included repealing the press law that had coerced the media for so long.

A new law, known as the Registration of Printing Presses and Publications Ordinance came into effect in 1988. A key change in this law made it mandatory for the District Magistrate to issue a receipt to an applicant for the issuance of a declaration for the keeping of a printing press or the publication of a journal to provide the applicant with proof that would help avoid government interference.

The most significant change made in the press law of 1988 was the removal of power from the government and the right of an applicant to be heard in person by the authority before any punitive action was taken, like the closure of a press. Appeals were also now allowed. In addition, newspapers were no longer obligated to publish in full the press notes issued by the government.

For a variety of reasons, the press law of 1988 continued to be re-promulgated as an ordinance through 1997, even though the Supreme Court ruled such re-promulgation unconstitutional. One key reason for this was the recurring demands by representative bodies of the press to revise the 1988 law even further to remove any executive power to control the press.

**Benazir's Regime**

The November 1988 elections saw Prime Minister Benazir Bhutto, the first Muslim woman prime minister of the world, assume office. She brought with her a new phase of liberalism toward the mass media laws and regulations. For example, Bhutto's government allowed government-controlled radio and television to provide daily and well-balanced coverage of the speeches and statements of its opposition in news bulletins and current affairs programs. Because the print media reaches such a small percentage of the population, this change had a significant impact on the public, but was returned to the old, one-sided coverage after only four months because of pressure on Bhutto by her party, the Pakistan People's Party.

The independent press grew stronger during this phase; the Urdu press and the English press, as well as the regional language press, such as Sindh language newspapers, showed a new energy in reporting the news and in analyzing the issues of the day. In addition, new technology and use of computers and desktop publishing allowed a more timely and in-depth reporting of the news. Bhutto also ended the manipulative government practice of using newsprint as a means of controlling the press. Specifically, the Ministry of Information no longer required issuance of permits to import newsprint and allowed a free and open system of importing newsprint at market prices.

In 1990, President Ishaq Khan dismissed Bhutto's government, charging them with misconduct, and declared a state of emergency. Bhutto and her party lost the October elections, and the new Prime Minister, Nawaz Sharif, took over. For reasons not apparent to the public, Sharif restored the issuance of permits system for news-print import.

The charges against Bhutto were resolved, and after a bitter campaign, the PPP was returned to power in October 1993, and Bhutto was again named prime minister. She was ousted again in 1996 amid charges of corruption, a caretaker government was installed, and Sharif defeated Bhutto in the February 1997 elections.

### **Sharif's Period**

In Sharif's two and one-half years in power, he used many heavy-handed methods to deal with journalists who dared to criticize his government. He put tremendous pressure on independent journalists, using both covert and overt means of retribution. His Pakistan Muslim League party (PML) achieved a landslide electoral victory in the National Assembly, which made Sharif believe he had been given a heavy mandate to rule the country as he saw fit. He was able to cast aside all democratic checks on his power, except for the press. In the end, the press survived whereas Sharif did not. The press, in fact, through its wide reporting of Sharif's abuse of power, prepared the Pakistani people for General Pervez Musharraf's military coup on October 12, 1999.

### **Musharraf's Regime**

In May 2000 Musharraf's regime was strengthened by a unanimous decision by the Supreme Court to validate the October 1999 coup as having been necessary; at the same time the Court announced that the Chief Executive should name a date not later than 90 days before the expiry of the three-year period from October 12, 1999 for the holding of elections to the National Assembly, the provincial assemblies, and the Senate.

In Pakistan today a cooperative effort appears to be underway between Musharraf's government and the journalism community. In general, Musharraf's administration seems to follow a more liberal policy towards the press with fewer restrictions and much less manipulation. However, reports vary widely. Whereas the Pakistan Press Foundation (PPF) reported continued harassment of and dangers to journalists, some journalists currently working for Pakistani newspapers offer another version of the situation. A. R. Khaliq, assistant editor for Business Recorder, reported that the press, by and large, is not faced with any coercion or abuse under Musharraf.

### **Summary**

Pakistan's turbulent history, coupled with its ongoing political and economic crises, places the press in the position of informing the citizenry while also providing a check on the powers in office. Since its founding in 1947, Pakistan has suffered three periods of martial law and two military dictatorships, yet the press endures. The freedoms that insure the existence of the press are contained in Pakistan's constitution, which remained suspended in 2002, and yet the press endures and continues to safeguard those freedoms. Over the years members of the press have been arrested and jailed, have had their offices raided and ransacked, have been publicly flogged, and severely censored. Yet the press endures and has a stronger voice today than ever before, and yet as recently as 1999, Pakistan's largest and most influential newspaper, Jang, was raided because it was too critical of the government. Watch groups around the world characterize Pakistan as a partly free nation, and efforts appear to be moving in a positive and democratic direction.

**MEDIA LAWS****Introduction**

Mass Media systems of the world vary from each other according to the economy, polity, religion and culture of different societies. In societies, which followed communism and totalitarianism, like the former USSR and China, there were limitations of what the media could say about the government. Almost everything that was said against the State was censored for fear of revolutions. On the other hand, in countries like USA, which have a Bourgeois Democracy, almost everything is allowed.

Shifting our view to the Pakistani perspective and its system of Parliamentary Democracy, it is true that, the Press is free but subject to certain reasonable restrictions imposed by the Constitution of Pakistan, 1973. Before the impact of globalization was felt, the mass media was wholly controlled by the government, which let the media project only what the government wanted the public to see and in a way in which it wanted the public to see it. However, with the onset of globalization and privatization, the situation has undergone a humongous change.

Before the invention of communication satellites, communication was mainly in the form of national media, both public and private, in Pakistan and abroad. Then came 'transnational media' with the progress of communication technologies like Satellite delivery and ISDN (Integrated Services Digital Network), the outcome: local TV, global films and global information systems.

In such an era of media upsurge, it becomes an absolute necessity to impose certain legal checks and bounds on transmission and communication in the due course of this article; we would discuss the various aspects of media and the relevant legal checks and bounds governing them.

**Historical Perspective of Mass Media Laws**

Mass Media laws in Pakistan have a long history and are deeply rooted in the country's colonial experience under British rule. The earliest regulatory measures can be traced back to 1799 when Lord Wellesley promulgated the *Press Regulations*, which had the effect of imposing pre-censorship on an infant newspaper publishing industry. The onset of 1835 saw the promulgation of the *Press Act*, which undid most of, the repressive features of earlier legislations on the subject.

Thereafter on 18<sup>th</sup> June 1857, the government passed the '*Gagging Act*', which among various other things, introduced compulsory licensing for the owning or running of printing presses; empowered the government to prohibit the publication or circulation of any newspaper, book or other printed material and banned the publication or dissemination of statements or news stories which had a tendency to cause a furore against the government, thereby weakening its authority.

Then followed the '*Press and Registration of Books Act*' in 1867 and which continues to remain in force till date. Governor General Lord Lytton promulgated the '*Vernacular Press Act*' of 1878 allowing the government to clamp down on the publication of writings deemed seditious and to impose punitive sanctions on printers and publishers who failed to fall in line. In 1908, Lord Minto promulgated the '*Newspapers (Incitement to Offences) Act, 1908* which authorized local authorities to take action against the editor of any newspaper that published matter deemed to constitute an incitement to rebellion.

After the creation of Pakistan different media laws have been made in different times and conditions and are amended according to the need.

As part of our overall objective of creating an improved media law environment the law department undertakes activities like counseling radio and TV stations on media laws, provides free publications related to media law, works with legislation to improve media freedoms and to develop a database of new media operators.

Before starting the laws let us see the freedom of information ordinance 2002

**Freedom of Information Ordinance 2002**

The freedom of information ordinance introduced in 2002 contains some positive features acknowledging citizens right to know. However, the 21st day time frame for the release of information and inclusion of courts and tribunals, among those require disclosing information mar its true spirit. Large amounts of information are also not subject to disclosure under the ordinance, largely undermining the public's right

to know. Instead of applying to all records held by public bodies, the ordinance provides a restrictive list of public records subject to disclosure.

Article 19 of the Universal Declaration of Human Rights, states:

*"Everyone has the right to freedom of opinion and expression; the right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers."*

An Ordinance to provide for transparency and freedom of information

Whereas it is expedient to provide for transparency and freedom of information to ensure that the citizens of Pakistan have improved access to public records and for the purpose to make the Federal Government more accountable to its citizens, and for matters connected therewith or incidental thereto

And Whereas the President is satisfied that circumstances exist which render it necessary to take immediate action;

Now, Therefore, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, and the Provincial Constitution Order No 1 of 1999, read with the Provisional Constitution (Amendment) Order No 9 of 1999, and in exercise of all powers enabling him in that behalf, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance: -

**1. Short title, extent and commencement, -**

- (1) This Ordinance may be called the Freedom of Information Ordinance, 2002.
- (2) It extends to the whole of Pakistan.
- (3) It shall come into force at once.

**2. Definition, -** In this Ordinance, unless there is anything repugnant in the subject or context, -

- (a) "Complainant" means
  - (i) a requester, or
  - (ii) Any person acting for and on behalf of requester
- (b) "Complaint" means any allegation in writing made by a complainant;
  - (i) where he is a requester, that access to record has been wrongfully denied to him by a public body;
  - (ii) where he is a requester, that access to and/or correction of his personal information has been wrongfully denied to him by a public body having the custody or control of the record;
  - (iii) where he is a requester that the information requested by him has been unduly delayed by a public body;
- (c) "designated official" means an official of a public body designated under section 10;
- (d) "employee" , in relation to a public body, means a person employed in a public body whether permanently or temporary;
- (e) "Federal Tax Ombudsman" means Federal Tax Ombudsman appointed under section 3 of the Establishment of the Office of Federal Tax Ombudsman Ordinance, 2000 (XXXV of 2000);
- (f) "Mohtasib" means the Wafaqi Mohtasib (Ombudsman) appointed under Article 3 of the Establishment of the office of the Wafaqi Mohtasib (Ombudsman) Order, 1983 (PO No 1 of 1983);
- (g) "prescribed" means prescribed by rules made under this Ordinance;
- (h) "public body" means;
  - (i) any Ministry, Division or attached department of the Federal Government;
  - (ii) Secretariat of Majlis-e-Shoora (Parliament);
  - (iii) any office of any Board, Commission, Council, or other body established by, or under, a Federal law;
  - (iv) courts and tribunals;
- (i) "record" means record in any form, whether printed or in writing and includes any map, diagram, photography, film, microfilm, which is used for official purpose by the public body which holds the record;

**3. Access to information not to be denied. -**

(1) Notwithstanding anything contained in any other law for the time being in force, and subject to the provisions of this Ordinance, no requester shall be denied access to any official record other than exemptions as provided in section 15.

(2) This Ordinance shall be interpreted so as

(i) To advance the purposes of this Ordinance, and

(ii) To facilitate and encourage, promptly and at the lowest reasonable cost, the disclosure of information;

**4. Maintenance and indexing of records. -**

Subject to provisions of this Ordinance and in accordance with the rules that may be prescribed, each public body shall ensure that all records covered under clause (i) of section 2 of this Ordinance are properly maintained.

**5. Publication and availability of records. -**

The acts and subordinate legislation such as rules and regulations, notifications, by-laws, manuals, orders having the force of law in Pakistan shall be duly, published and made available at a reasonable price at an adequate number of outlets so that access thereof is easier, less time-consuming and less expensive.

**6. Computerization of records. -**

Each public body shall endeavor within reasonable time and subject to availability of resources that all records covered by the provisions of this Ordinance are computerized and connected through a network all over the country on different systems so that authorized access to such records is facilitated.

**7. Declaration of public record. -**

Subject to the provision of section 8, the following records of all public bodies are hereby declared to be the public record, namely: -

(a) Policies and guidelines;

(b) Transactions involving acquisition and disposal of property and expenditure undertaken by a public body in the performance of its duties;

(c) Information regarding grant of licenses, allotments and other benefits and privileges and contract and agreements made by a public body;

(d) Final orders and decisions, including decisions relating to members of public; and

(e) Any other record which may be notified by the Federal Government as public record for the purposes of this Ordinance.

**8. Exclusion of certain record. -**

Nothing contained in section 7 shall apply to the following record of all public bodies, namely: -

(a) Nothing on the files;

(b) Minutes of meetings;

(c) Any intermediary opinion or recommendation;

(d) Record of the banking companies and financial institutions relating to the accounts of their customers;

(e) Record relating to defence forces, defence installations or connected therewith or ancillary to defence and national security;

(f) record declared as classified by the Federal Government;

(g) Record relating to the personal privacy of any individual;

(h) record of private documents furnished to a public body either on an express or implied condition that information contained in any such documents shall not be disclosed to a third person; and

(i) Any other record which the Federal Government may, in public interest, exclude from the purview of this Ordinance.

**9. Duty to assist requesters**

A public body shall take necessary steps as may be prescribed to assist any requester under this Ordinance.

**10. Designation of official**

- (1) A public body shall designate and notify an officer or employee to whom requests under this Ordinance are to be made. These officials will be designated to ensure easy public access to information.
- (2) In case no such official has been designated or in the event of the absence or non-availability of the designated officials, the person in charge of the public body shall be the designated official.

**11. Functions of designated official**

Subject to the provisions of this Ordinance and the rules made there under and the instruction if any, of the Federal Government, the designated official shall provide the information contained in any public record or, as the case may be, a copy of any such record.

**12. Applications for obtaining information, etc**

- (1) Subject to sub-section (2), any citizen of Pakistan may make an application to the designated official in the form as may be prescribed and shall with his application, furnish necessary particulars, pay such fee and at such time as may be prescribed.
- (2) Nothing contained in sub-section (1) shall apply to such public record as has been published in the official Gazette or in the form of a book offered for sale.

**13. Procedure for disposal of applications**

- (1) Subject to sub-section (2), on receiving an application under section 12, the designated official shall, within twenty-one days of the receipt of request, supply to the applicant the required information or, as the case may be, a copy of any public record.
- (2) In case the designated official is of the opinion that-
- (a) The application is not in the form as has been prescribed;
  - (b) The applicant has not furnished necessary particulars or has not paid such fee as has been prescribed;
  - (c) The applicant is not entitled to receive such information;
  - (d) The required information or, as the case may, be the required record does not constitute a public record under section 7;
  - (e) The required information or, as the case may be, the required record constitutes a record which is excluded under section 8;
- He shall record his decision in writing and the applicant shall be informed about such decision within twenty-one days of the receipt of the application.
- (3) The information from, or the copy of, any public record supplied to the applicant under sub-section (1), shall contain a certificate at the foot thereof that the information is correct or, as the case may be, the copy is a true copy of such public record, and such certificate shall be dated and signed by the designated official.

**14. Exempt information from disclosure**

Subject to the provisions of this Ordinance, a public body shall not be required to disclose exempt information.

**15. International relations**

- (1) Information may be exempt if its disclosure would be likely to cause grave and significant damage to the interests of Pakistan in the conduct of international relations.
- (2) In the Section, “international relations” means relations between Pakistan and
- (a) The government of any other foreign State; or
  - (b) An organization of which only States are members.

**16. Disclosure harmful to law enforcement**

Information may be exempt if its disclosure is likely to

- (a) Result in the commission of an offence;
- (b) Harm the detection, prevention, investigation or inquiry in a particular case;
- (c) Reveal the identity of a confidential source of information;
- (d) Facilitate an escape from legal custody;

(e) Harm the security of any property or system, including a building, a vehicle, a computer system or a communications system.

### **17. Privacy and personal information**

Information is exempt if its disclosure under this Ordinance would involve the invasion of the privacy of an identifiable individual (including a deceased individual) other than the requester.

### **18. Economic and commercial affairs**

Information is exempt if and so long as its disclosure

(a) would be likely to cause grave and significant damage to the economy as a result of the premature disclosure of the proposed introduction, abolition or variation of any tax, duty, interest rate, exchange rate or any other instrument of economic management;

(b) would be likely to cause significant damage to the financial interests of the public body by giving an unreasonable advantage to any person in relation to a contract which that person is seeking to enter into with the public body for the acquisition or disposal of property or the supply of goods or services, or

(c) By revealing information to a competitor of the public body, would be likely to cause significant damage to the lawful commercial activities of the public body.

### **19. Recourse of the Mohtasib and Federal Tax Ombudsman**

(1) If the applicant is not provided the information or copy of the record declared public record under section 7 within the prescribed time or the designated official refuses to give such information or, as the case may be, copy of such record, on the ground that the applicant is not entitled to receive such information or copy of such record, the applicant may, within thirty days of the last date of the prescribed time for giving such information or, as the case may be, of such record, or the communication of the order of the designated official declining to give such information or copy of such record, file a complaint with the head of the public body and on failing to get the requested information from him within the prescribed time may file a complaint with the Mohtasib and in cases relating to Revenue Division, its subordinate departments, offices and agencies with the Federal Tax Ombudsman.

(2) The Mohtasib or the Federal Tax Ombudsman, as the case may be, may, after hearing the applicant and the designated official, direct the designated official to give the information or, as the case may be, the copy of the record or may reject the complaint.

### **20. Dismissal of frivolous, vexatious and malicious complaint**

Where a complaint instituted is found to be malicious, frivolous or vexatious, the complaint may be dismissed by Mohtasib, and fine may be imposed on the complainant up to an amount not exceeding ten thousands rupees.

### **21. Offence**

Any person who destroys a record which at the time it was destroyed was the subject of a request, or of a complaint with the intention of preventing its disclosure under this Ordinance, commits an offence punishable with imprisonment for, a term not exceeding two years, or with fine, or with both.

### **22. Indemnity**

No suit, prosecution or other legal proceedings shall lie against any person for anything which is done in good faith or intended to be done in pursuance of this Ordinance or any rules made thereunder;

### **23. Ordinance not to derogate other laws**

The provisions of this Ordinance shall be in addition to, and not in derogation of, anything contained in any other law for the time being in force.

### **24. Power to remove difficulties**

If any difficulty arises in giving effect to the provisions of this Ordinance, the Federal Government may, by order in the official Gazette, make such provisions not inconsistent with the provisions of this Ordinance as appear to it to be necessary or expedient for removing the difficulty.

**25. Power to make rules**

- (1) The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.
- (2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for-
  - (a) The fee payable for obtaining information from, and copies of the public record;
  - (b) The form of application for obtaining information from, and copies of, the public record; and
  - (c) The form in which information from public record shall be furnished.

## COPYRIGHT

Copyright is a legal concept enacted by most national governments, that gives the creator of an original work exclusive rights to it, usually for a limited period of time. At its most general, it is literally "the right to copy", but also gives the copyright holder the right to be credited for the work, to determine who (if anyone) can perform it or adapt it to other forms, to benefit financially from the work, and other related rights. It is one form of intellectual property (distinct from patents, trademarks, and trade secrets), and applies to any particular expression of an idea or information, which is substantial and self-contained in a fixed form.

The symbol for copyright is "©". (The letter C inside parentheses – "(c)" – although a common practice has never been legally recognized as a symbol for copyright.)

### Scope

Copyright may apply to a wide range of creative, intellectual, or artistic forms or "works". These include poems, theses, plays, and other literary works, movies, choreographic works (dances, ballets, etc.), musical compositions, audio recordings, paintings, drawings, sculptures, photographs, software, radio and television broadcasts of live and other performances, and, in some jurisdictions, industrial designs. Graphic designs or industrial designs may have separate or overlapping laws applied to them in some jurisdictions. Copyright is one of the concepts covered by the umbrella term intellectual property.

Copyright does not cover ideas or information themselves, only the form or manner in which they are expressed. For example, the copyright to a Mickey Mouse cartoon restricts others from making copies of the cartoon or creating derivative works based on Disney's particular anthropomorphic mouse, but doesn't prohibit the creation of other works about anthropomorphic mice in general, so long as they are different enough to not be judged copies of Disney's. In many jurisdictions, copyright law makes exceptions to these restrictions for the purpose of commentary and other related uses (See Fair Use, Fair Dealing). Other laws may impose legal restrictions which copyright does not - such as trademarks and patents.

Copyright laws are standardized somewhat through international conventions such as the Berne Convention which have been ratified by most countries, and are required by international organizations such as European Union or World Trade Organization from their member states.

The legislative acts which originally established copyright law as it is known today cited two fundamental justifications for it:

- 1) To benefit society by promoting the creation of new works, and
- 2) to protect the moral rights of the creators of these works.

### History

Copyright was invented after the advent of the printing press and with wider public literacy. As a legal concept, its origins in Britain were from a reaction to printers' monopolies at the beginning of the eighteenth century. Charles II of England was concerned by the unregulated copying of books and used the royal prerogative to pass the Licensing Act of 1662, which established a register of licensed books and required a copy to be deposited with the Stationers Company, essentially continuing the licensing of material that had long been in effect. The Statute of Anne was the first real copyright act, and gave the publishers rights for a fixed period, after which the copyright expired. Copyright has grown from a legal concept regulating copying rights in the publishing of books and maps to one with a significant effect on nearly every modern industry, covering such items as sound recordings, films, photographs, software, and architectural works.

### The Berne Convention

The 1886 Berne Convention first established recognition of copyrights among sovereign nations, rather than merely bilaterally. Under the Berne Convention, copyrights for creative works do not have to be asserted or declared, as they are automatically in force at creation: an author need not "register" or "apply for" a copyright in countries adhering to the Berne Convention. As soon as a work is "fixed", that is,

written or recorded on some physical medium, its author is automatically entitled to all copyrights in the work, and to any derivative works unless and until the author explicitly disclaims them, or until the copyright expires. The Berne Convention also resulted in foreign authors being treated equivalently to domestic authors, in any country signed onto the Convention.

The UK signed the Berne Convention in 1887 but did not implement large parts of it until 100 years later with the passage of the Copyright, Designs and Patents Act of 1988. The USA did not sign the Berne Convention until 1989.

The regulations of the Berne Convention are incorporated into the World Trade Organization's TRIPS agreement, thus making the Berne Convention practically world-wide.

### **Definition of 'Copyright' Under The Laws of Pakistan**

Copyright is a form of protection provided to the authors of "original works of authorship," including literary, dramatic, musical, artistic, and certain other intellectual works. This protection is available to both published and unpublished works.

### **Registration Procedure of Copyrights in Pakistan**

#### **Who is authorized to claim copyright in Pakistan?**

Copyright as a work of authorship immediately becomes the property of the author who created the work. Only the author or those deriving their rights through the author can rightfully claim copyrights.

In the case of a work prepared by an employee within the scope of his or her employment; the employer and not the employee is considered to be the author, if the parties expressly agree in a written instrument signed by them that the work shall be considered a work made for hire.

The authors of a joint work are co-owners of the copyrights in the work, unless there is an agreement to the contrary.

#### **What works are copyrightable in Pakistan?**

Copyrightable works include the following categories:

1. literary works
2. musical works, including any accompanying words
3. dramatic works, including any accompanying music
4. pictorial, graphic, and sculptural works
5. motion pictures and other audiovisual works
6. sound recordings
7. architectural works

#### **Whether registration of copyrights in Pakistan is a compulsory requirement for protection of copyrightable works?**

Registration of a copyright in Pakistan is not a compulsory requirement for protection of such copyrightable works in Pakistan. Copyright is secured automatically when the work is created, and a work is "created" when it is fixed in a copy or phonorecord for the first time. There are, however, certain definite advantages to registration. Registration, however, establishes prima facie evidence in a Court of Law of the validity of the copyrights and of the facts stated in the certificate.

### **Copyright Protection in Pakistan**

In Pakistan, copyright protection is governed by the provisions of the Copyright Ordinance, 1962 ("the Ordinance") which is modeled on the English Act of 1914. Pakistan is a member of Berne Copyright Union and the Universal Copyright Convention.

### **Recent Developments**

One of the most significant developments in relation to the protection of copyright in Pakistan is the recent promulgation of the Copyright (Amendment) Act, 1992 ("the Amendment Act"). Copyright protection originally available to literary, dramatic, musical, artistic, cinematographic and architectural works, books, photographs, newspapers, engravings, lectures, records (defined as "any disc, tape, wire, perforated roll or other device in which sounds are embodied so as to be capable of being reproduced

therefore, other than a sound track associated with a cinematographic work") and sculptures is now extended to computer software, periodicals, video films and all kind of audio-visual works. The Ordinance now provides stiffer penalties for offenders and better compensation to the persons whose rights have been infringed. The manner in which the copyright is breached has also been extended. Entirely new offences have been created through the Amendment Act which, inter alia, include penalties for publishing collections or compendiums of work (the Ordinance defines "work" to include literary, dramatic, musical, artistic, cinematographic works and a record) which have been adapted, translated or modified in any manner without the authority of the owner of the copyright. Section 37 of the Ordinance has been amended to restrict granting of licenses to produce and publish translation of a literary or dramatic work in English, French or Spanish, hence an applicant requesting the grant of license, upon granting of the license and payment of prescribed royalty to the author, can produce and publish translation of a literary or dramatic work in any Pakistani language or any language not being English, French or Spanish.

### **Foreign Authors**

The Ordinance has distinct provisions for Pakistani and foreign works. Section 6(1) provides that a work published in Pakistan shall be deemed to be first published in Pakistan, notwithstanding that it has been published simultaneously in some other country, unless such other country provides a shorter term of copyright for such work; and a work is deemed to be published simultaneously in Pakistan and in another country if the time between the publication in Pakistan and the publication in such country does not exceed thirty days. Section 8 entitles a body corporate to be considered domiciled in Pakistan if it is incorporated under any law in force in Pakistan or it has an established place of business in Pakistan. Although the Ordinance has provisions for granting compulsory licenses, nevertheless, such a license can only be acquired for Pakistani work and no compulsory license can be granted for any work whose author is not a citizen of Pakistan or whose 'record' is not manufactured in Pakistan.

### **Duration of Copyright**

The period of copyright of a literary, dramatic, musical or artistic work (other than a photograph) is the life of the author and 50 years thereafter. In the case of a cinematographic work and a photograph, copyright subsists until 50 years from the beginning of the calendar year from publication of the work.

### **Infringement of Copyright**

The act of copying of work, which is entitled to copyright protection, by any method, either directly or with the aid of a machine or device constitutes an infringement of the copyright in the work. Section 56 of the Ordinance provides that copyright in a work shall be deemed to be infringed in the following cases:-

(a) when any person without the consent of the owner of the copyright or without a license granted by such owner or the Registrar under the Ordinance or in contravention of the conditions of a license so granted or of any condition imposed by a competent authority under the Ordinance:-

(I) does anything the exclusive right to do which is by this Ordinance conferred upon the owner of the copyright;

or  
(ii) permits for profit any place to be used for the performance of the work in public where such performance constitutes an infringement of the copyright in the work unless he was not aware and had no reasonable ground for suspecting, that such performance would be an infringement of the copyright, or

(b) When any person:-

(I) makes for sale or hire or sells or lets for hire, or by way of trade displays or offers for sale or hire, or

(ii) Distributes either for the purpose of trade to such an extent as to affect prejudicially the owner of the copyright, or

(iii) by way of trade exhibits in public, or

(IV) imports into Pakistan, any infringing copies of the work.

**THE COPYRIGHT ORDINANCE, 1962**

An Ordinance to amend and consolidate the law relating to copyright.

**1. Short title, extent and commencement**

- (1) This Ordinance may be called the Copyright Ordinance, 1962.
- (2) It extends to the whole of Pakistan.
- (3) It shall come into force on such date as the Federal Government may, by notification in the official Gazette, appoint.

**2. Definitions.**

In this Ordinance, unless there is anything repugnant in the subject or context:-

- (a) "Adaptation" means:-
    - (i) In relation to a dramatic work, the conversion of the work into a non-dramatic work;
    - (ii) In relation to a literary work or an artistic work, the conversions of the work into a dramatic work by way of performance in public or otherwise.
    - (iii) In relation to a literary or dramatic work, any abridgment of the work or any version of the work in which the story or action is conveyed wholly or mainly by means of pictures in a form suitable for reproduction in a book, or in a newspaper, magazine or similar periodical; and
    - (iv) In relation to a musical work, any arrangement or transcription of the work;
  - (b) "Architectural work of art" means any building or structure having an artistic character or design, or any model for such building or structure;
  - (c) "Artistic" work' means.-
    - (i) A painting, a sculpture, a drawing (including a diagram, map, chart or plan), an engraving or a photograph, whether or not any such work possesses artistic quality;
    - (ii) An architectural work of art; and
    - (iii) Any other work or artistic craftsmanship;

"audio-visual work" means a work which consists of a series of related images which are intrinsically intended to be shown by the use of a machine or device, such as a projector, viewer or electronic equipment, together with accompanying sound, if any, regardless of the nature of the material object, such as film or tape, in which the work is embodied
  - (d) "Author" means.-
    - (i) In relation to a literary or dramatic work, the author of the work;
    - (ii) In relation to a musical work, the composer;
    - (iii) In relation to an artistic work other than a photograph, the artist;
    - (iv) In relation to a photograph, the person taking the photograph;
    - (v) In relation to a cinematographic work, the owner of the work at the time of its completion; and
    - (vi) In relation to a record, the owner of the original plate from which the record is made, at the time of the making of the plate;
  - (e) "Board" means the Copyright Board constituted under section 45;
  - (f) "book" includes every volume, or division of a volume, and pamphlet, in any language, and every sheet of music, map, chart or plan, separately printed or lithographed, but does not include a periodical or newspaper;
  - (g) "Calendar year" means the year commencing on the first day of January;
  - (h) "Cinematographic work" means any sequence of visual images including video films of every kind, recorded on material of any description (whether translucent or not), whether silent or accompanied by sound, which, if shown (played back, exhibited) conveys the sensation of motion;
- "copy" includes any material object in which a work is fixed by any method and from which the work can be perceived, reproduced or otherwise communicated, either directly or with the aid of a machine or device;
- "counterfeit copy" means a copy which is an imitation of another copy and appears to be, but is not, genuine;

- (i) "Delivery" in relation to a lecture, includes delivery by means of any mechanical instrument or by broadcast or telecast;
- (j) "dramatic work" includes any piece for recitation, choreographic work or entertainment in dumb show, the scenic arrangement or acting form of which is fixed in writing or otherwise but does not include a cinematographic work;
- (k) "Engravings" include etchings, lithographs, woodcuts, prints and other similar works, not being photographs;
- (l) "Exclusive license" means a license which confers on the licensee or on the licensee and persons authorized by him, to the exclusion of all other persons (including the owner of the copyright), any right comprised in the copyright in a work and "exclusive licensee" shall be construed accordingly;
- (m) "Government work" means a work which is made or published by or under the direction or control of-
- (i) The Government or any department of the Government; or
  - (ii) Any court, tribunal or other judicial or legislative authority in Pakistan;
- (n) "Infringing copy" means,-
- (i) In relation to a literary, dramatic or artistic work, reproductions thereof otherwise than in the form of a cinematographic work;
  - (ii) In relation to cinematographic work, a copy of the work or a record embodying the recording in any part of the sound track associated with the film;
  - (iii) In relation to a record, any record, embodying the same recording; and
  - (iv) In relation to a programme in which a broadcast reproduction right subsists under section 24, a record recording the programme:
- If such reproduction, copy or record is made or imported in contravention of any of the provision of this Ordinance;
- (o) "Lecture" includes address, speech and sermon;
- (p) "literary work" includes works on humanity, religion, social and physical sciences, tables "compilations and computer programmes, that is to say programmes recorded on any disc, tape, perforated media or other information storage device, which, if fed into or located in a computer or computer-based equipment is capable of reproducing any information"
- (q) "Manuscript" means the original document embodying the work, whether written by hand or not;
- (r) "Musical work" means any combination of melody and harmony or either of them, printed, reduced to writing or otherwise graphically produced or reproduced;
- (s) "newspaper" means any printed periodical work containing public news or comments on public news published in conformity with the provisions of sections 5, 6, 7 and 8 of the West Pakistan Press and Publications Ordinance, 1963 (W.P.Ordinance No.XXV of 1963)]
- (t) "Pakistani work" means a literary, dramatic musical or artistic work, the author of which is a citizen of Pakistan and includes a cinematographic work or record made or manufactured in Pakistan;
- (u) "Performance" includes any mode of visual or acoustic presentation; including any such presentation by the exhibition of a cinematographic work, or by means of broadcast or by the use of a record, or by any other means and, in relation to a lecture, includes the delivery of such lecture;
- (v) "performing rights society" means a society, association or other body, whether incorporated or not, which carries on in Pakistan the business of issuing or granting licenses for the performance in Pakistan of any works in which copyright subsists;
- (va) "Periodical" includes a publication with distinctive title intended to appear in successive numbers or in parts at regular or irregular intervals and, as a rule, for an indefinite time, each part generally containing articles by several contributors;
- (w) "Photograph" includes photo-lithograph and any work produced by any process analogous to photography but does not include any part of a cinematographic work;
- (x) "plate" includes any stereotype or other plate, stone, block, mould, matrix, transfer, negative, tape, wire, optical film, or other device used or intended to be used for printing or reproducing copies of any work, and any matrix or other appliances by which records for the acoustic presentation of the work are or are intended to be made;
- (y) "Prescribed" means prescribed by rules made under this Ordinance;

- (z) "Public libraries" means the National Library of Pakistan, Islamabad, and such other libraries as may be so declared by the Federal Government by Notification in the official Gazette;
- (za) "Radio diffusion" includes communication to the public by any means of wireless diffusion whether in the form of sounds or visual images or both;
- (zb) "record" means any disc, tape, wire, perforated roll or other device in which sounds are embodied so as to be capable of being reproduced therefrom, other than a sound track associated with a cinematographic work;
- (zc) "Recording" means the aggregate of the sounds embodied in and capable of being reproduced by means of a record;
- (zd) "reproduction" in the case by a literary, dramatic or musical work, includes a reproduction in the form of a record or of a cinematographic work, and, in the case of an artistic work, includes a version produced by converting the work into a three-dimensional form, or if it is in three dimensions, by converting it into a two dimensional form and references to reproducing a work shall be construed accordingly;
- (ze) "Registrar" means the Registrar of Copyrights appointed under section 44 and includes a Deputy Registrar of Copyrights when discharging any function of the Registrar;
- (zf) "Work" means any of the following works, namely:-
- (i) A literary, dramatic, musical or artistic work;
  - (ii) A cinematographic work;
  - (iii) a record;
- (zg) "work of joint authorship" means a work produced by the collaboration of two or more authors in which the contribution of one author is not distinct from the contribution of the other author or authors; and
- (zh) "Work of sculpture" includes casts and models.

### 3. Meaning of Copyright.

1. For the purpose of this Ordinance, "copyright" means the exclusive right, by virtue of, and subject to the provisions of this Ordinance.-

(a) In the case of a literary, dramatic or musical work, to do and authorize the doing of any of the following acts, namely:-

- (i) To reproduce the work in any material form;
- (ii) To publish the work;
- (iii) To perform the work in public;
- (iv) To produce, reproduce, perform or publish any translation of the work;
- (v) To use the mark in a cinematographic work or make a record in respect of the work;
- (vi) To broadcast the work, or to communicate the broadcast of the work to the public by a loudspeaker or any other similar instrument;
- (vii) To make any adaptation of the work;
- (viii) To do in relation to translation or an adaptation of the work any of the acts specified in relation to the work in sub-clauses (i) to (vi);

(b) In the case of an artistic work, to do or authorize the doing of any of the following acts, namely:-

- (i) To reproduce the work in any material form;
- (ii) To publish the work;
- (iii) To use the work in a cinematographic work;
- (iv) To show the work in television;
- (v) To make any adaptation of the work;
- (vi) To do in relation to an adaptation of the work any of the acts specified in relation to the work in sub-clauses (i) to (iv);

(c) In the case of a cinematographic work, to do or authorize the doing of any of the following acts, namely:-

- (i) To make a copy of the work;
- (ii) To cause the work in so far as it consists of visual images, to be seen in public and, in so far as it consists of sounds, to be heard in public;

- (iii) To make any record embodying the recording in any part of the sound track associated with the work by utilizing such sound track;
- (iv) To broadcast the work;
- (d) In the case of a record, to do or authorize the doing of any of the following acts by utilizing the record, namely:-
  - (i) To make any other record embodying the same recording;
  - (ii) To use the recording the sound track of a cinematographic work;
  - (iii) To cause the recording embodied in the record to be heard in the public;
  - (iv) To communicate the recording embodied in the record by broadcast.
- (2) Any reference in sub-section (1) to the doing of any act in relation to a work or a translation or an adaptation thereof shall include a reference to the doing of that act in relation to a part thereof.

#### **4. Meaning of publication.**

- (1) For the purposes of this Ordinance, "publication" means,-
  - (a) In the case of a literary, dramatic, musical or artistic work, the issue of copies of the work to the public in sufficient quantities;
  - (b) In the case of cinematographic work, the sale or hire or offer for sale or hire of the work or copies thereof to the public;
  - (c) In the case of a record, the issue of records to the public in sufficient quantities; but does not, except as otherwise expressly provided in this Ordinance, include,-
    - (i) In the case of a literary, dramatic or musical work the issue of any records recording such work;
    - (ii) In the case of work of sculpture or an architectural work of art, the issue of photographs and engravings of such work.
- (2) If any question arises under sub-section (1) whether copies of any literary, dramatic, musical or artistic work, or records issued to the public are sufficient in quantities, it shall be referred to the Board whose decision thereon shall be final.

#### **5. When work not deemed to be published or performed in public.**

Except for the purposes of infringement of copyright, a work shall not be deemed to be published or performed in public, and a lecture shall not be deemed to be delivered in public, if published, performed in public or delivered in public, without the license or consent of the owner of the copyright.

#### **6. When work deemed to be first published in Pakistan.**

- (1) For the purposes of this Ordinance, a work published in Pakistan, shall be deemed to be first published in Pakistan, notwithstanding that it has been published simultaneously in some other country, unless such other country provides a shorter term of copyright for such work; and a work shall be deemed to be published simultaneously in Pakistan and in another country if the time between the publication in Pakistan and the publication in such other country does not exceed thirty days.
- (2) If any question arises under sub-section (1) whether the term of copyright for any work is shorter in any other country than that provided in respect of that work under this Ordinance, it shall be referred to the Board whose decision thereon shall be final.

#### **7. Nationality of author where the making of unpublished work is extended over considerable period.**

Where in the case of an unpublished work, the making of the work is extended over a considerable period, the author of the work shall for the purposes of this Ordinance, be deemed to be a citizen of, or domiciled in, the country of which he was a citizen or wherein he was domiciled during the major part of that period.

#### **8. Domicile of corporations.**

For the purposes of this Ordinance, a body corporate shall be deemed to be domiciled in Pakistan if it is incorporated under any law in force in Pakistan or if it has an established place of business in Pakistan.

**Copyright, ownership of copyright and the rights of the owner.****9. No copyright except as provided in this Ordinance.**

No person shall be entitled to copyright or any similar right in any work, whether published or unpublished, otherwise than under and in accordance with the provisions of this Ordinance, or of any other law for the time being in force, but nothing in this section shall be construed as abrogating any right or jurisdiction to restrain a breach of trust or confidence.

**10. Works in which copyright subsists.**

(1) Subject to the provisions of this section and to the other provisions of this Ordinance, copyright shall subsist throughout Pakistan in the following classes of works, that is to say,-

- (a) Original, literary, dramatic, musical and artistic works;
- (b) Cinematographic works; and
- (c) Records.

(2) Copyright shall not subsist in any work specified in subsection (1), other than a work to which the provisions of section 53 or section 54 apply, unless,-

(i) In the case of a published work, the work is first published in Pakistan, or where the work is first published outside Pakistan, the author is at the date of such publication, or in a case where the author was dead at that date, was at the time of his death, a citizen of Pakistan or domiciled in Pakistan.

(ii) in the case of an unpublished work other than an architectural work of art, the author is at the date of the making of the work a citizen of Pakistan or domiciled in Pakistan; and

(iii) In the case of an architectural work of art, the work is located in Pakistan.

[(2A) Copyright shall not subsist in any work referred to in sub-section (2) as respects its reprint, translation, adaptation or publication, by or under the authority of the Federal Government as text-book for the purposes of teaching, study or research in educational institutions.]

(3) Copyright shall not subsist,-

(a) in any cinematographic work, if a substantial part of the work is an infringement of the copyright in any other work;

(b) in any record made in respect of a literary, dramatic or musical work, if, in making the record, copyright in such work has been infringed.

(4) The copyright or the lack of copyright in a cinematographic work or a record shall not affect the separate copyright in any work in respect of which or a substantial part of which, the work, or, as the case may be, the record is made.

(5) In the case of an architectural work of art, copyright shall subsist only in the artistic character and design and shall not extend to the processes or methods of construction.

**11. Work of joint authors.**

Where, in the case of a work of joint authorship, some one or more of the joint authors do not satisfy the conditions conferring copyright laid down by this Ordinance, the work shall be treated for the purposes of this Ordinance as if the other author or authors had been the sole author or authors thereof:

Provided that the term of the copyright shall be the same as it would have been if all the authors had satisfied such conditions.

**12. Provision as to designs registrable under Act II of 1911.**

(1) Copyright shall not subsist under this Ordinance in any design which is registered under the Patents and Designs Act, 1911,

(2) Copyright in any design which is capable of being registered under the Patents and Designs Act, 1911, but which has not been so registered, shall cease as soon as any article to which the design has been applied has been reproduced more than fifty times by an industrial process by the owner of the copyright or, with his license, by any other person.

**13. First owners of copyright.**

Subject to the provisions of this Ordinance, the author of a work shall be the first owner of the copyright therein:

Provided that,-

(a) in the case of a literary, dramatic or artistic work made by the author in the course of his employment by the proprietor of a newspaper, magazine or similar periodical under a contract of service or apprenticeship, for the purpose of publication in a newspaper, magazine or similar periodical, the said proprietor shall, in the absence of any agreement to the contrary, be the first owner of the copyright in the work in so far as the copyright relates to the publication of the work in any newspaper, magazine or similar periodical, or to the reproduction of the work for the purpose of its being so published, but in all other respects the author shall be the first owner of the copyright in the work;

(b) subject to the provisions of clause (a), in the case of a photograph taken, or a painting or portrait drawn, or an engraving or a cinematographic work made, for valuable consideration at the instance of any person, such person shall, in the absence of any agreement to the contrary, be the first owner of the copyright therein;

(c) in the case of a work made in the course of the author's employment under a contract of service or apprenticeship, to which clause (a) or clause (b) does not apply, the employer shall, in the absence of any agreement to the contrary be the first owner of the copyright therein;

(d) In the case of a Government work, Government shall, in the absence of any agreement to the contrary, be the first owner of the copyright therein;

(e) In the case of a work to which the provisions of section 53 apply, the international organization concerned shall be the first owner of the copyright therein.

#### **14. Assignment of copyright.**

(1) The owner of the copyright in an existing work or the prospective owner of the copyright in a future work may assign to any person the copyright either wholly or partially and either generally or subject to limitations and either for the whole term of the copyright or any part thereof:

Provided that, in the case of the assignment of copyright in any future work, the assignment shall take effect only when the work comes into existence:

Provided further that, where the owner of the copyright in a work is the author of the work, no assignment of the copyright in the work or of any interest in such copyright shall be made, or if made shall be effective (except where the assignment is made in favour of Government or an educational, charitable, religious or non-profit institution) for a period of more than ten years beginning from the calendar year next following the year in which the assignment is made ; if an assignment of the copyright in a work is made in contravention of this proviso, the copyright in the work shall, on the expiry of the period specified in this proviso, revert to the author (who may re-assign the copyright in the work subject to the provisions herein contained), or if the author be dead to his representatives in interest.

Provided further that the copyright in an unpublished work assigned by its author to any person or organization for the specific purpose of its publication shall revert to the author if such work is not published within a period of three years from the date of its assignment;

(2) Where the assignee of a copyright becomes entitled to any right comprised in the copyright, the assignee as respects the rights so assigned, and the assignor as respects the rights not assigned, shall be treated for the purposes of this Ordinance as the owner of copyright and the provisions of this Ordinance shall have effect accordingly.

(2A) If the owner of a copyright , or the publisher to whom such right has been assigned, considers any of the terms of the assignment to be likely to affect his interests adversely, he may within one year of such assignment apply to the Board to consider such term and the Board may, after hearing both the parties, pass such order as it may deem fit; and the order of the Board shall be binding on both the parties.

(3) In this section, the expression "assignee" as respects the assignment of the copyright in any future work includes the legal representatives of the assignee, if the assignee dies before the work comes into existence.

#### **15. Mode of assignment**

No assignment of the copyright in any work shall be valid unless it is in writing signed by the assignor or by his duly authorized agent.

**16. Transmission of copyright in manuscript by testamentary disposition.**

Where under a bequest a person is entitled to the manuscript of a literary, dramatic or musical work, or to an artistic work, and the work was not published before the death of the testator, the bequest shall, unless the contrary intention is indicated in the testator's will or any codicil thereto, be construed as including the copyright in the work in so far as the testator was the owner of the copyright immediately before his death.

**17. Right of owner to relinquish copyright**

(1) The owner of the copyright in a work may relinquish all or any of the rights comprised in copyright by given notice in the prescribed form to the Registrar and thereupon such rights shall, subject to the provisions of sub-section (3), cease to exist from the date of the notice.

(2) On receipt of a notice under sub-section (1), the Registrar shall cause it to be published in the official Gazette and in such other manner as he may deem fit.

(3) The relinquishment of all or any of the rights comprised in the copyright in a work shall not affect any rights subsisting in favour of any person on the date of the notice referred to in sub-section (1).

**TERM OF COPYRIGHT****18. Term of copyright in published literary, dramatic, musical and artistic works.**

Except as otherwise hereinafter provided, copyright shall subsist in any literary, dramatic, musical or artistic work (other than a photograph) published within the life time of the author until fifty years from the beginning of the calendar year next following the year in which the author dies.

**Explanation.** In this section, the reference to the author shall, in the case of a work of joint authorship, be construed as a reference to the author who dies last.

**19. Term of copyright in posthumous work.**

(1) In the case of a literary, dramatic or musical work or an engraving, in which copyright subsists at the date of the death of the author or in the case of any such work of joint authorship, at or immediately before the date of the death of the author who dies last, but which or any adaptation of which, had not been published before that date, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the work is first published or, where an adaptation of the work is published in any earlier year, from the beginning of the calendar year next following that year.

(2) For the purposes of this section, a literary, dramatic or musical work or an adaptation of any such work shall be deemed to have been published, if it has been performed in public or if any records made in respect of the work have been sold, or offered for sale, to the public.

**20. Term of copyright in cinematographic works, records and photographs**

(1) In the case of a cinematographic work, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the work is published.

(2) In the case of a record, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the record is published.

(3) In the case of a photograph, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the photograph is published.

**21. Term of copyright in anonymous and pseudonymous work**

(1) In the case of a literary, dramatic, musical or artistic work (other than a photograph), which is published anonymously or pseudonymously, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the work is first published:

Provided that where the identity of the author is disclosed before the expiry of the said period, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the author dies.

(2) In sub-section (1), references to the author shall, in the case of an anonymous work of joint authorship, be construed:-

(a) Where the identity of one of the authors is disclosed as references to that author;

(b) Where the identity of more authors than one is disclosed, as references to the author who dies last from amongst such authors?

(3) In sub-section (1), references to the author shall, in the case of a pseudonymous work of joint authorship, be construed:-

(a) where the names of one or more (but not all) of the authors are pseudonym and his or their identity is not disclosed, as references to the author whose name is not a pseudonym, or, of the names of two or more of the author are not pseudonyms, as references to such one of those authors who dies last;

(b) where the names of one or more (but not all) of the authors are pseudonyms and the identity of one or more of them is disclosed, as references to the author who dies last from amongst the authors whose names are not pseudonyms and the authors whose names are pseudonyms and are disclosed ; and

(c) where the names of all the authors are pseudonyms and the identity of one of them is disclosed, as references to the author whose identity is disclosed or, if the identity of two or more of such authors is disclosed, as references to such one of those authors who dies last.

**Explanation.** For the purposes of this section, the identity of an author shall be deemed to have been disclosed, if either the identity of the author is disclosed publicly by both the author and the publisher or is otherwise established to the satisfaction of the Board but that author.

## **22. Term of copyright in Government works and in works of international organizations**

(1) Copyright in a Government work shall, where Government is the first owner of the copyright therein, subsist until fifty years from the beginning of the calendar year next following the year in which the work is first published.

(2) In the case of a work of an international organization to which the provisions of section 53 apply, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the work is first published.

## **23. Term of copyright in unpublished work.**

(1) If a work, whose author's identity is known, is not published posthumously within fifty years after the death of the author, such work shall fall into the public domain after fifty years from the beginning of the calendar year next following the year in which the author dies.

(2) If a work, whose author's identity is not known, is not published within fifty years of its creation, such work shall fall into the public domain after fifty years from the beginning of the calendar year next following the year in which the work is created.

## CONTEMPT OF COURT

### Definitions of Contempt of court

- Any act that is meant to embarrass, hinder or obstruct a court in the administration of justice
- The willful and intentional failure to comply with a court order, judgment, injunction, or decree by a party to the action, which may be punishable in a variety of ways, and in some instances, incarceration.
- The willful failure to obey a court order, or disrespectful or unacceptable behavior in the presence of the court.
- A finding by a judge that a person has violated a court order or is guilty of conduct before the court calculated to disrupt the proceedings of the court.
- Any act involving disrespect to the court or failure to obey its rules or orders.
- Interfering with the administration of justice or ignoring the rules of the court. Showing unwarranted disrespect for the court, refusing to testify in court or failing to obey a court order are the most common types of contempt of court.
- Any act which is calculated to embarrass, hinder, or obstruct the court in administration of justice, or which is calculated to lessen its authority or its dignity.
- Disregard for the authority of the court, including committing disorderly behavior in court, improper conduct intended to influence the course of justice, or bringing the administration of justice into disrepute.
- This is a charge that a judge can lay if someone interferes with the work of the court or ignores the rules of court.
- The punishable act of showing disrespect for the authority of dignity of a court.
- A person may be found in contempt of court if the person fails to do something that the court ordered that person to do, or if that person does something in court that the court orders the person not to do.
- Contempt of court can occur in multiple scenarios. A direct contempt occurs in the view and presence of the court and disturbs the court proceedings. A constructive contempt is the failure of a party to obey a court order, decree, or judgment.
- Failure to show respect for an order of a court.
- disrespect for the rules of a court of law
- Willful disobedience of a judge's command or of an official court order.

### Article: 204 of constitution of Islamic republic of Pakistan, 1973

#### Deals with “Contempt of Court”

- (1) In this Article, "Court" means the Supreme Court or High Court.
- (2) A Court shall have power to punish any person who,-
  - (a) Abuses, interferes with or obstructs the process of the Court in any way or disobeys any order of the Court;
  - (b) Scandalizes the Court or otherwise does anything which tends to bring the Court or a Judge of the Court into hatred, ridicule or contempt;
  - (c) Does anything which tends to prejudice the determination of a matter pending before the Court; or
  - (d) does any other thing which, by law, constitutes contempt of the Court.
- (3) The exercise of the power conferred on a Court by this Article may be regulated by law (Contempt of Court Ordinance, 1998) and, subject to law, by rules made by the Court.]

## Types of Contempt Of Court

### 1) Academic critique

Academic critique means an article written by a lawyer or a person holding an academic post containing a critical analysis of a judgment pertaining to a *pending criminal* case on the basis of legal criteria or desiderata.

### 2) Civil contempt

Civil contempt means the willful flouting or disregard of -

- (i) An order, whether interim or final, a judgment or decree of a court;
- (ii) A writ or order issued by a court in the exercise of its constitutional jurisdiction;
- (iii) An undertaking given to, and recorded by, a court;
- (iv) The process of a court

### Procedure in cases of contempt in the face of the court.-

(1) In the case of a contempt committed in the face of the court, if the accused, persists in disorderly conduct, the court may direct that he leaves the court room, and, failing compliance, may further direct that he be physically removed from the court room.

(2) In all cases of contempt in the face of the court, the judge shall pass an order in open court recording separately what was said or done by the accused person and what was observed by the judge and shall, if he is not the Chief Justice, refer the matter to the Chief Justice, and, if he is the Chief Justice, to the senior most available judge of a the court, who shall either hear and decide the matter himself or refer it to some other judge for disposal; Provided that it shall not be necessary for the matter to be so referred if the accused person requests in writing that it be decided by the judge before whom the contempt, or alleged contempt, was committed.

### 3) Criminal contempt

Criminal contempt means the doing of any act with intent to, or having the effect of, obstructing the administration of justice

#### Criminal contempt when committed

A criminal contempt shall be deemed to have been committed if a person:

- (a) Attempts to influence a witness by intimidation or improper inducement, not to give evidence, or not to tell the truth in any legal proceeding;
- (b) Offers an improper inducement, or attempts to intimidate a judge, in order to secure a favorable verdict in any legal proceedings;
- (c) commits any other act with intent to divert the course of justice.

#### Who may move superior court to punish contemnor for criminal contempt?

In the case of a criminal contempt a superior court may take action;

- (i) Suo Motu (superior court itself if satisfied that criminal contempt has actually been committed by the contemnor), or
- (ii) On the initiative of any person connected with the proceedings in which the alleged contempt has been committed, or
- (iii) On the application of the law officer of a provincial or the federal government.

### 4) Judicial contempt

Judicial contempt means the scandalisation of a court and includes personalized criticism of a judge while holding office;

Personalized criticism means a criticism of a judge or a judgment in which improper motives are imputed. Personalized criticism of a specific judge, or judges, may constitute judicial contempt except if made in good faith.

Suit for defamation a judge who has been criticized by some contemnor also has a right to file a suit for defamation against that contemnor.

**Who will hear the case of 'Judicial contempt'?**

Judicial contempt proceedings initiated by a judge, or relating to a judge, shall not be heard by the said judge, but shall (unless he is himself the Chief Justice) be referred to the *Chief Justice*, who may hear the same personally or refer it to some other judge, and, in a case in which the judge himself is the Chief Justice, shall be referred to the senior most judge available for disposal similarly.

**Time period for hearing of case of judicial contempt:**

No proceedings for judicial contempt shall be initiated after the expiry of one year.

**Which Court May Punish under Contempt of Court:**

- Every superior court (Supreme Court or a High Court) shall have the power to punish a contempt committed in relation to it.
- Every High Court shall have the power to punish a contempt committed in relation to any court subordinate to it.

**Punishment for contempt of court**

Any person who commits contempt of court shall be punished with imprisonment which may extend to six months simple imprisonment, or with fine which may extend to one hundred thousand rupees, or with both.

**Remittance of sentence on apology**

A person accused of having committed contempt of court may, at any stage, submit an apology and the court, if satisfied that it is bona fide, may discharge him or remit his sentence.

**EXCEPTIONS TO THE APPLICATION OF CONTEMPT OF COURT:**

Contempt of court does not apply in the following cases:

**1) Fair Reporting**

Fair reporting will not constitute contempt of court. The publication of a substantially accurate account of what has transpired in a court, or of legal proceedings, shall not constitute contempt of court.

However, the court may, for reasons to be recorded in writing, in the interest of justice, prohibit the publication of information pertaining to legal proceedings.

**2) Parliamentary speech:**

Nothing contained in this Ordinance or any other law is intended to stifle discussion in the Majlis-e-Shoora (parliament) or a Provincial Assembly on any matter of public importance without criticism of the conduct of a judge in the discharge of his duties.

**3) Innocent publication:**

No person shall be guilty of contempt of court for making any statement, or publishing any material, pertaining to any matter which forms the subject of pending proceedings, if he was not aware of the pendency thereof.

**4) Protected statements:**

No proceedings for contempt of court shall lie in relation to the following:-

- (i) Observations made by a higher or appellate court in a judicial order or judgment;
- (ii) remarks made in an administrative capacity by any authority in the course of official business, including those in connection with a disciplinary inquiry or in an inspection note or a character roll or confidential report; and
- (iii) A true statement regarding the conduct of a judge in a matter not connected with the performance of his judicial functions.

**5) Amicus briefs (briefs/discussions helpful for courts)**

In any case pending in a superior court in which issues of public importance are involved, it shall be open to persons or organizations other than the parties to the litigation to file, with the permission of the court, amicus briefs *confined to the legal issues* arising in the case and the said briefs may contain such submissions as are legally relevant.

**Initiation of Proceedings for Contempt of Court:**

Proceedings in cases of contempt shall be commenced by the issuance of a notice, or a show-cause notice, at the discretion of the court.

If, after giving the alleged contemnor an opportunity of a preliminary hearing, the court is prima facie satisfied that the interest of justice so requires, it shall fix a date for framing a charge in open court and proceed to decide the matter either on that date, or on a subsequent date or dates, on the basis of affidavits, or after recording evidence.

**Appeal against Orders passed by a superior court in cases of contempt:**

Orders passed by a superior court in cases of contempt shall be appealable in the following manner:-

- (i) In the case of an order passed by a single judge of a High Court, an intra-court appeal shall lie to a bench of two or more judges;
- (ii) In a case in which the original order has been passed by a division or large bench of a High Court, an appeal as of right shall lie to the Supreme Court; and
- (iii) In the case of an original order passed by a bench of the Supreme Court, an intra-court appeal shall lie to a larger bench of the court.

**The period of filing an appeal**

The period of filing an appeal shall be thirty (30) days.

**Objectives of Punishment of Contempt of Court:**

- Contempt of court serves the primary function of protecting the integrity of court proceedings
- The fine or jailing is meant to coerce the contemnor into obeying the court, not to punish him, and the contemnor will be released from jail just as soon as he complies with the court order.

**What Amounts to Contempt of Court? (w.r.t Media)**

A publication must create a substantial risk of serious prejudice to the course of justice for it to amount to contempt? In determining whether a publication has created a substantial risk of serious prejudice, the courts will consider all the circumstances surrounding the publication and the proceedings in question. It is clear that for a publication to be contempt a slight or trivial risk of serious prejudice is not enough nor is a substantial risk of slight prejudice.

In making an assessment of whether the publication does create a substantial risk of serious prejudice the court will consider:

- The likelihood of the publication coming to the attention of a potential juror.
- The likely impact of the publication on an ordinary reader at the time of publication.
- The residual impact of the publication on a notional juror at the time of trial.

In assessing the likelihood of a publication coming to the attention of a potential juror, the court will consider whether the publication is distributed in the area from which jurors are likely to be drawn and the number of copies circulated.

In assessing the likely impact of the publication on an ordinary reader, the court will consider the prominence of the article in the publication and the novelty of the content of the article in the context of likely readers.

The court will also take into account the length of time between publication and the likely date of trial, the focusing effect of listening over a prolonged period to evidence in a case, and the likely effect of the judge's directions to a jury.

## DEFAMATION

Defamation is an injury to the reputation or character of someone resulting from the false statements or actions of another. Defamation is a false attack on your good name. Your good name is regarded as a proprietary interest, not a personal interest. Defamation is an improper and unlawful attack against your proprietary right to your good name, your reputation.

By definition anyone “who communicated the slanderous Peebles paper was committing defamation. It does not matter whether they were aware of what the paper said, or if they were not aware of the law. The simple act is defamation. It does not matter what form the act takes, verbal or written (publishing).

### Defamation Law

In law, defamation (also called vilification, slander, and libel) is the communication of a statement that makes a false claim, expressively stated or implied to be factual, that may harm the reputation of an individual, business, product, group, government or nation. Most jurisdictions allow legal actions, civil and/or criminal, to deter various kinds of defamation and retaliate against groundless criticism.

Defamation law is supposed to balance the private right to protect one’s reputation with the public right to freedom of speech. The law allows people and organizations to sue those who say or publish false and malicious comments. Anything that brings a person into contempt, disrepute or ridicule, or otherwise injures the person’s reputation, is likely to be defamatory.

Defamation law is an extremely slow, expensive and unreliable way to address injuries to reputation.

Cases often take years to progress through the legal process and, if they run in court, can cost hundreds of thousands of dollars. Decisions are often dependent on esoteric legal points rather than the substance of what happened.

Finally, the normal remedy for successful litigants, a payment to the defamed party, does not in itself redresses the injury to reputation. The reality is that defamatory comments occur all the time but the law is seldom an effective means to obtain redress.

### History

In the later Roman jurisprudence, from which many of modern laws descend, verbal defamations are dealt with in the edict under two heads. The first comprehended defamatory and injurious statements made in a public manner (*convicium contra bonos mores*). In this case the essence of the offense lay in the unwarrantable public proclamation. In such a case the truth of the statements was no justification for the unnecessarily public and insulting manner in which they had been made. The second head included defamatory statements made in private, and in this case the offense lay in the imputation itself, not in the manner of its publication. The truth was therefore a sufficient defense, for no man had a right to demand legal protection for a false reputation. Even belief in the truth was enough, because it took away the intention which was essential to the notion of *injuria*.

The law thus aimed at giving sufficient scope for the discussion of a man's character, while it protected him from needless insult and pain. The remedy for verbal defamation was long confined to a civil action for a monetary penalty, which was estimated according to the significance of the case, and which, although vindictive in its character, doubtless included practically the element of compensation. But a new remedy was introduced with the extension of the criminal law, under which many kinds of defamation were punished with great severity. At the same time increased importance attached to the publication of defamatory books and writings, the *libri* or *libelli famosi*, from which we derive our modern use of the word *libel*; and under the later emperors the latter term came to be specially applied to anonymous accusations or *pasquils*, the dissemination of which was regarded as particularly dangerous, and visited with very severe punishment, whether the matter contained in them were true or false.

### Types of torts

Traditionally, there are two types of defamation but now another type has been added to it so there are three types of defamation.

### 1) Slander

Slander is the harmful statement in a transitory form, especially speech. Slander is oral defamation, such as from stories told at a meeting or comments in a telephone conversation.

Slander is a term describing defamation that you hear, not see, usually in the form of someone talking trash about you or spreading or repeating lies and unfounded rumor.

Slander is an oral statement that tends to injure you in respect to your office, profession, trade or business. The statement or statements generally suggest that you lack integrity, honesty, incompetence, or that you possess other reprehensible personal characteristics.

### 2) Libel

Libel is the harmful statement in a fixed medium, especially writing but also a picture, sign, or electronic broadcast, each of which gives a common law right of action.

Libel is published defamation, such as a newspaper article or television broadcast. Pictures as well as words can be libelous. Defamation on the Web or e-mail is a type of libel.

Libel exposes or subjects you to hatred, contempt, ridicule, or disgrace, or causes you to be shunned or avoided, or injures you in your occupation.

"Defamation" is the general term used internationally, and is used in this article where it is not necessary to distinguish between "slander" and "libel". Libel and slander both require publication. The fundamental distinction between libel and slander lies solely in the *form* in which the defamatory matter is published. If the offending material is published in some fleeting form, as by spoken words or sounds, sign language, gestures and the like, then this is slander. If it is published in more durable form, for example in written words, film, compact disc (CD), DVD, blogging and the like, then it is considered libel.

### 3) Criminal defamation

Many nations have criminal penalties for defamation in some situations, and different conditions for determining whether an offense has occurred. ARTICLE 19, Global Campaign for Free Expression, has published global maps charting the existence of criminal defamation law across the globe. The law is used predominantly to defend political leaders or functionaries of the state.

### Defamation and freedom of speech

Strict defamation laws may come into tension with freedom of speech, leading to censorship or chilling effects where publishers fear lawsuits. Human rights organizations, and other organizations such as the Council of Europe and Organization for Security and Co-operation in Europe, have campaigned against strict defamation laws, especially those that criminalize defamation.

One of the most common ways that defamation law is used to suppress free speech is through threats, which are far more common than actual lawsuits. Even cases lodged in court seldom come to trial, with many dropped along the way. But publishers are understandably reluctant to take the risk of a costly court case and hence in many instances a threat leads to blocking of publication. Even more insidious than threats is the fear of being sued, leading to a form of self-censorship.

Some editors and publishers avoid anything controversial for fear of offending potential litigants. The Net sidesteps these problems by allowing self-publication. The author just sets up a Web site or sends e-mails to recipients.

### Defenses

Even if a statement is derogatory, there are circumstances in which such statements are permissible in law.

### Truth

In many legal systems, adverse public statements about legal citizens presented as fact must be proven false to be defamatory or slanderous/libel. Proving adverse, public character statements to be true is often the best defense against a prosecution for libel or defamation.

Statements of opinion that cannot be proven true or false will likely need to apply some other kind of defense. The use of the defense of justification has dangers, however; if the defendant libels the plaintiff and then runs the defense of truth and fails, he may be said to have aggravated the harm.

Another important aspect of defamation is the difference between fact and opinion. Statements made as "facts" are frequently actionable defamation. Statements of opinion or pure opinion are not actionable. In order to win damages in a libel case, the plaintiff must first show that the statements were "statements of fact or mixed statements of opinion and fact" and second that these statements were false. Conversely, a typical defense to defamation is that the statements are opinion. One of the major tests to distinguish whether a statement is fact or opinion is whether the statement can be proved true or false in a court of law. If the statement can be proved true or false, then, on that basis, the case will be heard by a jury to determine whether it is true or false. If the statement cannot be proved true or false, the court may dismiss the libel case without it ever going to a jury to find facts in the case.

In some systems, however, notably the Philippines, truth alone is not a defense. Some U.S. statutes preserve historical common law exceptions to the defense of truth to libel actions. These exceptions were for statements "tending to blacken the memory of one who is dead" or "expose the natural defects of one who is alive."

It is also necessary in these cases to show that there is a well-founded public interest in the specific information being widely known, and this may be the case even for public figures. Public interest is generally not "that which the public is interested in," but rather that which is in the interest of the public.

### **Privilege and malice**

Privilege provides a complete bar and answer to a defamation suit, though conditions may have to be met before this protection is granted.

There are two types of privilege in the common law tradition:

#### **Absolute privilege**

Absolute privilege has the effect that a statement cannot be sued on as defamatory, even if it were made maliciously; a typical example is evidence given in court (although this may give rise to different claims, such as an action for malicious prosecution or perjury) or statements made in a session of the legislature (known as 'Parliamentary privilege' in Commonwealth countries).

#### **Qualified privilege**

Qualified privilege may be available to the journalist as a defense in circumstances where it is considered important that the facts be known in the public interest; an example would be public meetings, local government documents, and information relating to public bodies such as the police and fire departments. Qualified privilege has the same effect as absolute privilege, but does not protect statements that can be proven to have been made with malicious intent.

#### **Other defenses**

##### **Statement made in a good faith and reasonable belief**

Statement made in a good faith and reasonable belief that they were true is generally treated the same as true statements; however, the court may inquire into the reasonableness of the belief. The degree of care expected will vary with the nature of the defendant: an ordinary person might safely rely on a single newspaper report, while the newspaper would be expected to carefully check multiple sources.

#### **Opinion**

Opinion is a defense recognized in nearly every jurisdiction. If the allegedly defamatory assertion is an expression of opinion rather than a statement of fact, defamation claims usually cannot be brought because opinions are inherently not falsifiable. However, some jurisdictions decline to recognize any legal distinction between fact and opinion. The United States Supreme Court, in particular, has ruled that the First Amendment does not require recognition of an opinion privilege.

**Fair comments on the matter of public interest**

Fair comments on the matter of public interest statements made with an honest belief in their truth on a matter of public interest (official acts) are defenses to a defamation claim, even if such arguments are logically unsound; if a reasonable person could honestly entertain such an opinion, the statement is protected.

**Innocent dissemination**

Innocent dissemination is a defense available when a defendant had no actual knowledge of the defamatory statement or no reason to believe the statement was defamatory. The defense can be defeated if the lack of knowledge was due to negligence. Thus, a delivery service cannot be held liable for delivering a sealed defamatory letter.

In addition to the above, the defendant may claim that the allegedly defamatory statement is not actually capable of being defamatory; an insulting statement that does not actually harm someone's reputation is prima facie not libelous.

**Why Commencing Defamation Action Is Not Always a Good Idea**

While people who are targeted by lies may well be angry enough to file a lawsuit, there are some very good reasons why actions for defamation may not be a good idea.

The publicity that results from a defamation lawsuit can create a greater audience for the false statements than they previously enjoyed. For example, if a newspaper or news show picks up the story of the lawsuit, false accusations that were previously known to only a small number of people may suddenly become known to the entire community, nation, or even to the world. As the media is much more apt to cover a lawsuit than to cover its ultimate resolution, the net effect may be that large numbers of people hear the false allegations, but never learn how the litigation was resolved.

Another big issue is that defamation cases tend to be difficult to win, and damage awards tend to be small. As a result, it is unusual for attorneys to be willing to take defamation cases on a contingent fee basis, and the fees expended in litigating even a successful defamation action can exceed the total recovery.

Another significant concern is that, even where the statements made by the defendant are entirely false, it may not be possible for a plaintiff to prove all of the elements of defamation. Most people will respond to news that a plaintiff lost a defamation lawsuit by concluding that the allegations were true.

In other words, the plaintiff in a defamation action may be required to expend a considerable amount of money to bring the action, may experience significant negative publicity which repeats the false accusations, and if unsuccessful in the litigation may cement into the public consciousness the belief that the defamatory accusations were true. While many plaintiffs will be able to successfully prosecute defamation actions, the possible downside should be considered when deciding whether or not such litigation should be attempted.

## LAWS RELATED TO ELECTRONIC MEDIA

### Pakistan Broadcasting Corporation

#### History

The Pakistan Broadcasting Corporation was formed on 14th August 1947 when Pakistan became independent. It was a direct descendant of the Indian Broadcasting Company which later became All India Radio. At independence Pakistan possessed three radio stations at Dhaka, Lahore and Peshawar. A major programme of expansion saw new stations opened at Karachi and Rawalpindi in 1948, and a new broadcasting house at Karachi in 1950. This was followed by further stations at Hyderabad (1951), Quetta (1956), a second station at Rawalpindi (1960) and a receiving centre at Peshawar (1960).

In 1970, training facilities were opened in Islamabad and a station opened at Multan. A major step was the establishment of the Radio Pakistan World Service on 21st April 1973 for overseas Pakistanis followed by new stations at Khairpur (1974) and Bahawalpur (1975).

The main broadcasting unit of PBC at Islamabad moved to the new National Broadcasting House in 1977 and the service reached the remotest parts of Pakistan with stations at Gilgit (1977) and Skardu (1977) in the far north and Turbat (1981) in the far southwest. From 1981 to 1982 stations and transmitters were also established at Dera Ismail Khan, Khuzdar and Faisalabad.

Radio Pakistan opened a new broadcasting house in Khairpur on 7th May 1986, followed by relay stations in 1989 at Sibi and Abbottabad. The remoter parts of the country began to receive coverage with new stations opened in the 1990s at Chitral, Loralai and Zhob. In 1997, the Federal Minister of Information inaugurated the computerisation of the PBC news processing system and availability of the news bulletins on the Internet in text and audio form.

In October 1998, Radio Pakistan started FM transmission and over the period 2002-2005, new FM stations were opened at Islamabad, Gwadar, Mianwali, Sargodha, Kohat, Bannu and Mithi.

#### PBC Services

The PBC provides several services including:

- Home Service (domestic network)
- World Service (for overseas Pakistanis)
- External Service
- PBC News
- News & Current Affairs Channel
- Sautul Qur'an (religious broadcasting)
- FM – 101 (service in major towns and cities)
- National Sound Archives

#### PBC News

The PBC News service broadcasts 149 news bulletins in 31 languages daily, covering world, national and regional news as well as sports, business and weather reports.

### PAKISTAN BROADCASTING CORPORATION ACT, 1973

An Act to establish a Pakistan Broadcasting Corporation [Gazette of Pakistan, Extraordinary, Part I, 9th Feb 1973]

The following Act of the National Assembly received the assent of President on the 9th February 1973, and is published for general information:

Whereas it is expedient to provide for the establishment of a Broadcasting Corporation to ensure effective operation and growth of broadcasting as a function-oriented public medium, general improvement in the quality of program speedy implementation of projects and better utilization\* of talent, and for matters connected therewith;

It is hereby enacted as follows:-

## **Preliminary**

### 1. Short title, extent and commencement.-

- (1) This Act may be called the Pakistan Broadcasting Corporation Act, 1973
- (2) It extends to the whole of Pakistan.
- (3) It shall come into force at once and shall be deemed to have taken effect on the twentieth day of December 1972.

### 2. Definitions.

In this Act, unless there is anything repugnant in the subject or context,

- (a) "Board" means the Board of Directors of a Corporation;
- (b) "Chairman" means the Chairman of the Board;
- (c) "Corporation" means the Pakistan Broadcasting Corporation published under section 3;
- (d) "Director" means a Director of the Corporation
- (e) "regulation" means a regulation made under the Act
- (f) "rule" means a rule made under this Act;
- (g) "station" means any production, receiving, or transmitting unit, and or mobile.

## **Establishment and incorporation of the Corporation**

### 3. Establishment of the Corporation.

- (1) As from the commencement of this Act, there shall be established a corporation to be called the Pakistan Broadcasting Corporation.
- (2) The Corporation shall be a body corporate by the name of the Pakistan Broadcasting Corporation, having perpetual succession and a common seal, with power to hold and dispose of property, and shall by the said name sue and be sued.

## **Management**

### 4. The Board.

- (1) The general direction and the administration of the sales of the Corporation shall vest in a Board, to be constituted in accordance with the provisions of
- (2) The Board shall consist of the following Directors, namely.
  - (a) The Chairman of the Board, to be appointed by the Federal Government; and
  - (b) Not more than seven other Directors, of whom one shall be the Director-General and one the Finance Director, to be appointed by the Federal Government.
- (3) In particular and without prejudice to the generality of the provisions in subsection (1), the Board shall have full powers with regard to
  - (a) The preparation of the annual revenue budget of the Corporation and approval of that budget and expenditure not included in its annual budget or capital and development expenditure;

## **MEDIA AND THE MASS COMMUNICATION LAWS OF PAKISTAN**

- (b) the formulating and implementing of all program and policies;
- (c) the making of plans for technical development within the country for promotion of the Corporation's interest abroad.

### 5. Qualifications of Directors and term of office.

- (1) Director, other than the Finance Director, shall be a person with experience in the field of broadcasting and public information media.
- (2) A Director shall hold office during the pleasure of the Federal Government.

(3) A Director may at any time, by writing under his hand addressed letter to the Federal Government, resign his office but he shall continue to perform his functions until his resignation has been accepted by the Federal Government.

### **6. Removal of Directors.**

The Federal Government may by notification in the official Gazette, remove a Director other than the Chairman if-

- (a) He refused or fails to discharge, or becomes, in the opinion of the Federal Government, incapable of discharging his responsibilities as Director; or
- (b) He is adjudged an insolvent by a competent Court; or
- (c) He is declared to be disqualified for employment in, or has been dismissed from, the service of Pakistan; or
- (d) He is convicted of an offence involving moral turpitude.

### **7. Meetings of the Board.**

(1) The Board shall meet at such time and at such place as may be prescribed by regulations: Provided that not less than one meeting of the Board shall be held every month.

(2) To constitute a quorum at a meeting of the Board, the Chairman or in his absence a Director authorized by him, and two other Directors shall be present.

(3) The Chairman, or in his absence a Director authorized by him, shall preside at the meetings of the Board.

### **Function of the Corporation**

(1) The functions of the Corporation shall be-

(a) to provide broadcasting services for general reception in all parts of Pakistan and the territorial waters thereof and on board ships and aircrafts (such services being hereafter referred to as Home Services), in other countries and places (such services being hereafter referred to as External Services) for the purposes of disseminating information education and entertainment through programmes which maintain a proper balance in their subject-matter and a high general standard of quality in morality;

(b) to broadcast such programmes as may promote Islamic ideology national unity and principles of democracy, freedom, equality, tolerance, social justice as enunciated by Islam discourage parochial, racial, tribal, sectarian, linguistic and provincial prejudices and reflect the hopes and aspirations of the people of Pakistan;

(c) To broadcast through the Home Services such special programmes as the Federal Government may, from time to time, direct;

(d) To broadcast programmes in the External Services to such countries and in such languages and at such times as the Federal Government may from time to time direct;

(e) To bring to public awareness the whole range of significant activity as to present news or events in as factual, accurate and impartial a manner as possible;

(f) to carry out instructions of the Federal Government with regard to general pattern or policies in respect of programmes, announcements and as to be put out on the air from time to time;

(g) To hold the existing, and to construct or acquire and establish or install additional stations and apparatus;

(h) To hold the existing, and to construct or acquire additional, equipment and apparatus for telephony in Pakistan for purposes of broadcasting;

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(i) to compile, prepare, print, publish, issue, circulate and distribute, with or without charge, such papers, magazines, periodicals, books, circulars and other such matter as may be conducive to any of the functions of the Corporation; and

(j) to collect news and information in any part of the world in any manner that may be deemed fit.

(2) In the discharge of its functions the Corporation shall be guided on questions of policy by the instructions, if any, given to it from time to time by the Federal Government which shall be the sole judge as to whether a question is a question of policy.

**PAKISTAN ELECTRONIC MEDIA REGULATORY AUTHORITY  
(PEMRA)**

The Pakistan Electronic Media Regulatory Authority (PEMRA) is a regulatory body established by Pakistan on 1 March 2002.

The PEMRA (Pakistan Electronic Media Regulatory Authority) Ordinance 2002 allows the establishment of an umbrella body that will issue licenses to broadcasters who have been labeled as broadcast media operators. The move is meant to bring in the element of 'transparency and an invisible system of accountability through media available at local community, provincial, national, and international levels.' This spells competition not only for the three state controlled channels in the country, but also to those from across the border that beam their programmes into Pakistan, and have a loyal following.

The PEMRA will have a chairman and nine members who will be Presidential appointees, with the chairman being a prominent professional. Five of the PEMRA members are to be chosen from the private sector, including two women, with credentials in the media, law, human rights and social services.

The umbrella body is to also have three ex-officio members - the secretaries of Information and Interior and the chairman, Pakistan Telecommunication Authority.

The PEMRA has the responsibility of regulating the setting up and operation of all broadcast stations including radio and television and cable TV in the country. The Pakistan government is slated to provide it with seed money initially, but it will have to generate revenues through licensing fees and subscription. CATV Networks, which were earlier supervised by the ministries of Information and Media Development and Science and Technology, have been brought into the fold of this law and the Pakistan Telecommunication Authority will continue to guide and support its technical side.

The PEMRA Ordinance includes a Code of Conduct for media broadcasters and CATV operators to ensure decency and responsibility, and a clause stipulating that programming content of broadcasts is to be strictly and regularly monitored. A council of complaints has also been provided in the law to respond to people's complaints, and recommendations for disciplinary action against broadcasters violating the code of ethics and other provisions of the law have also been provided.

**Functions of the Authority**

The Authority is responsible for facilitating and regulating the establishment and operation of all private broadcast media and distribution services in Pakistan established for the purpose of international, national, provincial, district, and local or special target audiences.

**PEMRA's Mandate**

- Improve the standards of information, education and entertainment;
- Enlarge the choice available to the people of Pakistan in the media for news, current affairs, religious knowledge, art, culture, science, technology, economic development, social sector concerns, music, sports, drama and other subjects of public and national interest ;
- Facilitate the devolution of responsibility and power to the grass roots by improving the access of the people to mass media at the local and community level ;
- Ensure accountability, transparency and good governance by optimization the free flow of information.

**PAKISTAN ELECTRONIC MEDIA REGULATORY AUTHORITY  
(PEMRA) Rules, 2002**

In exercise of the powers conferred under Sub-section (1) of Section 39 of the Pakistan Electronic Media Regulatory Authority (PEMRA) Ordinance, 2002, the Pakistan Electronic Media Regulatory Authority, with the approval of the Federal Government, is pleased to make the following rules

**Short Title and Commencement**

- These rules shall be called The Pakistan Electronic Media Regulatory Authority (PEMRA) Rules, 2002
- They shall come into force at once

**Definitions**

1) In these Rules, unless there is anything repugnant in the subject or context

- a)"code" means the Code of Conduct for Media Broadcasts, contained in schedule annexed to these rules
- (b)"Federal Government" means the Ministry of Information and Media Development;
- (c)"form" means the application form set out in the Schedule annexed to these rules;
- (d)"Ordinance" means the Pakistan Electronic Media Regulatory Authority Ordinance, 2002
- (e)"Council" means the Council of Complaints established under the Ordinance;
- (f)"rules" means the rules made, from time to time, under the PEMRA Ordinance, 2002;
- (g)"applicable license fee" means the license fee determined through the bidding and to be paid by a successful applicant at the time of issuance of the license;
- (h)"subscriber" means a person who receives the signal of a cable television system at a place indicated by him to the cable television operator without further transmitting it to any other person;
- (i)"cable service" means the transmission or re-transmission of audio-visual programmes by cables or by MMDS;
- (j)"cable television system" means a system for distribution of radio and television programmes through a set of closed transmission paths, including terrestrial wireless, for reception by multiple subscribers, comprising: coaxial or fiber-optic cable; trunk amplifiers; line extender amplifiers; return amplifiers; line isolators; passive devices; connectors and subscriber-drops;
- (k)"head-end" means a specific location for receiving and processing the programming service for further transmission or distribution to the subscribers;
- (l)"cable television operator" means any person who provides service through a cable television system or otherwise controls or is responsible for the management and operation of a cable television system;
- (m)"service point" means a system outlet on the system which may be used for monitoring the system parameters;
- (n)"TV de-scrambler or decoder service" means the reception of programmes through satellite or other means of telecommunication, by using TV de-scramblers or decoders, and transmitting to the subscribers;
- (o)"TV de-scramblers or decoders" means the equipment used to receive the television de-scrambler or decoder service;
- (p)"MMDS" means Multi-channel Multi-distribution Service to transmit audio-video signals through satellite or other wireless telecommunication devices;
- (q)"up linking" means transmission of audio-video signal from ground transmission facility to a satellite, in order to transmit any programme within or outside Pakistan;
- (r)"set-top box" means a device for receiving and decoding encrypted television signal for onward transmission to the subscribers;
- (s)"proprietary radio set" means a radio signal receiving apparatus, sold or provided by the owner of a radio channel, designed to exclusively receive his transmissions;
- (t)" foreign broadcasting service" means a broadcasting service which is transmitted from outside Pakistan and is received in Pakistan;
- (u)"programme" means any systematic audio, visual or audio-visual live performance or presentation, or live transmission of films, features, dramas, advertisements and serials relayed or distributed through recognized broadcast or cable TV station;
- (v)"illegal operation" means the operation of broadcast station or cable TV system, without having a valid licence from the Authority; and
- (w)"schedule" means the Schedule annexed to these rules

(2) Words and phrases used but not defined in these rules, unless the context otherwise requires, shall have the meanings assigned to them in the Ordinance

**Categories of broadcast and cable TV network licenses**

(1) There shall be six categories of licenses, namely:

- I International scale stations;
- II National scale station;
- III Provincial scale station;
- IV Local area/community based stations;
- V Specific and specialized subject stations; and
- VI Cable television network stations

(2) Within the categories specified in sub-rule (1), the Authority may divide each category into further sub-categories as may be required

**Duration and renewal**

- (1) The license shall be granted for period of five, ten or fifteen years
- (2) The license shall be valid for the term for which it is granted subject to the payment of the annual fee, as specified in the Schedule annexed to these rules
- (3) The fee shall be deposited in the account of the Authority for all applications for issuance, or as the case may be, renewal or revalidation of a license

**Criteria for evaluating license application**

Applications for the grant of a license shall, in the first instance, be short listed by using the following criteria; namely:

- I economic viability;
- II technical competence;
- III financial capability;
- IV credibility and track record;
- V extent of Pakistani share in ownership;
- VI prospects of technical progress and introduction of new technology
- Vii market advancement, such as improved service features or market concepts;
- Viii contribution to universal service objectives; and
- Ix contribution to other social and economic development objectives

**CODE OF CONDUCT FOR MEDIA BROADCASTERS/CABLE TV OPERATORS****Programmes. -**

- (1) No programme shall be aired or distributed which:
  - (a) Passes derogatory remarks about any religion or sect or community or uses visuals or words contemptuous of religious sects and ethnic groups or which promotes communal and sectarian attitudes or disharmony;
  - (b) contains anything pornographic, obscene or indecent or is likely to deprave, corrupt or injure the public morality;
  - (c) contains an abusive comment that, when taken in context, tends to or is likely to expose an individual or a group or class of individuals to hatred or contempt on the basis of race or caste, national, ethnic or linguistic origin, colour or religion or sect, sex, sexual orientation, age or mental or physical disability;
  - (d) contains anything defamatory or knowingly false;
  - (e) is likely to encourage and incite violence or contains anything against maintenance of law and order or which promotes anti-national or anti-state attitudes.
  - (f) Contains anything amounting to contempt of court
  - (g) contains aspersions against the Judiciary and integrity of the Armed Forces of Pakistan,
  - (h) Maligns or slanders any individual in person or certain groups, segments of social, public and moral life of the country.
  - (i) Is against basic cultural values, morality and good manners.
  - (j) Brings into contempt Pakistan or its people or tends to undermine its integrity or solidarity as an independent and sovereign country.
  - (k) Promotes, aids or abets any offence which is cognizable under the Pakistan Penal Code.

(2) Denigrates men or women through the depiction' any manner of the figure, in such a way as to have the effect of being indecent or derogatory;

(m) Denigrates children;

(n) Contains anything which tends to glorify crime criminals; or

(o) Contains material which may be detrimental Pakistan's relations with friendly countries.

(3)Particular care should be taken to ensure that programmes meant for children do not contain objectionable language or are disrespectful to t parents or elders.

(4)Programmes must not be directed against the sanctity of home, family and marital harmony.

(5)While reporting the proceedings of the Parliament or the Provincial Assemblies, such portion of the proceedings as the Chairman or the Speaker may have ordered to be expunged, shall not be broadcast or distributed any every effort shall be made to release a fair account of the proceedings of the Parliament or the Provincial Assemblies.

