

## PRESS RELEASE

### MEDIA DEFENDS FREEDOM OF EXPRESSION

***“Karachi: Wednesday April 19, 2017: The Pakistan Broadcasters Association (PBA), represented through Barrister Syed Ali Zafar, has denied the allegation contained in the writ petition that the Pakistani media is broadcasting indecent, immoral material. The writ petition has called upon the Islamabad High Court to censor the TV channels so that no shows, dramas and advertisements fall within the purview of obscenity. In pursuance of this, Mr. Justice Shaukat Aziz Siddiqui has already constituted a Committee comprising of Secretary, Ministry of Information & Broadcasting, Chairman PEMRA, D.G. Technical PEMRA, Mr. Afnan Karim Kundi, Additional Attorney General for Pakistan and Mr. Ansar Abbasi, journalist with a media group “....to submit a report as to whether contents being played are within the limits prescribed by the Constitution....and highlight the violations with proposed actions against the responsible channels, hosts and guests etc...”***

*Being aggrieved by the said order and the writ petition, the PBA, acting through Barrister Syed Ali Zafar, has filed an Intra Court Appeal and detailed reply before Justice Shaukat Aziz Siddiqui. Barrister Zafar has submitted that under Article 19 of the Constitution, the electronic media has a fundamental right of ‘freedom of speech and expression’ and ‘freedom of press’, while under Article 19A ‘every citizen shall have the right to have access to information’. Barrister Zafar submitted that freedom of expression means the freedom to express through the medium of shows, dramas and advertisements, and that the PBA and all its members have a duty and right to uphold and protect these most important basic freedoms which are essential for the progress and very existence of any vibrant, dynamic and informed culture and society like Pakistan. Further, because media is the fourth pillar of the state, Pakistani broadcasters must continue, in the best interest of the nation, to fulfill their right of informing and entertaining people. Explaining the concept of freedom of speech and press further, Barrister Zafar submitted that the right to impart and receive information and ideas is fundamental to a free society and the protection given to speech and press is to assure unfettered exchange of ideas for bringing about political and social changes desired by people. He argued that these rights are the only rights through which minorities too can have their voices heard and that is why it is a fundamental human right both in itself and due to the role it plays guaranteeing other rights.*

*Barrister Zafar submitted that the broadcasters are fully conscious of their responsibility to exercise their right of freedom of expression and freedom of*

*press in an honorable, dignified and mature manner. He submitted that each member of the PBA is obligated under the law and the Code, to ensure that the aforementioned content is not aired. In this regard, the Code is being complied with and the data (from February 2016 to March 2017) collected from PEMRA's official website and its official Twitter account shows that the Association and all its 87 members have transmitted 762,120 hours of transmission, and only 3 times have fine been imposed by PEMRA which clearly shows also that the members of PBA are clearly complying with the requirements of the Code. Only miniscule violations have taken place. He also submitted that all 87 members of the PBA have in place 'in-house monitoring committees' in compliance with Article 17 of the Code which are there to ensure that the content being broadcasted is not offensive.*

*Barrister Zafar has called such an attempt to involve the Courts as 'moral policing' and submitted that no Court has the jurisdiction to pass such an order in exercise of writ jurisdiction. He has also called into question the validity and legality of the Committee appointed by Islamabad High Court, and argued that such a Committee is contrary to the law and the Constitution, and that without the sanction of the Parliament no such committee can become a 'censor board' over what programmes are to be broadcasted. Such control in a democratic set up, where fundamental rights are in operation, cannot be allowed.*

*Further, Barrister Zafar argued that the constitution of the Committee amounts to legislation by the Court which, under the Constitution, cannot be done as legislation is the exclusive domain of the Parliament and the constitution of a Committee equivalent to a 'censorship board', without backing of law, is unconstitutional and against the principle of trichotomy of powers''.*

*Sincerely for,*  
**Pakistan Broadcasters Association**

**Muhammad Ali Butt**  
Executive Director