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 aresubject 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 pubic, 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.