

PEMRA Code Vs Media Practice, Perception of TV Journalists about Media Freedom in Pakistan

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Abstract: This study has been conducted to determine level of agreement between media practice by the top news channels and media code formulated by Pakistan Electronic Media Regulatory Authority (PEMRA) in 2015 in context of media freedom being exercised by the TV channels of Pakistan. The study is based on perception of the broadcast journalists working in newsrooms of the news channels. A survey was conducted to analyse perception of the professionals. As PEMRA code was formulated to control TV channels but the professionals don't think PEMRA code snub media freedom giving an impression of "responsible journalism" being practiced in the country.

Keywords: Media Freedom, PEMRA, Legal Pressure, Broadcast Journalists, News Channels, Newsroom, Media Practice, Editorial Autonomy.

INTRODUCTION

Media shapes public opinion but journalists shape media contents and the content is shaped in a legal environment of a country a regulatory authority determines media DOs and DON'Ts. Journalists have to face pressures of media code that may limit their media freedom or editorial autonomy during practice. In scholars view, freedom of media is directly linked with democracy as well as freedom from state. William Hachten [1] says media freedom is the right of media to report and to criticize without retaliation from the government [1]. Arvind Kumar also says that freedom from government control is needed, but it should not target professional autonomy of the media [2].

As democratic societies follow constitutions and Article 19 of the constitution of Islamic republic of Pakistan gives clear picture of media freedom in Pakistan. The article says, "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 defence of Pakistan or any part thereof, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court or incitement to an offence" [3].

Based on the constitution of Pakistan, PEMRA have formulated some rules for the license holders of news channels. In light of the PEMRA code, it is analysed whether practice of professional is in line with these principles? What are the areas where media practice is in line with the principles, where the practice is restricted and where the media practice is unruly? To what extent media are free in Pakistan? What are the areas where media converge crosses the limits of responsibility? What are the areas where journalists hesitates to exercise their freedom and in which areas media shows responsible sense of freedom for national interest as well as betterment of society?

According to Reporters Without Borders report quoted by Pakistani English daily *Dawn*, media in Pakistan were among the freest in Asia in covering political squabbles but also ranks 159th position as compared to the rest of the world [4]. Another study of The Institute of Business Management (IoBM), in collaboration with the United States Agency for International Development (USAID) quoted by *Dawn*, says "media in Pakistan is relatively independent, but the degree of responsibility it demonstrates falls shorter of its claims" [5].

LITERATURE REVIEW

Previous researchers have adopted different areas to study media freedom and editorial independence in Pakistan. Researchers worked on state of media freedom from journalists' perception to journalists-government relations, government influence on media content to public survey and analyzing contents based on previous findings at international and national level. For example, Siraj [6] analysed journalists' perception of media freedom based on pressmen and government relationship, concluding that successive regimes favor freedom of media but took U-turn when

transmitted content irritated the ruling classes and consequently the press was reproached. Ashraf and Arshad [7] in their study, *“Journalism Ethics: Evidence from Media Industry of Pakistan”* say Pakistani media lack in many ethics that are important to justify freedom of media. Riaz [8], in his study, *“Government Influence on Print Media Content in Pakistan: Pakistani Journalists' Perspective”* also conducted print media journalist survey and concluded that the government has a strong influence on print media content in Pakistan due to its advertising power.

Coming back to regulations, a question arises, is there any need for state regulations and political intervention for mass media? Scholars see the regulations a tool to curb media freedom but some scholars also view the regulations essential for media freedom. According to Freedom House report, *“License to Censor, The Use of Media Regulation to Restrict Press Freedom”*, published in 2011, regulation has surfaced as an important tool to restrict media freedom around the world. The report gives special reference to Pakistan and terms it a non-free status.

The report says, Media freedom is constrained by the legal and regulatory framework. A number of laws—including the constitution itself, criminal defamation laws, and the colonial-era Official Secrets Act—allow for curbs on freedom of expression on subjects including the armed forces, the judiciary, the government, religion, and national security issues. Some scholars favour media regulations for media freedom. Fiss [9] sees the media principles regulations in a public debate context. He sees public debate as an vital condition of democratic governments but for self-governance of a society, that debate is not enough. Therefore state interference and regulation(s) are required. He acknowledges risks may be involved in any political intervention, but the ends justify the means. Fiss also asserts that political intervention welfares the society as it may defends it from influential groups who may exploit laws for their personal goals.

Arguing regulations, Lichtenberg [10] debates that sometimes democratic country's commitment to establish free media may be misunderstood as tool to snub media freedom. He says that regulating and manipulating mass media may help establish free press. For instance, if the mass media try to deprive public debate on an issue, regulations can be established to achieve media freedom in this context.

Besides regulations, Asante [11] summaries that political and cultural environment of a country also controls the media. He also cites tools to control media as censorship, threat of lawsuits, harassment, media licensing requirements, hiring and firing of editors, rewards given by the regimes, decreases in advertisement support to mass media, and self-censorship.

Keeping in view all these situations, In which environment media should practice freedom? United Natiion Article 19 suggests in universal declaration of human rights in these words, “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers” (United Nations).

In case of Pakistan, it seems mass media have achieved a certain level of autonomy. Since the birth of private TV channels in Pakistan, control of state owned TV channel, Pakistan Television (PTV) on content broadcasting has come to an end. As Waseem [12] also argues that the growth of private TV channels has ended domination of the state owned broadcast. According to Gallup survey 2014, more than half of Pakistan's population has access to satellite TV channels transmitted through cable and national news market share is at third position in overall genre. Total population of Pakistan is 180 million and 26.5 million and total TV house holds are 21 million with 11.5 million cable connections [13].

John C. Merrill [14] says freedom is “the condition of being able to select and to carry out purposes”. He explains that there should be no external restrictions on freedom concluding that freedom should include both the freedoms i.e. negative and the positive freedom.

Can media enjoy full freedom? Clement Asante [11] does not think so. He says there are levels or degrees of the freedom and no country in the world has an absolute freedom of the press but different degrees of the freedom.

According to William Hachten [15] press freedom means “the right of the press to report, to comment on, and to criticise its own government without retaliation or threat of retaliation from the authority,” which he calls “the right to talk politics” [15]. Dennis and Merrill [16] see role of education by press freedom. According to them, freedom of the press is “the right to communicate ideas without government restraint”.

Moreover, research also suggests that journalism has become more interpretive and less descriptive across time, which may have increased the influence of journalists over media content in recent years [17]. In the study *“The Impact of Censorship on the Development of the Private Press Industry in Myanmar”*, Kyaw Thu after conduction survey of

working journalists regarding state sponsorship, concluded that censorship has had a huge impact in private press of Myanmar as it is controlled by the state with almost no room for watch-dog role. Censorship has destroyed impartiality of news and had weakened the role of media in democratization of society [18].

Research literature also indicates that journalistic autonomy is based on the liberty to speak and publish, and freedom from interference in that activity as well [19]. Autonomy also refers to the freedom that a professional has in performing duties at the level of journalistic practice [20]. As per Ornibring, autonomy also involves independence from other socio-political institutions in an institutional context [21].

Reich and Hanitzsch [20] also found that levels of media freedom practiced by the professionals are possible to predict based on journalists' perceptions of legal influences affecting their routine work.

Eun Suk SA [22] in his study, *Factors Influencing Freedom of the Press in South Korea: A Survey of Print Journalists' Opinions*, argued influence of media freedom is based on three factors, i.e. external, internal and legal. Whereas the legal proceedings was the largest media laws factor. The governments control media through regulations as C. L. LaMay [23] also suggests that 'government repression, outdated laws and emergency regulations' are limiting factors for media freedom. He also points out that religious suppression is a limiting factor for press freedom.

Sawant [24] says that media are essential for shaping of a free society. He says freedom of media in not only freedom from government but also from the forces that are more effective in practice to restrict the freedom of the media.

Scholars see media ethics as applied ethics where main focus is the application of ethical principles to the practice of news media. These media principles guide the journalists to keep responsible conduct [25]. Mian Ahmad Hanann [26] in their study "*Role of Media in Strengthening Democracy in Pakistan: Journalists' Perception*," analysed Pakistani journalists perception about media role in strengthening democracy. They concluded that Pakistani media are not playing a substantial role in strengthening democracy, whereas the finds gave no difference found between the senior and juniors journalists' about ownership influence on their work routines and professionalism.

Himelboim & Limor [27] explored perceptions of media Freedom by those who practice it: journalists and media organizations. After analyzing codes of ethics worldwide, the found that the concerned journalists opinion about their freedom is not necessarily related to with the level of freedom prevailing in their respective countries. The study also concluded that the codes of developing countries have more concern about the most fundamental freedoms of all.

Research Questions

In context of the previous literature, purpose of this study is to explore media freedom in Pakistan after assessing the association between PEMRA code of conduct and the journalists' practice. The newsroom editorial staff works as gate keeper that filters news in a legal environment of the state, so the following research questions need to be answered.

- Q.1.What is the association between PEMRA code and practice of editorial staff of news channels in Pakistan?
- Q.2.What are the issues where news channels content go in line with PEMRA code and where the channels do not follow the code?

METHODOLOGY

The study is quantitative in nature, research methodology is based on survey. To get perception of media professionals, survey method has been formulated. Questionnaire was distributed to the 200 newsroom staffers of top ten news channels of Pakistan. Purposive sample of the editorial staff was taken. The targeted channels were Express News, Samma, Geo News, ARY News, Dunya News, AAB TAK, AAJ News, Dawn News, News One and Ninety Two News based in Lahore and Karachi. The questionnaire has been formulated Likert scale and follows the steps of survey method of Reporters Without Borders. Method to measure media freedom was adopted from the Freedom House that analyses media freedom worldwide.

Sampling of journalists were was further narrowed down and only those broadcast journalists were approached who work in Head offices of these top ten channels based in Lahore and Karachi with minimum professional experience of five years. Following questions were asked from the targeted broadcast journalists.

Survey Questions

1. Any content that threatens democracy should also be filtered, Do you agree?
2. Glorification of terrorists or banned outfits should not be allowed on TV screen.

3. Hate speech and derogatory remarks against any sect or group should not be selected editorially
4. If news about terror operation by security forces lands from unofficial sources, it should not go on air?
5. When you edit defense related news, [Military operation or Army Chief Statement] Do you rely only to official source like ISPR?
6. If Speaker of Senate or Assemblies orders to expunge any portion of proceedings, it should not be broadcast?
7. News are clearly distinguished from commentary, opinion and analysis, but our media enjoys liberty to mix analysis in news?
8. News about judiciary are treated in neutral way, without angling or twisting the content.
9. Characters with smoking, drinking or taking narcotics should be brought to TV screen?
10. Our media are free enough to run visuals of a celebrity's private life without his/her consent?
11. Are media free enough to disclose piece of information regarding sub judiced matters?
12. Coverage of violence and crime may incite anti-social behavior, but mainstream TV channels broadcast the content freely.
13. Identification of victim of rape is revealed without prior permission of the victim.
14. During Live coverage do you prefer to use delay mechanism to avoid any objectionable portion of visual or sound bite?
15. Content that depicts sex offense or of seductive nature should not go on air?
16. News channels practice carelessness in airing violent content that may do harm to children.
17. Practice of journalism is prohibited or discouraged for gender?
18. Frightening content regarding children is broadcast freely by the mainstream TV channels.
19. No proper standards of language are maintained in news channels media content?
20. Advertisements are being run on TV screens that promoting obscenity

Data Analysis

This is the survey result of the Likert Scale questionnaire based on the research methodology of Freedom House. Descriptive statistics of the questions pain picture about the media freedom in Pakistan in context of legal environment.

As per PEMRA advice, anti-democratic content should not transmitted, so think the professionals, 56% respondents favour the restriction set by the PEMRA, as the following table shows.

It is a legal binding on TV channels not to glorify terrorists and same opinion prevails in professionals, as most of the respondents agree that glorification of terrorists should not be allowed as 87% of respondents favour the code in this scenario.

On hate speech media practice is also in line with the legal advice. 75% of the professionals agree that hate speech against any sect or group should be filtered editorially.

As PEMRA code says, "Licensee shall ensure that coverage of the activities in conflict zone are carried out in accordance with the guidelines issued by the concerned law enforcement agencies". The professionals also want the same. 59% of the respondents disagree that news channels should follow un-official sources.

In Defense related news, Official sources like ISPR are strongly followed as per directed in the PEMRA code. 78% of the respondents agree that source of defence related news should be strictly followed as prescribed by the legal clauses.

As legal environment of Pakistan restricts news channels to air portion of Assembly proceedings that has been expunged, but professionals don't think this practice should follow. 42% agree that these portions should be broadcast with 17% remained neutral and 40% disagree.

As per legal direction to the news channels, news should be clearly distinguished from commentary. But news channels don't follow the instructions, as 66% respondents say that media enjoys liberty to mix news and analysis.

PEMRA also confines news content to be neutral in covering judicial issues. And Same is the opinion of professionals as 56% of the respondents agree to this point of the code.

PEMRA code restricts smoking characters on TV screen and perception of professionals goes to the road. 65% of the respondents disagree that these characters should be brought to the screen. Following table also shows the data.

Ethically, running visuals of a celebrity's private life without consent is restricted, but 63% of the respondents agree that our media run this kind of content freely misusing its freedom.

Revealing piece of information on sub judiced matters is banned by PEMRA code but media practice is other way round. 84% of the respondents think that media is free enough to disclose piece of information on subjudiced matters.

But the question is whether news channels follow PEMRA code in running content regarding crime coverage? The answer is in NO. 63% of the respondents think that mainstream TV channels broadcast content regarding anti-social behavior freely.

Principally, Identification of victim of rape should not be revealed without prior permission of the victim. But in practice, more than 50% of the professionals think that news channels do not follow this restriction and broadcast this kind of content freely.

Similarly Identification of victims of sexual abuses, terrorism and kidnapping is also being revealed by the news channels ignoring PEMRA code on this issue. As 52%, 59% and 56% of the respondents think that identification of sexual abuse, terrorism and kidnapping should not go on-air without prior permission of the victims respectively as mentioned in the following three tables.

Technique of delay mechanism is strictly being followed by media practice as advised by the media principles as 74% respondents agree that it should be preferred to use delay mechanism to avoid any objectionable portion of visual or sound bite during live coverage.

As per law of the state, any content that depicts sex offense or of seductive nature should not go on air and same is the perception of professionals, as 73% of the respondents' opinion is in line with the media principles set by the PEMRA code on this matter.

Principally any content harmful to children should not be broadcast but in practice, situation is other way round, 66% respondents feel that news channels are careless in airing violent content that may do harm to children.

In light of the PEMRA code, practice of journalism is prohibited or discouraged for any gender. There should be no discrimination and 35% of the respondents also feel that media practice is also free from gender discrimination.

Frightening content regarding children is prohibited but majority of the professionals are neutral on this matter. 38% of the respondents did not give any opinion, whereas 36% think that this kind of content is transmitted freely on TV screens ignoring the principles, while only 26% think that TV channels don't show this kind of content.

Language does matter because it educates audience about the word being used and meanings associated with them. PEMRA code directs news channels to use standard language but the in practice, the situation is different. 44% of the respondents say that no proper standards of language are maintained in media content.

As per country's norms and culture, principally obscene advertisements should not be broadcasted but in practice, professionals see another situation. 51% of the respondents agree that TV commercials promote obscenity as shown in the following table.

Hate speech in different categories is strictly prohibited principally. And professionals also agree to abide by it legally and ethically. Professionals think that hate speech based on religion, ethnicity, color, race, gender, origin, caste, mental disability and physical disability is not been transmitted and media practice is in line with media principles in the category of hate speech. As data in the following tables shows that 60%, 48%, 55%, 46%, 57%, 51%, 52%, 55%, and 59% of the respondents think that news channels avoid to deliver content on hate speech based on religion, ethnicity, color, race, gender, origin, caste, mental disability and physical disability respectively.

DISCUSSION

There should be media freedom but in responsible way. Findings show that practicing journalists agree to the level of media freedom which is set by the PEMRA code. Practice of media coverage of judiciary, defense, gender discrimination, sex offense state ideology, hate speech and terrorism are in line with the PEMRA code. As Clement

Asante (1997) says there are levels or degrees of the freedom and no country in the world has an absolute freedom, Pakistani journalists also accept this degree of freedom.

William Hachten [1] sees media freedom a right of media to criticize without retaliation from the government, and Arvind Kumar [2] also sees government control without compromising professional autonomy, but findings of this study suggests that professionals don't even think that stopping criticism of state institutions and state ideology is curbing their right of freedom. But it cannot be concluded that why journalists agree to the PEMRA code it may be due to threat of retaliation a possible reason for the journalists to observe this code. Further studies may be conducted to ascertain why professionals think PEMRA code regarding state institutions and ideology should be followed.

As Hanann [26] said, Pakistani media are not playing a substantial role in strengthening democracy but findings of this study are contrary to the previous one. PEMRA suggests that advice anti-democratic content should not be transmitted, so think the professionals.

As PEMRA code 2015 is an important endeavor to come to an agreeable point with media practice, this study also strengthens Lichtenberg [10] debate who said regulating and manipulating mass media may help establish free press.

As Pakistan has been fighting war on terror since 9/11, PEMRA has advised channels not to glorify terrorists and same opinion prevails in professionals, as most of the respondents agree that glorification of terrorists should not be allowed.

Therefore technique of delay mechanism is strictly being followed by media practice as advised by the media principles. Similarly the professionals also think that coverage of the activities in conflict zone should be followed by the official sources to avoid any social disorder. Professional also agree that defence coverage should also be in line with the state laws. As in practice, official sources like ISPR is strongly followed as per directed in the PEMRA code.

Legal environment also confines news content to be neutral in covering judicial issues and same is the opinion of professionals. As per law of the state, any content that depicts sex offense or of seductive nature should not go on air and same is the perception of professionals. Similarly, practice of journalism is also prohibited or discouraged for any gender and professionals also agree to follow the instruction with opinion that media practice is also free from gender discrimination. On hate speech media practice is also in line with the legal advice. Hate speech in different categories is strictly prohibited principally. And professionals also agree to abide by it legally and ethically. Professionals think that hate speech based on religion, ethnicity, color, race, gender, origin, caste, mental disability and physical disability is not been transmitted and media practice is in line with media principles.

As per professional's perception, PEMERA rules are strictly followed by mainstream media on sensitive state issues but socially these rules are not being followed. Reasons may be the previous prosecutions of news channels to air content against accepted state values. News channels licenses has been suspended on anti-military, anti, judiciary and anti-religious coverage but not on many other ethical issues. A Study of IoBM and USAID on Pakistani media suggested that media in Pakistan are relatively independent, but the degree of responsibility it demonstrates falls shorter of its claims. The researcher study tells the areas where media does not show responsibility. As findings show that media practice do not follow PEMRA code on mostly social and cultural issues where "state is not directly involved". Media practice is not in line with principles in areas of "giving derogatory remarks against other groups, mixing news with analysis, exposing private life of celebrities, , broadcasting content that depicts anti-social behaviors, showing victims of rape and sexual abuses, delivering content harmful to children and using sub-standard language. On crime coverage, PEMRA has imposed restrictions to expose anti-social behavior but in perception of professionals, mainstream TV channels broadcast this kind of content freely.

Principally, identification of victim of rape, kidnapping, terrorism and sexual abuse, should not be revealed without prior permission of the victim, but in practice this principles are overlooked. Sometimes pictures of victims are blurred but sometimes it is not. Obscenity is being shown on mainstream media without any strong grip of PEMRA. Similarly, content harmful to children are also being broadcasted besides PEMRA restrictions. Sometimes content with hidden adult meanings or content having violence is broadcast freely. Same is the case with violent content, professionals feel that news material against commonly accepted social values and misleading content is also being projected which is misleading fir the children audience.

Hence the findings strengthens USAID and IoBM study results that say Pakistani media lacks responsibility in those areas where state is not directly involved.

Language is the most important tool in communications, but unfortunately most of the Urdu channels don't maintain good standard of language. As audience learn from the word used in by the mainstream channels as the language educates audience about the word being used and meanings associated with them, but channels say no to the standard. Besides PEMRA instructions to use standard language, majority of the respondents feel that no proper standards of language are maintained in media content.

In Freedom House report 2011 regulations were blamed to curb media freedom, the report termed Pakistan a non-free state. But broadcast journalists don't think so. Findings say that media practice is in agreeable sphere of freedom as set by PEMRA in areas where state and state ideology is involved but it breaks the sphere of freedom and even misuses free practice where state is not directly involved.

This study also supports Riaz [8] findings who said the government has a strong influence on media content in Pakistan due to its advertising power. Results under study also show that there is also no practice of news channels to cap the advertisements timings as important content is compromised owing to the influx of TV commercials and PEMRA don't take action may be for vested political interests. As per country's norms and culture, principally obscene advertisements should not be broadcasted but in practice, professionals see another situation.

Findings show that media professionals want to have full liberty to on-air every speech and activity of assembly proceedings. Possible reason may be as they are democratically elected lawmakers and are answerable to the voters. Hot debates and clashes are common in assembly proceedings but PEMRA restricts news channels to air portion of Assembly proceedings that has been expunged. But professionals don't agree to this principle in practice. Majority of the professionals think that these portions should be broadcast freely.

On social aspect, PEMRA code restricts smoking characters on TV screen but perception of professionals goes to the other road. As majority of the respondents think that media should be free enough to show these characters on the TV screen.

CONCLUSION

PEMRA code of conduct was evaluated to analyse legal influences on media freedom in Pakistan based on perception of practicing journalists. Overall impression of the journalists in that PEMRA code does not restrict media freedom.

As per the results of descriptive statistics, the researcher finds the computation mean value of 2.34. This value, as per the Likert scale, indicates that professionals working in TV newsrooms disagree that current PEMRA code affecting media practice in Pakistan. This indicator is below to neutral value that is 3 on Likert Scale from Strongly Disagree =1 To Strongly Agree =3.

Results implies that PEMRA code does not restrain media freedom in Pakistan. Results show that majority of the respondents agree that PEMRA code of conduct for electronic media are not a state tool to curtail media freedom in Pakistan rather the professionals agree to follow the code of conduct in those areas where state institutions specially defence forces and judiciary and state ideology is involved. Media practice does not follow PEMRA code on mostly social and cultural issues where state is not directly involved. Media practice does not correspondents to portion of assembly proceedings that has been expunged. Professionals think that these portions should be broadcast freely. Broadcast journalists agree to follow the level of freedom set by PEMRA code in those areas where state or its ideology is directly involved. Here it show sense of responsibility. But areas where state is not directly involved, i.e. cultural or ethical issues, media go unruly and break circle of responsibility.

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