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Right to Information, Media Ethics and Journalism: A Case Study of Pakistan

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Headings

- [Introduction](#)
- [Media Ethics, Responsibility and Quality Journalism](#)
- [Code of Ethics and Media Laws in Pakistan](#)
- [How Media Can Use RTI](#)
- [How can the Media Contribute to the RTI Movement](#)
- [Conclusion](#)
- [References](#)

Abstract

The independence of media signifies an open society based on democratic traditions rather than the dictates of one person. The press can only perform its duty if it is free and independent in its functions, like reporting its news and views. But like other freedoms, it should not be used as an unbridled weapon. It should be subjected to some limitations pro to the integrity of the state and welfare of the people. The media should respect the right of people involved in the news dissemination, follow the common standards of decency and be accountable for the accuracy of their news reports. Media is a double-edged sword. Media must be regulated through a well-thought-out legal regime which should shy away from clear censorship yet put a confine on the behaviour of media entities through a code of ethics, good business practices and improvement in the law of Torts, specifically damages.

Key Words: Right to Information, Media Independence, Journalism, Code of Ethics

Introduction

Press freedom or independence of media signifies an open society based on democratic traditions rather than the dictates of one person. The primary purpose of gathering and distributing news and opinions is to serve the general welfare by informing the people and enabling them to make judgments on the issues of the time. The press can only perform its duty if it is free and independent in its functions, like reporting its news and views. But like all freedoms, it should not be used as a license to kill but rather subject to some limitations pro to the integrity of the state national unity, upholds the national laws of the land and positively contributes towards social welfare. Media should respect the right of people involved in the news, follow the common standards of decency and put accountable to the public for the justice and accuracy of their news reports (Tilak, 2020). It is further opined that unless there is a clear and imperative need to

maintain confidence, sources of information should be identified (Christopher, 1997).

Responsible media helps to enhance public awareness about issues and help them to opt for a better option at the ballot boxes and holds the government answerable for its action to the people (Jahangir, 2011). But the other side of the picture presents a different view of the situation, which gives you an idea that the media is presently undermining the democracy in the country. The sensationalizing of situations to create chaos has become a major issue that every update news or statement, as Breaking News often without any follow-up or analysis of the report, just the running commentary. With the boom in electronic media, generally, staff came from print media like journalists, reporters, visual editors etc., without specific and sufficiently trained. Professionalism and ethical reporting are missing. A major area of concern is the lack of trained journalists who are not really aware of the ethics and contents of news

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productions, and even if they do, they don't follow it.

The media or press has emerged as a business or industry ([Dan, 2008](#)) but with a difference. As such, the burden of responsibility is more than in any other field. Besides legal, political or professional, the social aspect has paramount importance. As rightly said, "journalism is the mirror of the society," and whatever image the mirror reflect goes to the surroundings. Society expects journalism to serve the interest of the people. Therefore a truthful, comprehensive and intelligent version of the events is the key to responsibility. It must serve as a platform of a forum for the exchange of views and ideas ([Raza & Akbar, 2013](#)). The article at hand is part of the author's PhD research.

Media Ethics, Responsibility and Quality Journalism

The term media is not a monolithic term but is a multi-dimensional phenomenon, and so are its uses, involving multiple channels of communication, either narrow or broadcasting, managing and affecting different aspects of life in the form of news education, entrainment and various information on politics, economics, law, science culture and so on. It has acquired the status of the backbone of society in the context of information and knowledge by making people aware of and realizing the world around them and moulding their behaviours and thoughts. Recent technological developments, especially in the media milieu, have changed the shape and boundaries of media. Conventional media has integrated all the means of communication that existed prior to the internet via different devices such as social media and sharing platforms, email, mobile apps, web advertising websites and blogs, streaming audio and video, and chat rooms online communities. Faster than ever before, it reaches out to the world with just a click of a fingertip. The internet has introduced a new autonomous measure of communication, making it more interactive and easy ([Tilak 2020](#)).

The term ethics has come lately to mean learning to make rational choices between good and bad, what is morally permissible action and what is not. Further, it means distinguishing among

choices. All may be morally justifiable, but some more than others. The key word is Rationality. The ability to explain ethical choices is an important one for journalists for our purpose. According to article 19 of the Johannesburg Principles on National Security freedom of expression and access to information declaration, media organizations must treat information not as a commodity but as a fundamental right of the citizens ([Coliver et al., 1999](#)). The media should exploit neither the quality nor the substance of news or opinion for the purpose of boosting readership or audience figures in order to increase advertising revenue. The codes of ethics may vary from society to society or country to country, but all the codes have some common articles and clauses to a great extent ([Raza et al., 2013](#)). Ethics are often defined as a collection of moral ideals and pervasive social opinions that the majority of the population of given geography believes to be the correct version of behaviour. According to the Macquarie Dictionary of Australian English, "ethics is a system of decent ideologies by which individual movements and suggestions may be mediated right or wrong."

The "News" is central to the media and comprises an aggregate of data concerning connected and disparate happenings. However, the construction of news is directly related to some ethical concerns, such as the effects of its final broadcast should be in consonance with the moral and ethical norms of the society and lead to its progression and not the perversion of any kind. A news product bound by ethical restraints delivers the critical data necessary for arriving at the most appropriate decisions in a particular society. Ethics also father society's laws and regulations ([Tilak, 2020](#)). If laws and ethics are for everyone, then journalists and media are no exceptions. Ethics are moral rules or guidelines about how professional communicators should act in circumstances where their actions may have negative effects on others, and laws do not dictate behaviour. These guidelines can either be codes of ethical conduct explicitly created by professional organizations or represent a broad system of ethics prevailing in a particular society. To many commentators, media ethics actually refers to journalistic ethics, the moral conduct and behaviour of journalists doing their

work as news gatherers, editors, and disseminators of information to the masses.

The journalists at first are gatekeepers, and editor/editorial policy is second. They should know they are not to interfere in the private affairs of people or have no right to include his/her opinion in a news story published by a staff reporter or others. For the free flow of information of any kind, professional education, especially in the world of media, is preconditioning where the influence it holds more than everything else in any society. Education and training are mandatory at every level, not only the journalists but all the owners, stakeholders, and executive level decision makers (United Nations Educational, Scientific and Cultural Organization ([Toby Mendel, 2008](#))).

Legally a journalist is bound to be well aware of the press-related laws. The first area in which a journalist operates the freedom of expression is based on the idea that "people have the right to know" and that people have the right to say what they like. These are guarantees that are protected either constitutionally or through other laws. The enjoyment of any right, particularly freedom is limited by the rights of others. This area deals with civil wrongs (torts). The same law protects the reputation and privacy of a citizen. The law does not allow anyone to cross such limits by such protection (Nyazee, 2009). Therefore publications should avoid baselessly and manipulated material not only to safeguard oneself but the organization from legal violations. On the other hand, people's right to know is equally important and protected. It is, however, not a well exercised right; therefore, news and those responsible for its construction and broadcast have an added responsibility that the delivery of their product engenders interest in people to seek information easily and readily as common observation revealed that citizens are ignorant, in fact not sensitized of their right to know and media professionals are not interested in using this tool to gain the information ([Riaz & Taj, 2017](#)).

Code of Ethics and Media Laws in Pakistan

In the history of Pakistan, the media always tried to strengthen and revive the democracy in the state even when the media was not free under martial law and civil government. They have made

sacrifices that very few third-world countries have such histories where the press has contributed so much. For instance, in the Zia's regime, over 150 journalists were either tortured or arrested; the Pakistan Federal Union of Journalists (PFUJ) is a living example.

During the authoritarian administration of Field Marshal Ayub Khan promulgated the restrictive Press and Publication Ordinance 1963. Later a mild regulatory law, the Registration of Press and Publication Ordinance of 1988, replaced it as a consequence of the Federal Shariat Court judgment on a petition, which demanded an examination of the already existing ordinance of 1963.

Article 19 and now Article 19A (Pak. Const. amend. XVIII, 2010) of the Constitution of the Islamic Republic of Pakistan, besides guaranteeing the citizens' freedom of speech and expression and access to information, also protects freedom of the press subject to reasonable restrictions imposed by law in the interest of the glory of Islam, of the integrity, security and defence of Pakistan or any part thereof, friendly relations with foreign states, public order decency or morality or in relation to contempt of court defamation or incitement of any offence.

On May 22, 1993, the Newspaper Editors Council of Pakistan was formed with the object of safeguarding the freedom of the press and working freely for the growth of journalism in the state. The Council believes that the duty of editors/journalists is to serve the truth and that the agencies of mass communication are carriers of public discussions and information.

In 2002, the Press Council of Pakistan Ordinance was issued by then President Pervez Musharraf, provided with a mandate to implement 17 points "ethical code of practice" for the press by the establishment of 19 members council. Most of these points relate to the moral and ethical values of the journalistic profession. Until mid-2002, the country's electronic media was controlled mainly by the state. The PEMRA Ordinance 2002 was promulgated by the Military government of Pervez Musharraf with the objective of opening up the broadcast sector for private ownership. It was promulgated to regulate the establishment and

operation of all the broadcasters and cable television stations in Pakistan established for the purpose ([Raza & Akbar, 2013](#)).

Another important step was the freedom of information ordinance introduced in 2002, acknowledging citizens' right to know. However, the time frame for the release of information is 21 days, and the inclusion of courts and tribunals with those requirements of disclosing information spoils its true spirit. Further, the exemptions granted largely undermine the public's right to know. The ordinance provides a restrictive list of public records subject to disclosure rather than applying to all records held by public bodies.

There have been rising demands by the members of the press to amend the ordinance and pass legislation that obliges the government to give access to all forms of information, excluding those which are purposely restricted. There have been some developments in respecting the right to freedom of opinion and expression in South Asia, but the progress is restricted by laws giving the state the right to protect information and discourage open discussion on religious issues. Furthermore, the laws based on security need to be reviewed in the context where information can be received through electronic media or the internet. To make the right to information effective, it is necessary to draw some minimum guidelines. PEMRA Ordinance 2002 has mandated, amongst others, to make possible the devolution of responsibility and power to the grassroots by improving the access of the people to mass media at the local and community level and ensuring accountability, transparency and good governance by optimizing the free flow of information.

The law demands strict and subjective pre-requisites to be eligible for the license. A broadcaster or Cable TV operator under this ordinance must, along with others, undertake the following: a) Respect the sovereignty, security and integrity of Pakistan, b) Respect the national, cultural, social and religious values and the principles of public policy as enshrined in the constitution, and c) Ensure that programs and advertisements do not encourage violence, terrorism racial ethnic or religious discrimination, sectarianism extremism militancy or hatred or contains pornography or

other material offensive to commonly accepted standards of decency. The ordinance is also blamed as arbitrary and not in line with the international standard for a free flow of information and maintains the infamous system of licensing without defining eligibility in clear-cut terms. Furthermore, the ordinance is also silent on the old and constant public demand for the liberation of Pakistan broadcasting corporation and Pakistan Television Corporation from governmental control. The obligation imposed on private television channels to broadcast programs mandated by the authority appears to be a mechanism to arrange them for official propaganda and shows little respect or concern for the views, requirements and tastes of Pakistan's pluralist society ([Raza & Akbar, 2013](#)).

How Media Can Use RTI

Media persons require correct and up-to-date information to execute their task of reporting on issues of public interest and the performance of the legislature, judiciary and executive. Modern RTI legislation grants both electronic and print media an extraordinary level of access to the internal workings of government that allows the media to produce up-to-date fact-based reports on issues that were earlier either off-limits or about which confirmable information is not willingly available. The given examples point to many ways in which RTI can help the media to achieve their targets.

RTI is a controlling device in the hands of investigative journalists. Traditionally journalists, to get information to produce the investigative report on the inner working of the government, rely on their 'sources'. Thus the information they gain may often vary greatly in terms of value and accuracy depending on the source. This dependence on 'sources' is a problem, particularly for fresh competitors in the field of journalism who have not had the time to develop well-placed sources, unlike their senior contemporaries. Under the RTI, journalists are empowered to produce fact-based reports on government performance and issues of public interest. The example of Mr Naeem Sadiq, who is a management consultant and freelance writer on social issues, a citizen journalist and activist, is important in this regard as he was a wildlife and conservation activist who investigated

the annual hunting trips of Saudi princes to Sindh in pursuit of Houbara Bustards, an endangered species for which hunting licenses are in other cases strictly not granted. Under the Sindh Freedom of Information Ordinance 2006 and Article 19A of the Constitution, he filed an RTI request which was denied at first but later filed an appeal in the High Court on January 23, 2014, which then upheld his request and ordered the release of the required information. Mr Sadiq proceeded to file RTI requests on different issues like the nationality status of Members of the Parliament, the issue of illegal gun licenses in Sindh and ghost schools in Sindh on which he not only investigated but produced impactful and well-publicized reports.

With RTI, journalists, instead of exclusively relying on their sources, are provided with an alternative for obtaining and verifying information. A means to produce an accurate fact-based report on various issues of public interest and gauge the impact of their reports. Recently an investigative reporter used the FOI ordinance 2002 to investigate the case of income tax returns of parliamentarians to the Federal Board of Revenue (FBR) and Election Commission of Pakistan (ECP). Under the freedom of Information Ordinance request was submitted but received no response. Consequently, the report was produced on the basis of informal sources, but denial by the governmental bodies implies the mala fide intention on the government's side.

Most recently, the Pakistan Institute of Legislative Development and Transparency (PILDAT) successfully used RTI legislation to obtain attendance records of parliamentarians. An initial request was submitted in March 2013 to the National Assembly Secretariat, which was denied, and an appeal was filed to Federal Ombudsman. The Ombudsman upheld PILDAT's request in October 2013 and ordered the release of MNA attendance records. Responding to the order, an appeal was filed by the National Assembly Secretariat against this decision to the President of Pakistan. Against this decision, the issue remained pending until July 2015, when President Mamnoon Hussain ruled in PILDAT's favour and ordered the release of the records requested. Consequently, MNA attendance records started to be published

online on the National Assembly of Pakistan website on June 05, 2015. In the subsequent suit, the Senate of Pakistan has also initiated to share attendance records of Senators both in the plenary and in committees. Reporting on Irregularities and Issues of Public Interest In May 2008, even more experienced journalists like Mr Ansar Abbasi, who is a nationally-renowned reporter for The News and Daily Jang, benefitted from RTI legislations in his reporting while acquiring details about the lawyers appointed and fees paid to each lawyer within the Supreme Court in defence of President Pervez Musharraf's Presidential candidacy. It was later revealed that the fees were paid by the Ministry of Law and Justice from the national exchequer, even though the Federal Government was not a party to the case. Mr Abbasi published reports in English and Urdu based on his findings on July 14, 2008. Both reports attained countrywide coverage (TRI and the News Media, PILDAT Media).

Referring to the murder of a journalist between the years 2002-2013, the Pakistan Press Foundation, in March 2014, submitted a total of 60 RTI requests at the Federal and provincial levels regarding the status of police investigations into the issue. This request was submitted after many years of widespread attacks on journalists. While it is significant mentioning that the requests on the status of investigations into journalists' murders did not yield the required information, the submission of these requests formed the basis for advocacy on the issue and subsequent reporting that can lead to better outcomes.

How can the Media Contribute to the RTI Movement?

The media at present is one of the major contributors to educating people on their rights and responsibilities as a citizen of a democratic state and is considered the fourth pillar of the state. Highlighting issues of public interest and the performance of government enables citizens to make informed political choices and thus strengthen democracy. However, a strong media needs substantial freedoms for accessing and passing on information from control, a right that is guaranteed within a functioning democracy. Knowing that RTI is so critical to the effectual execution of democracy,

the media has to take a more active part in the continuing RTI reform movement in Pakistan. One of the grounds RTI legislation in Pakistan is so under-utilized is the need for public awareness and interest of media in the matter.

Taking the example of India, where media has been contributing a lot more to the country's RTI movement by participating with RTI activists and civil society, staff training on RTI and setting up RTI cells at bureau offices looking after for submitting and tracking RTI requests. This example can be followed by Pakistani media and contribute to the RTI movement in multiple ways. RTI movements and reporting on them in India has now escalated, for which initially media was reluctant but eventually, after the consolidation of mass support for RTI movements under the National Campaign for Peoples' Right to Information in 1996, the media took up the issue of RTI in a more consequential way, causing the pressure necessary for India's significant Right to Information Act 2005. Media advocacy on RTI-related issues has significantly contributed to public awareness of the issue and resulted in the extraordinary growth of RTI requests in India every year.

Coming to Pakistan, besides other media coverage, paved the way for one of the modern Pakistan RTI laws by the Khyber Pakhtoonkhwa (KP) government, which also gave confidence to the Punjab Government to advance its own RTI law. The KP Assembly passed, on June 23 2015, passed some disputed amendments to RTI ACT, 2013, which was at the time one of the progressive RTI legislation in Pakistan. The amendment excluded the KP Assembly from the RTI Act jurisdiction and reduced the powers of the RTI Commission. The amendment was heavily condemned by the media and other civil society institutes like PILDAT. On September 10 2015, another amendment was passed, bringing the KPK assembly within the jurisdiction of the RTI Act once again though the powers of the RTI commission still yet to be reversed. Media advocacy has been a helpful tool in rolling back one part of the controversial amendment in KPK, but for the rest, it is pertinent to argue the issue of the restoration of

the status of the information commission as, without an independent RTI commission, the proper implementation will suffer and anticipated ends can't be achieved in KP (PILDAT Media Brief, RTI, and the News Media).

Conclusion

The media at present is one of the major contributors to educating people on their rights and responsibilities as a citizen of a democratic state and is considered the fourth pillar of the state. The primary purpose of gathering and disseminating news and opinions is to serve the general welfare by informing the people and enabling them to make judgments on the issues of the time. Highlighting issues of public interest and the performance of government enables citizens to make informed political choices and thus strengthen democracy. However, a strong and responsible media needs substantial freedoms for accessing and passing on information from control, a right that is guaranteed within a functioning democracy. Knowing that RTI is so critical to the effectual execution of democracy, the media has to take a more active part in the continuing RTI reform movement in Pakistan. One of the grounds RTI legislation in Pakistan is so under-utilized is the need for public awareness and interest of media in the matter.

Media persons require correct and up-to-date information to execute their task of reporting on issues of public interest and the performance of the legislature, judiciary and executive. Modern RTI legislation grants both electronic and print media an extraordinary level of access to the internal workings of government that allows the media to produce up-to-date fact-based reports on issues that were earlier either off-limits or about which confirmable information is not willingly available. With RTI, journalists, instead of exclusively relying on their sources, are provided with an alternative for obtaining and verifying information. A means to produce an accurate fact-based report on various issues of public interest and gauge the impact of their reports. Positive and responsible use of freedom of information by media houses, particularly the journalists, based on ethics can help the people of Pakistan towards their participation in state affairs, leading to a truly democratic society.

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