

## **APPENDIX A – SUMMARY & CHRONOLOGY: 2004-2007**

### **1.0 GENERAL SUMMARY**

Successive governments of Pakistan have habitually used the leverage of government advertising as a financial pressure lever to force the media to conform to their version of how news should be reported.

The Government of President Musharraf - while maintaining the myth, especially before international audiences, that the press in Pakistan is indeed free to report as it wills -has been equally zealous in adopting this tactic.

This has been increasingly apparent as the government faces mounting opposition to and rising critique of its key policies. In fact, in the last three years, the DAWN Group of Newspapers, universally considered to be in Pakistan, across South Asia and internationally as the most credible, balanced and independent source of news emanating from one of the most sensitive flashpoints in the world, has been increasingly the object of the present government's pressure tactics to force it to tow the official line and prevail upon it to cease coverage of areas the government considers to be out of bounds.

The DAWN Group of Newspapers is the most influential media group in Pakistan. Its flagship newspaper, DAWN, has the highest circulation among English language daily newspapers. It is read by Pakistan's establishment, including at the highest echelons of government and within the civil and military bureaucracy, as well as by Pakistan's leading thinkers and policy makers. The newspaper is also viewed as essential reading among the financial community and the leaders of business and industry, not least of all among the trade union leadership. The authority of DAWN is immense; what appears among its pages continues to influence the thinking of the people who make the critical decisions about the country's political and financial future.

And DAWN's influence extends beyond Pakistan. Its Internet Edition is read across South Asia and in the West (particularly North America) and its network extends across the globe reaching those government and business leaders who critically need to be kept informed about events taking place in the South Asian region.

The DAWN Group also publishes the HERALD, a monthly current affairs magazine that carries the same authority, influence and credibility as DAWN. Currently, the national evening daily, the STAR has suspended publication till 2008. SPIDER, a monthly Internet magazine and AURORA, the only magazine in the country completely dedicated to the advertising and marketing industry are also published by the DAWN Group.

## **1.1. GOVERNMENT PRESSURE BY PROXY VIA A PROVINCIAL GOVERNMENT.**

### **1.1.1 Incessant interference from politicians in the ruling coalition.**

Pressure began to be applied as early as 2004. In the initial stages, its source was largely limited to the Sindh Government and was expressed in the form of incessant interference from, in the first instance senior politicians within the Muttahida Qaumi Movement (MQM, a coalition partner in the government), then from government functionaries embedded in the Sindh Government and finally from the Chief Minister of Sindh himself. The main bone of contention being the fact that in the MQM/Sindh Government's opinion, insufficient coverage was being extended to MQM activities and not enough positive stories were being generated with respect to the performance of the Chief Minister, Sindh, Dr Arbab Ghulam Rahim.

### **1.1.2 Ban on the STAR.**

Published by the DAWN Group of Newspapers, the STAR, prior to suspending publication till 2008 for financial reasons, in 2006, was Karachi's leading evening newspaper. In February 2005, the MQM took exception to a story in the paper that raised questions about the death in custody of a suspect. Alleging defamation, the MQM instituted criminal proceedings against the STAR, despite the fact that lawyers acting on behalf of the STAR, offered as per the policy of the DAWN Group to publish their version of the said impugned article. The Court proceedings are still subjudice.

### **1.1.3 Orchestrated harassment and arrest of Rasheed Channa, reporter of the STAR and the attempt to implicate the CEO DAWN in a terrorist plot.**

In April 2005, an orchestrated harassment campaign was initiated by the Sindh Government against a senior reporter from the STAR, who had written a series of exposés on human rights abuses in Inner Sindh, and which also implicated the native village of the Chief Minister of Sindh. The campaign culminated with the arrest on July 24<sup>th</sup> 2005 of Mr Rasheed Channa (the reporter who had written the exposés) and an attempt to embroil the CEO of the DAWN Group (Mr Hameed Haroon) in an act of terrorist intent by planting unlicensed weapons upon his person and thereby securing grounds for arrest. The latter attempt failed. The reporter was eventually released as a result of pressure exerted by the DAWN Group at the highest levels of government. However, Mr Channa continues to be watched by the security forces.

### **1.1.4 Ban on Sindh Government Advertising.**

On May 27<sup>th</sup> 2005, all advertising released by the Sindh Government was banned from appearing in any DAWN Group publication. The ban was not made official in order to protect the government from being accused of pressure tactics. However, the Sindh Government in its zeal instituted a blanket ban, resulting in zero advertising. This enabled the DAWN Group of Newspapers to contest the ban in the courts. In December 2005 as a result of a meeting between the Prime Minister of Pakistan (Mr Shaukat Aziz) and the DAWN CEO the ban was lifted. Subsequently in 2006, DAWN won its case against the ban by Court Order.

## **1.2 DIRECT PRESSURES FROM THE FEDERAL GOVERNMENT ON DAWN**

### **1.2.1. An advertising ban that failed**

The year 2005 also saw the start of concerted attempts by the Federal Government to control what was being reported in Dawn. In April 2005, when DAWN refused to drop an advertising supplement aimed at marking the return of Mr Asif Ali Zardari (husband of former Prime Minister, Benazir Bhutto and now a Leader of the Opposition) to Pakistan, instructions to institute a ban on Federal Government advertising appearing in DAWN were given. However, the ban was lifted within less than 24 hours, when the government came upon a late discovery that the CEO DAWN was scheduled to visit India and would be compelled to speak about the ban to the Indian media should he be questioned on matters relating to the freedom of the press in Pakistan.

### **1.2.2. Mounting frustration with HERALD**

The situation continued to deteriorate when the HERALD, an influential current affairs magazine published by the DAWN Group, began to publish a series of cover stories and articles in successive issues from June 2005 through to December 2006, regarding the war in Waziristan, religious extremism in the Frontier and a possible backslide in government policy in Kashmir with respect to Kashmiri militants. Eventually, in December, Pakistan International, the country's national airline carrier, acting upon instructions from the Ministry of Defence, cancelled a standing order for several thousand of HERALD for distribution on board PIA domestic and international flights...

### **1.2.3. Mounting frustration with DAWN**

Concurrently with these events, the government of Pakistan was increasingly frustrated by DAWN newspaper's refusal to publish on the front page routine statements made by the President and the Prime Minister, no matter how insignificant. This frustration turned into ire when the newspaper further refused to comply with instructions for a news blackout on events unfolding in Baluchistan and in Waziristan and the exercising of almost total restraint in reporting the Taliban pressure in the tribal agencies, North Waziristan and South Waziristan adjoining Pakistan's borders with Afghanistan.

### **1.2.4. Ban on Federal Government Advertising.**

In December 2006, the Federal Government instituted a ban on advertising in DAWN Group publications. However this time, unlike the Sindh Government which had earlier stopped advertising in its totality, the Federal Government, wishing to avoid legal proceedings, simply reduced the quota of advertising by over two thirds, thereby deflecting any accusations that it has banned advertising in DAWN. This state of affairs continues to this day.

### **1.3. PRESSURE FROM THE GOVERNMENT INCREASES.**

The Government of Pakistan's pressure tactics have not been confined to simply banning advertising in an attempt to engineer severe financial penalties on the DAWN Group and its possible closure. Although the government has accorded television broadcasting licences, albeit temporary ones, to virtually every other large print media owner who has applied, it continues to use every evading tactic in the book to deny DAWN'S application for a TV Broadcast License. The matter was taken to Court and whereas the Pakistan Electronic Media Regulatory Authority (PEMRA), which remains under government control, has been ordered by the courts to grant a licence to DAWN on the same basis that it has granted a licence to other print media owners, this has yet to materialise. DAWN has filed in the courts on grounds of contempt against the Government of Pakistan.

## **2. 0. DETAILED CHRONOLOGY**

### **2.1. GOVERNMENT PRESSURE BY PROXY VIA A PROVINCIAL GOVERNMENT.**

#### **2.1.1 SUMMARY**

Pressure began to be exerted on the DAWN Group as early as July 2004. This first took the shape of complaints made by the Muttahida Qaumi Movement (MQM), a political party headed by Mr Altaf Hussain, currently in self imposed exile in London. The MQM is a coalition partner with the ruling Pakistan Muslim League Q party, which supports President Pervez Musharraf. The Governor of Sindh is a member of the MQM as are several provincial and federal ministers

The ante was upped when generalised complaints by MQM party members regarding coverage of their party's activities in DAWN gave way to unending complaints from their advisors in the government; a case in point being the repeated complaints made by the Information Advisor to the Chief Minister Sindh. These 'complaints' soon became direct threats made to the DAWN CEO and to senior DAWN editors.

The focus then shifts to the STAR when the newspaper raises issues regarding the death in police custody of a suspect. The report is made the basis of criminal proceedings against the newspaper under the Defamation Ordinance 2002, and the matter is still subjudice. Under the Defamation Ordinance, the presence of all cited persons is required at every court hearing. They must also seek the court's permission every time they leave the city or the country; the reporter involved is restrained from travelling on assignment; this constitutes harassment even before the verdict of whether defamation actually took place or not has been given.

Then in response to a series of exposés written by STAR reporter, Mr Rasheed Channa, on human right violations that have taken place in the native village of the Chief Minister of Sindh, the Sindh Government unleashes a harassment campaign against Mr Channa culminating in his arrest and an attempt to implicate the DAWN CEO in a terrorist plot.

#### **2.1.2. CHRONOLOGY**

- **July 2004:** Exception is taken to a story in DAWN which allegedly misquotes the comments of a senior MQM politician (*Refer Appendix D.1*). Although a press release from the MQM(*Refer Appendix D.2*) to this effect is published in the next day's paper, DAWN carried no retraction as it had the comments of the politician in question on tape. The ante is upped in December 2004, when the Information Adviser decided to take the DAWN CEO to task over the non publication of Mr Hussain's article. This now moves from being pressure extended by a political party in power to pressure exerted by the Provincial Government where it is a coalition partner.

- **December 2004**, the Information Adviser (Mr Salauddin Haider) to the Chief Minister of Sindh (Mr Ghulam Arbab Rahim) requested the DAWN CEO to publish an article written by the leader of the MQM( *Refer Appendix D.3, D.4*). The DAWN CEO ( *Refer Appendix D.5*) informed the Advisor that the article must be referred to the Editor as according to the newspaper's policy all matters pertaining to editorial coverage are within the exclusive purview of the Editor. The article is sent to Editor DAWN, but is not published.

The Information Adviser writes to CEO DAWN ( *Refer Appendix D.6, D.7*) alleging that the latter had given his undertaking that the article would be published. In the same letter, the Information Adviser raised allegations with respect to the low volume of coverage in DAWN extended to MQM activities, which in his opinion, is far less than the coverage extended to other political parties.

- **February 2005**: In response to an article in the STAR, ( *Refer Appendix D.8*) the Legal Aid Committee (LAC) of the MQM sends a Legal Notice ( *Refer Appendix D.9*) to the DAWN Group alleging that the STAR has damaged the reputation of MQM party members and a Civil Suit and a Criminal Suit is filed under the Defamation Ordinance 2002 against the authors of the article, the editor, printer and publisher of the newspaper, accompanied by warrants for their arrest. Hearings begin on April 14<sup>th</sup> 2005 and the case is still subjudice
- **March 2005**, the STAR ran a series ( *Refer Appendix D.10*) of exposes on human rights violations which took place in the native village of the Chief Minister Sindh. This sets off a campaign of harassment against Mr Channa, eventually leading to his arrest.
- **April 2<sup>nd</sup> 2005**, the Chief Minister Sindh orders the arrest of Mr Channa's elderly father. However, Mr Channa senior was not at his residence; he was in Karachi undergoing medical treatment. Foiled, the police attempted to arrest Mr Channa's brother but proved unsuccessful. On June 1<sup>st</sup> 2005, Mr Channa is warned through unofficial sources of his imminent arrest. On June 2<sup>nd</sup> his flat is broken into. Neighbours subsequently confirm this to be the work of uniformed policemen.
- **May 27<sup>th</sup> 2005**, Sindh Government advertising is banned from appearing in any DAWN Group publication. This is not an official instruction as the government does not want to make its pressure tactics known. However, by banning all advertising from appearing, the DAWN Group is able to take the matter to Court in October 2005 ( *Refer Appendix D.11- A*) and the case is adjudicated in favour of the DAWN Group in March 2006 . ( *Refer Appendix D.11 -B*)

- **Mid July 2005**, the Special Secretary to the Chief Minister of Sindh, orders the arrest of the DAWN CEO and Mr Channa. Although the DAWN CEO is not arrested, lurid details emerge of a foiled attempt to dump weapons in his car and have him arrested under the Anti-Terrorism Act.
- **July 24<sup>th</sup> 2005**, Mr Channa is arrested in Karachi and kept under detention, without food or drink while subjected to mental harassment, until 1:00 a. m. the following morning, when thanks to relentless pressure from DAWN at the highest levels of government, Mr Channa is released. Despite his release, the intimidation tactics against Mr Channa continue; his movements are monitored by police. An official of the Sindh Government who refused to take part in the arrest of Mr Channa is awaiting transfer from his senior position.
- **July 26<sup>th</sup> 2005** at meeting held between the President of Pakistan and journalists and publishers, the editor of the Nation and the President of the CPNE brings it to the notice of the President on national TV that the Chief Minister Sindh had ordered the arrest of Mr Channa and that the DAWN CEO too had been threatened with arrest. The President responds that he does not know who has threatened CEO DAWN.
- **October 6<sup>th</sup> 2005**. The Information Advisor complains about the tone and quantum of DAWN's coverage of the MQM role in the local bodies' elections (*Refer Appendix .D 12*). On October 24<sup>th</sup> 2005, he threatens a senior DAWN reporter (*Refer Appendix .D 13*).
- **Early December 2005**, a meeting is held between the President, the Prime Minister and the DAWN CEO. At the meeting, the Prime Minister instructs the Sindh Government to withdraw its advertising ban on the DAWN Group. However, the DAWN Group continues to pursue the court case it had filed in the Sindh High Court against the ban.
- **March 2006**: The DAWN Group wins its case against the ban imposed by the Sindh Government. The DAWN Group moved the Courts under Article 19 of the Constitution of Pakistan, which states that the distribution of government advertisements is not a largesse that it bestows on whomsoever it pleases for whatever reason; on the contrary, the government is required to act without discrimination with a rational policy.

There received and accepted policy, built up over a number of years, is that advertisements released by government departments are placed among on the basis of a publication's circulation, language, readership, geographic reach, target audience, etc., irrespective of political orientation. The fact that DAWN was being denied government advertising by the Sindh Government was therefore in violation of the fundamental rights enshrined in Articles 19 and 25 of the Constitution.

When the matter came up for hearing the Court passed the following Order:

“The Additional Advocate General states that as per instructions received from the respondents the advertisements in favour of the petitioners were not stopped by the government. He further states that in future without any discrimination the advertisement will be given to the petitioners as per policy of the government. In view of the above statement made by the learned Additional Advocate General, this petition is not pressed by the learned counsel for the petitioners. The same is accordingly disposed of. However, the statement made by the learned Additional Advocate General will be binding on the respondents and any violation thereof may entail consequences of contempt proceedings.” ( *Refer Appendix D.11- B*)

- **May 3<sup>rd</sup> 2006**, addressing the (Council of Publishers & Newspaper Editors (CPNE), the Information Adviser makes unprovoked and contemptuous remarks about CEO DAWN (*Refer Appendix .D 14 & D15*).. The next day, the Information Adviser calls on a senior member of the DAWN editorial team to complain about the newspaper’s coverage, threatening the DAWN editorial team (*Refer Appendix .D 16*).

## **2.2. DIRECT PRESSURE FROM THE FEDERAL GOVERNMENT-**

### **2.2.1. SUMMARY**

In April 2005, the Pakistan People’s Party decides to publish an advertising supplement in the national newspapers to mark the return to Pakistan of Mr Asif Ali Zardari. DAWN published the supplement after due measures were taken to ensure it complies with the newspaper’s editorial and commercial guidelines which govern the publication of political party originated supplements. Under these rules such advertising supplements are also availed by the ruling party to publicise events as well as to honour leaders it considers of importance. The Federal Government first attempted to prevent the publication of the advertising supplement; then having failed, it imposed an advertising ban on DAWN. However, the government soon became aware of the negative impact the a ban would have on the President of Pakistan’s imminent and crucial visit to Delhi aimed at reviving bilateral negotiations between Pakistan and India after the failure of the earlier Agra Talks. The government also became aware of the danger posed by the visit to India by the DAWN CEO that was due to take place at the same time. The DAWN CEO was to attend the South Asian Editor’s Guild of India, where he was scheduled to broadcast for over 18 hours of commentary and analysis on various Indian TV networks during the ongoing Delhi Talks between President Musharraf and India’s Prime Minister, Manmohan Singh. Not wishing to risk a reference by the DAWN CEO to the advertising ban imposed on his newspaper by the government, the ban was lifted.

The government’s mounting exasperation with DAWN was further exacerbated in July 2005, when the HERALD reported on the revival of training camps in the Frontier province in Pakistan for Kashmiri militants. As a result of this story, the

matter was taken up by the US Government at a Pentagon sponsored conference in Monterey, California, where the President of Pakistan's credibility in clamping down on such activities was called into question. At a meeting in Islamabad in the presence of 200 senior police and law enforcement officials, the President of Pakistan brandished a current copy of the HERALD, expostulating that: "This kind of journalism must be stopped."

In 2006, the government's ire was further fuelled by the outright refusal by DAWN to comply with the government's demand for a total news blackout on the situation in Waziristan and Baluchistan.

Waziristan had become the crucial theatre in the ongoing Afghan War. Accusations were being levelled at Pakistan by the Afghan Government and the western media that it was wilfully allowing Taliban forces to mount operations into Afghanistan from Waziristan. The government's ire knew no bounds when DAWN managed to obtain and publish the integral text of the agreement reached between the government and the tribal elders in Waziristan, the full details of which the government, due to the sensitivity of the matter, did not wish to make public.

Baluchistan, which has a huge border with Pakistan, and owing to the killing of Nawab Ahmed Bugti, one of the most powerful and respected Baluchi tribal chiefs, an internal rebellion is taking shape; a rebellion the government wants to crush outside of the glare of the media. Turmoil in Baluchistan is further exacerbated by the presence of a large force of Taliban supporters. The fact that DAWN is the largest selling English language newspaper in Baluchistan is a major source of aggravation for the government.

Although other national newspapers had largely complied with the government's unreasonable demand for a total news blackout on events, particularly on Baluchistan, the fact that DAWN continued to cover events there eventually facilitated other newspapers to resume coverage on Baluchistan after a few weeks.

Since December 24<sup>th</sup> 2006, the volume of Federal Government advertising in DAWN Group publications has decreased substantially. The January 2007 average in terms of 'Pure government' advertising shows a cut of almost 75% compared to the monthly average of the last two years. These cuts also affect advertising from semi-governmental organisations. Furthermore, large private sector advertisers seeking substantial contract from the government sector have also been discouraged from advertising in DAWN. However, the Government of Pakistan has not provided the DAWN Group with any formal explanation regarding this dramatic decrease, even though such ads have been placed in DAWN for decades. It indisputably appears that DAWN is being denied government advertising in order to punish the paper for its editorial stance and such the government's action is in violation of the fundamental rights enshrined in Articles 19 and 25 of the Constitution. As newspapers have to rely on advertisement revenues to meet their costs, should DAWN be forced to raise its cover price in response to the withholding of government advertising its circulation

would correspondingly decrease. The government believes this would in all likelihood have a domino like effect of reducing ad revenues finally forcing the newspaper to close down, unless it capitulates to the Government.

### 2.2.2. CHRONOLOGY

- **April 13<sup>th</sup> 2005** the Editor and CEO of DAWN separately receive phone calls from an officer of the Press Information department requesting that DAWN withhold publication of the Asif Zardari advertising supplement. As the supplement complies with the newspaper's required internal guidelines, the Editor and DAWN CEO express their inability to do so and the supplement is published in DAWN as well as in other national newspapers on April 14<sup>th</sup> 2005.

On April 14<sup>th</sup> 2005, the government orders a cut in the volume of advertising released in DAWN group newspapers (*Refer Appendix D.17, D.18, D.19*).. However, the Press Information department later takes cognizance of the consequences this pressure tactic may have on the President of Pakistan's visit to India, given that the DAWN CEO would also be visiting the country and would be commenting as a presenter on Indian television. Subsequent to this the Federal Government lifts its advertising ban on DAWN. Thirty days later, however, a provincial ban is imposed by the Sindh Government.

- **June 7<sup>th</sup> 2005:** The All Pakistan Newspaper Society (APNS), the industry watchdog that safeguards the interests of the print media in Pakistan and the Council of Publishers & Newspaper Editors (CPNE) form a Joint Action Committee to protest should the government fail to withdraw the ban on advertising on the DAWN Group. On June 13<sup>th</sup> 2005, the Joint Action Committee decides that the newspaper industry will observe June 25<sup>th</sup> 2005 as a Protest Day and agitate against the government's infringement of the freedom of the press with particular reference to the ban on government advertising.
- **June 21, 2005,** the Prime Minister meets the APNS Delegation in the presence of the then Federal Minister for Information (Shaikh Rashid Ahmed) and other officials from the Ministry of Information. The Prime Minister assures APNS that it will be accorded a sympathetic consideration on the issue of the ban, stating he would discuss the issue separately with the DAWN CEO. On June 23<sup>rd</sup> 2005 the APNS provisionally withdraws its protest call on the assurance given by the Prime Minister that the issue of the ban would be settled.
- **February 2006** onwards, the HERALD in successive issues carries stories causing acute discomfiture within government circles. In February, the

magazine features a story on the spread of militancy in the tribal areas; a matter great concern to the government. In April 2006, a lead article on Waziristan causes the President and the Prime Minister to express their extreme displeasure. In June 2006, the government reacts angrily to the HERALD cover story titled "Flashpoint Frontier" on how religious extremists are promoting their agenda in the Frontier province and in August 2006, the magazine questions the efficiency of a possible shift in government policy on Kashmir.

- **September 2006:** A senior government functionary phones Editor DAWN to convey a demand, albeit politely 'from the highest in the land.' His exact words: "We are planning a clean-up operation in Baluchistan. Please don't publish anything on it." The official is informed that outright blackouts or censorship are wholly unacceptable. All that is offered by DAWN is an assurance that wherever a story warrants a government version, it will be sought and included in the story. The official is adamant and DAWN is again asked to forget that Baluchistan existed. A few days later, the official calls again saying that DAWN's attitude "is encouraging other media" to report on the province." For several days after the government 'request' DAWN has been the only paper to cover political events regularly in Baluchistan. But now, says the official, every newspaper and TV channel is citing DAWN as the reason for the blackout being unacceptable.
- **September/October 2006.** Officials were also terribly unhappy with Dawn's coverage of the agreement the government signed with 'tribal elders' to ostensibly bring peace to Waziristan. DAWN was perhaps the only newspaper in the country to question the deal citing a number of factors. The first and foremost was the fact that the accord had NOT been concluded with tribal elders as was being claimed but with leaders of the Taliban movement in Waziristan. The militants who signed the accord pledged not to attack Pakistani forces. In return, they were given a virtual carte blanche to operate in the area. The agreement also stipulated that all foreign fighters either leave the area or disarm and live in peace. It was also agreed that the militants would ensure that no cross-border attacks take place. It was clearly not honoured. The militants now control most of this area. DAWN's position that this agreement was not an accord but capitulation did not bring a 'contradiction, clarification or correction' from the government. When DAWN questions the deal signed between the government and the tribal elders, a sharp rebuke comes from a very senior government functionary who questions the 'patriotic credentials' of those running the newspaper. DAWN's coverage of the militancy in the tribal belt continues to draw the ire of the government.
- **December 2006.** Another major irritant for the government is DAWN's decision to treat all stories/statements strictly on news merit; the paper gives

due consideration to the content of any statement, speech given by government and opposition leaders before deciding on display. After one such decision, when the President's address to a public meeting makes the back page, a senior official calls the Editor DAWN and asked him to follow 'protocol' i.e. always front-page news items and photographs of government leaders. The official also mentions an 'agreement' with newspapers in this context. When the Editor informs the official that he was not aware of any such agreement nor was a party to it, the official retorts that he would be 'in touch' before terminating the conversation.

- **December 2006**, Pakistan International (PIA) the national airline cancels (on the instructions of the Ministry of Defence) a large standing order for several thousand copies of the HERALD, citing cost cutting measures, despite the fact that the magazine is the most requested monthly publication among PIA passengers.
- From December 2006 onwards, the volume of advertising from the Federal government begins a sharp downward slide and a Constitutional Petition under Article 199 of the Constitution is filed in the High Court of Sindh against the Government by DAWN in February 2007. (*Refer Appendix D.20*).

## **2.3. PRESSURE FROM THE GOVERNMENT INCREASES.**

### **2.3.1. SUMMARY.**

In 2004, Pakistan Herald Publications (PHPL), the holding company of the DAWN Group of Newspapers, decided to launch a television channel. According to government rules, to do so, it had to apply for a Television Broadcast License under the PEMRA Ordinance 2002. The Ordinance states that no monopolies in the media may be created in any one area or sector or in the country as a whole. The Ordinance makes no mention of 'ownership'. However, PEMRA then frames the PEMRA (Media Ownership and Control Regulations) 2002, which detail circumstances constituting undue concentration of media ownership, circumstances constituting cross media ownership and circumstances constituting unreasonable monopoly power in the media effectively barring media owners from acquiring licenses in more than one form of media.

DAWN contests the Ordinance, rules and regulations and takes the matter to court by a constitutional petition challenging the rules and regulations that bars media owners from applying for a TV broadcasting licence.

PEMRA, although supposedly an autonomous body charged with regulating the electronic media in the public interest, is in fact controlled by the Government of Pakistan. However, other print media owners in the meantime are allowed to start up television channels, on the basis of having been granted 'temporary uplink permission.' by PEMRA. A step that clearly means that the government gives permission to those it favours to start up TV broadcasting stations, while at the same time curtailing their freedom to broadcast; as such permission is only temporary in

nature and could be revoked by the government any time without reason if the government feels that the station is not toeing its line.

### 2.3.2. CHRONOLOGY.

- **February 25<sup>th</sup> 2004**, DAWN files a constitutional petition in the Sindh High Court (*Refer Appendix D.21*) challenging the PEMRA rule on cross media ownership which prevents an advertising agency, a newspaper or a radio channel acquiring a valid TV license with no reference to the monopoly laws as criteria.
- **February 28<sup>th</sup> 2004**, DAWN submits the PEMRA TV License Application Form, but reserves its rights to contest the PEMRA rule on cross media ownership. (*Refer Appendix D.22*).
- **November 23<sup>rd</sup> 2005**, the Sindh High Court orders PEMRA to consider DAWN's application for a TV Broadcasting License on its own merits and in the same manner and mode in which the owners of print media have been granted licenses. This exercise is to be completed within 90 days. In case of adverse order by PEMRA, DAWN is at liberty to challenge the same. (*Refer Appendix D.23*).
- **December 2005**, a meeting is held between the Prime Minister and the DAWN CEO at the Sindh Governor House in Karachi. At the meeting, the Prime Minister informs the DAWN CEO that he has instructed the Sindh Government to withdraw its advertising ban on the DAWN Group. (In 2006, the DAWN Group also wins the Court case contesting the ban.) During this meeting, the Prime Minister urges CEO DAWN to apply for a Television Broadcast Licence. When the DAWN CEO remarks that with an investment close to US\$ 40 million at stake, a temporary license would not make financial sense, the Prime Minister indicates that DAWN should apply for a more permanent licence it would be granted.
- **May 24<sup>th</sup> 2006**, DAWN writes to PEMRA pointing out that it has yet to comply with the Court Order, warning that if no action is taken within seven days, DAWN will start court proceeding. When it does, the Court orders PEMRA to grant DAWN the same rights granted to other media owners. The Court furthermore states that DAWN's original application should therefore be treated as permission for an uplink. (*Refer Appendix D.24*).
- **December 2006**, a document circulating within the government is leaked to the APNS. It was a draft of an Ordinance, known as the Press and Publications Regulatory Authority (PAPRA). The Ordinance was an attempt by the government to establish an authority similar to PEMRA (Pakistan Electronic Media Authority) over the print media. The legislation deals with procedures for verifying circulation figures, which it intends to authenticate and streamlining the registration of newspaper and periodicals (another ploy of the

government to exert pressure on the press.). However, as rules and regulations governing all aspects covered by PAPRA are already in place, there was no justification for the government to introduce a new piece of legislation, except as an attempt to tighten controls over the press. This matter is publicised and opposed vehemently by the APNS. The DAWN CEO, who testifies at a meeting of the Senate Functional Committee on Human Rights, plays a major role in gathering support from all quarters (including human right activists and national opposition parties) for the dismissal of this new legislation. On December 28<sup>th</sup> 2006, in the face of such strong opposition, the Minister of Information is compelled to issue a statement to the effect that: “it was an internal exercise and does not mean we are in a hurry to enact the law” For the time being the government seems to have shelved the Ordinance, but has made no binding commitment on its future reappearance before the legislature. (*Refer Appendix D.25*).

- **December 2006**, at an APNS meeting attended by the Prime Minister and the DAWN CEO, the Prime Minister makes it clear that the President of Pakistan is extremely displeased with DAWN’s refusal to impose a “blackout” on Baluchistan, and consequently there is nothing more he can do to help DAWN obtain a license as “the orders had come from the top” not to issue a license to DAWN. Furthermore, according to the Editor of the Nation, the Prime Minister has advised him that his group “must refrain from clubbing with the DAWN Group, if it intended acquiring a television license, as DAWN would not be issued with a broadcast license in any case.”

At this meeting, the Prime Minister also remarks that the government is free to place its advertising wherever it chooses to. This is seen as a threat that the Federal Government is considering a ban on advertising in DAWN. At the end of December 2006, the quantum of Federal Government advertising in DAWN begins to plummet.

- **January 18<sup>th</sup> 2007**, a review petition is filed by PEMRA on the Sindh High Court’s consent order of November 23, 2005. During the review in the court the learned counsel for the government states that no license has been granted to any print media owners; they have been granted only up linking permission. To this the learned counsel for DAWN points out that the order of November 23 2005 (*Refer Appendix D.23*) was a Consent Order and that after such a long delay this application has been filed, which is not maintainable and furthermore DAWN is being discriminated against as other print media are operating TV channels. Both counsel argued in respect to the grant and requirements of license as well as permission of up linking and thereafter they agreed that the first paragraph of the Order of November 23<sup>rd</sup> 2005 be substituted by the following.

- That DAWN will be granted similar rights as have been granted to other cross media owners and that the exercise will be completed by the end of February 2007. The earlier application for the satellite TV is to be treated as an application for a request of up linking and if any additional documents are required then the same may be asked for by PEMRA from DAWN within a period of seven days and DAWN will be under obligation to respond within a further period of seven days. The time schedule is agreed so that the cut off date is not affected. (*Refer Appendix D.26*).
- **January 25<sup>th</sup> 2007**, PEMRA asks DAWN to obtain a No Objection Certificate (NOC) from the Ministry of Information and Broadcasting. DAWN writes to the Ministry of Information and Broadcasting requesting the NOC. (*Refer Appendix D.27, D.28, D.29, D.30, D.31, D.32*). From hereon, until March 8<sup>th</sup> 2007, a cycle of correspondence takes place. One set from DAWN to the Ministry of Information and Broadcasting continues to request a NOC; the other set from PEMRA to DAWN continues to state that without the NOC a license cannot be granted. NB: obtaining a NOC is usually a process undertaken by PEMRA; in this instance DAWN was asked by PEMRA to deal directly with the Ministry of Information and Broadcasting, although PEMRA claims to be an autonomous authority.
- **February 26<sup>th</sup> 2007**, PEMRA files a review petition in the Supreme Court challenging the judgment of the Sindh High Court, despite the Consent Application. (*Refer Appendix D.33*).
- **March 8<sup>th</sup> 2007**, DAWN receives a copy of a letter from the Ministry of Information and Broadcasting addressed to PEMRA granting the NOC to DAWN. (*Refer Appendix D.34, D.35*). Yet on the same day, DAWN receives a letter from PEMRA rejecting DAWN's application (*Refer Appendix D.36*) on the grounds that the required NOC is not forthcoming.
- **March 9<sup>th</sup> 2007**, DAWN receives a copy of a letter from the Ministry of Information and Broadcasting addressed to PEMRA requesting PEMRA to ignore its letter of March 8<sup>th</sup> and refrain from taking any action till further communication from the Ministry of Information and Broadcasting. (*Refer Appendix D.37*).
- DAWN has filed contempt of Court proceedings against PEMRA and the Ministry in the Sindh High Court for not complying with the Sindh High Court's order of January 18<sup>th</sup> 2007.