

CODE OF ETHICS AND LAWS FOR MEDIA IN PAKISTAN

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ABSTRACT

The 21st century has been described as the age of mass media revolution. The messages of mass media are directed, pointed and extremely influential. The use of media for intended messages that persuade the audience members to bring some changes in a behavior pattern is quite common. Research has shown that media organizations are razors sharpened at both the ends having baneful effect on the audience as well. This is why it is necessary to formulate a code of ethics for mass media. Ethical issues include different kinds of topics to cover, accuracy, truthfulness, impartiality, fairness and the respect of individual's privacy. It also includes what kind of messages to include in magazines, films, or television and how to protect the confidentiality of sources. The paper suggests the various laws and code of ethics necessary for the regulation of mass media.

Keywords: Media, Ethics, Revolutuon

INTRODUCTION

Freedom of the press is very essential if the press has to play a significant and constructive role in the life of a nation, especially in a democratic society. Unless the press itself enjoys freedom, how can it become the defender and protector of the rights and liberties of the citizens? A freedom press signifies an open society where decisions are made according to democratic traditions and not according to dictates of one person. The press can only perform its sacred duties of the fourth estate if it is free and independent in reporting its views and news. But like all other freedoms, freedom of the press should also not be used as a license. It should not be misused to create a situation of the law of the jungle. The press should observe certain self-imposed limitations on itself, so that instead of publishing views detrimental to the interests of nation, it strengthens the national unity, upholds the laws of the land and contributes towards the emotional integration of the country. For example, howsoever free the press may be, it cannot be allowed the freedom to call in question the integrity of the judges of Courts High Courts and the Supreme Courts or to defame them. It cannot be allowed the license to incite communal riots in the country. No state can grant such unlimited freedom to the press by which law and order in the country is endangered (Shahid, 1994).

The primary purpose of gathering and distributing news and opinions is to serve the general welfare by information the people and enabling them to make judgments on the issues of the time. Newspaper, who abuse the power of their professional role for selfish motives or unworthy purposes are faithless to that public trust.

Media should respect the right of people involved in the news, observe the common standards of decency and stand accountable to the public for the fairness and accuracy of their news reports. Person publicly accused should be given the earliest opportunity to respond. Pledges of confidentiality to news sources must be honored at all costs, and therefore should not be

given lightly. Christopher (1994) holds that unless there is clear and pressing need to maintain confidences, sources of information should be identified.

The issue of ethics not only effects mass communication but also everyone in public life. It seems that no institution or individual is exempted from public concern about ethical breaches. Media ethics have long been a subject of public discussion. Some experts are of the opinion that media can operate within the ethical frame work. Most people disagree with this view, however, they say that no media system can exist very long without public confidence and that requires accurate, honest and believable communication. According to Christopher (1997) it does not mean that media industries are always reliable or all of them share the same values or ethical standard.

A WORLD ABOUT ETHICS

The concept of ethics comes from the Greeks, who divided the philosophical world into three parts. Aesthetics was the study of the beautiful and how a person could analyze beauty without relying only subjective evaluations. Epistemology was the study of knowing, debates about what constitutes learning and what knows to the human mind. Ethics was the study of what is good, both for the individual and for society. The Greeks were concerned with the individual virtues of courage, justice, temperance, and wisdom, as well as with societal virtues, such as freedom.

Two thousand years later, ethics has come to mean learning to make rational choices between what is good and bad, what is morally justifiable action and what is not. Ethics also means distinguishing among choices, all of which may be morally justifiable, but some more than others. Rationality is the key word here, for the Greeks believed, and modern philosophers affirm, that people should be able to explain their ethical decision to others. The ability to explain ethical choices is an important one for journalists.

Aristotle's Golden Mean

Aristotle is through of by many scholars as the founder of the communication discipline. A Greek biologist-and a tutor t Alexander the Great-be believed that ethics had to do with inner character rather than just over behaviors. Perhaps no concept in philosophy has been more widely cited than Aristotle's golden means. According to Aristotle, morality is to be found in moderation. Aristotle views moral virtues as choices or modes of choice. He considers each virtue as the mean, the middle path between two extremes-excess and deficiency (Tubbs, Mass, 2007). Aristotle, teaching in the fourth century B.C., believed that happiness- which some scholars translate as "Flourishing"- was the ultimate human good. By flourishing, Aristotle meant to exercise "Practical reason" in the conduct of any particular activity through the setting of high standards.

Aristotle believed that practical reason was exercised by individuals. The prenames, or person of practical wisdom, were that human being who demonstrated ethical excellence through daily activity. Philip (1994) has said that for Aristotle, the highest virtue was citizenship, and the highest form of citizenship was exemplified by the statesman, a politician who exercised so much practical wisdom in his daily activity that he elevated craft to art.

Roy (2004), a scholar, has said that journalists and other communicators are constantly making ethical decisions beyond what is specially covered by policy or law. Ethical issues include what kinds of topics to cover accuracy or truthfulness, privacy for media subjects, fairness in presenting all sides of an issue. It also includes what kind of messages to include

in magazines, films, or television and how to protect the confidentiality of sources. Laws, of course affect many of these areas. Here we consider the ethical dimensions.

'Ethics' implies the norms, which a journalist must uphold and cherish in order to keep the integrity and the sanctity of the profession intact. Journalists, like other citizens, are governed by all the laws of the land. Shamsi (2010) says that in order to carry his message effectively, and to maintain the credibility of his newspaper, a journalist has to disseminate news and views in accordance with established norms and traditions of the society. Some of the well-accepted ethical norms are as follows.

CONCEPT OF ETHICS AND MORALITY

Imagine, if there were no laws and ethics in the World? What had happened? Can civilization and democracy, even life is possible without codes, laws, or ethics? Certainly not. Right to know, freedom of assembly, freedom of speech and freedom of the press are conditional. If laws and ethics are for everyone, then, why not for journalists and media. Every constitution of the world guarantees freedom of press and freedom of speech, but conditionally.

As a general field, ethics is the branch of philosophy that tries to promote goodwill and good values as opposed to the mean-spirited or venal behavior. Ethics are guidelines or moral rules about how professional communicators should behave in situation where their activity may have negative effects over others and laws do not dictate behavior. Some of these guidelines are codes of ethical conduct explicitly created by professional organizations. Some of them represent broad system of ethics prevailing in the current society. To many commentators, media ethics really refers to journalistic ethics, the moral conduct and behavior of journalists doing their work as news gatherers, editors, and disseminators of information for the larger society. They are typically charged by their employers with producing reliable and believable information. It is expected that such news and information are gathered under scrupulously honest conditions and are checked along the way for accuracy (Defluer and Denniss, 2004).

Except for a small section of the press that thrives on sensational coverage most of the newspapers and television channels are giving coverage to the ills of society that reflects people desire for a better future. According to Nawaz and Jan (2002) Member of McBride Commission Badgon Osolink stated about code of ethics, professional ethics can not be restricted to stating some principles and demanding that journalists respect them. Constant effort is required to increase the number of occasions in which free and responsible work can be carried out in the world of social communication.

According to the Johannesburg principles on National Security, freedom of expression and access to information declaration, media organizations must treat information not as commodity but as fundamental right of the citizens. Hassan (2001) said that the media should exploit neither the quality nor the substance of news or opinion for purpose of boosting readership or audience figures in order to increase advertising revenue. The codes of ethics may vary from country to country and society to society but all the codes have similar articles and clauses to great extent.

RESPONSIBILITIES OF JOURNALISTS

The press is no doubt an industry, a business, but with a difference. Journalists have a social obligation; they must act with a profound sense of responsibility towards the society. The responsibilities of a journalist are many and varied which are discussed below.

Social

The social responsibility of journalists is of paramount importance. “Journalism is the mirror of society”. He must, therefore, provide a truthful, comprehensive, and intelligent account of the events in a context which gives meaning. The press must serve as a forum for the exchange of comments and criticism.

Legal

The publication of baseless, graceless and manipulated material should be avoided at all costs in order to safeguard yourself and your organization from the legal clutches. ‘Defamation’ live wire’ on which a sensible journalist dreads to tread. He must be well aware of the various laws relating to the press.

Professional

Journalists have certain professional obligations to shoulder and honour. His basic responsibility is to disseminate information in all circumstances. The information provided helps the readers to make up their minds on vital issues and thus shaping their attitudes. He is expected to have his commitment to his profession and thus must strictly adhere to accepted professional norms. He should know the limits within which to operate and must keep his biases at bay. Let news not be distorted or suppressed. One of the most important responsibilities of a professional journalist is to ensure that in hurry and hast; accuracy in the language is not sacrificed (Shamsi, 2005).

FUNDAMENTALS OF MEDIA ETHICS

A journalist must inform and comment on matters of public interest, in a fair, accurate, unbiased and decent manner. Verification and checking of news before publication is all the more necessary, where its publication can create complications. Newspaper should not publish anything, which is libelous against any individual or organization, unless they have sufficient reason to believe that it is true and that its publication will be for public good.

Intrusion on the privacy of individuals is not permissible unless outweighed by genuine overriding public interest. Newspaper should eschew suggestive guilt by association. They shouldn't name or identify the family of associates of a person convicted or accused of a crime when they are totally innocent. When any factual error is confirmed, the newspaper should publish the correction promptly, with due prominence and with an apology in a case of serious lapse. Proper verification must be done before publishing reports regarding communal clashes. The report should not vitiate the situation.

Sensational headings should be avoided. Headlines should conform to the contents of news stories. They should be clear, unambiguous and authentic. Obscene and vulgar items should be done away with as these offend the public's good taste. In general, a newspaper should not identify a person with his caste, religion or community. It may be derogatory to his caste, religion or community. According to Hakemulder et. al (1998) If information is received from a source confidentially, the confidence should be respected. It should be prerequisite for each media professional to keep in mind some basic and common ethical values while performing his/her duties. These are summed up as following. It is basically information that tends to subject an individual or other entity, such as corporation to public hatred, contempt or ridicule, involved a new factor- multiplying of harm to one's reputation through widespread dissemination and publication. It is usually found in two kinds; libel and slander.

Written defamation that tends to injure a person's reputation or good name or that diminishes the esteem, respect or goodwill of a person. If defamatory statement is broadcast, it is

considered to be libel even though technically the words are not written. Some words are always libelous like labeling a person as ‘thief’ or a ‘cheater’. Words that seem perfectly innocent in themselves can become libelous under circumstances (Dominick , 2002). Black’s Law Dictionary defines right of privacy as “the right of a person to be free from unwarranted publicity”.

Lady Diana always complained about media’s interference in her privacy. Roy (2004) termed invasion of privacy into four separate torts. a. Appropriation of one person’s name or likeness for the benefit or advantage of another. b. Intrusion upon an Individual’s physical solitude. c. Public disclosure of highly objectionable private facts. d. Publicity which places an individual in a false light in the public eyes.

It is relatively new term that describes three traditional areas of law; trademarks, patents and copyrights. Out of these three areas copyright has substantial impact on mass communication. It can be slogan, design or even a distinctive sound to identify and distinguish the goods or services of the manufacturers or from those of others. The key characteristics are “distinction” and “identification”. In patents, there is an exclusive control of owners, who can be individuals or companies and can exercise to ensure that others can not market, use or sell the work without consent of the owner. Patent usually have protection for 17- years term, after which they pass to the public domain and can be used marketed or sold to anyone without consent.

According to Roy (2004) Copyright laws arose as early as the 15th century in Europe with the development of moveable type and mass printing. Its main purpose was to safeguard the creative and literary work of the authors. There are two versions of copyright law old copyright protection law 1909 and new copyright Act 1976. Generally, obscenity refers to something in visual or literature treating obscene subjects, anything you won't dare to be placed on the top of your self or to be watched discreetly along with family. “Every act which is considered bad, unfair and evil in the society, such as adulteration, homosexuality, nakedness, theft, blaming, drinking, beggary and all those acts which are shameful for individual under moral implication of the society the individual is part of falls within the domain of obscenity and vulgarity” (Modoodi, 2000).

Shahid (1994) said that obscenity is regulated not only by legislation but perhaps more effectively by the written and unwritten codes. All objectionable exposures in mass media, which are against the social norms and values of the society and against the journalistic ethics, such indecent material considered shameful in the society will be counted as obscene and vulgar, should be shun by the media. Vulgarity and obscenity are two identical terms when comes the usage of term referring to phenomenon related to Media.

CODE OF ETHICS AND MEDIA LAWS IN PAKISTAN

In Pakistan media ethics is unique as it illustrates how Islam tends to reshape the values and ethics of society. The authoritarian regime of Field Marshal Ayub Khan promulgated the restrictive Press and Publication Ordinance 1963. It was replaced by a mild regulatory law, the Registration of Press and Publication Ordinance of 1988 as a result of Federal Shariat court judgment on a petition, which entailed examination of the already existing ordinance of 1963.

Article 19 of the constitution of Islamic Republic of Pakistan besides guaranteeing to the citizens freedom of the speech and expression, also guarantees freedom of the press subject to reasonable restrictions imposed by law in the interest of 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.

The Newspaper Editors Council of Pakistan was formed on May 22, 1993. Its aim and object includes safeguarding the freedom of the press and working freely for healthy growth of journalism in the country. The Council believes that duty of editors/journalists is to serve the truth. It is also believed that the agencies of mass communication are carriers of public discussions and information.

The Press Council of Pakistan Ordinance 2002 was issued by the then President Pervez Musharraf, providing the establishment of 19 members council with mandate to implement 17 points “ethical code of practice” for the press. Majority of these points relate to the moral and ethical values of journalistic profession.

The council is empowered to constitute as many inquiries commissions as may be necessary for the purpose of deciding complaints within a stipulated time period Pakistan native independent broadcast sector is only five years old. Until mid 2002, the country's electronic media was controlled heavily by the state. The military government of Pervez Musharraf, promulgated PEMRA Ordinance 2002. Its main objective was to open up broadcast sector for private ownership. It was promulgated for regulating the establishment and operation of all the broadcasters and cable television stations in Pakistan established for the purpose.

The freedom of information ordinance introduced in 2002 contains some positive features acknowledging citizens right to know. However the 21st day time frame for the release of information and inclusion of courts and tribunals, among those require disclosing information mar its true spirit. Large amounts of information are also not subject to disclosure under the ordinance, largely undermining the public's right to know. Instead of applying to all records held by public bodies, the ordinance provides a, restrictive list of public records subject to disclosure.

There have been growing demands by the members of the press to amend the ordinance and pass a legislation that obliges the government to provide access to all forms of information, except those which are specifically restricted. There have been some developments in respecting the right to freedom opinion and expression in South Asia but the progress is severely restricted by laws which give the state the right to protect information and discourage open discourse on religious issues. An atmosphere of intolerance in south Asia discourages free expression or opinion. Laws based on security must be reviewed in a world where information can be received through electronic media or internet. It is essential to draw some minimum guide lines to make the right to information effective. According to PEMRA ordinance 2002, the Authority has mandated to: 1) improve the standards of information, education and entertainment, 2) Enlarge the choice available to the people of Pakistan, I the media, 3) Facilitate 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 4) Ensure accountability transparency and good governance by optimizing the free flow of information.

The law lays down stringent and subjective pre-condition for eligibility of a license says a broadcaster or CTV operator issued a license under this ordinance must, among others, guarantee 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 b) 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 electronic media regulatory authority ordinance is also arbitrary and in violation of the international standard for a free flows of information and retains the infamous system of licensing without defining eligibility in unambiguous terms. The obligation imposed on private television channels to telecast programs mandated by the authority appears to be a device to commission them for official propaganda the ordinance is also silent on the decades old and persistent public demand for freeing Pakistan broadcasting corporation and Pakistan television corporation of official control and shows little respect or concern for views, needs and taste of Pakistan's pluralist society.

CONCLUSION

As evident from the meaning, Laws and ethics try to promote good will and always appeal the conscience of journalists to shun mean-spirited attitude. All media men should refrain from causing damage to reputation of a person or an institution. The issue of media ethics is too broad and no unified field on media ethics offers rules or standards that apply to all media fields. Ethics is simply a matter of personal integrity. Ethics simply means that people should not tell lie, steal, cheat or commit other antisocial acts. Ethics is doing what is 'right' but the problem is that 'right' is defined differently by several people. The essential aspect in relations to the behavior of journalists is their image of the public. There is some basic principle of journalists that media professionals should abide by these principles in performing of their duties.

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