

BEFORE SPECIAL INQUIRY COMMITTEE, PRESS COUNCIL OF PAKISTAN

(decision taken in PCP meeting held at Lahore on 22-04-2013, attended by Raja M. Shafqat Khan Abbasi, Chairman and Ms. Ayesha Ikram, Mr. Bachal Leghari, Mr. G.N. Mughal, Mr. Iqbal Jaffri, Mr. Mujibur Rehman Shami, Mr. Nasir Zaidi, Mr. Siddique Baloch, Mr. Wamiq A. Zuberi, Mrs. Yasmeen Rehman and Mr. Zia Shahid, Members and confirmed by the PCP in its meeting held on 14-10-2013 at Lahore)

(1)

Sardar Mohammad Akram Jehangir, Owner of Azeem Pharmacy, Chunian, District Kasur -----

Complainant

1. Mr. Junaid Saleem, Chief Editor, Roznama Insaf, 26-C,
Insaf Building, Court Street, Mall Road, Opposite Nasir Bagh, Lahore
2. Mr. Bagh Ali Bhatti, Tehsil Reporter,
Roznama Insaf, Jamshaid Chowk, 31-Canada Colony, Chunian,
District Kasur -----

Respondents

Complaint under Section 10 of Press Council of Pakistan Ordinance, 2002

FINDINGS

The instant complaint by Sardar M. Akram Jehangir is directed against the Chief Editor, Daily Insaf Lahore and Mr. Bagh Ali Bhatti Tehsil Reporter of Daily Insaf Chunian, District Kasur alleging that Mr. Bagh Ali Bhatti has staged a drama of running sub-office of Union of Journalists at Chunian. He allegedly indulges in narcotics, illegal dispossession of properties and forging false documents. He got published in Daily Insaf Lahore on 25-05-2012 a false and baseless news against the complainant to blackmail him and for getting 'monthly' from him. He gave notice to the Chief Editor Daily Insaf and the respondent Tehsil Reporter which was not responded at which he had to come up with the complaint under Section 10 of PCP Ordinance. He has given a long list of cases registered against the respondent Bagh Ali Bhatti.

2. As required under Article 4 of the PCP Regulations, 2012 copies of the complaint were sent to the respondents to show cause as to why proceedings under Section 10 of the PCP Ordinance should not be initiated against them.

3. The Chief Editor Daily Insaf submitted a brief reply contending that they launched inquiry into the matter and according to the initial finding; allegations against their correspondent in Chunian were baseless and derogatory. He further contended that general public witnessed against the complainant Sardar M. Akram Jehangir. He made mention of some documents in his letter but no such document was attached with it. The respondent Bagh Ali Bhatti asserted in his written reply that he got published correct news against the complainant, that after filing the present complaint, the complainant instituted a civil suit against him for recovery of damages of Rupees one crore due to which this complaint cannot proceed further and is liable for rejection, that the complainant, with the connivance of the Drug Inspector Rana Shahid Zafar, is defrauding the people, that apart from running Azeem Pharmacy, the complainant has opened Azeem Hospital which has been let out to a quack Mujtaba Gilani where Mujtaba Gilani and a quack Gynecologist are playing with the lives of people, that he submitted complaints against them to the District Health Officer and the Provincial Mohtasib at which proceedings were taken up to root out the quacks from Chunian, that the news are based on proved facts as spurious medicines are being sold by the complainant who has hired a license holder who runs the pharmacy but the said license holder seldom comes to the pharmacy and practically an illiterate person sells medicines. He has annexed copies of the plaint of the civil suit and other documents with his written reply.

4. Copy of the written reply was sent to the complainant who has submitted replication reiterating his contention already given in the complaint.

5. Notices were issued to the parties for 20.12.2012, 09.01.2013, 24.01.2013 and again for 06.03.2013 to appear before the Committee alongwith evidence/proof in support of their contention. The complainant appeared on each date but nobody turned up on behalf of the respondents despite warning of last opportunity for arranging their representation. Mr. Bagh Ali Bhatti, however, submitted another written reply repeating his earlier contention. He sent an application alongwith a medical certificate showing his inability to appear before the Committee.

6. The matter was put before the Special Inquiry Committee constituted by the Press Council of Pakistan under Section 16 of the PCP Ordinance, 2002, in its meeting dated 20-12-2012.

Arguments of the Complainant:

7. The complainant has argued that he has been appearing before the Committee constantly but the respondents have not bothered to arrange their representation, that the medical certificate is false, that Mr. Bagh Ali Bhatti is in the habit of making false complaints but he never pursues them and the disputed news are false and were got published in violation of the ethical code of practice and that the declaration of the Daily Insaf is liable for cancellation.

8. Mr. Bagh Ali Bhatti, one of the respondents has sent a miscellaneous application praying for dismissal of the complaint of Sardar Muhammad Akram Jehangir, on the following grounds:-

- i) that the complaint is time-barred because the complainant did not give notice to the concerned Editor within 15 days of the publication of matter complained against for appropriate relief as required under section 10 of the PCP Ordinance, 2002;
- ii) that the complainant has filed a damages suit for defamation against respondents in the Civil Court regarding the same matter and the complaint cannot proceed on this ground;
- iii) that his name has been mis-described as Baghu Machi in the correspondence of this Council to humiliate him.

Findings of the Committee:

9. The disputed news against the complainant appeared in the Daily Insaf dated 25-05-2012. The complainant annexed a copy of the notice issued to Mr. Junaid Saleem, Chief Editor, the Daily Insaf with the complaint and also attached a postal receipt to show that it was sent through registered post. The stamp of Post Office is not legible. As a policy matter, we do not reject the complaints on such technical grounds. Moreover under proviso to Article 3 (1) (g) of PCP Regulations, the Chairman may condone the delay and entertain the complaint if he is satisfied that there exist sufficient grounds of condonation. The complaint has been duly entertained by the Chairman and it cannot be turned down on the ground of limitation.

10. The complainant has filed damages suit for defamation which is an independent remedy. Article 14 of the Regulations provides for award of compensation to aggrieved person but it has been clarified that this will not debar the person concerned to claim any damages as admissible under the law. There is thus no bar for proceeding on the complaint in view of the damages suit of the complainant.

11. The alias Baghu Machi and his address was mentioned in the correspondence by this Council in view of the particulars given in the complaint. The respondents did not bother to appear before the Council and the Committees on any date despite notices to clarify their point. The alias Baghu Machi, has, however, been deleted in this decision in view of his concern shown in the above said miscellaneous letter.

12. So far as the merits are concerned, the complaint is based on a news item appearing in the Daily Insaf dated 25.05.2012. The gist of the news is “prohibited Indian medicines and injections meant for animals are being sold openly on Azeem Pharmacy Chunian” that an illiterate salesman Muhammad Hussain was caught illegally selling allopathic medicines, that a quack with a fake degree of MBBS sits on Azeem Pharmacy on Sundays who loots the public on the pretext of providing them treatment and that injections meant for animals are administered to the people”.

13. We are not much concerned with the truth or otherwise of the disputed news item. As stated earlier, the complainant has already filed a civil suit against the Chief Editor of the newspaper and the press reporter for damages. It is for the court to determine the controversy regarding the substance of the allegations. We are concerned only with the fact whether the disputed news offends against the Ethical Code of Practice or not.

14. Clause 1 of the Ethical Code of Practice states as under:

‘The press shall strive to uphold standards of morality and must avoid plagiarism and publication of slanderous and libelous material’.

Similarly, clause 11 states:

‘The press shall rectify promptly any harmful inaccuracies, ensure that corrections and apologies receive due prominence and afford the right of reply to persons criticized or commented upon when the issue is of sufficient importance’.

15. The record shows that the complainant and the respondent Tehsil Reporter Bagh Ali Bhatti are indulged in serious war of allegations against each other. The disputed news item is prima facie slanderous and libelous. We cannot encourage yellow journalism in the country. The press is independent but at the same time it has to demonstrate sense of responsibility. It has no right to defame others on the basis of unverified material. The management of the newspaper should have afforded the right of reply to the complainant as required by clause 11 ibid before its publication. This publication was thus negation of upholding standards of morality enshrined in clause 1 of the Ethical Code of Practice. It was a matter of sufficient importance but the management of the Daily Insaf Lahore took it very lightly. They did not arrange their representation before the Committee despite repeated notices to produce proof in support of their contention and simply relied on a brief letter contending that according to initial findings of their inquiry, the allegations against their correspondent were baseless and derogatory.

16. Keeping all the circumstances in view, the Committee is of the considered opinion that the respondents did violate clauses 1 and 11 of the Ethical Code of Practice, which entails penalty under section 15 of the Ordinance which runs as follow:-

“15. Action in case of violation of directions of the Commission or Council: - Whoever publishes or circulates any matter in contravention of the Ethical Code of Practice or directions of the Commission or Council may:

(a) require him to publish an apology promptly on the page specified by the Commission or the Council, as the case may be;

(b) issue him a warning to be carried or circulated by the newspaper or news agency concerned promptly and prominently; and

(c) ask other newspapers to publish or news agencies to circulate the decision, in case of non-compliance of the decision by concerned newspaper or news agency and recommend to the competent authority to suspend the publication for a specific period not exceeding seven issues or recommend cancellation of the declaration in the event of persistent non-compliance.”

17. Keeping all the circumstances in views, we recommend that the Council should require the newspaper (i) to publish an apology promptly as required under section 15 of the PCP Ordinance, conspicuously on the front or back-page of the newspaper and (ii) issue a warning to be carried by the said newspaper promptly and prominently; and (iii) ask other newspaper to publish or news agency to circulate the decision in case of non compliance of the decision by the Roznama Insaf and recommend to the competent authority to suspend the publication of the said newspaper for a period of 7 days or to recommend cancellation of the decision in the event of persistent non compliance.

Decision of the Press Council of Pakistan:

18. The Council in its meeting held on 22-04-2013 in its Sub-Office Aiwan-e-Iqbal Complex Lahore referred to the following bar contained in section 19 (3) of the Ordinance -----,

“(3) Nothing in sub-section (1) shall be deemed to empower the Council to hold an inquiry into any matter in respect of which any proceeding is pending in a court of law”.

and held that as litigation regarding the allegations levelled in the complaint is pending in the Court, [as per para 8 (ii)] the PCP cannot adjudicate in the matter. The complaint is filed. The complainant is at liberty to initiate restoration of the present proceeding at appropriate time after the final decision of the above said litigation, if so desired and permissible under the law.

Copies be sent to the parties.

No:

Islamabad: October 22, 2013

Copies sent to:

Sardar Mohammad Akram Jehangir, Owner of Azeem Pharmacy, Chunian, District Kasur -----
Complainant

1. Mr. Junaid Saleem, Chief Editor, Roznama Insaf, 26-C,
Insaf Building, Court Street, Mall Road, Opposite Nasir Bagh, Lahore
2. Mr. Bagh Ali Bhatti, Tehsil Reporter,
Roznama Insaf, Jamshaid Chowk, 31-Canada Colony, Chunian,
District Kasur ----- **Respondents**

(2)

Mr. Mehtab Khan Chief Editor Daily Ausaf, having office at 2-D, I&T Centre Aabpara, Islamabad
.....COMPLAINANT

1. The Chief Editor
2. The Editor
3. The Publisher
4. The Printer
5. The City Reporter
6. Weekly Hajwairi, Lahore

.....RESPONDENTS

COMPLAINT UNDER SECTION 10 OF THE PRESS COUNCIL OF PAKISTAN ORDINANCE, 2002

Findings of the Special Inquiry Committee:

Mr. Mehtab Khan has come up with the present complaint against the respondents for proceeding against them for publishing allegedly an absolutely incorrect, false, baseless, derogatory, filthy and mischievous publication in the Weekly Hajwairi, Lahore in its publication for the week 26-12-2011 to 02-01-2012. He has contended that he is a senior journalist of the country, is Chief Editor of the daily Ausaf, Islamabad which is being published from Islamabad, Lahore, Multan, Muzaffarabad, Gilgit, London and Frankfurt (Germany) simultaneously. He is senior Vice President of All Pakistan Newspapers Society (APNS) and has already rendered services as Financial Secretary of the APNS. He belongs to a very respectable and notable family and has earned great respect in the society. He is known at national and international level with respect and dignity and people from all walks of life like, believe and rely on him.

2. He has alleged that the disputed publication in the shape of a six-column story on the front page, as a super-lead alongwith side stories, captioned as "Countrywide Protest against Mehtab Mirzai on unholy attempt by the Daily Ausaf", is absolutely incorrect, false, baseless, derogatory, filthy and mischievous in its entirety. Its contents are very serious in nature and highly objectionable in which allegations have been leveled against him regarding his religion, faith and belief while he belongs to a very religious Muslim family. He cannot imagine to commit blasphemous act in any manner while the respondents have declared him as a follower of Mirza Ghulam Ahmed Mirzai. According to the complainant, the copies of the said publications were distributed and circulated free of cost in various cities just to defame and humiliate him with malafide intention. The allegations, as contended by him, have ruined his reputation in his family, in the newspapers as well and in the eyes of his friends and society at large. He came up with the present complaint when there was no response from the respondents on his legal notices dated 30.12.2011. He furnished declaration to the effect that no proceedings in respect of the alleged material were pending in any court of law and that he shall inform the Council forthwith if during pendency of the inquiry any matter alleged in the complaint becomes the subject matter of any proceedings in the court of law.

3. On 13.08.2012 the copies of the complaint and accompanying documents were sent to the respondents requiring them to explain within 15 days why proceedings under Section 10 of the PCP Ordinance should not be taken against them.

4. In their written reply dated 02.08.2012 the respondents raised a number of preliminary objections regarding maintainability of the complaint, locus-standae of the complainant and regarding concealment of facts by him. On merits, they contended that the complainant released a special edition of the daily Ausaf on 15.11.2011 regarding Hazrat Usman Ghani (RA) in which he quoted different "Rawayaats" one of which was objectionable and against the teachings of Islam and life of the Holy Prophet (PBUH). The letters S.A.W.W were not mentioned with the name of the Holy Prophet (PBUH) and even the name of the Holy Prophet (PBUH) was written with additional alphabets. The article was as a whole derogatory and blasphemous due to which people

from different areas of the country started protests and initiated legal proceedings against the complainant, and the respondents only covered/published the protests and demand of the public by publishing their version and had only done the job of publication and reporting. The respondents have added that as a result of their reporting, the complainant lodged different FIRs and initiated proceedings against them in different cities. According to them, they did not violate the Code of Conduct and only fulfilled their obligations through publishing news, the sources of which were monitoring desk, different rallies, protests, voice of the general public and different groups. They have made mention of rallies taken out from BABA SHAH JAMAL (RA) tomb and Data Ganj Baksh (RA) tomb and other areas which were given coverage. They have also given a list of legal proceedings initiated against the complainant and also a list of FIRs lodged by the complainant against the respondents regarding the same issue and have contended that even other newspapers such as Daily Muqabala, Daily Piyama-e-Mashriq, Daily Naiya Akhbar, Daily Khabroon and many others gave coverage to the said rallies /protests etc but the complainant did not initiate proceedings against them. They have also made mention of an FIR lodged by one Mian Muhammad Rafique against the complainant under Section 295-C PPC in PS Chahlak Multan and have contended that a false and fabricated declaration has been given by the complainant under Section 12 of the PCP Ordinance.

5. The matter was put before the Special Inquiry Committee constituted by the Press Council of Pakistan under Section 16 of the PCP Ordinance, 2002, in its meeting dated 20-12-2012.

Arguments of the Complainant:

6. Mr. Sabir Minhas, representative of the complainant, argued that due to clerical error the letter “Alaf” (I) was added after the name of the Holy Prophet (PBUH) at a few places in the article on Hazrat Usman (RA) and the abbreviation PBUH were omitted at certain places which error was promptly rectified through an apology published within two days of the publication, that in the disputed publication by the respondents in the Weekly Hajwairi, false allegations of being follower of Mirza Ghulam Ahmed Qadiani and of being a non Muslim and blasphemous were levelled against the complainant, that his photograph was also published and the public at large was instigated endangering his life and lives of his family members. He has further argued that a poster was also published in Weekly Hawairi in the name of Anjman-e-Ashqan-e-Rehmatul Alamin and posters were posted on the walls which all were managed by the respondents. He produced proof in the shape of website to show that the said advertisements/bills were sponsored by the respondents. He has contended that the disputed publication by respondents is negation of standard of morality, is slanderous, libelous and is biased reporting and is thus blatant violation of the ethical code of practice.

Arguments of the Respondents:

7. The legal representative of the respondents argued at the very outset that the complaint is not maintainable as litigation was pending regarding the disputed material in different courts, that an FIR lodged by the complainant with the same allegations in PS Aabpara, Islamabad was quashed by the honourable Islamabad High Court, that the declaration given by the complainant under Section 12 of PCP Ordinance is false as material facts have been concealed and that the complainant has approached the Council with unclean hands. He has further argued that the respondents did not violate the code of conduct as they had just fulfilled their obligation by publishing news of different rallies/protests, voice of general public, news reporters, and of different religious groups and organizations and the respondents just provided coverage to rallies which coverage was neither a crime nor was a misconduct. The representative of the respondents referred to the following litigation pending in courts which has nexus with the subject matter of the present complaint:-

FIR No: 437/11 under section 295-A/34 PPC lodged in police station, Aabpara Islamabad by the complainant;

FIR No: 20/12 under sections 505-B, 501/502, 295-A PPC lodged in police station Civil Line, Lahore by the complainant;

FIR No: 09/12 under sections 506. 506-B/148 PPC lodged in police station, Civil Line, Lahore by the complainant;
FIR No: 02/12 under section 506 PPC lodged in police station Qila Gujar Sing, Lahore by the complainant;
FIR No: 12/12 under sections 295-A, 298-A, 324/511, 502/506/109, PPC lodged in police station New Anarkali, Lahore by the complainant; and
FIR No: 414/12 lodged against the complainant by Mian Muhammad Rafique under section 295-CPPC, police station Chahlak, Multan
Writ Petitions instituted in Lahore High Court, Lahore

8. He has also quoted section 19 (3) of the Ordinance which runs as follow:

(3) Nothing in sub-section (1) shall be deemed to empower the Council to hold an inquiry into any matter in respect of which any proceeding is pending in a court of law.

Findings of the Committee:

9. The dispute relates to a special edition published in the Daily Ausaf in its issue dated 15.11.2011 on Hazrat Usman Ghani (R.A). Copy of the publication is on record. We have perused this article. The abbreviations of S.A.W.W are mostly given with the name of Holy Prophet (PBUH), or the words Rasool or Hazoor but they are missing at certain places. Similarly, the letter Alaf (I) has been written at a few places with the words Hazoor (PBUH) and Rasoolullah (PBUH) and the words Aap which is apparently a composing error. It was however, rectified in the apology published by the complainant within two days. The Committee refrains from dilating further on the issue whether it amounted to blasphemy or not because it is subject matter of different FIRs mentioned in the pleading of the parties. It may be mentioned here that the FIRs whether they culminate in challan of the accused named therein or otherwise are to be finally adjudicated upon in the courts of law. The task before the Committee is whether publication of article by the respondents violates the ethical code of practice or not. The perusal of the disputed publication will help the Committee in resolving the controversy.

10. The Weekly Hajwari Lahore in its publication (06-11-2012- 02-01-2012) published a four-column story on front-page as super lead, the English version of which is as under:

‘Unholy attempt of blasphemy-demand for hanging of blasphemer Mirzai Mehtab Khan-Mehtab Ahmed Khan is Mirzai- contemptuous material is being published day to day in his newspaper the Daily Ausaf regarding the sacred and esteemed personalities - persons belonging to non-Muslim community have become brave enough to indulge in blasphemy openly-address by speakers in Sunni Tehreeq rally’ .

11. Another three-column story appeared on the same page, the gist of which is as follow:

‘Non-Muslim Shatem-e-Rasool Mehtab Mirzai, be hanged, loud slogan of sacrificing lives for hurmat-e-Rasool (PBUH), Gostakh-e-Rasool Group is liable for murder-demand of religious parties and civil society in protesting rally/sit-in----’

12. Statement of Mumtaz Qadri, a convict in the murder of former Governor Punjab was also published to the effect that had he been out of jail and believes that Mehtab Mirzai, owner of Ausaf shall be punished for his contempt.

13. As stated earlier, the PCP is not concerned with the truth or otherwise of the substance of the FIRs. They have to be investigated into by the concerned agencies. It may be mentioned here that the Daily Ausaf published an apology in its issue dated December 3, 2011 regarding the composing error in the special edition dated 15-11-2012. The management of the newspaper has also taken up disciplinary proceedings against the persons responsible for the said mistakes. We are concerned only with the proposition if the published material in the Weekly Hijwairi offends against the Ethical Code of Practice.

14. The complainant was declared Mirzai, non-Muslim and Shatem-e-Rasool, a blasphemer and was accused of committing blasphemy day to day. The complainant asserts that he is a Muslim and belongs to a very religious family. He is Editor of Daily Ausaf Islamabad which is being published

from Islamabad, Lahore, Multan, Muzaffarabad, Gilgit, London and Frankfurt (Germany). He is also Senior Vice President of APNS.

15. The perusal of the published material indicates that it is not only slanderous and libelous but is also an attempt to instigate the people against the complainant creating security problems not only for him and his family but also regarding the persons attached with the Daily Ausaf. It is unfortunate that the remarks of a convict like Mumtaz Qadri (murderer of the former Governor Punjab) were also published. No efforts were made to afford the right of reply to the complainant as required under clause 11 of Election Commission of Pakistan. It was a biased and unverified publication by virtue of which the complainant was declared non-Muslim Mirzai. It disseminated the material which could encourage and incite discrimination and hatred on the ground of religion. It could lead to riots threatening loss of life and property.

16. Clauses 1, 2, 3, 7 and 11 of the Ethical Code of Practice may be reproduced here with advantage-

- (1) The press shall strive to uphold standards of morality and must avoid plagiarism and publication of slanderous and libelous material.
- (2) The press shall strive to publish and disclose all essential and relevant facts and ensure that the information it disseminates is fair and accurate.
- (3) The press shall avoid biased reporting or publication of unverified material, and avoid the expression of comments and conjecture as established fact. Generalization based on the behaviour of an individual or small number of individuals will be termed unethical.
- (7) The press shall avoid originating, printing, publishing and disseminating any material, which encourages or incites discrimination or hatred on grounds of race, religion, caste, sect, nationally, ethnicity, gender, disability, illness, or age, of any individual or group.
- (11) The press shall rectify promptly any harmful inaccuracies, ensure that corrections and apologies receive due prominence and afford the right of reply to persons criticized or commented upon when the issue is of sufficient importance.

17. The Committee expresses its anguish on the sorry state of affairs. If the print media or any newspaper will indulge in such unverified publication in sensitive matters it could lead to serious consequences and endanger public tranquility.

18. The Committee is, therefore, of the view that the said publication violates clauses 1 (upholding standards of morality and avoid publication of slanderous and libelous material), 2 (to ensure that the information it disseminates is fair and accurate), 3 (to avoid reporting or publication of unverified material), 7 (to avoid originating, printing, publishing and disseminating any material, which encourages or incites discrimination or hatred on grounds of race, religion) and 11 (to afford the right of reply to the persons criticized or commented upon) of the ECP and it is a fit case to exercise powers under Sections 15 & 19 of the PCP Ordinance to admonish the Editor and Publisher of the Weekly Hajwairi, Lahore and disapprove their conduct.

19. Sections 15 & 19 of the PCP Ordinance are reproduced below:

Section 15

Whoever publishes or circulates any matter in contravention of the Ethical Code of Practice or directions of the Commission or Council may:

- (a) require him to publish an apology promptly on the page specified by the Commission or the Council, as the case may be;

(b) issue him a warning to be carried or circulated by the newspaper or news agency concerned promptly and prominently; and

(c) ask other newspapers to publish or news agencies to circulate the decision, in case of non-compliance of the decision by concerned newspaper or news agency and recommend to the competent authority to suspend the publication for a specific period not exceeding seven issues or recommend cancellation of the declaration in the event of persistent non-compliance.

Section 19

(1) Where the Council has reason to believe that a newspaper or news agency has offended against any provision of the Ethical Code of Practice, the Council may, after giving the newspaper, or news agency, the publisher, editor or journalist concerned, an opportunity of being heard, hold an inquiry in the matter and, if it is satisfied that it is necessary so to do, it may, for reasons to be recorded in writing, warn, admonish or censure the newspaper, the news agency, the publisher, editor or the journalist or disapprove their conduct.

(2) If the Council is of the opinion that it is necessary or expedient in the public interest to do so, it may require any newspaper to publish therein in such manner as the Council thinks fit, any particulars relating to any inquiry under this section against a newspaper or news agency, a publisher, editor or a journalist working therein, including the name of such newspapers, news agency, publisher, editor or journalist.

20. The respondents should be directed to publish apology in conspicuous manner at front page in their Weekly within two weeks of the receipt of this decision. The Committee also suggests the other newspapers be asked through PID to publish conspicuously the result of this inquiry in their publication in case of non-compliance of the decision by the respondents.

Decision of the Press Council of Pakistan:

21. The Council in its meeting held on 22-04-2013 in its Sub-Office Aiwan-e-Iqbal Complex Lahore considered the matter in detail and held that as litigation regarding the allegations levelled in the complaint (as per detail given in para 7) has nexus with the subject matter of the litigation pending in different Courts, the PCP cannot adjudicate in the matter in view of the bar contained in Section 19 (3) of the PCP Ordinance, 2002. The complaint is filed. The complainant will be at liberty to initiate restoration of the present proceedings after final decision of the said litigation, if so desired by him and is permissible under the law.

Copies be sent to the parties.

No:

Islamabad: October 22, 2013

Copies sent to:-

Mr. Mehtab Khan Chief Editor Daily Ausaf, having office at 2-D, I&T Centre Aabpara,
Islamabad

.....**COMPLAINANT**

1. The Chief Editor
2. The Editor
3. The Publisher
4. The Printer
5. The City Reporter
6. Weekly Hajwairi, Lahore

.....**RESPONDENTS**

Mr. Mehtab Khan V/s the Chief Editor Daily Khabrain and others
FINDINGS/REPORT BY THE SPECIAL INQUIRY COMMITTEE

Mr. Mehtab Khan, the Chief Editor of Daily Ausaf which is being published from Islamabad, Lahore, Multan, Muzaffarabad, Gilgit, and Frankfurt (Germany) simultaneously and is also Vice President of All Pakistan News Paper Society has complained that the Daily Khabrain Islamabad in its publications dated 01-01-2012 published an advertisement on its back page, captioned as “for the attention of all Muslims” declaring the complainant as follower of Mirza Ghulam Ahmad Qadiani and a blasphemer while the complainant is a Muslim and belongs to a religious Muslim family. According to him, the unjustified allegations have defamed and humiliated him and have ruined his reputation in his family, newspaper and in the eyes of his friends and the society at large.

In response to the notice issued to respondents U/s 4 of the PCP Regulations, the respondents raised a number of objections and asserted in the written reply that the publication was a paid advertisement and that they immediately published proper clarification and excuse on 03-01-2012.

The representative of the complainant was not satisfied with the clarification published by the respondents on 03-01-2012. However on 06-03-2013 the representatives of both the parties agreed on a clarification to be published by respondents. The representative of respondents agreed to publish the agreed clarification to the satisfaction of the complainant. The agreed clarification may be made part of the record. The complaint may be disposed off accordingly.

Decision of the Press Council

We have perused the report/findings of the Special Inquiry Committee constituted Under Section 16 of the Press Council of Pakistan Ordinance by the PCP in its meeting dated 20-12-2012 and agree with its Report/Finding. The complaint is disposed off in term of settlement between the parties. It may be made part of the record. The agreed clarification may be obtained from the respondents.

Chairman

No:

Islamabad: October 22, 2013

Copies sent to:-

Mr. Mehtab Khan Chief Editor Daily Ausaf, having office at 2-D, I&T Centre Aabpara, Islamabad

-----COMPLAINANT

The Chief Editor, Daily Khabrain & Others -----RESPONDENTS

Mr. Mehtab Khan Chief Editor Daily Ausaf, having office at 2-D, I&T Centre Aabpara, Islamabad

.....COMPLAINANT

1. The Chief Editor

2. The Editor

3. The Publisher

4. The Printer

5. The City Reporter

Daily Post Mortem, Lahore

.....RESPONDENTS

COMPLAINT UNDER SECTION 10 OF THE PRESS COUNCIL OF PAKISTAN ORDINANCE, 2002

Mr. Mehtab Khan has come up with the present complaint against the respondents for proceeding against them for publishing allegedly an absolutely incorrect, false, baseless, derogatory, filthy and mischievous publication in the Daily Post Mortem Lahore in its publication dated 12-12-2011. He has contended that he is a senior journalist of the country, is Chief Editor of the daily Ausaf, Islamabad which is being published from Islamabad, Lahore, Multan, Muzaffarabad, Gilgit, London and Frankfurt (Germany) simultaneously. He is senior Vice President of All Pakistan Newspapers Society (APNS) and has already rendered services as Financial Secretary of the APNS. He belongs to a very respectable and notable family and has earned great respect in the society. He is known at national and international level with respect and dignity and people from all walks of life like, believe and rely on him.

2. He has asserted that he cannot imagine to commit blasphemous act in any manner while the respondents have declared him as a follower of Mirza Ghulam Ahmed Mirzai. According to the complainant, the copies of the said publications were distributed and circulated free of cost in various cities just to defame and humiliate him with malafide intention. The allegations, as contended by him, have ruined his reputation in his family, in the newspapers as well and in the eyes of his friends and society at large. He furnished declaration to the effect that no proceedings in respect of the alleged material were pending in any court of law and that he shall inform the Council forthwith if during pendency of the inquiry any matter alleged in the complaint becomes the subject matter of any proceedings in the court of law.

3. On 13.08.2012 the copies of the complaint and accompanying documents were sent to the respondents requiring them to explain within 15 days why proceedings under Section 10 of the PCP Ordinance should not be taken against them.

4. In their written reply dated 02.08.2012 the respondents raised a number of preliminary objections regarding maintainability of the complaint, locus-standae of the complainant and regarding concealment of facts by him. On merits, they contended that the complainant released a special edition of the daily Ausaf on 15.11.2011 regarding Hazrat Usman Ghani (RA) in which he quoted different "Rawayaats" one of which was objectionable and against the teachings of Islam and life of the Holy Prophet (PBUH). The letters S.A.W.W were not mentioned with the name of the Holy Prophet (PBUH) and even the name of the Holy Prophet (PBUH) was written with additional alphabets. The article was as a whole derogatory and blasphemous due to which people from different areas of the country started protests and initiated legal proceedings against the complainant, and the respondents only covered /published the protests and demand of the public by publishing their version and had only done the job of publication and reporting. The respondents have added that as a result of their reporting, the complainant lodged different FIRs and initiated proceedings against them in different cities. According to them, they did not violate the Code of Conduct and only fulfilled their obligations through publishing news, the sources of which were monitoring desk, different rallies, protests, voice of the general public and different groups. They have made mention of rallies taken out from BABA SHAH JAMAL (RA) tomb and Data Ganj Baksh (RA) tomb and other areas which were given coverage. They have also given a list of legal proceedings initiated against the complainant and also a list of FIRs lodged by the complainant.

against the respondents regarding the same issue and have contended that even other newspapers such as Daily Muqabala, Daily Piyama-e-Mashriq, Daily Naiya Akhbar, Daily Khabroon and many others gave coverage to the said rallies/protests etc but the complainant did not initiate proceedings against them. They have also made mention of an FIR lodged by one Mian Muhammad Rafique against the complainant under Section 295-C PPC in PS Chehlakh Multan and have contended that a false and fabricated declaration has been given by the complainant under Section 12 of the PCP Ordinance.

5. The matter was put before the Special Inquiry Committee constituted by the Press Council of Pakistan under Section 16 of the PCP Ordinance, 2002, in its meeting dated 20-12-2012.

Arguments of the Complainant:

6. Mr. Sabir Minhas, representative of the complainant, has argued that due to composing error the letter "Alaf" (I) was added after the name of the Holy Prophet (PBUH) at a few places in the article on Hazrat Usman (RA) and the abbreviation PBUH were omitted at certain places which error was promptly rectified through an apology published within two days of the publication, that in the disputed publication by the respondents, false allegations of being follower of Mirza Ghulam Ahmed Qadiani and of being a non Muslim and blasphemer were levelled against the complainant, that his photograph was also published and the public at large was instigated endangering his life and of his family members, etc. He has further argued that a poster was also published in Daily Post Mortem in the name of Anjman-e-Ashqan-e-Rehmatul Alamin and posters were posted on the walls which all were managed by the respondents. He produced proof in the shape of website to show that the said advertisements/bills were sponsored by the respondents. He has contended that the disputed publication by respondents is negation of standard of morality, is false, slanderous, libelous and biased reporting and is thus blatant violation of the ethical code of practice.

Arguments of the Respondents:

7. The legal representative of the respondents has argued at the very outset that the complaint is not maintainable as litigation is pending regarding the disputed material in different courts, that an FIR lodged by the complainant with the same allegations in PS Aabpara, Islamabad was quashed by the honourable Islamabad High Court, that the declaration given by the complainant under Section 12 of PCP Ordinance is false as material facts have been concealed and that the complainant has approached the Council with unclean hands. He has further argued that the respondents did not violate the code of conduct as they had just fulfilled their obligations by publishing news of different rallies/protests, voice of general public, news reporters, and of different religious groups and organizations and the respondent just provided coverage to rallies which coverage was neither a crime nor was a misconduct. The representative of the respondents referred to the following litigations pending in courts which has nexus with the subject matter of the present complaint:-

FIR No:437/11 under section 295-A/34 PPC lodged in police station, Aabpara Islamabad by the complainant;
FIR No: 20/12 under sections 505-B, 501/502, 295-A PPC lodged in police station Civil Line, Lahore by the complainant;
FIR No: 09/12 under sections 506. 506-B/148 PPC lodged in police station, Civil Line, Lahore by the complainant;
FIR No: 02/12 under section 506 PPC lodged in police station Qila Gujar Sing, Lahore by the complainant;
FIR No: 12/12 under sections 295-A, 298-A, 324/511, 502/506/109, PPC lodged in police station New Anarkali, Lahore by the complainant; and
FIR No: 414/12 lodged against the complainant by Mian Muhammad Rafique under section 295-CPPC, police station Chahlak, Multan
Writ Petitions No: 12716 to 12719/12 instituted in Lahore High Court, Lahore

8. He has also quoted section 19 (3) of the Ordinance which runs as follow:

(3) Nothing in sub-section (1) shall be deemed to empower the Council to hold an inquiry into any matter in respect of which any proceeding is pending in a court of law.

Findings of the Committee:

9. Roznama Ausaf Lahore published a special edition on the Third Caliph Hazrat Usman (R A) on 15-11-2011 quoting a tradition from Saheeh Muslim (272/2) regarding his modesty and reticence. The letter (l) was added with the name of The Holy Prophet (PBUH) and the word Hazoor at certain places. The abbreviations SAAW or Sowad () were not mentioned at certain places though the abbreviation Sawad was written with the name of The Holy Prophet (PBUH) in the headline and some other places in the article.

10. The Daily Postmortem Lahore in its publication dated December 12, 2012 published a four-column story on front-page as super lead, the English version of which is as under:

‘Unholy attempt of blasphemy-demand for hanging of blasphemer Mirzai Mehtab Khan-Mehtab Ahmed Khan is Mirzai- contemptuous material is being published day to day in his newspaper the Daily Ausaf regarding the sacred and esteemed personalities - persons belonging to non-Muslim community have become brave enough to indulge in blasphemy openly-address by speakers in Sunni Tehreeq rally’ .

11. Another two-column story appeared on the same page that the alleged blasphemer Mehtab Khan and the DCO were summoned by the High Court. The respondents have mentioned some FIRs registered at the instance of the complainant under Sections 295-A, 506, 506-B, PPC and another FIR registered against the complainant under Section 295-C PPC and have raised a number of preliminary objections in their written reply.

12. The PCP is not concerned with the truth or otherwise of the substance of the FIRs. They have to be investigated into by the concerned agencies. It may be mentioned here that the Daily Ausaf published an apology in its issue dated December 3, 2011 regarding the composing errors in the special edition dated 15-11-2012. The management of the newspaper has also taken up disciplinary proceedings against the persons responsible for the said mistakes. We are concerned only with the proposition if the published material in the Daily Postmortem offends against the Ethical Code of Practice.

13. The complainant was declared Mirzai, non-Muslim and Shatem-e-Rasool, a blasphemer and was accused of committing blasphemy day to day. The complainant asserts that he is a Muslim and belongs to a very religious family. He is Editor of Daily Ausaf Islamabad which is being published from Islamabad, Lahore, Multan, Muzaffarabad, Gilgit, London and Frankfurt (Germany). He is also Senior Vice President of APNS.

14. A glance over the published material indicates that it is not only slanderous and libelous but is also an attempt to instigate the people against the complainant creating security problems not only for him and his family but also regarding the persons attached with the Daily Ausaf. No efforts were made to afford the right of reply to the complainant as required under clause 11 of ECP. It was a biased and unverified publication by virtue of which the complainant was declared non-Muslim Mirzai. It disseminated the material which could encourage and incite discrimination and hatred on the ground of religion. It could lead to riots threatening loss of life and property.

15. Clauses 1, 2, 7 and 11 of the Ethical Code of Practice may be reproduced here with advantage-

- (4) The press shall strive to uphold standards of morality and must avoid plagiarism and publication of slanderous and libelous material
- (5) The press shall strive to publish and disclose all essential and relevant facts and ensure that the information it disseminates is fair and accurate
- (3) The press shall avoid originating, printing, publishing and disseminating any material, which encourages or incites discrimination or hatred on grounds of race, religion, caste, sect, nationally, ethnicity, gender, disability, illness, or age, of any individual or group.
- (11) The press shall rectify promptly any harmful inaccuracies, ensure that corrections and apologies receive due prominence and afford the right of reply to persons criticized or commented upon when the issue is of sufficient importance.

16. The Committee expresses its anguish on the sorry state of affairs. If the print media or any newspaper will indulge in such unverified publication in sensitive matters it could lead to serious consequences and endanger public tranquility. The act of the respondent attracts penalty under sections 15 & 19 of the Ordinance which run as follow:-

Section 15

“Whoever publishes or circulates any matter in contravention of the Ethical Code of Practice or directions of the Commission or Council may:

- (a) require him to publish an apology promptly on the page specified by the Commission or the Council, as the case may be;
- (b) issue him a warning to be carried or circulated by the newspaper or news agency concerned promptly and prominently; and
- (c) ask other newspapers to publish or news agencies to circulate the decision, in case of non-compliance of the decision by concerned newspaper or news agency and recommend to the competent authority to suspend the publication for a specific period not exceeding seven issues or recommend cancellation of the declaration in the event of persistent non-compliance”.

Section 19

(1) Where the Council has reason to believe that a newspaper or news agency has offended against any provision of the Ethical Code of Practice, the Council may, after giving the newspaper, or news agency, the publisher, editor or journalist concerned, an opportunity of being heard, hold an inquiry in the matter and, if it is satisfied that it is necessary so to do, it may, for reasons to be recorded in writing, warn, admonish or censure the newspaper, the news agency, the publisher, editor or the journalist or disapprove their conduct.

(2) If the Council is of the opinion that it is necessary or expedient in the public interest to do so, it may require any newspaper to publish therein in such manner as the Council thinks fit, any particulars relating to any inquiry under this section against a newspaper or news agency, a publisher, editor or a journalist working therein, including the name of such newspapers, news agency, publisher, editor or journalist.

17. The Committee is, therefore, of the view that the said publication violates clauses 1 (upholding standards of morality and avoid publication of slanderous and libelous material), 2 (to ensure that the information it disseminates is fair and accurate), 3 (to avoid reporting or publication of unverified material), 7 (to avoid originating, printing, publishing and disseminating any material, which encourages or incites discrimination or hatred on grounds of race, religion) and 11 (to afford

the right of reply to the persons criticized or commented upon) of the ECP and it is a fit case to exercise powers under Sections 15 & 19 of the PCP Ordinance to admonish the Editor and Publisher of the Daily Post Mortem, Lahore and disapprove their conduct.

18. The Committee suggests that the respondents should be directed to publish apology in conspicuous manner at front page in their Daily within two weeks of the receipt of this decision. It also suggests that the other newspapers be also asked through PID to publish conspicuously the result of this inquiry in their publication in case of non-compliance of the decision by the respondents.

Decision of the Press Council of Pakistan:

19. The Council in its meeting held on 22-04-2013 in its Sub-Office Aiwan-e-Iqbal Complex Lahore considered the matter in detail and held that as litigation regarding the allegations levelled in the complaint (as per detail given in para 8) has nexus with the subject matter of the litigation pending in different Courts, the PCP cannot adjudicate in the matter in view of the bar contained in Section 19 (3) of the PCP Ordinance, 2002. The complaint is filed. The complainant will be at liberty to initiate restoration of the present proceedings after final decision of the said litigation, if so desired by him and is permissible under the law. The complaint is filed.

Copies be sent to the parties.

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No:
2013

Islamabad: October 22,

Copies sent to:-

- 1) Mr. Mehtab Khan Chief Editor Daily Ausaf, having office at 2-D, I&T Centre Aabpara,
Islamabad

.....COMPLAINANT

1. The Chief Editor
2. The Editor
3. The Publisher
4. The Printer
5. The City Reporter
Daily Post Mortem, Lahore

.....RESPONDENTS

M/s Sohni Dharti TV Vs Weakly Sohni Dharti Multan
Complaint u/s 10 of PCP Ordinance 2002
FINDINGS/REPORT BY THE SPECIAL INQUIRY COMMITTEE

Through the instant complaint M/s Sohni Dharti TV have requested the PCP to proceed against the Multan based Weakly Sohni Dharti alleging that they (the weekly Sohni Dharti) are misusing their name and logo by starting an SMS campaign asking the people to join Sohni Dharti giving impression as if these messages were circulated by Sohni Dharti TV. They further alleged that an advertisement was placed on different websites using Sohni Dharti TV Channel and funds were collected from hundreds of people for employment and issuance of SD TV's news press cards.

After completing codal formalities notice Under Article 4 PCP Regulations was issued to the respondent weakly Sohni Dharti to show cause why proceedings U/s 10 of PCP Ordinance should not be initiated against them.

In their written reply the respondent contended that they never used the name or logo of Sohni Dharti TV and that they used their own name in the SMS messages. They asserted that their weekly is being published since 23 March 1991 after getting declaration under the rules from District Magistrate Multan.

The representative of M/s Sohni Dharti Weakly assured that they would publish clarification conspicuously in their weakly to allay the apprehensions of the complainant. On 06-03-2013 the representatives of both the parties agreed on a clarification to be published by respondents. The representative of respondent agreed to publish the agreed clarification to the complaint may be disposed off accordingly.

Decision of the Press Council

We have perused the report/findings of the Special Inquiry Committee constituted Under Section 16 of the Press Council of Pakistan Ordinance by the PCP in its meeting dated 20-12-2012 and agree with the Report/Finding and dispose off the complaint in term of settlement between the parties. The agreed clarification may be obtained from the respondents. It may be made part of the record.

Chairman

No:

Islamabad: October 22, 2013

Copies sent to:-

M/s Sohni Dharti TV -----COMPLAINANT

Weekly Sohni Dharti, Multan-----RESPONDENTS

Registrar
 Press Council of Pakistan