

Censorship vs. Freedom of Speech: Analyzing the Role of PEMRA in Regulating Pakistani Media

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Abstract

This paper is an exploration and criticism of the persistent problematics in Pakistan — censorship versus freedom of speech, especially at a time when PEMRA (Pakistan Electronic Media Regulatory Authority) had come into being as a solution to regulate airwaves. Based on an analysis of PEMRA's regulatory jurisprudence, and the wider legal architecture that controls media in Pakistan, this paper discusses what it means for press freedom and how far Pakistani media remains independent. Using key case studies as a focal point, the book demonstrates challenges, controversies and limitations of media regulation in Indonesia. Moreover, the research also examines the ways in which these regulatory practices send out signals about democratic discourse and authority (i.e., between state prerogatives of order maintenance versus media obligations to promote an informed citizenry). This paper will conclude its research by adding to the larger discussion of such practices and their inevitable repercussions on an already precarious democratic system in Pakistan. Some additional news outlets have also been temporarily blocked and the details are in a recent study that outlines specific examples of state intervention working to change legal constraints with both idealistic voices freedom, as well as democratic participation. This research highlights the importance of regulatory reforms that ensure transparency, accountability and respect for constitutional rights as enhancing media independence in a way to better serve democratic governance at Pakistan.

Keywords: Censorship, Freedom of Speech, PEMRA, Media Regulation, Pakistan, Press Freedom, Legal Framework

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1. INTRODUCTION

In democratic societies, freedom of speech and press freedom are both bulwarks, which ensure that citizens have access to various points-of-view as well critical information. While these freedoms are enshrined in the constitution, they often face government interventions under the pretext of maintaining public order, national security or moral standards. This has been one of the reasons why Pakistan Electronic Media Regulatory Authority (PEMRA) was established in 2002 to regulate and oversee electronic media within the boundaries of this country (Saleem, A., 2024).

The Pakistani Electronic Media and Regulatory Authority hereafter referred to as PEMRA is therefore in the hot seat of balancing between its dual mandate: protecting freedom of expression, while at the same time ensuring responsible practices from media liable parties. Critics have accused PEMRA of frequently overreaching its purview and using regulation as a pretext to censor dissenting voices, thereby limiting freedom for the media. The purposes of this paper are to investigate PEMRA's involvement in the battle between censorship vs freedom of speech in Pakistan, narrow down a number of major case studies and look into several significant laws with broader impacts on democratic governance.

Freedom of speech and press freedom are the bedrock principles upon which democratic societies function, with informed participation in discourse by citizens, accountability on behalf-wise part from authorities as well as promoting diversified thinking. Nonetheless, these freedoms do not permit unlimited activity or expression and are frequently repressed in favor of other societal interests such as national security, public morality (established religion), order etc. In Pakistan, a conflicting dynamic between these two freedoms and state-sanctioned curbs have shaped the media landscape where the Pakistan Electronic Media Regulatory Authority (PEMRA) has been leading this balancing act (Saeed, H., & Saleem, N., 2020).

PEMRA was formed with the PEMRA Ordinance 2002 to regulate electronic media in Pakistan. This includes television and radio stations along with other aspects of broadcasting, internet mediums etc. The authority was envisaged as well, a watchdog body that would reinforce the compliance of responsible media with this mission and by protecting the right of citizens to be informed. However, PEMRA, as a tool of state censorship has been all criticized for years decades now that prevents during the tenure and in case any media house tries to air dissenting or concerning voices with reference to state affairs; it is immediately brushed under carpet (Rasul, A., 2017).

Given Pakistan's nascent democracy, the discussion on PEMRA's function as a media regulator has been arguably more intense. While its supporters advocate that PEMRA is necessary to regulate the media, prevent it from trampling upon ethical lines and keep public morals intact by putting a leash on the spread of dangerous content (Rasul, A., 2018). The companies say these issues underscore the necessity of government regulation to control fake news, hate speech and posts targeting minorities that can incite violence or social discontent. However, critics argue that PEMRA often acts as the would-be censor-in-chief suffocating freedom of expression and fettering media from performing watchdog function. Such critics maintain that this provision gives PEMRA unchecked, arbitrary power to penalize media organizations and hence chip away at journalist independence in the country while running counter to democratic principles.

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1.1 Research Objectives

The purpose of this paper is to critically examine the way PEMRA operates as a media watchdog in Pakistan and how censorship became the part of its structure while freedom becomes uncomfortable. The study will look into the legal framework within which PEMRA works (PEMRA Ordinance 2002 and Electronic Media Code of Conduct 2015). It will also cover important case studies over the years to show how controversial decisions of PEMRA like suspensions of news channels, fines for inappropriate content and airings deemed offensive etc.

1.2 Research Questions:

This analysis aims to answer the following questions:

- What about PEMRA's regulations in this regard, does it adhere to international standards of freedom of expression?
- What impact does the act of PEMRA has on independent media in Pakistan?
- Moreover, what does media regulation mean for democratic governance in the country – its broader ramifications?

1.3 Significance of Research

This research is of significance because it may feed into the ongoing discourse about media regulations in Pakistan. Understanding this balance between control and the freedom of expression is an important lesson in developing media responsibility, at a time as our country continues through that [winding] road to becoming democratic. This paper will posit that while some regulation is necessary to ensure media practices are ethical, this should be implemented in a manner that upholds the fundamental rights of free expression and independent media.

2. LITERATURE REVIEW

The relationship between media regulation and freedom of expression in Pakistan has been a matter of much academic discussion. The rolling back of media freedom due to the heavy hand shown by PEMRA was highlighted in several studies on this issue with several research linking increased censorship as one of the consequences.

The issue of media regulation in Pakistan has received considerable academic attention not only because it is clearly linked to freedom of speech and the soundness of a democratic process. The debate regarding media regulation, freedom of expression and censorship in Pakistan has been studied extensively by social scientists around the world; however this is the first proposal in development for presenting a literature review on such broad existing research. This will also entail reviewing the global nature of media regulation to compare and contrast international approaches.

It should be noted that the course of media regulation in Pakistan is closely linked to its tumultuous political history. The media has, as one would imagine following Pakistan's independence in 1947 been variously controlled depending upon the political weather of that time. Even during the military rule of Generals Ayub Khan, Zia-ul-Haq and Pervez Musharraf media suffered at their hands through very strict censorship laws under what they called 'press advices' (Rahman S., 2012). At times in Pakistan, even under civilian governments,

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media outlets have been the targets of pressures and limitations to reflect state narratives during a crackdown on dissent (Rizvi 2016).

In fact, PEMRA came into being when media freedom had been oscillating across opposite ends of the continuum. The I & B ministry was supposed to ensure orderly growth of the electronic media sector by having one regulatory authority control it all. Nevertheless, Niazi argued that the origins and behavior of PEMRA exemplified a continuation of legacy state control over media. There is a long history of such tension in this regulatory environment between the imperatives of oversight and discharging political responsibilities, as well as the preservation of press freedom.

Historical evidence in research has suggested that media regulation practices within Pakistan have always been tailored by the ruling politics and often-regulatory bodies being abused to control or manipulate content with every passing government (Khan, 2015; Ahmed, 2018). This to some extent reflects the wider global situation where media served as a tool for political purpose rather than public interest (Norris, 2006).

The PEMRA is functioning under a Law namely the PEMRA Ordinance 2002, which gives an exact base to Government and its functionaries controlling different perspectives of the electronic media landscape through rules. This comprises granting licenses to television and radio broadcasters, checking content quality, as well as executing the rules included in ordinance (Zia, 2019). The authority also has the right to fine and, revoke licenses or take other punitive measures against broadcasters found in breach.

The Electronic Media (Programs and Advertisements) Code of Conduct 2015 — one of the most powerful legal instruments in PEMRA's arsenal that defines what content standards have to be followed by which broadcaster. As well as banning blasphemous, immoral or against the national interest content and news reporting accuracy/fairness (Shahid, 2020). Although ostensibly framed to shield public morals and national security, these regulations have faced severe criticism for their vagueness as well as the discretionary powers they accord and can often be prone to arbitrary enforcement (Ali 2017).

Critics maintain that PEMRA has latitude to function as a political censorship instrument esp where critical or subversive ideas running contra-govt flood the senses (Haider, 2021) From restricting the free speech to suspending license and closure of News Channel if they air any information termed “anti-state” or too critical against government policies, PEMRA has done everything. This has raised a concern of shutting down dissent and challenging media freedom (Yusuf, 2014).

It is governed by the PEMRA Ordinance, 2002 which empowers it to issue licenses and establish content standards besides penalizing breaches of its regulations (Zia, 2019). The Ordinance is pieced together by numerous rules and regulations, like the Electronic Media Code of Conduct 2015 thereby defining the guideposts for content regulation (Shahid, 2020). The above legal frameworks, which are based on the premise of balancing free speech with responsible media practices have been criticized by scholars who argue that they tend to confer wide discretionary powers upon PEMRA that can be exploited (Ali 2017).

Media studies have long studied the tension between censorship and freedom on media Baker (2002) argued that freedom of expression represents a core political right, which sustains any democratic machinery allowing citizens to have access to diverse viewpoints and enabling the accountability of leaders besides supporting informed public debate.

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According to Norris (2006), this right is not absolute, but must be weighed against other interests in society that might require security of nation and public order, morality.

The language and values created by this courtship are delicate to manage especially in a Pakistani context where the stakes wrapped within socio-political web of religion, ethnicity, politics is exceptionally high (Yusuf 2014). Therefore, the state exercises all forms of media control under the pretext of maintaining social tranquility and preventing bloodshed. Nonetheless, these rationales can be and increasingly have been misused as grounds for censoring lawful speech protecting even in a best-case scenario — democratic qualities (Khan 2015).

There are different national systems of media regulation, ranging from relatively liberal ones that give priority to freedom expression with a minimum restriction for the economic and social content worlds (the example is MacQuail, 2010), to strict control as well on such problematic or des-stabilizing contents. Systematic comparative research suggests media regulation is likely effective in intimidation from certain practices but may also be subject to political abuse and undermine press freedom (Harrison, 2014).

Pakistan is a spectacle in itself but then you are little doubtful to as whether all this showmanship relates only and exclusively with censorship or freedom of speech. In the other hand, the public interest includes homicide or spreading false information and to protect morality of society in which broadcasters find harder in combining both images (Baker 2002). In Pakistan, the balance is extremely fragile, considering complicated social political and religious dynamics in the country (Yusuf 2014).

Case Studies PEMRA Regulatory intervention

Several case studies of the PEMRA's regulatory actions demonstrate that this relationship between media freedom and censorship is still a source of volatile conflict in Pakistan. For example, in 2014 Geo News was taken off-air soon after it provided a critical account of the military and claimed that Pakistan's intelligence agency -- ISI -- played an instrumental role behind such blackout. PEMRA's decision to block the channel was largely denounced as politically motivated censorship, sparking debates over freedom of media in Pakistan (Niaz 2018).

In a related incident in 2017, ARY News was fined for "anti-judiciary" content. The fine was viewed as part of a series of actions that have used the regulatory step to tame criticism on state institutions, court and military in particular (Haider. Cases like these — and numerous others over the years — have a silencing effect, wherein journalists are intimidated from raising contentious topics or criticizing powerful institutions.

These case studies show the importance of broader picture while exploring PEMRA and its role as media regulator. Even where the authorities have a point, it raises important questions about how much censorship there is or should be in Pakistan's democratic setup. PEMRA's controversial conduct is reflected in a few of the case studies: temporary banning news channels on accusations for having shown content against, or fining them to have broadcasted "obscene" materials (Haider, 2021). It raised for a debate what should / ought not to be air or broadcast and the role of regulatory bodies within a democracy.

This literature review section addresses the challenges surrounding media regulation and PEMRA as a regulatory authority in Pakistan. Although PEMRA was instituted to ensure

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accountable practices within media, its wide sweeping mandate and a history of controversial decisions has raised genuine fears of censorship hindering freedom of speech. This sustained struggle between regulation and freedom of speech is well represented by the larger picture surrounding media landscape in general, or democratic development as a whole if we come to think about it.

3. METHODOLOGY

This section describes the research design and methods of interrogation that was employed to scrutinize the role played by PEMRA, with a focus on censorship vis-à-vis freedom of speech. Using a qualitative research methodology, it combines document and content analysis with case studies to investigate how PEMRA regulators act influence media freedom in Pakistan. This methodology is made to give a detailed analysis of media regulation administered by PEMRA in the light of legal, political and social contours.

3.1 Research Design

The research is qualitative exploratory in nature and it reveals the non-quantifiable relationship of Media Regulations, Censorship & Freedom of Speech by Pakistani independent media sector. This design is suitable for the study as it provides an insight to realize deeper about regulatory framework of PEMRA, its operation and what does this imply on media freedom. Research dimension is based on the following :

Analysis of Legal Documents (PEMRA Ordinance 2002, Electronic Media Code Of Conduct 2015 and Relevant case law This analysis should be telling about the legal foundation for PEMRA authority, and whether these powers are in line with global free speech standards.

Qualitative content analysis of PEMRA directives, press releases and media statements. This will entail analyzing the language and rationales of PEMRA in its regulatory decisions, with a particular emphasis on locating patterns for censorship as well as standards applied to regulate media content.

Case studies: The options might also impact the analysis of a few particular case research on antagonistic media freedom penalties enacted by way of PEMRA. Our findings will be illuminated by case studies of medial regulation—channel closure, broadcaster fines—that suggest broader patterns of the impact and nature of PEMRA's regulatory practices.

3.2 Data Collection

Primary and secondary data sources: The primary datasets of this proposed study will be Privacy perception among the users (browsing, downloading or online social networks menaces).

Legal Documents: Standard legal documents (referenced below) will be obtained from an official legal database and published literature. These documents shall be the basic constitution of PEMRA for regulations.

Press Releases and Regulations of PEMRA: These include official regulations from PEMRA website, AND all press releases. It will look at some of these documents to see why PEMRA is doing what it does and how stating the reasons for censorship.

Media reports / Case studies: Gathering detailed accounts of specific instances in which PEMRA took regulatory action. Through news archives, media reports and academic

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publications. Geo News Suspension ► 2014 ARY NEWS Fine — Case studies → So when covering this breaking news, the TV show will cross-check media reports with official PEMRA statements in order of accuracy and balance.

Media Professionals and Legal Experts: Semi-structured interviews with media professionals, journalists, legal experts who have knowledge/experience of PEMRA regulatory practices. These interviews will give an insight into how PEMRA's actions work on the ground; what challenges are faced with it and media freedom in general, by journalists across Pakistan.

3.3 Data Analysis

Analysis of data performed in three-phases;

1. Document Analysis: This involves a thematic analysis of the legal documents to identify key themes related to PEMRA's regulatory powers, justifications for censorship in law and practice, collective policy choices made by international states with respect to freedom of expression. This op-ed is limited to the analysis of (i) language, used in those documents; (ii) areas supposedly covered under jurisdiction and scope of PEMRA's designated duties/rights claimed or entrusted upon her/it by law/national interest, & finally on freedom encroached pragmatically with legal limits.
2. Content Analysis: There was also a content analysis of PEMRA's directives and press releases to find out the similarities, patterns and emerging narratives. The analysis, while focused on examining the legal rationale employed by PEMRA to regulate content and how it restricts freedom of media in terms of making these judgement. This study has been focus Television regulation bizarrely used organizations that examine Operation, is limited/. These results had applied to measure the extent which PEMRA action match with its information policies for encourage healthy media practices.
3. The Analysis of the Cases Studies: These case studies give detail to show how PEMRA has taken regulatory decisions and provide outcomes as well repercussions. They will thereby be able to test and evaluate the cases within a broad spectrum of legal-political dimensions, focusing on their implications for media independence, public discourse and democratic governance.

3.4 Ethical Considerations

The interviews will be conducted by this research in ethical manner related to the previous study, particularly when interviewing with media professionals and legal experts. Consent will be sought from all interview participants who agree to allow their testimony to feature in analyses by ensuring strict confidentiality unless otherwise agreed. The study will also make sure that any information gathered is only utilized for educational purposes and participants' feelings are presented in an unbiased manner.

3.5 Limitations

Although the present research seeks to conduct a robust analysis of media regulation and PEMRA, it has certain limitations.

Data Availability: Given that PEMRA and other official sources may not provide access to complete, reliable data because of restrictions on public information.

Subjective Interpretation of PEMRA directives and press releases: Valuable insights can be

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provided by the content analysis but to some extent, they are based upon interpretation. This can be managed through crosschecking with other existing data sources and careful analysis efforts.

Generalizability: The findings of this study, especially that of the case studies may not fully generalize to every particular type media regulation in Pakistan. Nonetheless, the cases chosen are emblematic of larger trends and offer important lessons about media regulation.

4. ANALYSIS AND DISCUSSION

This chapter provides a detailed breakdown of the data gathered through document analysis, content analysis and case studies. It questions the very existence of a full-fledged censorship apparatus in Pakistan, situating this role within that played by state mechanisms at large; and it places both media material as well as commandment actions with respect to providing them there. The study is framed by the literature including its findings, and methodical parts along with pertinent topics predisposed in them such as legal fabric, influence trail of PEMRA regulatory practices and friction between media regulation & democratic orientation.

4.1 Legal and Regulatory Aspect.

PEMRA possesses considerable powers on electronic media; its legal basis is the PEMRA ordinance of 2002. PEMRA Ordinance: The ordinance empowers the PEMRA to issue licenses, regulate content and penalize offending broadcasters. These standards are furthered in the 2015 Electronic Media Code of Conduct, which includes blasphemy and obscenity as well as material prejudicial to national security.

In fact, the document strengthened this finding as it reveals how a pervasive theme of discretionary grants lies at heart: With great powers comes very little responsibility. The legal framework empowers PEMRA to interpret these regulations in ways that can have a substantial impact on media freedom. However, as the statutes do not precisely define "obscene" or anti-state material, PEMRA enjoys a great deal of discretion in specifying offenses. However, this lack of clear definitions has led to claims that PEMRA operates in a subjective and arbitrary manner (legends tend to claim its decisions are informed more by political considerations than objective legal criteria).

As per the study, it is apparent that media freedom must co-exist with public interest as enshrined in law, although seems to me sometimes more of a state control. It favours national security and public morality over the tenets of free speech / freedom of press. This bias is most clearly evidenced in PEMRA enforcement, as regulatory actions are often motivated by vague and broad reasons, which allow the authority to assert wide discretion over media content.

4.2 PEMRA's Regulatory Practices and Impact on Media Freedom

Content analysis of directives and press releases issued by PEMRA reveals the extent to which it regulates. These files tend to repeat themselves; and reading the thought process of how national security concerns, public order or morality are used as a pretext for censoring media content is likely to circulate nearby. For instance, only recently has PEMRA issued orders for news channels to be taken off air or fined and apologized in the name of broadcasting content, which it thinks is "anti-state" or goes against the judiciary.

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Central to this analysis are the implications of PEMRA's moves for news channels at odds with either government or one of its instruments such as military and judiciary. Its other case study: the 2014 Geo News suspension and arrest orders; or this very ARY News clash with PEMRA in 2017 are no more projects than evidence to suggest that likes of media outlets could be dealt handily under its regulatory parameters. The alleged suppression of journalistic freedom was also a common factor in the punishments for both channels, which among others questioned or criticized state institutions.

The suspension of Geo News in 2014, for example, stemmed from accusations that the channel had exhibited "anti-state" material and committed defamation against Pakistan's Inter-Services Intelligence (ISI). Media organizations and civil society responded with criticism of the move, as they viewed it an effort to diminish neutral journalistic activities. This is mirrored in the fining of ARY News in 2017 for broadcasting critical news about judiciary — an indication that such abuse of PEMRA's regulatory power has become more than just a one-off and is systematically being used as a tool to repress dissent against sorts scrutiny over state actions.

Such actions Balkanize the Pakistani media landscape. Before you do, consider the fact that broadcasters could be somewhat less likely to overreach if they know a penalty or suspension is waiting around the corner. In addition, while this self-censorship is not required to always be explicit, it can have the outcome of creating a sameness in media and on its limits, only state sanctioned or non-controversial views would exist. Necessarily, the necessary diversity of opinion for true democratic debate is kept in check.

4.3 The conflict between media regulation and democratic principles

The struggle between the imperatives of media control and democratic rule constitute a core subject in any discussion-taking place over PEMRA. First, regulating that media to maintain ethical standards — whether those be journalistic, safety or social interest; and seeking to ameliorate the spread of toxic material. Over-regulation, however — especially when politically driven or so tight as to prevent free expression and debate entirely — masks our broader society's ability (and that of individual citizens) to understand the views advanced by internal state enemies.

Analyzing the actions of PEMRA illustrates a more nuanced relationship between these two forces. It is especially worrisome because although PEMRA has the right to take action against content for genuinely harming public order or national security, their vast powers combined with ambiguity and lack of clear legal definitions leave room open for abuse. However, selective enforcement clearly shows that PEMRA does not always function in line with democratic principles especially if it is used against critical media.

In Pakistan, a political landscape even more hostile than some of the countries already mentioned has only upped this ante further over time as media is seen by those in power to be potential threat. Clearly, PEMRA often exercises its regulatory powers to promote a government-friendly perspective and stifle dissent. Apart from weakening the media's status as a watchdog, this dynamic also corrodes trust in an independent fourth estate.

The broader significance of this tussle has suggestions for the progress on democracy in Pakistan. A free, independent and diverse media is vital to hold power to account, promote public debate based on knowledge over fear, and protect the truth. When such regulation is

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used for censorship; that it weakens these democratic functions and the environment impoverishes a space where seemingly only state sanctioned narratives are allowed to tread seems inevitable.

4.4 Support Self-Study Comparative Perspectives International Standards and Practices

One way to put PEMRA's regulatory mechanisms in perspective is by contrasting them with international standards and systems of media regulation. There are divergent practices in media regulation globally, some countries liberalizing their approach to the protection of freedom expression while others impose rigid control over content that is regarded as socially or politically harmful.

Media regulation is a democratic problem of preserving an open society in the most sovereign (least centralized) areas as well, and it can be solved with better respect for public interest. The regulatory authorities are mostly outside government control, and have a clear legal framework, which prevents official censorship. In contrast, the regulators of broadcast media in countries like United Kingdom are independent from government and have obligation to ensure that content is accurate and impartial amongst other things. Nonetheless, powers tilt toward strong definitional protections of freedom of speech and censoring only in the extreme cases.

By contrast, PEMRA's record of accomplishment of regulation is not on par with these international standards. Links between GRP and the government, together with its wide discretion powers have led to fears of a lack of independence or room for abuse. PEMRA is tasked with many responsibilities, including protecting public morals and preventing the broadcast of harmful material — objectives that can easily be manipulated to increase state censorship over media freedoms.

That foreign angle explains the reforms Pakistan should come up with in PEMRA policies. Pakistan could also benefit from enhanced credibility in media regulation based on international practices rather than censorship applied arbitrarily and subjectively. This could include stronger legal definitions, a more independent PEMRA and the protection of journalists and media outlets.

FINAL DISCUSSION

The analysis and discussion presented in this section illustrates that the endeavor to promote media regulation without impeding on freedom of speech remains a difficult balance for Pakistan. The wide regulatory powers of PEMRA, together with the impact on media freedom demonstrate a dilemma between responsible journalistic practices and censorship. These case studies are illustrative of how interventions by PEMRA can stifle voices and perspectives, thereby compromising democratic principles established in the country. This comparison with international standards makes it even clearer that media regulation in Pakistan requires urgent reform to become a facilitator, rather than an obstacle, of freedom of expression.

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5. CONCLUSION

The study has examined the intricate media regulation conundrum as well as the nexus between censorship and freedom of speech in Pakistan with special reference to PEMRA. In any case, the research has provided an in-depth exploration of PEMRA's legal apparatus and regulatory practice as well as what appears to be a problematic balancing act between oversight interests and media freedom persists.

5.1 Summary of Findings

The study demonstrates that PEMRA falls within a tradition of modern administrative laws that gives it vast discretionary authority to control electronic media content. Although the exercise of these powers is supposed to yield public order, national security and good behavior; their wide open definitions often allowing for arbitrary application. It has therefore been a source of concern for some that regulatory actions taken by PEMRA may, at times arise out and seemingly be based on political considerations rather clear legal standards.

The study of how PEMRA tends to regulate, and the various case studies also shows that actions of apparatus have had an inhibitory effect on free media in Pakistan. PEMRA-pressure-through-private-gagging-public-debate-adumbrate-freedom-of-expression_hamzashafqaat By using its powers to penalize media outlets that criticize the government or state institutions, it has helped in creating an atmosphere of self-censorship fear (chilling effect) and restricted public discourse. This pattern is not only shutting down dissent, but also more importantly eroding the media's authoritative role as a democratic watchdog).

A comparison with global practices around international media regulation underlines the necessity for an overhauling in Pakistan related to media oversight. While in most democratic countries media regulation is counterbalanced by robust guarantees of freedom, PEMRA seems anything but independent and its vast regulatory authority risks abuse.

5.2 Implications for Media Freedom and Democratic Governance

PEMRA's regulatory actions have significant long-term implications beyond the immediate effects on individual media outlets. If anything, PEMRA undermines the edifice of democratic principles through its enmity towards freedom of expression and pluralistic means with regard to information dissemination. A free and independent media is critical to enable power-accountability; stimulate healthy public debate, so choice of the ordinary citizen becomes more informed by diverse perspectives from various sources. Aiming to embed this power into the fabric of liberal democratic state, when media regulation serves as a weapon for censorship it represents an erosion of these democratic roles and runs toward state-monopolized narrative proliferation.

5.3. Recommendations for Reform

These challenges can be ironed out if Pakistan ushers more reforms that add demand-pressure on the government and correspond to global benchmarks, which we have identified with such recommendations;

- **Definitional Clarification of Terms in Law:** The laws under and over PEMRA should be reviewed to redefine what constitutes "obscene", who is considered "Anti-State" through

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their opinions, or which information falls into the category of being a threat to Public morals. This seems a simple enough exercise that could not only limit the possibility of whimsical enforcement but also better focus censorship to where it is genuinely required.

- Enhancing the legitimacy and neutrality of media regulation is likely to require a further constraining serious loosening from government control for PEMRA. This could include reforming its governing body to add representatives of civil society, press organizations and jurists so that decisions are driven by an impartial set of standards as opposed to the political heft brought in.
- Protection of Freedom Of Media: Laws to prevent the harassment and retaliatory actions by state agencies against journalists/media organizations. This must include setting up an independent supervisory body to look into the functioning of PEMRA.

REFERENCES:

1. Abbasi, A. (2020). The Societal Role of Media in Pakistan: An Analysis in an Islamic Perspective. *MEI*, 19(1). <https://ojs.aiou.edu.pk/index.php/jmi/article/view/174>
2. Aftab, S. (2024). *Comparative Perspectives on the Right to Privacy: Pakistani and European Experiences* (Vol. 109). Springer Nature Switzerland. <https://doi.org/10.1007/978-3-031-45575-9>
3. AGHA, S. (n.d.). *Measuring Freedom of Expression in Pakistan: Challenges to Citizens Security*. Retrieved September 10, 2024, from https://www.researchgate.net/profile/Sidra-Agha/publication/376260934_Measuring_Freedom_of_Expression_in_Pakistan_Challenges_to_Citizens_Security/links/65707bae07233b6f57f90554/Measuring-Freedom-of-Expression-in-Pakistan-Challenges-to-Citizens-Security.pdf
4. Akhtar, A. (2019). The Regulator Regulated: A Genealogy of the Pakistani Broadcast Media and its State of 'Double Capture' in the Post-Musharraf Era. *BioScope: South Asian Screen Studies*, 10(2), 183–206. <https://doi.org/10.1177/0974927619901039>
5. Aleem, Y., Rafique, M. Z., & Umar, M. (2024). *Regulation of Broadcast media in Pakistan, UK, and Malaysia; A Comparative analysis*. <http://cerjournal.com/index.php/cerjournal/article/view/10>
6. Ashraf, A., & Shabir, G. (2015). Pemra Code Vs Media Practice, Perception of Broadcast Journalists About Media Freedom in Pakistan. *Journal of Mass Communication Department, Dept of Mass Communication, University of Karachi*, 13. <http://www.jmcd-uok.com/index.php/jmcd/article/view/30>
7. Aslam, M. J., Sarwar, M. S., Bhatti, U. A., & Shakoore, S. (2021). Status of Media Freedom and Democracy in Pakistan: Perception of Journalists and Politicians. *Journal of the Research Society of Pakistan*, 58(3), 92.
8. Azam, M. (2021). Pakistan's International Law Obligations and Curtailment of Freedom of Expression: Balancing Legitimate Competing Interests or a Case of Violation? *PLR*, 12, 37.
9. Baig, S. (2016). *Role of Electronic Media and Portrayal of Pakistan's Relation with India* [PhD Thesis, Quaid-i-Azam University, Islamabad]. <http://dspace.qau.edu.pk:8080/jspui/handle/123456789/624>
10. Bashir, A., Shafiq, Z., Arshad, F., & Bakht, N. (2020). Challenges before Electronic Media Channels in Pakistan. *Pakistan Vision*, 21(1), 199.
11. FAROOQ, M. (n.d.). *Financial Accountability of Electronic Media Authority in Pakistan: Insights from Pakistan Electronic Media Regulatory Authority*. Retrieved September 10, 2024, from https://www.researchgate.net/profile/Mahnoor-Farooq-2/publication/357632620_Financial_Accountability_of_Electronic_Media_Authority_in_Pakistan_Insights_from_Pakistan_Electronic_Media_Regulatory_Authority/links/61d71b11d45006081692

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- a18d/Financial-Accountability-of-Electronic-Media-Authority-in-Pakistan-Insights-from-Pakistan-Electronic-Media-Regulatory-Authority.pdf
12. Farooq, M., & Jabeen, N. (2021). Accountability regime of Pakistan electronic media regulatory authority: A proposed conceptual framework. *Governance and Management Review*, 6(2), 1–15.
 13. Shabbir, T., & Nadeemullah, M. (2020). Uses and impact of 'open data' technology for developing social sector in Pakistan. *Pakistan Journal of Multidisciplinary Research*, 1(1), 50–64.
 14. Gul, M., Obaid, Z., & Ali, S. (2017). Liberalization of media in Pakistan: A challenge to democracy. *The Journal of Humanities & Social Sciences*, 25(1). <http://ojs.uop.edu.pk/jhss/article/view/650>
 15. Iftikhar, I., Sultana, I., & Paracha, S. A. (2024). Balancing Act: Pakistan's Quest for Responsible Social Media Regulation. *PAKISTAN JOURNAL OF LAW, ANALYSIS AND WISDOM*, 3(2), 216–231.
 16. Imran, S. (n.d.). PEMRA's Overreach: Exploring Censorship and State Anxiety. *Reel Pakistan: A Screen Studies Forum*, 90. Retrieved September 10, 2024, from https://reelpakistan.lums.edu.pk/sites/default/files/user376/reel_pakistan_vol_4_2022_complete_volume-1.pdf#page=93
 17. Iqbal, Z. (n.d.). *MASSMEDIALAWS IN PAKISTAN: AN ANALYSIS IN RETROSPECT*. Retrieved September 10, 2024, from https://www.researchgate.net/profile/Fazal-Khan-12/publication/269571124_Mass_Media_Laws_in_Pakistan_An_Analysis_in_Retrospect/links/5d384710a6fdcc370a5a7d26/Mass-Media-Laws-in-Pakistan-An-Analysis-in-Retrospect.pdf
 18. Iqbal, Z. (2023). Freedom and Growth of Media in Pakistan: An Analysis (2008-2013). *UCP Journal of Mass Communication*, 1(1), 81–110.
 19. Iram, A., Shahid, R., & Shams, M. (2022). Freedom of expression under censorship in democratic Pakistan. *Pakistan Journal of Social Research*, 4(04), 809–819.
 20. Joshua, R. A., & Zia, A. (2020). Exploring the Policies for Coverage of Minorities' Issues in Pakistani. *Global Social Sciences Review*, 5(2), 106–114.
 21. Khan, M. A. (2016). *Media landscape in pakistan and censorship through viewers' complaints to PEMRA*.
 22. Khan, S. B. (2021). Pakistan: Corporatization and weak ethics. In *The Global Handbook of Media Accountability* (pp. 399–407). Routledge. <https://www.taylorfrancis.com/chapters/edit/10.4324/9780429326943-46/pakistan-sheer-baz-khan>
 23. Liaquat, S., Qaisrani, A., & Khokhar, E. N. (2016). *Freedom of Expression in Pakistan: A myth or a reality*. <https://sdpi.org/sdpiweb/publications/files/Freedom-of-Expression-in-Pakistan-a-myth-or-a-reality-W-159.pdf>
 24. Mahmood, A., & Ul-Ain, N. (2017). STATE OF CONTROLLED MEDIA IN THE AGE OF GLOBALIZATION: A CASE STUDY OF PAKISTAN TELEVISION. *Journal of Contemporary Studies*, 6(1), 20–35.
 25. Mashhood, M. (n.d.). *Media Laws and Ethics: Its Universality on Humanitarian Grounds*. Retrieved September 10, 2024, from <https://www.uoswabi.edu.pk/data/downloads/2008.pdf>
 26. Mezzera, M., & Sial, S. (2010). Media and Governance in Pakistan: A controversial yet essential relationship. *Initiative for Peace Building*. https://www.clingendael.org/sites/default/files/pdfs/20101109_CRU_publicatie_mmezzera.pdf
 27. Mir, W., & Shahid, T. F. (2020). Commercial Speech before the Supreme Court of Pakistan and the Troubling Rationale in Pakistan Broadcasters Association v. PEMRA. *PLR*, 11, 203.
 28. Noor, A. (2021). *Overview of Internet Content Regulations in Norway and Pakistan* [Master's Thesis]. <https://www.duo.uio.no/handle/10852/88190>
 29. Qayyum, H., Raza, M. R., & Sadaf, A. (2023). Analyzing the impact of censorship on journalistic practices: The case of Pakistan. *Pakistan Journal of Social Research*, 5(02), 584–593.
 30. Rashid, J., Asghar, M. S., Qamar, M. S., & Tabassum, M. B. (n.d.). *Freedom of Speech and Expression in Pakistan*. Retrieved September 10, 2024, from <https://www.researchgate.net/profile/Dr->

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Javed-

Rashid/publication/380850368_Freedom_of_Speech_and_Expression_in_Pakistan/links/6650d09922a7f16b4f4a9478/Freedom-of-Speech-and-Expression-in-Pakistan.pdf

31. Rasul, A. (2017). Excessive Regulation Through Bureaucratic Bullying: Evaluating Broadcast Regulation in South Asia. In M. Friedrichsen & Y. Kamalipour (Eds.), *Digital Transformation in Journalism and News Media* (pp. 151–168). Springer International Publishing. https://doi.org/10.1007/978-3-319-27786-8_12
32. Rasul, A. (2018). Government Public Relations and Broadcast Regulation: Evaluating Electronic Media Regulations in South Asia. *Media Watch*, 9(2), 156–166.
33. Riaz, S., & Taj, S. (2017). Media Ethics in Pakistan: Exploring Stake Holders' Perceptions. *Global Media Journal*, 10(2), 1–29.
34. Rukh, L., & Saeed, M. U. (2023). Perception of Media Freedom in Pakistan from Journalist's Perceptive. *Journalism, Politics and Society*, 1(01), 46–67.
35. Saeed, H., & Saleem, N. (2020). *Media Ownership and Regulation Influencing Production of Prime-Time Television*. https://www.researchgate.net/profile/Noshina-Saleem/publication/349182892_Media_Ownership_and_Regulation_Influencing_Production_of_Prime-Time_Television_News_Bulletins_in_Pakistan/links/612873c938818c2eaf62b382/Media-Ownership-and-Regulation-Influencing-Production-of-Prime-Time-Television-News-Bulletins-in-Pakistan.pdf
36. Saleem, A. (2024). The political economy of television news in Pakistan. In *Global Journalism in Comparative Perspective* (pp. 27–39). Routledge. <https://www.taylorfrancis.com/chapters/edit/10.4324/9781003327639-4/political-economy-television-news-pakistan-awais-saleem>
37. Saleem, Y., Raman, M., Adeeb, H., & Akram, I. (2021). Dissemination of Sensational News and Media Regulatory Authorities in Pakistan. *Pakistan Library & Information Science Journal*, 52(1). <https://search.ebscohost.com/login.aspx?direct=true&profile=ehost&scope=site&authtype=crawler&jrnl=19943059&AN=150572134&h=MgUrly5eCalvUf7z1efgtc0lCYgNTVccUYXovOXU9ilwf%2FgYVNNhRXng8EtbqdNQA8MthTwvwNou0bhh65o7ug%3D%3D&crl=c>
38. Salman, H. M. (2023). Historical Evolution of Media Laws in Pakistan. Available at SSRN 4746518. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4746518
39. Shabbir, K. (2022). The Role Of Media In National Development. *Graduate Journal of Pakistan Review (GJPR)*, 2(2). <https://journals.pakistanreview.com/index.php/GJPR/article/view/132>
40. Siraj, S. A. (2009). Critical analysis of press freedom in Pakistan. *Journal of Media and Communication Studies*, 1(3), 43.
41. Yousaf, M. (2023). Mass Media in Pakistan: Historical Evolution, Challenges, and Prospects. *Handbook of Research on Deconstructing Culture and Communication in the Global South*, 21–35.