

ELITE CAPTURE OF BROADCAST AND SOCIAL MEDIA

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With the news of a firewall being installed to regulate internet usage particularly social media sites such as Facebook, YouTube and X. The government will have undue power to recognise IP addresses associated with what it labels as “anti state propaganda”. Media in Pakistan continues to suffer because of such repeated attempts to stifle free speech through excessive regulatory restrictions, content monitoring, threats to media personnel coupled with an untenable revenue generation framework³³. State and non-state actors exploit this vulnerability to gain political power and fulfil their vested interests. This undue control of media by the government influences what information is produced and who receives it, which eventually serves to manipulate the thinking of 54.3%³⁴ of the population who do not have access to the internet. PEMRA the regulatory authority of the media was institutionalised in 2002 to deregulate the airwaves of the country. Its responsibilities include issuing of licences for broadcast media, regulating issuance of licenses to the private satellite and radio broadcasters, along with issuances of license for distribution systems. Media regulatory bodies are created to dispense licenses to the private sector for reducing monopolies and serve as a precursor for independent and free media. This independence however, is put into question in Section 5 of the PEMRA Ordinance of 2002, which states that federal government can issue policy directives and these directives are binding³⁵.

To further decrease its autonomy, the government of Pakistan linked the authority with the Ministry of Information and Broadcasting in 2017, which gave the federal government the instrumentality to issue directives as they seem fit. Media laws and rules are based on mainstream mentality of controlling, monitoring and observing rather than providing an enabling and encouraging environment to persuade media to abide by the law. The broadcast sector has transformed into an oligopoly of sorts as existing players continue to strengthen due to their hold on electronic media meanwhile new entrants are discouraged to compete with existing media magnates. This concentration of players

can dictate the kind of information that is circulated moreover it discourages pluralism and suppresses critical dialogue as well.

Despite the privately owned media being portrayed as independent, local media, in particular, is reliant on legal notices and public sector advertisement for financing³⁶. This dependence is exploited by information ministries, at the provincial and national levels, who intimidate and threaten to retract advertisement in order to influence editorial procedures. Media outlets that take the courage to cross these lines are not only subjected to financial reprisal but physical harassment as well. This leads many journalists to engage in self-censorship to avoid their salaries being terminated or worse, facing criminal sanctions- in extreme cases three-year imprisonment on charges sedition.

A recent report published by the International Press Institute (IPI) paints a harrowing picture of the state of press freedom in Pakistan. The institute recorded at least 35 press freedom violations between October 2022 and March 2023³⁷. Majority of these infringements were committed by agents of the state and the perpetrators of these condemnable crimes are rarely brought to justice. For the last three decades at least 97 journalists have been killed in our country and among these only two instances have the killers been partially convicted³⁸. Journalists are often killed in Pakistan for covering protests and exposing corruption, and those that do not face death threats, are often subjected to online harassment and legal intimidation through arrest and criminal allegations.

³³<https://file.pide.org.pk/uploads/kb-035-the-electronic-media-economy-in-pakistan-issues-and-challenges.pdf>

³⁴<https://datareportal.com/reports/digital-2024-pakistan>

³⁵<https://file.pide.org.pk/uploads/book-48-chapter-6-pakistan-electronic-media-regulatory-authority.pdf>

³⁶<https://rsf.org/en/country/pakistan>

³⁷<https://ipi.media/wp-content/uploads/2023/05/2022-23-south-asia-monitoring-pakistan.pdf>

³⁸<https://www.dawn.com/news/1785586>

The regulatory authority itself issues directives, that the media content or the person which/who disparages the Head of the State, armed forces or executives, legislatives or judicial constituencies of the State is legally responsible to be jailed for up to 3 years and can be fined up to 3 Million rupees with cancelled licenses. These institutions have been cited as responsible for many of the country's economic woes and by considering them sacrosanct journalists have no choice but to resort to YouTube and online mediums for reporting and sharing their viewpoints. With media houses linking to commercial, political and non-political organisations, and to win the race for Television Rating Points (TRP) quality of content is deteriorating and space for balanced journalism is shrinking on mainstream media.

Talat Hussain, a former anchor for GEO news was fired for questioning the PTI government's election victory of 2018.³⁹ He was quite vocal about his dismissal and mentioned how the government, which buys a lot of ads to propagate its initiatives to the masses, can also divert funds from channels, compelling media houses to take undesirable anchors off air.

After his ouster, Hussain attempted to move towards print publications but the government followed him there as well, and approached multiple news outlets to not publish his work. This prompted him to work towards his YouTube channel, which has more than 270,000 subscribers along with this he works as an independent consultant. However, starting a news channel on YouTube is a double edged sword, where due to lack of fact checking misinformation is rampant. Content creators can quickly find their channel has been demonetized, making it less financially secure.

Under the guise of curbing misinformation and reducing hate speech on online platforms, the government has resorted to implementing laws like the Pakistan Electronic Crimes Act (PECA) which have successively shrunk the space for dissent in Pakistan.⁴⁰ Reporters Without Borders (RSF) have analysed this law in detail and have termed it as an attempt to enact 'draconian online censorship' in Pakistan.⁴¹ In 2020, when the new regulations were aimed to replace an earlier set of rules that were rejected because of civil society opposition. The laws that followed were only to extend the government's censorship power towards online platforms. This new regulation called the Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards), Rules 2020 introduced by the Pakistan Telecommunications Authority (PTA) completely disregarded involving relevant stakeholders firstly.

The aforementioned rule deprived the internet from becoming a resource for reliable and independent information with limited state interference. On the grounds of protecting national security, as per this rule, the PTA can block or withdraw any content that incites or tries to excite dissatisfaction towards the federal or provincial government. Another drawback of the law is ambiguous wording used to justify censoring of any content termed as indecent, immoral or deleterious to the 'glory of Islam', without providing a precise definition of these terms, which gives PTA indiscriminate and infinite power to block and remove online content.

Lack of transparency and accountability is another detriment of the law, where if a person convicted of a penal offense would normally undergo a judicial proceeding. In this case PTA is granted to act both as plaintiff and judge. This allows PTA to make judgments about cases concerning illegality of content, and considering the Authority is an offshoot of the government it further broadens the ambit of censorship.

Another illegitimate power PTA has been given is the authority to block entire websites and social media networks. Sites are initially given 24 hours- or six hours depending on the urgency of the issue to delete or block content that the authority terms as contentious. Failure to do so, results in a blanket ban on the website. Such provisions have been used repeatedly to block different social media sites such as YouTube, Facebook and X (formerly Twitter) which has been banned in Pakistan since February 2024.



³⁹<https://www.cnet.com/news/politics/forced-off-tv-pakistani-journalists-build-new-audiences-on-youtube/>

⁴⁰<https://rsf.org/en/country/pakistan>

⁴¹<https://rsf.org/en/analysis-pakistani-government-s-new-online-censorship-strategy>

Access to social media site X has been blocked from time to time on since the general elections in the start of February. Aimed at suppressing any attempts to protest against election fraud⁴². Maintaining order and protecting 'national' interest have taken precedence over individuals constitutional right to freedom of expression. Take the recent elections as an example why was the internet shut down at such a critical moment? Why were telephonic services completely cut off on the day of the election, if the only way to find out your polling station and address was texting a certain number. These disruptions only favour the current regime that is in power and silent critique on the government.

Not only does this violate our fundamental rights but an infographic compiled by PIDE estimates that the disruption of 3G/4G services in the country amounts to a loss of PKR 1.3 Billion, per day for the country⁴³. Such steps exacerbate inequalities as access to the internet is vital for providing job opportunities to the youth and acquiring new skills online. Along with that there is dire need of reform that allows for broadcast media providers to create content that does not exist in silos to consumer's needs. Laws governing broadcast media also needs to be revised and undue power of the authorities such as PTA and PEMRA need to be revisited, by increasing stakeholder engagement during policy formulation. Installing a national firewall will not limit 'anti state propaganda', as if people are not allowed to post online they will resort to the streets or circumvent on other platforms. Protests in Pakistan have had devastating impacts in the past. Given our struggling economy, we cannot afford to alienate current foreign lenders and the International Monetary Fund, which has already expressed serious concerns about a lack of trust in the Pakistani government due to political instability.

⁴²<https://rsf.org/en/alarms-signs-press-freedom-under-pakistan-s-new-authorities>

⁴³https://file.pide.org.pk/pdf/pideresearch/ig-02-the-economic-cost-of-internet-closure.pdf?_gl=1*1pnhd48*_ga*NTU2MDE0NDU2LjE2ODYyMjI2OTY*_ga_T5TLWHEVW9*MTcxOTIyNDk0NC41My4wLjE3MTkyMjQ5NDQyNjAuMC40NDM4NDg3ODk

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