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Imran Farooq's fate hangs in balance

By Shamim-ur-Rahman

KARACHI, July 5: The Muttahida Qaumi Movement is in a fix over the fate of Dr Imran Farooq who was 'removed' from the position of convener of coordination committee, amid reports of differences with party chief Altaf Hussain.

The Muttahida's parliamentary leader in the National Assembly, Dr Farooq Sattar, told *Dawn* on Monday that there was "a status quo and decisions were in abeyance" with regard to reports about the London-based party leadership.

"The other matters have almost been resolved but no decision has been taken yet on matters concerning Dr Imran Farooq against whom there were repeated complaints of breach of discipline," said Dr Farooq Sattar. His remarks confirmed the serious power struggle going on within the party.

The party was trying to resolve all the outstanding issues but success was not likely soon, he added. There were reports also that a split was imminent and that there were "some problems" at the party's international secretariat in London.

Mr Hussain had assigned the convenership of the coordination committee to Dr Imran Farooq on Aug 15 last year in a major shakeup within the party. That move was the biggest one by Mr. Hussain since his direct control of the party affairs after the suspension of Dr Imran Farooq, who was subsequently reinstated.

In the meantime, at a recent meeting of the cadres the founding chief of the party was critical of both the governor of Sindh and Dr Imran Farooq. And there were deliberate leakages indicating that some action against him was again being contemplated.

Mr Hussain, according to some sources, was also unhappy over Governor Ibad's remarks that no operation against the MQM was being contemplated by the government. But in London, according to sources, he was shown various "evidence" contrary to his claim. His matter has been sorted out, said the sources.

Asked whether the party's international secretariat in London was functional, he replied in the affirmative. Dr. Sattar said the coordination committee had been dissolved but it had to be revived, but only for policy decisions.

The rest of the issues were looked after by the coordination committee here in Pakistan. Wherever guidance of Mr Altaf Hussain was required, those matters were dealt with by those members of the committee who were in London.

The party leadership was playing down its internal power struggle because that could affect its bargaining power, both at the federal and provincial levels.

Appendix D-2 Press Release of the MOM printed in DAWN

Muttahida denies *Dawn's* Report

KARACHI, July 6: The Muttahida Qaumi Movement on Tuesday denied a *Dawn* report published in July 6 issue regarding the party's organizational matters.

A party press release said the *Dawn* had interviewed leaders of different political parties regarding their party policies. A similar interview was given by Dr. Farooq Sattar, parliamentary leader in the National Assembly. Excerpts of this interview were published out of context. The publication of such an item was contrary to 'journalistic norms', the press release claimed.

**Appendix D-3 Letter from Information Adviser, Sindh Government requesting
DAWN CEO to publish Altaf Hussain's article.**

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**ADVISOR TO CHIEF MINISTER SINDH
FOR INFORMATION AND ARCHIVES**

Karachi, dated the 28/11/2004

Salahuddin Haider

Mr. Hameed Haroon,
Chief Executive, Daily Dawn of Newspapers,
Haroon House,
Karachi.

Dear Mr. Haroon

A copy attached, addressed to the Editor Daily "Dawn" is self-explanatory. According to our agreement I am just sending you a duplicate so that execution is within your knowledge. Expecting from you a positive response and assuring you my best cooperation.

Yours

(SALAHUDDIN HAIDER)

**ATTN MR TAHIR MIRZA,
EDITOR DAILY DAWN
KARACHI**

Dear Sir,

Following is in response to Ayaz Amir's article appearing in Friday's issue of November 12, 2004 and has to be published in full because the piece was not only loaded but devoid of truth. The record therefore has to be set right

THE TEXT

"Ayaz Amir's article in your newspaper of Friday, 12th November has pained millions of MQM workers and supporters of Party's leader Altaf Hussain, who I am sorry to stress, wittingly or unwittingly, been given a grossly distorted treatment by the media, 99 times out of a 100. MQM, since its inception has been victim of a dual tragedy. It has not only been painted black or presented in grossly distorted form, but writers, coloumnists, and commentators, have either made no effort on their own to find the truth about the party, its philosophy or operational methodology, but turned a blind eye to facts furnished with a purpose to help them understand the objectives the party had set before itself for the kind of change Pakistan required to be a modern, democratic, liberal State where each one of its citizens is guaranteed equality, justice and fairplay. Attainment of these principles alone have helped countries in the West, and the Far East reach a fairly comfortable level of prosperity and civic rights for its people. That is why, they are called today as the "developed world" and cited as a role model for others to emulate.

All these states, as also India next door, have reached their level of affluence or climbing the stairs to progress, by building a strong middle class, and by ensuring maximum participation of their people. MQM too has been engaged in that task, but since it has to demolish the well-entrenched system of feudalism and tribalism to restore to the people their due rights, its philosophy has been resisted by almost all powerful vested interests of our society which is still in medieval stages. Journalists, unfortunately, too have failed to appreciate or even understand that the attainment of such an objective is the need of the hour.

Ayaz Amir's disclosure, too, is nothing but a cobweb of fiction, fantasy, and fanaticism.

Ethics demanded him to incorporate the viewpoint of our party, but he in his infinite wisdom chose to rush into print with words which are bound to reflect poorly on his professional judgement and, pardon my saying so on the credibility of his own ideas, as well of daily Dawn.

To say that MQM was created by late General Ziaul Haq, is not only travesty of truth, but a gross insult to the genius of millions of people who without fail since 1987, have solidly been backing the party because of their unshakeable faith in its principles and the causes it espouses for their emancipation. Let me make some startling disclosures here for the writer, and expect him to shed his typical Mianwali mentality, which apart from being Punjabi in character, is also based on military training. I do not know whether Ayaz himself is a land owner, but even if he is not, he has had his grooming among the feudals. Such a background either automatically instills in him an unbridled bias towards mohajirs or migrants from India, or closes his mind to accept ideas based on modern realities.

Zia or his cronies, and rumours had also been spread that MQM was a brainchild of Ghous Ali Shah, neither had the courage nor the ability to do anything positive. Altaf Hussain and his colleagues in their student days, went door to door in Korangi and other slums of Karachi to collect wheat, flour, old clothing, and whatever else they could manage for the Pakistanis returning from the country's former eastern wing, and charted a course to fight against discrimination in admission policies of Karachi University and its affiliated colleges for mohajir students. They were forced to do that because before them, nearly a dozen politico-ethnic organizations like People's Students Federation, Punjabi Students Federation, Pushtoon and Imamia students organizations, and Thunder Squad in tile form of Islami Jamiat-e-Tulaba had put up their camps to vitiate atmosphere in academic institutions of Urban Sindh.

Quite obviously, the poor and hapless students and the slum residents who had no one to look them after, saw the MQM as messiah, backing them with overwhelming support in the municipal elections of 1987. The voter was moved by the voluntary spirit of Mr Hussain and his colleagues to serve and be their spokesmen in the parliament later.

The party's roaring success in Karachi, Hyderabad, and Mirpurkhas must have been a shock for Zia, Ghous Ali Shah, and their secret services. The success was unbearable for intelligence agencies especially, who, relying on their blunder which broke the country into two in 1971, saw the emergence of such a popular party as yet another threat to their design to keep the country depoliticised. The crackdown by General Asif Nawaz and his own statement that like PML and ANP etc, MQM too could have two factions, was a conspiracy against democracy and against efforts by selfless people to restore dignity and honour to the poor, oppressed people of Pakistan, and give them their inalienable right to rule. Asif Nawaz's crackdown was a brazen-faced act, contrary to all norms of decency and constitutional guarantees to the citizens of Pakistan to enjoy their rights in a free country.

Ayaz's assertion that MQM was a counterweight to PPP, reflects poorly on his knowledge or ability to look into history. PPP was never strong in Karachi, and had managed just one seat in 1970 elections. Let me also

inform the writer that Altaf Hussain had returned with sheer disdain and contempt suitcases full of money sent to purchase him by an army General who is still alive, and should verify the facts. Mr Hussain has been taught the lesson of never to bow before anyone except God Almighty by a mother who surely was a great lady. He continues to seek benign guidance from his Creator, and instills a sense of discipline, righteousness, justice and equality among his party workers and those close to him. Even at the height of crisis between the condemnable army action of 1992, and till the time it continued, he kept his followers stick to his guns by leading from the front. They remained steadfast. The writer sees the MQM as a genie. Nothing could be more deplorable statement than that. The comment reflects a perverted mentality. Altaf Hussain leads from the front, is kind hearted, generous and sympathetic to the poor. He pleads their case fearlessly and forcefully. His message has now begun to be accepted in all four corners of the country. Perhaps Mr Ayaz Amir must have felt a threat to his own constituency or the interests that he wishes to serve.

As for General Naseerullah Babar, suffice to cite here an example of his "bravery" here. If General Tikka Khan was responsible for the massacre of the Bengalis brethren, Naseerullah Babar too was responsible for the genocide of innocent MQM workers. He stood at the dead body of a 17-year old youngster, ordering him to rise and fight a person who I don't know how had he managed to earn the rank of a two-star General. There are thousands of instances to cite but a few would be enough here for the writer to correct his assessment of the MQM.

Defending General Babar, was a slap on the face of the Urdu speaking people who want nothing but to be treated on merit as equal citizens of the state. Whether Aslam Beg had a soft corner for MQM, he alone can answer. There is no evidence on the ground to support that argument. Mr Hussain's training for his workers is to be helpful to people, and asks the students to concentrate on their studies. He even asked them to drive taxis, instead of looking for lucrative government jobs. He taught them to believe in dignity of labour. Ayaz Amir has to see him to know about him. History is full of examples where Messengers of God, men of creative thinking, revolutionaries, philosophers, and those working for political and economic uplift of the masses, have been looked down upon, insulted and branded traitors. Altaf Hussain was given no different treatment. It is a different matter though that he has already achieved successes that have turned people envious of him. He already enjoys popularity none have achieved in Pakistan so far. PPP and Awami League lost ground quicker than they had thought, but MQM continues to rule the heart of the masses which is evident from its repeated success at the polls. Nothing could be bigger yardstick of popularity than that in modern times.

In the end I would only advise Ayaz Amir to study the Karachi situation dispassionately. I am sure if he does that, he would be sympathetic to MQM. He devoted some very uncharitable remarks about Sindh Governor Dr Ishratul Ebad Khan but can he now answer as to how did the same

Governor had helped restore peace and sanity in Karachi and the rest of the province.

As for Altaf Hussain's remarks about Pakistan, there is nothing wrong in a hindsight analysis. Mr Hussain has himself explained that LOC is not a permanent border, just a starting point for negotiations on Kashmir, and if Pakistan was meant to be a Muslim State, then why was its doors shut on Muslims of India or the world. Israel has still kept its doors open for Jews of the world. Pakistan ideology, let me remind the writer was the brainchild of Jamat-i-Islami and was articulated officially by its spokesman, the then information minister in Yahya Khan's cabinet, General Sher Ali. Altaf Hussain has also said that India and Pakistan were a reality but both should mend for the mistakes of the past by having cordial relations and enabling their citizens to move with obstacles or hurdles to end the bitterness existing for the last 57 years.

Altaf Hussain's visit to India has been a roaring success. His views, expressed public or in meetings with government or opposition leaders of India, Vajpayee, Advani, or Natwar Singh included, carried weight. India, like the rest of the democratic world, knew Mr Hussain's influence on his country's public opinion. The Indians knew that ignoring them may prove damaging or even disastrous for their own political power. They did well to respond quickly when the announcement came Prime Minister Manmohan Singh about reduction of forces in held Kashmir, and the subsequent remarks from foreign minister Natwar Singh about possible solutions to the 57-year old lingering problem. The support to peace process from Vajpayee, Advani and I K Gujral lent strength to the government of India. They knew that assertions from a popular leader may weaken public support for those in power. Manmohan Singh had therefore acted wisely. Altaf Hussain's visit and the response he received from the cross section of Indian population, is bound to be helpful for President Musharraf in future negotiations with Indian leadership, and so it would be for Prime Minister Shaukat Aziz when he visits India next week.

Public leaders do the ground work and those in the government have to build the edifice or a sounder structure for sounder relationship. Altaf has done a job. That should be enough satisfaction for him and his supporters. This is bitter and the naked truth. If cynics still think otherwise, they will be within their rights to have their views, however cynical they may be.

Salahuddin Haider
Advisor Information

Appendix D-4 Letter from Information Adviser, Sindh Government requesting DAWN CEO to publish Altaf Hussain's article.

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ADVISOR TO CHIEF MINISTER SINDH
FOR INFORMATION AND ARCHIVES

Karachi, dated the 29/11/2004

Mr. Hameed Haroon,
Chief Executive Daily Dawn,
Haroon House, Dr. Ziauddin Road,
KARACHI

My dear Hameed,

As agreed between us I am enclosing an article from Mr. Altaf Hussain, founder leader of Muttahida Qaumi Movement (MQM), only for Dawn. I hope you remember your promise to publish Mr. Altaf Hussain's articles.

2. Awaiting your response.

Thanking you very much,

Yours

(SALAHUDDIN HAIDER)

ALTAF HUSSAIN'S VISIT TO INDIA

By Salahuddin Haider

Altaf Hussain's visit to India of the last two weeks has been heartening in more than one ways. It produced results it was expected to yield, helped build the bridge between people of the two countries, and more importantly laid the ground work for the leaders of the two governments to build a sounder edifice on it or at least lay a solid foundation for the kind of relationship which the vast majority of India and Pakistani people have long been aspiring for.

That his message for peace and amity was heard in the corridors of power was evident from the quick response it received with the announcement of Prime Minister Manmohan Singh about reduction of forces in Held Kashmir, and from the subsequent statements from foreign minister Natwar Singh, expressing India's desire to consider proposals from Pakistan. The Indian premier's assertion that geographical changes in Kashmir was not negotiable appeared more for public consumption than a serious stand of the Indian government. Politicians do say different things at different times for public consumption. India initially had rejected Musharraf's formula of demilitarizing the 7 Kashmiri zones in India and Pakistan, but Natwar and Manmohan Singh later changed their stance on the subject.

These are normal tactics and should be taken lightly till such time they begin to assume seriousness, and the negotiating parties start taking rigid or hard stand on sensitive issues.

Altaf Hussain did say things in India which may appear controversial, but truth is quite often becomes a bitter pill. Musharraf's formula, released on Information Minister Sheikh Rashid's party of Islamabad on November 7, too drew scathing criticism. Nothing abnormal. Ideas new to ears invariably are resisted and opposed, but do become talking point later.

Opposition to Altaf Hussain's remarks in India about Pakistan being a mistake or LOC be made starting point for Kashmir negotiations have created an unnecessary uproar. Pakistan was described as a failed state by one of our leading intellectuals who later became an information minister, though for a short time. A Punjab politician had threatened to ride an Indian tank into Pakistan, and yet another prominent leader has been oil record of suggesting a common Head of State for India and Pakistan. The Information Minister in Nawaz Sharif government, was blamed for turning a deaf ear to New York Times advertisement on Pakistan's being a rogue army.

Mr Hussain's remarks too were a dispassionate analysis of our past history, and his suggestion on the Line of Control, too was the voice of a leader, who the Indians knew carried an overwhelming backing and mandate to speak on behalf of at least 30 million Pakistanis. His voice has begun to reach Punjab, NWFP and Balochistan. His demand for abolition of contemptuous feudal and tribal systems is bound to appeal to the poor and oppressed classes. In their uplift lies the progress of a welfare society. Muttahida Quami Movement too had been trying since its inception to try and build a strong middle class in the country. The real change in the life-style of the people, including dignity, Honour, justice, equality and fairplay for a free citizen of a free country, can only come if we all campaign against the archaic and moth-eaten system. Altaf Hussain has made it a mission for himself. Unfortunately, however, he and his party have been victim of a sinister conspiracy. The army crackdown was done in a fashion which may put to shame even Hitlerite tactics of the Second World War or before it. Naseerullah Babar has been portrayed by writers and intellectuals as some of a messiah. A single instance alone can be cited here for his "bravery". During the ruthless operation that defied all norms of decency, and civilized behavior, General Babar stood on the dead body of a 17-year-old boy, ordering him to rise and fight him, a person who retired as a two-star general. Logic defies as to how people with such mentality can be promoted to such higher ranks. If General Tikka Khan was the "conqueror" for the country's former eastern wing and involved in Bengali-bashing, Naseerullah Babar should be tried for genocide in Karachi. Some of the columnists and writers surprisingly have hailed his role. Little did they know even tried to know the facts.

MQM has been a victim of dual tragedy. It was not only painted black, but media too bought the official version quite tamely. Journalists preferred to be spoon-fed and conveniently ignored their basic lesson of re-checking the details. And when MQM tried to feed them with its version or explain its viewpoint to the public, the response to its efforts were either resisted, or purposely played down. Only recently it was branded as brainchild of General Ziaul Haq or his chief minister in Sindh, who was hurriedly retired as a high court judge to take the political office. Facts are totally different. Altaf Hussain and his colleagues in student days went round home to home with begging bowls in their hands collecting wheat, four, pulses, old clothing or whatever they could manage for the returnees from former East Pakistan in the aftermath of the 1971 debacle. They also formed All Pakistan Mohajir Students Organisation (APMSO) to ensure justice to students from their community who looked frustrated in the wake of politico-ethnic organisations like the Peoples Students Federation, Punjabi Students Federation, Pushtoon Students Federation, Imamia Organization, and the Thunder Squad of the Islami Jamiat-e-Tulaba in Karachi University and its affiliated colleges.

The selfless service rendered by Altaf and his colleagues helped them sweep the Municipal polls of 1987 in most of the urban areas of Sindh. At

the .general elections since 1988, MQM retained its popularity. Its mandate remained unshaken because of the principles it stood for the causes it espoused for the poor and the have-nots. To say that the party was created by General Zia or Ghous Ali Shah, is an insult to the genius of millions of people who still have unflinching faith in Altaf Hussain and his party. Time and again this has been proved, and still if someone sees it's a counter weight to PPP, he should look into the pages of history to find out that PPP was never popular in Karachi and managed just one national assembly seat in 1970.

Altaf Hussain received training from his mother of being fearless and consider no sacrifice too great for justice and fairplay. The mother that taught him the lesson must have been a great lady. Altaf today in Pakistan is the most popular leader. He has retain his appeal among the masses for 17 long years, whereas Awami League and PPP lost ground quickly than thought.

If MQM is a genie, created by the establishment or the intelligence agencies, why are they still being opposed by the agencies. The answer is simple. In MQM, these agencies who want to dictate terms to politicians, see in Altaf a threat to their authority and designs.

Comments from intellectuals should carry weight. They would otherwise be called uncharitable and may reflect poorly on writers and those publishing

it. Altaf Hussain for the sake of record a reference is being made here, had turned down suitcase full of money which General Hameed Gul as ISI chief had sent to purchase him. General Naseer Akhtar and General Asif Nawaz had violated their service code and ought to have been punished for creating an artificial MQM in the name of Haqiqi. Unfortunately perception among some of the writers is that they had a good thing. Why then these writers, not only are not denouncing them but portraying them as heros. A trend like this can only be called national tragedy.

Altaf's presence in India has been more than successful. His meetings with Vajpayee, L K Advani, I K Gujral, Nirmala Deshpande, and foreign minister Natwar Singh did produce results. His interviews and interaction with intellectuals, poets, writers, doctors and students in India, helped build an atmosphere of goodwill. That was his mission which he pursued relentlessly, telling Indians to accept Musharraf formula for starting negotiations on Kashmir, and criticizing them for reacting rather slowly. India and Pakistan will have to come closer to each other, visa restrictions will have to be eased, Khokrapar route will have to be opened, and visa arrangements will have to made at Karachi for the facilities of hundreds and thousands of divided families, living mostly in Sindh, and are being forced to spend time, money and energy to take a longer route to India via Lahore.

Indian leadership knows that Altaf being a popular leader, will have to be listened to. Ignoring him would not only weaken those in power in India, but may cost them dearly internationally. That Vajpayee and Advani too

had supported the peace process, will lend weight to government leaders of their country. Altaf therefore has done his job and now it is for those in power to cash on it. Better Indo-Pak relations, free movement of people. That is the aspiration of the people of the two countries, and the aspiration must be met. If cynics still want to stick their clouded views, that is their choice. Public awareness in India and Pakistan seem to have been moved by the Indian visit which Altaf Hussain concluded this Friday. That is a bitter truth, and need to be accepted.

Ends.

Appendix D-5 DAWN CEO's reply to the letter

December 02, 2004

Mr. Salahuddin Haider
Advisor to the Chief Minister Sindh
for Information & Archives
KARACHI

My dear Salahuddin,

Reference your note dated 29.11.2004. It would have been more appropriate if this letter had been addressed directly to the Editor. However, the Editor is currently out of the county till December 7.

In principle, I have no problems with DAWN publishing any articles written by Mr. Altaf Hussain, Mr. Nawaz Sharif, Ms. Benazir Bhutto or even President Musharraf. The fact that this is an exclusive article for DAWN certainly helps the matter, since you are aware that DAWN does not carry articles printed in other publications.

Perhaps we have had a misunderstanding in that I have made no promises to publish either Mr. Altaf Hussain's articles in DAWN, or for that matter any other leaders' articles. The publishers of DAWN do not make such promises because such a prerogative rests only with the Editor. Even the Editor, I suspect, would make such a promise relative only to the quality of the article or with respect to the information contained therein.

I hope you are well.

Yours sincerely,

HAMEED HAROON

Appendix D-6 Letter from Information Adviser, Sindh Government complaining about editorial coverage about the MQM

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NO. PS/ADV-TO CM/INF/1 (2003)
ADVISOR TO CHIEF MINISTER SINDH
FOR INFORMATION AND ARCHIVES

Karachi, dated the 3/12/2004

***Mr. Hameed Haroon,
Chief Executive, Daily Dawn,
KARACHI***

My dear Mr. Haroon,

Please refer to your letter dated 2nd December, 2004 which is in response to my request of 29th November for publication of an article of Mr. Altaf Hussain. I must remind you that during our meeting in your office

I had made a request for publication of articles on party's policies and perceptions in Dawn. In response you did promise to me that Mr. Altaf Hussain's exclusive article will be carried by Dawn. It was in response to this, that I had referred the article to you. However, since the matter has now been referred to the Editor, I will wait for his return but do let me its fate after he comes back.

2. Much that I dislike to comment on others, placing of facts some time become unavoidable for the sake of record. Now that you have disowned your promise, I think I should bring some facts before you. We in MQM have often been forced to feel a definite bias in Dawn about MQM particularly in relation to other political parties. Instances can be cited, on demand, of more than one picture published in Dawn of Jamaat-e-Islami and PPP events. Some of these pictures related to audience, including

those indulging in jubilation or holding proposed meetings whereas seldom has Dawn carried photos of jam-packed stadium meetings and rallies, addressed by Mr. Altaf Hussain or by Rabita Committee. The typical answer given to us on approaching that picture of mere audience is not printable that since Altaf Hussain was not present in Pakistan, it is silly to highlight audience or inset of telephone showing his address to audience was not possible. This is not a very sound logic and Dawn's own action is in contradiction to the argument given to us. Most of the time MQM chief's address on national and international issues are either ignored or played down.

3. Just for instance an unimportant report on Water Committee of Mr. Nisar Memon was splashed on Dawn's front page with a four-column headline. Dr. Farooq Sattar's press conference about President of Pakistan's directive to protect 25,000 families from being displaced on the route of Lyari Expressway was downplayed on page-3 of Metropolitan section where as in the same issue of Metropolitan, an unimportant report about Chief Secretary presiding a meeting of Lyari Expressway to review its progress was highlighted on page-I of the Metropolitan section in three-column headline. There are number of other instances to prove my argument which may cut a sorry figure on Dawn's editorial judgment. I do not wish to involve myself in argument, but if need be I will place on record a comparative chart of how MQM was on purpose downplayed or ignored.

4. Please let me have the final reply about publication of Mr. Altaf Hussain's articles in Dawn newspapers, which in case of being negative, we will not seek any further cooperation from you. As for quality and content of articles published in Dawn, I would like to have the rationale behind publication of the article from a non-entity like Nafeesa Shah, District Nazim, Khairpur, again of PPP, in today's issue of December 3. Is she bigger in stature than Mr. Altaf Hussain?

Yours,
(SALAHUDDIN HAIDER)

Appendix D-7 DAWN CEO's reply to the letter

15th December 2004,

Mr. Salahuddin Haider
Advisor to the Chief Minister Sindh
For Information & Archives

Dear Sir,

Reference your letter of 3rd December 2004, I think I need to put in perspective your visit to my office, which I now discover to my surprise, as being considered by you as an official meeting on behalf of Mr Altaf Hussain and the MQM and not a simple social courtesy call from an Information Advisor (formerly a journalist) to a fellow professional working in the same field.

Since you have sent a detailed letter to me, I think your letter merits a detailed reply.

I would like to reply to your description of “facts” with the correct degree of politeness. Your allegations are not “facts” they are merely a severe misconceived illusion or wilful fabrication on your part.

Your statement of my having promised publication of Mr. Altaf Hussain's exclusive article in Dawn sounds like some sort of an unholy deal that I struck with you. This is so far from reality that it does not merit any credence, for it is generally well-known in the industry (and surely an old timer like you it would have been clearly understood) that the publisher and or CEO of Dawn always refrains from making operational decisions pertaining to editorial matters. These policies and practices have existed in Dawn since Mr Jinnah founded the paper in 1947 and this is the foundation of the editorial independence in Dawn. Under these circumstances it is inconceivable that I would even consider making a promise to publish any article in the newspaper for any one to the exclusion of the editors decision.

Any problem you might have had with the wordings, placement or display with specific articles should have been addressed to Editor Dawn and not to me. The Editor would then have provided answers to your grievances. As to your observations relating to Dawn's coverage of the Jamat-e-Islami and the PPP versus the coverage provided to the MQM this is again wholly misconceived. Whether Dawn chooses to print audience pictures of a particular public event or not is solely at the discretion of the Editor of

Dawn and Dawn's editorial team and their decision may not be influenced by the dictates of others.

I am unable to fully comprehend how you justify your observations with respect to the coverage provided to the MQM chief by Dawn. I suspect, however, the situation is hardly as drastic as you purport it to be in your letter. The correct form in substantiating such an accusation as the one you have mentioned is to write to the Editor of Dawn as he would be better able to answer your queries and if necessary make the requisite rectifications.

Furthermore, I find your remarks about Dawn's editorial judgment cutting a sorry figure deeply offensive as Dawn are considered by the entire nation to be both substantially unbiased, and usually accurate.

As Information Advisor to the Government of Sindh you should perhaps be more charitable with respect to stories relating to the Sindh Chief Secretary and to Mr. Nisar Memon's Water Committee at the federation level. The first is a functionary appointed by your government in Sindh and the second is a prominent senator from the ruling coalition of which your party is a part.

I also think that it rather inappropriate for me to comment on your clumsy rationale in comparing the coverage provided to the article by the PPP District Nazim of Khairpur with that provided to Mr. Altaf Hussain. I would have thought, that in your position, such remarks would have called for more pronounced restraint, if not more discernment.

In brief, any final decision with respect to the publication of the articles submitted by you to Dawn will be made by the Editor and not by me.

I hope this satisfactorily closes the matter. In future I suggest that while you remain in Government we restrict our relationship to the official discourse of what an Information Advisor and a newspaper CEO should be discussing. Please also remember in future to send all articles (by whosoever the author may be) directly to the editor Dawn and not to me.

I apologize for any unpleasantness this letter may have caused you but I have taken your frank letter and responded to you in an equally frank vein.

HAMEED HAROON
CHIEF EXECUTIVE

Appendix D-8 Article in Star

SHOAIB KHAN DIES OF CARDIAC ‘ARREST’ IN JAIL

By Syed Saleem Shahzad and Ralph D’Cruz

Notorious crime boss Shoaib Khan met a mysterious death early this morning. According to initial police reports he died at 3 am in Karachi Central Jail. The reason for his death is said to be cardiac failure.

The crime king started life as a motorcycle mechanic at Aisha Manzil Federal B Area and rose to underworld king pin of Karachi. His dread and influence extended from Karachi to South Africa, Dubai and Bangkok. It was no less than an action thriller how he became a bookie and then took over all the 10 big gambling dens of the city. How top police officials which included a Deputy Inspector General and an SP working on a crucial assignment concerning terrorism became his right and left hands to eliminate his opponent and give him charge of gambling dens.

His political affiliations were temporary and he was a mercenary and an assassin. This story starts with his links with MQM, but he changed colours midstream because of his closeness to leader of a party who was later on killed by his men on his orders. He changed political loyalties only to take added advantages to reinforce his criminal network.

In this course he supplied money in Dubai to a powerful political figure.

Shoaib Kha was story in fact a sordid tale of Pakistan’s rotten system which stinks to its core.

A sealed interrogation reports conducted by Joint Interrogation Teams shed enough light in which he gave all accounts of his association with top uniformed officials of armed forces of their time, who were later booted out from the service because of their unscrupulous activities, yet gave Shoaib Khan unequivocal support.

Shoaib Khan was never a threat to the real underworld of Karachi until he started buying roadside residential houses in Hussainabad, F.B. Area and turning them into buildings, besides, established gambling dens. These moves were taken by the leadership in London as a direct challenge because their headquarters is close by in Azizabad. However, the intrusion was allowed after Shoaib Khan expressed his allegiance to MQM chief and agreed to send a share from the proceeds in all building projects and gambling dens.

After the success of this joint venture, success went to Shoaib’s head and he started dreaming of real grandeur. He acquired an import licence for luxury Japanese cars, a money brokerage house and many other strong chain of businesses, to supplement his underworld activities ranging from gambling dens to narcotics trafficking, he spread his influence everywhere with several new bookie ventures. Sources in the network divulged that Rs 10,000 was the starting pay of every new recruit in his gang.

Then relations with MQM took a bitter turn when several of MQM activists who were expelled from the party in different periods because of indiscipline, were recruited by Shoaib and installed in Hussainabad next to the MQM headquarter.

Shoaib suddenly stopped all joint ventures with MQM and became the sole driving force of his network. The MQM was in government and the murder of Arif Jabba became the excuse to launch an operation against Shoaib Khan and his network.

He went underground and approached Sindh Governor Dr Ishratul Ibad to intercede on his behalf for Altaf's amnesty. The Sindh Governor contacted Altaf Hussain in London but the MQM chief declined to have any sympathy for the crime boss.

Shoaib's death has ended a chapter after which only the MQM will remain the main power broker in the underworld. It seems Shoaib and all his interrogation reports shall be buried forever with all questions unanswered.

MUTTAHIDA QAUMI MOVEMENT
LEGAL AID COMMITTEE

Reference: LAC/0013/05
02-05

Date : 03-

1. Nawab Mirza
2. A. Iqbal Quadri
3. Agha Zafir Ali
Advocates High Court

For and on behalf of:

Muttahida Qaumi Movement (Pakistan)
Through **Dr. Farooq Sattar Pirwani**
Deputy Convener,
Muttahida Qaumi Movement (Pakistan).

TO,

1. **Syed Saleem Shahzad S/o Not known**
2. **Ralf D'Cruz**
S/o Not known

Both C/o The Editor
The Daily Newspaper
'The STAR' Karachi,
Office: Pakistan Herald
Publications (Pvt) Ltd.,
Dr. Ziauddin Ahmed Road
Karachi.

3. **Mr. Ghulam Ali A. Mirza S/o Not known**
The Publisher/Printer
The Daily Newspaper 'The STAR'
Karachi.
4. **Mr. Kamal Majidullah S/o Not Known**
The Editor
The Daily Newspaper 'The STAR'
Karachi.

Both having office at

Pakistan Herald Publications (Pvt) Ltd.
Dr. Ziauddin Ahmed Road,
Karachi.
Tel: 5670001, 5686892.

NOTICE U/S 8 of the DEFAMATION
ORDINANCE XLI OF 2002

Dear Sir,

Under instructions from our client Muttahida Qaumi Movement, Pakistan through its Deputy Convener Dr. Farooq Sattar Pirwani having main office at 494/8, commonly known is "90", Azizabad, Karachi we hereby serve you all this legal notice as under:

1. That you all are well aware of the fact that Muttahida Qaumi Movement headed by Quaid-e-Tehreek Altaf Hussain, hereinafter referred to as MQM is well known, well identified and recognized Nationally and Internationally as a political party representing the down-trodden 98% of the society who are popularly called as have nots and the MQM has waged a struggle against 2% of feudal lords of the society who have dominated 98% poor and middle class of the society, you are further well aware of the fact that in the past local and general elections since 1987-88 up to 2002, MQM established and proved to be the second largest party in the Province of Sindh and the third largest party in Pakistan replete with invulnerable vote bank and has its chapters all over the world. You are also aware that presently MQM has 18 MNAs, 07 Senators and 42 MPAs in the Provincial Assembly of Sindh and 4 Federal Ministers including one State Minister and 07 Provincial Ministers and 8 Advisors in the Province of Sindh. The voters and supporters repose and reflect the love, sympathy and allegiance to MQM in as much as the unique and unparallel sacrifices of the workers and sympathizers of MQM which justified and established the writ of MQM in the society in as much as in the Federal and Provincial government. The MQM is very much conscious of the features like party character, prestige and reputation are indispensably essential to the existence and strategy of MQM to assure its vision, mission and action plan to survive and thrive in the foundation of the civil society and politics.

2. That there is a track record of MQM that it always stood up at all times of natural calamities inside or outside the country, the occasion of social injustice, political crisis in the provinces of Pakistan, presently as active partner in war against terrorism nationally and internationally and be a party to eradicate the crimes in the society; and in particular the evil of collection of Bhatta from the society. For this purpose the Governor of Sindh Dr. Ishrat-ul-Ibad promulgated an ordinance in the year 2003 in first instance and later on the Provincial Assembly of Sindh passed the same as

an Act, which was widely appreciated and applauded by the civil society and appreciated nationally and internationally and its due implementation is hectically ongoing, MQM has declared a war against corruption and called up on coalition of the government, civil society, businessmen community industrialists, intellectuals, scholars, journalists, writers, religious scholars, politicians, teachers and the general people to join hands with MQM to identify the poverty and misery and the exclusion of 98% HAVE NOTS, the oppressed class of society which is being continuously denied their fundamental rights and their due share and participation in the policy making and decision making in the government.

3. That in the daily newspaper 'The Star' Karachi dated 27-01-2005 a news item has been published with caption as under:-

"Shoaib Khan dies of cardiac 'arrest' in jail"

Particularly:

- (i) ***"These moves were taken by the leadership in London as a direct challenge because their headquarters is close by in Azizabad. However, the intrusion allowed after Shoaib Khan expressed his allegiance to MQM Chief and agreed to send a share from the proceeds in all building projects and gambling dens"***
- (ii) ***"Then relations with MQM took a bitter turn".***
- (vi) ***"Shoaib suddenly stopped all joint ventures with MQM. The MQM was in government and the murder of Arif Jabba became the excuse to launch an operation against Shoaib Khan and his network".***
- (vii) ***"He went underground and approached Sindh Governor Dr. Ishrat-ul-Ibad to intercede on his behalf for Altaf amnesty. The Sindh Governor contacted Altaf Hussain in London but the MQM Chief declined to have any sympathy for the crime boss".***
- (viii) ***"Shoaib's death has ended a chapter after which only the MQM will remain the main power broker in the underworld".***

4. That the allegations levelled in the said news item particularly specified above are false, baseless and amounts to character assassination, libelous, scandalous, defamatory, malicious and mala fide and published and circulated without any justification but for some ulterior motives and for some unlawful gain and to cause damage to the reputation of the MQM and its Quaid-e-Tehreek Altaf Hussain at national as well as international and particularly in estimation of the people of the Province of Sindh. Our client MQM has reasons to believe that said news item complained of is meant and intended to disparage the good name and the prestige, reputation and credit of MQM and the said news item tends to lower MQM

in the estimation of right thinking members of the civil society generally; and tends to make the people shun and avoid MQM. The statement complained is deliberately designed to injure the prestige, reputation and image which MQM enjoys in the eyes of the general public.

5. That it is, emphatically denied that MQM and its Chief/Quaid-e-Tehreek Altaf Hussain had any relationship whatsoever directly or indirectly with deceased Shoaib Khan or with any member of the underworld. It is vehemently denied that any person including Governor of Sindh ever approached MQM Chief in London in connection with the deceased Shoaib Khan. It is also vehemently denied that the statement contained in the last paragraph of the said news item to the effect "Shoaib's death has ended a chapter after which only the MQM will remain the main power broker in the underworld". This is absolutely false, baseless and malicious statement at its zenith, therefore, this part of statement is also highly defamatory, actionable wrong in law and no exception can be taken to this mischievous approach.

6. That the publishing of such false and concocted news item in the issue of said daily newspaper has badly damaged the well-known reputation and worldwide fame of our client MQM thus you being printer/publisher, are liable for tortious act.

You are, therefore, called upon to pay amount of damages to the tune of Rupees Five hundred million to our client within 15 days from the date of receipt of this notice failing which we have clear instructions to file for damages case against you under defamation ordinance XLI of 2002 as well as a separate criminal case in the competent court of law at your sole risk and costs, which please note.

Yours sincerely,

Karachi
Dated:- 3rd Feb. 2005
Court

(A. Iqbal Quadri)
Advocate High

Appendix D-37 Letter from the Ministry of Information to PEMRA to withhold action till further notice

MOST IMMEDIATE
BY SPECIAL MESSENGER

GOVERNMENT OF PAKISTAN
MINISTRY OF INFORMATION & BROADCASTING
(EXTERNAL PUBLICITY WING)

No. 5(2)/2007-EP (Proj)
2007

Islamabad: March 9,

Subject: **TEMPORARY UPLINKING PERMISSION**

Reference your letter No. F.10-2(17) Phase II-2005, dated 19.02.2007, received today through Cabinet Division's letter No. 6/5/2006-PEMRA/RA-I, dated 09.03.2007, on the subject cited above.

2. The points raised in the aforementioned letter require detailed examination and review. Therefore, further action on our letter of even number, dated yesterday, i.e. 08th March 2007, may be deferred, till further communication from us.

(Khalid M. Sarwar)
Director

Dr. Abdul Jabbar,
Director General (Technical)
PEMRA Hqrs.
Islamabad.

Cc:
Mr. Hameed Haroon, Chief Executive, Pakistan Herald Publications (Pvt) Ltd.,
Dr. Ziauddin Ahmed Road, Karachi.
Telefax: 021-56 83 559, 56 83 188

(Khalid M. Sarwar)
Director

Appendix D-10 List of articles in Star on Human Rights abuses by the Sindh Government

List of Articles – Rasheed Channa

1. “Imtiaz Shaikh booked: FIR lodged in Nawabshah for grabbing land in Sehwan”, March 7, 2005.
2. “Arbab Murad Ali arrested for stealing power” March 31, 2005
3. “Arbab government plans crackdown on Journalists” April 2, 2005
4. “Old drama resumes with new players” (wheat scam) April 9, 2005
5. “Terror alliance puts country’s soul beyond despair” (performance of Sindh government) May 7, 2005
6. “Govt gets egg on face, runs to Supreme Court” (Nazim removed by Arbab, restored by High Court) May 10, 2005
7. “Headless government utilizes 36% of PSD, why?” May 21, 2005
8. “Jam Saqi arrested by Arbab government” (Human Rights story) May 30, 2005
9. “Jam Saqi victimized, says HRCP” May 31, 2005
10. “Police look to arrest Jam Saqi, 73” June 1, 2005
11. “Sindh coalition government removes mask of democracy” (Jam Saqi’s arrest) June 6, 2005
12. “Police remand for Akhter Sultana” (Jam Saqi’s wife) June 8, 2005
13. “Anti CM rally today to condemn Jam Saqi’s victimization” June 8, 2005
14. “Sindh budget criminal contempt of governance” (Sindh budget hidden factors exposed) June 13, 2005
15. “Hear no evil, see no evil, MPA jailed sans charge” June 13, 2005
16. “CM threatens opposition avoids budget in speech” (gives threats instead of budget speech) June 23, 2005
17. “Uncertainty prevails in government” June 25, 2005
18. “CM, Ministers attend parallel judiciary, ridicule SHC ruling” June 27, 2005
19. “Three victims of Arbab’s government latest victims freed” June 29, 2005
20. “Partyless polls for all except government MPAs, MNAs July 2, 2005
21. “PPP MNAs forced to switch sides” July 5, 2005
22. “Pagara’s volley upsets Arbab’s applecart” July 11, 2005

Appendix D-11 A Court Petition & Judgement on the Sindh Government advertising ban

**IN THE HIGH COURT OF SINDH AT KARACHI
C.P. of 2005**

1. Pakistan Herald Publications (Pvt.) Limited
A company incorporated under the laws of
Pakistan, with its principal place of business at
Haroon House, Dr. Ziauddin Road
Karachi.
2. Hameed Haroon, son of the late Said Haroon,
Muslim, adult, C.E.O. Dawn Group of Newspapers
Haroon House, Dr. Ziauddin Road,
Karachi.

Petitioners

Versus

The Province of Sindh through
The Secretary Information Department
Tughlaq House,
Karachi

Respondent

**PETITION UNDER ARTICLE 199 OF THE CONSTITUTION
OF THE ISLAMIC REPUBLIC OF PAKISTAN**

The Petitioners above named respectfully submit as follows:

1. That the Petitioner No. 1 is the owner of the daily English language newspaper "Dawn" that is published and distributed from various centers in Pakistan, including Karachi, Lahore and Islamabad. This newspaper was founded by Quaid-e-Azam, Muhammad Ali Jinnah before the birth of Pakistan and served as a vehicle for the dissemination of the ideas and aspirations of the Muslims of pre-partition India for an independent homeland that is now Pakistan. The Petitioner No. 2 is the Chief Executive of the Petitioner No. 1 and that of the Dawn Group of Newspapers. He is a concerned citizen who has a deep and abiding commitment to safeguarding the freedom of expression and that of the press and is keenly interested in local, regional, national and international affairs.
2. That as of the month of June 2005 the circulation of the Daily Dawn was as follows:

On weekdays:

Karachi Edition:	83,401 copies
Lahore Edition:	36,062 copies
Islamabad Edition:	25,632 copies

On Sundays:

Karachi Edition:	179,454 copies
Lahore Edition:	54,491 copies
Islamabad Edition:	35,864 copies

The Karachi Edition is distributed in the entire provinces of Sindh and Balochistan. The Lahore Edition is distributed in Lower Punjab upto Jehlum covering major cities, such as Faisalabad, Lahore, Multan, Gujrat, Gujranwalla, Bahawalpur. The Islamabad edition is distributed in the Province of Punjab from Jehlum upwards, the province of NWFP and Azad Jammu and Kashmir and the Northern areas.

While the above circulation figures have been taken from the records of the Petitioner No. 1, it is submitted that there are extremely credible methods of verifying the same. For instance, the Wage Board constituted under The Newspaper Employees (Conditions of Service) Act, 1973 to determine the wages and other terms and conditions of newspaper employees categorizes newspapers inter alia, by their periodicity, circulation and place of printing and areas of distribution. Under this system of categorization that has been formulated by the Wage Board, the Daily Dawn is described as a "Metropolitan A" newspaper, meaning thereby that it has a net daily circulation falling within the highest bracket fixed by The Wage Board. The All Pakistan Newspapers Society, a voluntary association of owners of newspapers and periodicals also has a similar categorization system for its member publications and in terms thereof, the Daily Dawn is categorized as a "Metropolitan A" newspaper. The Federal Government also maintains an audit bureau known as the Audit Bureau of Circulation (ABC) that verifies the circulation of newspapers and periodicals inasmuch as circulation is a relevant factor in the fixation of advertisement tariff. Copies of the ABC Certificates for the three editions are filed herewith as *Annexures A-1 to A-3*.

3. The newsstand price of the weekday edition that has at least 24 pages, inclusive of advertisements (except for the Monday edition that has 20 pages plus 6 pages of Economic and Business Review) and of the Saturday-Sunday edition (approximately of 64 pages depending upon the number of advertisements placed) are Rupees 13 and Rupees 15, respectively. The amount realizable by the Petitioner No. 1 from the newsstand price depends upon the discount that is offered to the newsagent who puts the newspaper for sale on the newsstand. The discount for the Karachi, Lahore and Islamabad editions is 35.5%, 40% and 33.5%, respectively. Accordingly the amount realized by the Petitioner No. 1 for the weekday edition varies from Rs. 7.80 to Rs. 8.64 and for the weekend edition from Rs. 9.00 to Rs. 9.68. On weekdays, approximately 25% (twenty five percent) of the newspaper space is taken up by advertisements and the

remaining 75% (seventy five percent) by news stories, features, editorials and articles and views, etc. The newspaper Dawn is one of the leading newspapers in Pakistan, is widely read and considered to be a credible and respected source of news. It features articles and stories on matters of international, national, regional and local interest. It is also widely read in business circles for the quality and objectivity of its comments, views, news reporting and features of national and international economic issues and matters.

4. That the Petitioners are not aligned to any political party within or outside Pakistan and it is inter alia, one of the reasons that the general public looks up to Dawn for impartial reporting and analysis and seeks its guidance of matters of general public interest for the public good.

5. That the selling price charged by a newspaper such as Dawn has a direct bearing of the extent of its circulation. Increasing the price of the newspaper would in effect have the result of reducing its circulation, if the price of other newspapers similarly situated remains unchanged. In the newspaper industry the selling price of the newspaper standing alone would not even pay for the cost of the newsprint and the printing ink used to publish the same. A schedule showing the cost of newsprint alone versus the net circulation price is filed herewith as **Annexure B**. In fact a newspaper is a product sold below the cost of production and it "subsidizes" its selling price through revenues earned from advertisements.

6. That the advertisement tariff fixed by a newspaper (and acceptable to an advertiser) is intertwined with the extent of the newspapers circulation; the greater the number of readers the more will be the advertisement tariff. In fact this much is recognized by the Press Information Department (P.I.D.) of the Federal Government that has fixed advertisement charges payable to newspapers on the basis of their circulation. A copy of a circular issued by P.I.D. is filed herewith as **Annexure B-1/1 to B-1/3**.

7. That the Government of Sindh is one of the major players placing advertisements in various newspapers and periodicals distributed in the Province of Sindh. These advertisements are usually public notices/proclamations/awareness campaigns etc. placed at the behest of institutions under the control of the Government of Sindh, including its various departments. In fact law mandates the publication of a number of advertisements. Such advertisements are distributed through the Respondent amongst various newspapers on the basis of rational criteria that is based on such considerations as the circulation of the newspaper, the nature and characteristics of its readership, the place or places of its distribution, language of publication and the population that is being targeted for the particular advertisement. A list of such departments and organizations that release public advertisements is filed herewith as **Annexure B-2**.

8. That during the financial years 2002/03, 2003/04 and 2004/05 the Respondent placed a number of advertisements in the Daily Dawn, a summary of which is as follows:

Financial Year	No. of Advertisements	Space in Columns	Gross Billing Rs.
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	Placed		
2002-03	1229	1057	11,344,570
2003-2004	1314	1070	11,539,976
2004-2005	1441	1319	15,340,594
Total	3984	3446	38,225,141

"Space in Columns" means the width (4.2cm) of a column multiplied by its height (54cm)

A monthly wise breakdown for the financial year 2004-2005 is filed herewith as **Annexure C**. By way of validation of the data, the advertisements placed by the Respondent in Dawn during April 2005 are filed herewith as **Annexure D**. A tabulation of advertisements issued by the Respondent to various newspapers, prepared by the Respondent itself is filed herewith as **Annexure E**.

9. That the editorial and news staff of Dawn operate independently from the management and ownership of Dawn. The latter, as a matter of policy and ethics, does not interfere with the performance by the editorial staff of its functions nor does it encroach upon the formers domain. The avowed policy of Dawn's editorial staff is to present all news without fear or favour. For a number of months preceding June 2005, Dawn carried a number of news stories that did not find favour with the highest functionaries and echelons of the Government of Sindh. A number of influential functionaries within the Government of Sindh and politicians representing the ruling group were resentful of the coverage given to their parties and programs. A number of complaints were lodged with the management and editorial staff of Dawn. Copies of some of these complaints are filed herewith as **Annexures F-1 to F-3**. These complaints were invariably coupled with veiled and subtle threats of "fixing up" Dawn if it did not alter the "behaviour" that the complainants found to be deviant. In fact one of the reporters of the sister publication "Star", namely Mr. Rasheed Channa, was arrested on a completely bogus charge of murder. All these acts were calculated to browbeat Dawn into submission. To tighten the screws on Dawn, the Respondent stopped releasing any government advertisements to Dawn from June 2005 thereby in effect banning the placing of Sindh Government advertisements or those of entities under its control in the Daily Dawn. Instructions have been conveyed to various departments that advertisements that were specifically intended for publication in Dawn by the originator be diverted to other newspapers by the staff of the Respondent. A copy of a letter dated 29th September 2005 written by the Department of Mass Communication, University of Karachi to Dawn is filed herewith as **Annexure G**. The Respondent continues to take exception to the reporting of news events by Dawn as would be evident from the letters dated 6-10-2005 and 7-10-2005 addressed to the Editor Dawn by the Advisor to Chief Minister Sindh for Information and Archives, copies of which letters are filed herewith as **Annexures H and I**. A written protest dated 5th July 2005, copy filed herewith as **Annexure J**, was also

lodged with The Secretary Information, but no response has been received thereto. A copy of the reply given by the Editor Dawn is filed herewith as *Annexure K*.

10. That the withholding of government advertisements/banning their publication in Dawn is motivated with malafides of both law and fact. In fact Dawn is being punished for the views and reports that it has published in its various editions as these views and reports do not conform to the views and opinions held by the Respondent and the highest functionaries of the Sindh Government. The withholding/banning of advertisements is an attempt to muzzle Dawn in the exercise of its fundamental right of freedom of the press.

11. That having no alternative or equally efficacious remedy at law, the Petitioners crave leave to invoke the extra-ordinary jurisdiction of this Hon'ble Court on inter alia, the following grounds:

GROUND:

A. That the Respondent as a repository of public power is required to act justly and fairly whilst releasing government advertisements to the print media. It cannot act on its whims and prejudices or in an arbitrary manner. No reason has been communicated to the Respondent as to why all of a sudden no Sindh Government advertisements have been placed in Dawn from June 2005 onwards when such advertisements were being placed in Dawn for decades.

B. That the placement of advertisements in the print media and its distribution amongst various newspapers is not a largesse that the Respondent can bestow on whomsoever it desires for whatsoever reason. To the contrary it is the performance of a sovereign function and in its performance the Respondent is required to act without any discrimination and in accordance with a rational policy. The Petitioner No. 1 is being denied government advertisements only to punish the said Petitioner for the views that it disseminates and such governmental action is ex-facie violative of the fundamental rights enshrined in Article 19 and 25 of the Constitution.

C. That the withholding of government advertisements, the more so when the government is the largest advertiser, shall force the Petitioner No. 1 to raise its daily selling price, thereby adversely affecting its circulation. The right guaranteed under Article 19 extends not only to the right to disseminate news and views but also to the volume of circulation. The action of the Respondent in withholding the government advertisements is calculated to and specifically intended to muzzle Dawn.

D. That the product in question (Newspaper) being sold at a price below its production cost, the newspaper must perforce rely of advertisements. The advertisement revenue of a newspaper is dependent upon its circulation; the higher the circulation, the more the advertisement revenue and vice versa. So if Dawn were to raise its prices in response to the ban/withholding of advertisements by the Respondent, its circulation would decrease and this in turn would have a domino effect of reducing advertising revenue and the newspaper would be trapped in a vicious cycle and would be finally

forced to close down. The act of withholding government advertisements is malafide and in derogation of Article 19 of the Constitution.

E. That the Respondent has not communicated any reasons to the Petitioners as to why no government advertisements have been placed in Dawn since June 2005 despite the letter dated 5th July 2005 addressed to The Secretary Information by the Senior Marketing Manager of Dawn. This raises a presumption that the action of the Respondent is capricious, whimsical and vindictive and is violative of Articles 4 and 25 of the Constitution.

F. That a consistent practice had built up over a number of years whereby advertisements of the various government departments were distributed amongst the various newspapers on the basis of their circulation, language, readership, area of dissemination, target audience, etc. The political philosophy or the views of the newspaper were never germane to the grant or withholding of government advertisements. The Petitioners had a legitimate expectancy that such practice would not be departed from absent constitutionally valid considerations.

G. That the Petitioners crave leave to urge additional grounds at the time of hearing.

That the petition has been filed on behalf of the Petitioner No. 1, by the Petitioner No.2, the latter having been duly authorized by a resolution of the Board of Directors of the Petitioner No. 1. A copy of the resolution dated 20/10/2005 is filed herewith as *Annexure "L"*.

PRAYER

It is, therefore, prayed that this Hon'ble Court may be pleased to pass a judgment as follows:

- (a) Declaring that the acts of the Respondent of withholding / non-releasing to the Petitioner No. 1 of advertisements of the Sindh Government and departments and institutions under its control is malafide, in violation of Articles 19 and 25 of the Constitution and is liable to be struck down;

immediate use in Court
the Petitioner

For
on behalf of

IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No. of 2005

Pakistan Herald Publications (Pvt.) Limited and Another Petitioners

VERSUS

Province of Sindh Respondent

AFFIDAVIT VERIFYING PETITION

Resident of Seafield, Abdullah Haroon Road, Karachi, do hereby state on oath that:

1. I am the Petitioner No. 2 and am conversant with the facts of the case.
2. That the instant petition has been filed under the instructions of the Petitioners.
3. That the Petitioners have not filed any other petition before any other forum involving the issues raised in or the cause of action that is the subject of this petition. All relevant facts have been placed before this Hon'ble Court and no material facts have been concealed.
3. That whatever is stated above is true and correct to my knowledge and belief.

DEPONENT

The deponent above named is known to me and is identified by me to the Commissioner for taking affidavits.

COURT CLERK

Solemnly affirmed before me at Karachi this --- day of October 2005, by the deponent above named, who has been identified to me by Mr. Muhammad Usman, Court Clerk to Muneer A. Malik Advocate, who is personally known to me.

COMMISSIONER FOR TAKING AFFIDAVITS

(b) Directing the Respondent to release advertisements of the Sindh Government, and departments and institutions under its control, to the Petitioner No. 1 in accordance with the practice followed by the said Respondent for the months of May 2005 and the months preceding the said month;

(c) Providing such other relief(s) as would meet the ends of justice and permit the Petitioners to enjoy the exercise of the fundamental right conferred on them by Article 19 and 25 of the Constitution and in that regard to issue such directions to the Respondent as may be just and appropriate; and

(d) Granting cost of this petition;

PETITIONER No. 1

PETITIONER No. 2

ADVOCATE FOR THE PETITIONERS

KARACHI:

Dated: 28/10/2005

ADDRESS OF THE PETITIONERS As in cause title

ADDRESS OF THE PETITIONER'S FOR SERVICE MUNEER A. MALIK, Advocate
(H.C. 1969)
F-66/3, Park Lane, Block-5,
Clifton, Karachi.

DRAWN BY ME.

ADVOCATE

Appendix D-11B Court Petition & Judgement on the Sindh Government advertising ban

Malik, Chaudhry, Ahmed & Siddiqi

Advocates, Barristers & Attorneys

Muneer A. Malik, Advocate Supreme Court
Court

Adnan I. Chaudhry, Advocate High Court
Salahuddin Ahmed, Barrister-at-Law

Faisal Siddiqi, Advocate High

Haider Waheed, Advocate

March 31, 2006

To: Mr. Hoshang Master

From: Muneer A. Malik

**SUB: CONSTITUTIONAL PETITION CHALLENGING
ADVERTISING BAN BY SINDH GOVERNMENT**

Dear Sir,

Enclosed please find a copy of the order passed in the above petition. This may be kept as a permanent record in case advertisements are withheld in the future.

Yours faithfully,

MUNEER A. MALIK
Advocate Supreme Court

F-66/3, Park Lane, Block 5, Clifton, Karachi – Pakistan. Phones: (+92-21) 5873221-2, 5868224 Fax: (+92-21) 5873223,
URL: www.paklaw.com Email: mcas@paklaw.com

IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No. D-1448 of 2005

Date 29.3.2006:

Order with signature of Judge

1. For Katcha Peshi
1. For hearing of CMA No. 5441/05.

Mr. Munir A. Malik, Advocate for
The Appellants.

Mr. Ahmed Pirzada, Additional
Advocate General, Sindh for
Respondent.

Learned Additional Advocate General states that as per instructions received from respondents the advertisements in favour of the petitioners were not stopped by the Government. He further states that in future also without any discrimination the advertisements will be given to the petitioners as per policy of the government.

In view of the above statement made by the learned Additional Advocate General, this petition is not pressed by the learned counsel for the petitioners. The same is accordingly disposed of. However, the statement made by the learned Additional Advocate General will be binding on the respondents and any violation thereof may entail consequences of contempt proceedings.

JUDGE

Appendix D-12 Complaint of Information Adviser, Sindh Government on DAWN's coverage of MQM in Local Bodies' Elections

Phones: Off: 9203659
9203660
Fax: 9203658

PS/Adv INF/2005-01

**ADVISOR TO CHIEF MINISTER SINDH
FOR INFORMATION AND ARCHIVES**

Karachi, dated the 06.10.2005

Salahuddin Haider

Mr. Tahir Mirza,
Editor Daily "Dawn",
Karachi.

Dear Mr. Mirza,

I am sorry to point out the discrepancy in the display in type of reporting in your newspaper for local bodies' elections. There are several instances which can be objected to for not being fair. Stories for last three or four weeks have been giving impression of a tough contest between former Karachi Nazim Naimatullah and MQM nominee Mustafa Kamal. These stories are not based on facts and obviously show ignorance of your reporters or lack of initiative to find facts. There is no contest. It is a cakewalk victory for MQM. In the local bodies elections of August 18, MQM had clearly won 1362 votes out of total 2300. MQM had announced in advance its nominees and even Rabita Committee member Nasreen Jalil and MQM nominee for Naib Nazim at a press conference had given exact numbers of our councilors and UC Nazims. Despite that DAWN persevered with its version that MQM had only 800 votes which was totally untrue. The reporter concerned had not done his home work and seems to have been swayed by opposition spoon-feeding. He could have verified facts with us.

The allegation against MQM of Prof. Naimatullah, who in my opinion is non entity after being removed from office under the Ordinance introduced by the Sindh Government to appoint caretakers for holding of elections has been given wide publicity on Metropolitan pages whereas MQM version has unfortunately been curbed to single column display. As a neutral newspaper DAWN has severely dented its credibility by giving only one sided version, detached from facts or opposite to it.

On Tuesday night, I had informed Mr. Asif, Edition Incharge in the absence of Mr. Jamil Akhter that MQM had announced not to concede under any circumstances Naib Nazim slot to PML (Q). Dawn is the only newspaper to ignore this story while all other national dailies gave the news front page display. This was a story about which any news media would have felt excited. Even in today's issue of October 6, there is no mention of Ch. Shujaat Hussain's announcement to withdraw Tariq Hassan from the contest of Naib Nazim slot in Karachi, Dr. Imran Farooq's welcome reaction to PML President's gesture and Tariq Hassan's own statement that he is withdrawing in favour of MQM candidate Nasreen Jalil in the today's (October 6) issue which is regrettable. The Provincial Minister Irfanullah Khan Marwat's announcement last night to declare support of his own and of his supporters for MQM's Nazim and Naib Nazim has also been blacked out by DAWN.

These are only few examples of ignoring MQM, the third largest political party of the country with 7 Senators, 18 MNAs, 42 MPAs, 12 Ministers in Sindh Government and 4 at the centre, deserved to be given proper treatment.

Your reporter, despite being informed, did not turn up at the meeting of MQM Parliamentary Committee with the visiting Foreign Minister of India Mr. K. Natwar Singh on October 5. The story carried on Page 3 of October 6 issue underplays MQM meeting and more importance has been given to PPP. While every newspaper has carried the picture of MQM Parliamentary delegation's meeting with Indian Foreign Minister, Dawn has carried highly unprofessional picture on the subject. This is nothing new MQM is considered a taboo by DAWN for reasons best known to the organization.

I am fully confident that a more professional attitude will be adopted by DAWN and due recognition given to a party which has been sweeping elections in Karachi and Urban areas of Sindh and has now spread its wings to all parts of Sindh and even to Punjab and NWFP while stories in favour of MQM had been blacked out in today's newspaper and MMA allegation against MQM of terrorizing opposition nominees has found adequate space. I treat you Mr. Mirza as a competent professional, a high esteemed journalist and hope that you take corrective measures so that due justice is meted out to MQM in Dawn and the attitude of bias against my party which is so evident is rectified. I regret sounding harsh but I have been forced to pen down these lines after a series of bias reporting against MQM hoping for better treatment to party in your newspaper.

Thank you very much.

Sincerely,

(SALAHUDDIN HAIDER)

C.C. to

1. Mr. Hameed Haroon, Chief Executive, Herald Group of Newspapers, Karachi.
2. Dr. Farooq Sattar, Deputy Convener, Muttahida Qaumi Movement Pakistan, Karachi.
3. Mr. Altaf Hussain, Founder Leader, MQM, International Secretariat, London.

October 18, 2005

Mr Salahuddin Haider

Adviser to the Chief Minister Sindh
Information and Archives,
Karachi
Fax # 920-3658

Dear Mr Salahuddin Haider,

This is in reply to your letters addressed to the Editor.

Every political party has at one time or another complained of perceived bias, which only establishes Dawn's policy of strict objectivity. Some have even tried coercive tactics but these have not worked.

The selection and display of news stories and pictures is the discretion of the editors concerned, whose judgment the Editor fully trusts.

It should also be useful to remember that while other dailies have separate editions for each centre, Dawn has a national edition published simultaneously from all three centres, Karachi, Lahore and Islamabad. The Karachi nazim election was given due prominence in the Karachi Metropolitan edition of October 7, as was the PML-Q victory in the Lahore / Islamabad Metropolitan editions.

After nearly six decades in the field, Dawn doesn't need to be told how to do its job. We will continue to uphold our tradition of fair reporting.

Tanvir Ahmed

AE (C&S)
for Editor

Cc to: Mr Hameed Haroon, CEO, Dawn Group of Newspapers
Dr. Ishrat-ul-Ibad Khan, Governor of Sindh
Dr. Farooq Sattar, Deputy Convener, MQM
Mr. Altaf Hussain, Leader, MQM, London

Appendix D-13 Internal note sent by DAWN staffer complaining about the threat received from Information Adviser, Sindh Government

Editor DAWN

I take this opportunity to bring to your notice an unpleasant telephonic conversation I had with the provincial Adviser on Information, Mr Salahuddin Haider, on Thursday night. (Oct 20)

At about 9.45 pm I received a press release about the MQM Khidmat-i-Khalq Foundation's news conference. I was surprised and also annoyed because City room had not received any invitation for the press conference although there was one for me to be present at the railway station to bid farewell to another batch of Muttahida volunteers going to the quake devastated areas.

I called the adviser to lodge my complaint but to my utter surprise he adopted an offensive posture and started complaining that we don't attend MQM press conferences or give them adequate coverage. I reminded him of the coverage Dawn was giving to party events and said his complaint was unfounded. Of course I should not be expected to see off MQM volunteers or wait for several hours for their press conferences, or rush to Nine Zero at very short notice.

But the adviser on information continued to criticize Dawn's policy despite my reminder that he should not try to bully me. He did not stop and said: "I will teach a lesson to Mr Hameed Haroon. We may boycott Dawn and then we shall see." I advised him not to make such threats and asked him that if he had anything against Mr Hameed Haroon, he should talk it out with him. But he persisted with his utterances and even ridiculed the Editor and the City Editor. I asked him not to speak such things against my colleagues. The adviser said he was not saying anything against me. But I reminded him that I represent Dawn and was not prepared to tolerate his abuses against any member of Dawn. After this conversation was terminated, I told the City Editor that I didn't want to cover the MQM because I was not prepared to entertain such nonsense anymore. Day by day I am feeling insecure, with no signs of protection.

The whole episode pushed up my blood pressure and I fell sick and couldn't come to the office the next day. On Saturday also I could hardly manage to verbally inform you about the episode.

Shamim-ur-Rahman
Oct 24, 2005

Cc: AE (City)

Appendix D-14 News reports when Information Adviser, Sindh Government makes contemptuous remarks about CEO DAWN

Pandemonium at CPNE seminar

By our correspondent

KARACHI: A pandemonium prevailed during the meeting of Council of Pakistan Newspapers Editors (CPNE) during a seminar on World Press Freedom Day on Wednesday in Karachi, when the advisor for information Sindh government Salahuddin Haider in his speech used "inappropriate and irresponsible" remarks with respect to Chief Executive of an English Daily.

The Council of Pakistan Newspapers Editors (CPNE)'s members, including office-bearers seated in the audience during the meeting, protested to the advisor information to withdraw his unbecoming and offensive remarks.

Haider ignored the reaction of the audience and their insistence that he withdraw the remarks. He later walked away from the seminar.

News – 4/5/06

CPNE holds seminar on press freedom

KARACHI, May 3: The Council of Pakistan Newspapers Editors (CPNE) organized a seminar here on Wednesday to mark the World Press Freedom Day.

According to a CPNE press release, pandemonium prevailed in the seminar when the adviser on information to the Sindh government, Salahuddin Haider, in his speech used inappropriate and irresponsible remarks about the chief executive of an English daily.

Members of the Council of Pakistan Newspapers Editors, including office-bearers, seated in the audience, protested to the adviser and asked him to withdraw his 'unbecoming and offensive' remarks.

Mr Haider ignored the reaction of the audience and their demand to withdraw the remarks and walked out of the seminar.

Dawn 4/5/06

Appendix D-15 News reports when Information Adviser, Sindh Government makes contemptuous remarks about CEO DAWN

MQM ADVISOR SPITS VENOM AGAINST PRESS

STAR REPORT

The Council of Pakistan Newspapers Editors organized a meeting yesterday in connection with the World Press Freedom Day and invited Muttahida Qaumi Movement's Mr Salahuddin Haider, Advisor to the Chief Minister as the chief guest.

Speaking on the occasion, Mr Haider expanding on his ill-perceived importance launched in to an ungentlemanly verbal tirade against the industry lambasting publishers, with the exception of Dawn and Jang. He stated that in these publications, the editors are independent.

Taking it further, he sermonized on the responsibilities of newspapers and in the process of extra verbosity strongly criticized Mr Hameed Haroon. Moments earlier, having commended the Dawn Group for its editorial independence, the Advisor lost his train of thought and held Mr Haroon responsible for minimum coverage to the MQM government and for projecting the point of view of the opposition parties.

The man appointed by MQM to ostensibly liaise with the press and not to muzzle it, said "Hameed Haroon ko sharum aani chahye" that his paper was projecting the point of view of anti-people politicians. He accused Mr Hameed Haroon of partiality which in his language meant not kowtowing to the MQM, as if that was not partiality.

Mr Haider continued with his Press threatening ways, saying he will see how Dawn continues with these policies and he will expose Mr Hameed Haroon in the national as well as international forums of journalists and press. He said that he will go to IFJ and expose Mr Hameed Haroon for his role in not projecting MQM and the Sindh government of Arbab Ghulam Rahim.

At this stage, Mr Aamir Mahmood interrupted the expansive advisor and pointed out the contradiction in his statement where he said that Mr Hameed Haroon does not dictate the editorial policy of Dawn.

This infuriated the advisor and he lost his temper saying "Hameed Haroon par laanat hoe" and "I will expose Hameed Haroon at all levels". Some members responded saying that this was not the purpose of the meeting and there was no reason for them to listen to anything against Mr Hameed Haroon.

The meeting ended in pandemonium and the Advisor left the hall in a puffed up state leaving his cell phone and diary on the table.

Appendix D-16 Internal note sent by DAWN staffer complaining about the threat received from Information Adviser, Sindh Government for the second time

May 04 2006

Abul Hasnaat called me last evening requesting to see him at the office. When I met him later in the night he told me that yesterday evening (Tuesday) around 07:00 pm Advisor to CM Sindh Mr. Salahuddin Haider, visited Dawn City Room along with MQM MPA 'Mr. Qadoos. S.H. complained about undeserved and disproportionate coverage being accorded by Dawn to Jamaat and PPP while important 'Government' news were being either killed or relegated to one column. He especially complained about coverage of bomb explosion at Nishtar Park. According to Hasnaat, SH was politely told that there was no such conscious attempt and Dawn does not believe in biased reporting.

However S.H. went on to say that "People in London insist on taking care of such Journalists and that he has somehow up till now kept them at bay" At this thinly veiled threat Hasnaat lost his temper and told S.H. that "Mr. Altaf Hussain may be the only politician of this country who could decide about life or death of either one of us yet, please let him know that Dawn only prints what it considers worthy of print and has always refused coercion" unquote.

According to Hasnaat, S.H after that became very apologetic and quickly left and Hasnaat didn't accord much importance to the whole thing. However after what happened yesterday at the CPNE Seminar he realised that it may not have been an isolated episode and nor S.H had the guts to say what he said publicly without instructions from London? Hasnaat also gave me copies of CPNE incidence as reported by "Online" and PPI. (Copies enclosed)

In response to one of my questions Hasnaat responded that Sahahuddin Haider has ample access to the Editor and Mr. Jameel Akhtar, many times items discarded by him get printed the same night on page 3. If Salahuddin Haider or MQM wanted to threaten either one of them they would not have come to see him. He obviously thouoht the message was not for them.

This morning Hasnaat again called to infonn that around 1:00 am Salahuddin Haider issued a two page contradiction of the CPNE incident and is lying with the Editor.

Fahim

Appendix D-17 Internal notes sent by DAWN staffers about the Zardari Supplement and government pressures not to publish

Internal Memorandum

From: Manager National Advertiser
Daily Dawn
Islamabad

To: GM Circulation
Daily Dawn
Karachi

IBD/ /2005

Date: 16/4/2005

This is in response to our telephonic conversation regarding situation update. With exception of omission of Dawn's name in the PTCL media list, on PTCL's plea of not being officially intimated about the withdrawal of the earlier decision. However, the PIO immediately intervened and the matter was resolved last night with publication of the half page color PTCL ad placed on page 4 of today's issue of Dawn.

Its noteworthy, that the contentious supplement has also been published by other publications in the wake of the withdrawal of the decision against us including Daily News and Daily Times, Daily Jang and Daily Ausaf. Since, other publications have jumped the Dawn bandwagon in the so-called contentious supplement, there is less chances that the Govt. is left with any option of en bloc punitive action against the national press on legal or moral grounds.

So far no negative signals have emanated from any quarter which suggests any foul play or untoward development nor is there any likelihood that the state would indulge in such an exercise in the near future in the wake of convergence of diversified agendas of privatization, foreign diplomacy and engagement in the war of terror which all depend on positive state image in the national as well as international press.

Asim Effendi

Appendix D-18 Internal notes sent by DAWN staffers about the Zardari Supplement and government pressures not to publish

Internal Memorandum

From: Manager National Advertiser
Daily Dawn
Islamabad

To: GM Ops North
Daily Dawn
Islamabad

IBD/0809/2005

Date: 15/4/2005

This is in reference with abrupt govt. embargo on ads to Dawn and Nawa-e-Waqt Group in the wake of publication of supplement of Asif Zardari on April 14, 2005. Resultantly, the Principal Information Officer gave instructions to Orient and Information officers of various provinces to curtail govt business to the afore-mentioned publications.

The undersigned in consultation with C.E.O. approached the Press Information Department for clarification on the matter. Mr. Akhram Shaheedy, the PIO confirmed the ban. However, he denied having being taken into confidence before the decision. The undersigned pointed out the repercussions of the decision for the image of the President who was about to visit India coinciding with the visit of our C.E.O. who was likely to take up the issue when he would be addressing the Editors & Writers Guild, the PIO sagaciously comprehend the gravity of the situation and rushed to the Minister of Information office for discussion with request to me to wait for him.

At around 2100 hrs, the PIO telephonically informed that the issue stands resolved and the instructions for withholding business have been withdrawn.

However, scanning and close monitoring of govt business is being carried out at our end to ensure there is no foul play.

Asim Effendi

Appendix D-19 Internal notes sent by DAWN staffers about the Zardari Supplement and government pressures not to publish

Internal Memorandum

From: Manager Supplements & Special Reports
To: Sen. GM Marketing
C.C: Director Finance
Re: Advertisement Supplement 'Power to the People'

Date: 14th April 2005

2 page color Advertisement Supplement Sponsored by Unity Lahore received from DAWN Lahore office via Fax in Original form: Wednesday 13th April 2005 12:52 am.

Presented to C.E.O. for layout approval: Approximately 11:00 a.m.
Presented to Editor for textual and layout approval: Approximately 11:45 a.m.

Suggestions on layout from C.E.O. were communicated to the Editor during the meeting following which the supplement was given to the editorial department including Mr. Mohammad Ali Siddiqi Asst. Editor for clearance / editing / curtailing of content.

1 article appearing on page 2 'Not a single allegation has been proved against Zardari', was referred to Legal Advisor at approximately 2:00 p.m. for clearance.

Supplement transmitted to image setter Karachi, Lahore station & Islamabad station at Approximately 7:00 p.m.

It may be noted that the Editor was personally involved with the making of the supplement till the final time of transmission.

Final format of advertisement supplement with any content found to be inaccurate, subjective or controversial had been curtailed and deleted from the final format which was printed, much content such as 'Asif Ali Zardari – the Unbreakable. The Unshakable', 'International Human Rights Organization has given Asif Zardari the title of Asia's Nelson Mandela', 'The Chief Executive of Nawa-e-Waqt Group gave Zardari the title of Man of Freedom (Mard e Hur). These being some of many deletions of content which were edited from the advertisement supplement before it appeared in final print format.

The advertisement supplement was also appeared in the following publications:

- Nation: 14th April 2005 (2 pages)
- Nawa-e-Waqt: 14th April 2005 (2 pages)
- The News: 15th April 2005 (2 pages)
- Daily Jang: 15th April 2005 (2 pages)

Attached please find a comparative of text & editorial print between the above publications.

GHAZZANFAR MANGHI

Publication to Publication Comparison

Power to the people supplement, dated April 14, 2005

While The Nation, Nawa-i-Waqt, The News and Jang reproduced the supplement exactly as provided by the advertising agency without any editing, (with the exception that the News & Jang only edited 'The Chief Executive of Nawa-e-Waqt Group gave Zardari the title of the man of freedom (Mard e Hur), the Dawn Newspaper thoroughly edited every article, as well as changes in the layout. A comparison between the four identical publications mentioned above as compared with DAWN is as follows:

Layout

The main photograph of Mr. Zardari on page 2 was edited as well as the masthead on page 2 was removed.

Page 1

- (1) third deck of headline, 'the unbreakable, the unshakeable' deleted,
- (2) the word martyred in the sentence Zulfikar Ali Bhutto was martyred in 1977 changed to died a martyr's death,
- (3) the words that followed 'by the then army chief Gen. Zia ul Haq,' deleted,
- (4) the words used in the sentence, In the general elections of 1988, PPP was elected, all words including 'by using the then President of Pakistan Mr Ishaq Khan' deleted,
- (5) the words used in the sentence, Again in 1993 elections 'through President Farooq Ahmad Khan Leghari' deleted,
- (6) the cross head, 'international human rights organization has given Asif Zardari the title of Asia's Nelson Mandela changed to 'he had one regret in jail,'
- (7) the sentence 'In honour of Zardari's brave endurance of jail the chief executive of Nawa-e-Waqt Group gave him the title of Man of Freedom (Murd-i-Hur)' changed to 'In honour of Zardari's brave endurance of jail he has often been called Man of Freedom (Murd-i-Hur)
- (8) the cross head 'the chief executive of Nawa-e-Waqt Group gave Zardari the title of the Man of Freedom (Murd-i-Hur)' changed to 'admirers call Zardari Murd-i-Hur' (The News also deleted all reference to Nawa-e-Waqt),
- (9) the sentence, 'later this baseless case was proved false by a judicial commission. Charges were pressed against the concerned police officers' deleted.

Page 2

Only one article under the headline. 'Not a single allegation has been proved against Zardari', was referred to the legal adviser who rephrased the first sentence as follows: 'Although innumerable cases were instituted against Asif Zardari, not a single one of them could be proved. He was sentenced in two cases filed by the National Accountability Bureau but the higher courts reversed the conviction and in the process two judges of the superior courts had to resign because of their role in the verdicts.'

Appendix D-20 Constitution Petition filed in the High Court of Sindh against the Government of Pakistan protesting the Federal Government ban on DAWN Group's advertising

**IN THE HIGH COURT OF SINDH AT KARACHI
C.P. of 2007**

1. Pakistan Herald Publications (Pvt.) Limited
A company incorporated under the laws of
Pakistan, with its principal place of business at
Haroon House, Dr. Ziauddin Road,
Karachi.
2. Hameed Haroon, son of the late Said Haroon,
Muslim, adult, C.E.O. Dawn Group of Newspapers
Haroon House, Dr. Ziauddin Road,
Karachi

Petitioners

Versus

1. The Federation of Pakistan
Through the Secretary
Ministry of Information
Islamabad
2. Principal Information Officer
Press Information Department
Ministry of Information & Media Development
Zero Point
Islamabad

Respondents

**PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF
THE ISLAMIC REPUBLIC OF PAKISTAN**

The Petitioners above named respectfully submit as follows:

1. That the Petitioner No. 1 is the owner of the daily English language newspaper "Dawn" that is published and distributed from various centers in Pakistan, including Karachi, Lahore and Islamabad. This newspaper was founded by Quaid-e-Azam, Muhammad Ali Jinnah before the birth of Pakistan and served as a vehicle for the dissemination of the ideas and aspirations of the Muslims of pre-partition India for an independent homeland that is now Pakistan. The Petitioner No. 2 is the Chief Executive of the Petitioner No. 1 and that of the Dawn Group of newspapers. He is a concerned citizen who has a deep and abiding commitment to safeguarding the freedom of expression and that of the press and is keenly interested in local, regional, national and international affairs.

2. That as of the month of December 2006 the circulation of the Daily Dawn was as follows:

On weekdays:

Karachi Edition:	84,551 copies
Lahore Edition:	37,437 copies
Islamabad Edition:	27,100 copies

On Sundays:

Karachi Edition:	184,178 copies
Lahore Edition:	60,933 copies
Islamabad Edition:	37,323 copies

The Karachi Edition is distributed in the entire provinces of Sindh and

Balochistan. The Lahore Edition is distributed in Lower Punjab upto Jehlum covering major cities, such as Faisalabad, Lahore, Multan, Gujrat, Gujranwala, Bahawalpur. The Islamabad edition is distributed in the Province of Punjab from Jehlum upwards, the province of NWFP and Azad Jammu and Kashmir and the Northern areas.

While the above circulation figures have been taken from the records of the Petitioner No. 1, it is submitted that there are extremely credible methods of verifying the same. For instance, the Wage Board constituted under The Newspaper Employees (Conditions of Service) Act, 1973 to determine the wages and other terms and conditions of newspaper employees categorizes newspapers inter alia, by their periodicity, circulation and place of printing and areas of distribution. Under this system of categorization that has been formulated by the Wage Board, the Daily Dawn is described as a "Metropolitan A" newspaper, meaning thereby that it has a net daily circulation falling within the highest bracket fixed by The Wage Board. The All Pakistan Newspapers Society, a voluntary association of owners of newspapers and periodicals also has a similar categorization system for its member publications and in terms thereof, the Daily Dawn is categorized as a "Metropolitan A" newspaper. The Federal Government also maintains an audit bureau known as the Audit Bureau of Circulation (ABC) that verifies the circulation of newspapers and periodicals inasmuch as circulation is a relevant factor in the fixation of advertisement tariff. Copies of the ABC Certificates for the three editions are filed herewith as *Annexures A-1 to A-3*.

3. The newsstand price of the weekday edition that has at least 24 pages, inclusive of advertisements (except for the Monday edition that has 20 pages plus 6 pages of Economic and Business Review) and of the Saturday-Sunday edition (approximately of 64 pages depending upon the

number of advertisements placed) is Rupees 13 and Rupees 15, respectively. The amount realizable by the Petitioner No. 1 from the newsstand price depends upon the discount that is offered to the newsagent who puts the newspaper for sale on the newsstand. The discount for the Karachi, Lahore and Islamabad editions is 35.73%, 38% and 38%, respectively. Accordingly the amount realized by the Petitioner No. 1 for the weekday edition varies from Rs. 8.06 to Rs. 8.36 and for the weekend edition from Rs. 9.30 to Rs. 9.64. On weekdays, approximately 25% (twenty-five percent) of the newspaper space is taken up by advertisements and the remaining 75% (seventy-five percent) by news stories, features, editorials and articles and views, etc. The newspaper Dawn, one of the leading newspapers in Pakistan, is widely read and considered to be a credible and respected source of news. It features articles and stories on matters of international, national, regional and local interest. It is also widely read in business circles for the quality and objectivity of its comments, views, news reporting and features of national and international economic issues and matters.

4. That the Petitioners are not aligned to any political party within or outside Pakistan and it is inter alia, one of the reasons that the general public looks up to Dawn for impartial reporting and analysis and seeks its guidance of matters of general public interest for the public good.

5. That the selling price charged by a newspaper such as Dawn has a direct bearing of the extent of its circulation. Increasing the price of the newspaper would in effect have the result of reducing its circulation, if the price of other newspapers similarly situated remains unchanged. In the newspaper industry the selling price of the newspaper standing alone would not even pay for the cost of the newsprint and the printing ink used to publish the same. A schedule showing the cost of newsprint alone versus the net circulation price is filed herewith as *Annexure B*. In fact a

newspaper is a product sold below the cost of production and it "subsidizes" its selling price through revenues earned from advertisements.

6. That the advertisement tariff fixed by a newspaper (and acceptable to an advertiser) is intertwined with the extent of the newspapers circulation; the greater the number of readers the more will be the advertisement tariff. In fact this much is recognized by the Press Information Department (P.I.D.) of the Federal Government that has fixed advertisement charges payable to newspapers on the basis of their circulation. A copy of a circular issued by P.I.D. is filed herewith as ***Annexure B-1/1 to B-1/3.***

7. That the Federal government is one of the major players placing advertisements in various newspapers and periodicals distributed in the country. These advertisements are usually public notices/proclamations/awareness campaigns etc. placed at the behest of institutions under the control of the Federal Government, including its various departments. In fact law mandates the publication of a number of advertisements. Such advertisements are distributed through the Respondent amongst various newspapers on the basis of rational criteria that is based on such considerations as the circulation of the newspaper, the nature and characteristics of its readership, the place of places of its distribution, language of publication and the population that is being targeted for the particular advertisement. A list of such departments and organizations that release public advertisements is filed herewith as ***Annexure B-2.***

8. That during the financial years 2003/04, 2004/05 and 2005-2006; and thereafter during July 2006 to January 2007, the Respondents placed a number of advertisements in the Daily Dawn, a summary of which is as follows:

Advertisements placed on Government Rates

Financial Year	No. of Advertisements Placed	Space in Columns	Gross Billing Rs.
2003-2004	5405	4371	52,557,379
2004-2005	6,487	5,525	70,539,313
2005-2006	6,879	6,362	79,203,983
July 06-Oct 06	2428	2502	32,349,976
Nov 06	624	694	9,825,982
Dec 06	517	558	8,384,393
Jan 07	157	147	1,631,217
Total	22497	20159	254492243

Advertisements placed on Government Commercial Rates

Financial Year	No. of Advertisements Placed	Space in Columns	Gross Billing Rs. (in millions)
2003-2004	3,051	2,369	86,212,253
2004-2005	3,283	2,739	103,125,117
2005-2006	3,130	2,635	93,535,229
July 06-Nov 06	1,127	983	30,681,768
Dec 06	217	191	6,729,469
Jan 07	118	77	2,067,548
Total	1968	2319	90.428

"Space in Columns" means the width (4.2cm) of a column multiplied by its height (54cm). A monthly wise breakdown for the financial year beginning July 2006 to date is filed herewith as *Annexure C*. By way of validation of the data, the advertisements placed by the Respondents in Dawn during November 2006 are filed herewith as *Annexure D*.

9. That the editorial and news staffs of Dawn operate independently from the management and ownership of Dawn. The latter, as a matter of policy and ethics, does not interfere with the performance by the editorial staff of its functions nor does it encroach upon the formers domain. The avowed policy of Dawn's editorial staff is to present all news without fear or favour. For a number of months preceding February 2007, Dawn carried a number of news stories that did not find favour with the highest functionaries and echelons of the Federal Government. These stories essentially deal with the situation obtaining in Balochistan. A number of influential functionaries of the Federal Government have warned the Petitioners that all government advertisements that were being placed with Dawn would be stopped. To tighten the screws on Dawn, the Respondents remarkably reduced releasing any government advertisements to Dawn since the latter part of December 2006, thereby in effect partially banning the placing of Federal Government advertisements or of those entities under its control in the Daily Dawn. As a subterfuge, the Respondents place occasional advertisements so as to mask their general policy of punishing the Petitioners in the exercise of their rights under Article 19 of the Constitution to report news without fear or favour. A day wise breakdown of the number of advertisements placed in Dawn in the months of November, December 2006 and January 2007 is annexed herewith as *Annexure E*. Instructions have been conveyed to various departments that advertisements that were specifically intended for publication in Dawn by the originator be diverted to other newspapers by the staff of the Respondents. A copy of letter dated 10.01.2007 from Orient

Advertising Ltd. canceling a PSO advertisement order "due to ban on release of Government Advertisements in DAWN by PID Islamabad", is annexed herewith as *Annexure F-1*. Copies of similar letters from other advertising agencies purporting to cancel orders already placed in respect of advertisements relating to Government functionaries are annexed herewith as *Annexures F-2 to F__*.

10. That the withholding of the majority of the government advertisements/ banning their publication in Dawn is motivated with mala fides of both law and fact. In fact, Dawn is being punished for the views and reports that it has published in its various editions, as these views and reports do not conform to the views and opinions held by the Respondents and the highest functionaries of the Federal Government. The withholding/banning of advertisements is an attempt to muzzle Dawn in the exercise of its fundamental right of freedom of the press.

11. That having no alternative or equally efficacious remedy at law, the Petitioners crave leave to invoke the extraordinary jurisdiction of this Hon'ble Court on inter alia, the following grounds:

GROUND:

A. That the Respondent No. 1 as a repository of public power is required to act justly and fairly whilst releasing government advertisements to the print media. It cannot act on its whims and prejudices or in an arbitrary manner. No reason has been communicated to the Petitioners as to why all of a sudden, since later part of December 2006 there has been a remarkable decrease in advertisements coming from the Federal Government, when such advertisements were being placed in Dawn for decades.

B. That the placement of advertisements in the print media and its distribution amongst various newspapers is not a largesse that the Respondent No. 1 can bestow on whomsoever it desires for whatsoever reason. To the contrary it is the performance of a sovereign function and in its performance the Respondent No. 1 is required to act without any discrimination and in accordance with a rational policy. The Petitioner No. 1 is being denied government advertisements only to punish the said Petitioner for the views that it disseminates and such governmental action is ex-facie violative of the fundamental rights enshrined in Article 19 and 25 of The Constitution.

C. That the withholding of government advertisements, more so when the government is the largest advertiser, shall force the Petitioner No. 1 to raise its daily selling price, thereby adversely affecting its circulation. The right guaranteed under Article 19 extends not only to the right to disseminate news and views but also to the volume of circulation. The action of the Respondent No. 1 in withholding the government advertisements is calculated to and specifically intended to muzzle Dawn.

D. That the product in question (Newspaper) being sold at a price below its production cost, the newspaper must perforce rely on advertisements. The advertisement revenue of a newspaper is dependent upon its circulation; the higher the circulation, the more the advertisement revenue and vice versa. So if Dawn were to raise its prices in response to the withholding/partial ban of advertisements by the Respondent No. 1, its circulation would decrease and this in turn would have a domino effect of reducing advertising revenue and the newspaper would be trapped in a vicious cycle and would be finally forced to close down. The act of withholding government advertisements is mala fide and in derogation of Article 19 of the Constitution.

E. That the Respondent No. 1 has not communicated any reasons to the Petitioners explaining the remarkable decrease in government advertisements placed in Dawn since the latter part of December 2006. This raises a presumption that the action of the Respondent No. 1 is capricious, whimsical and vindictive and is violative of Articles 4 and 25 of the Constitution.

F. That a consistent practice had built up over a number of years whereby advertisements of the various government departments were distributed amongst the various newspapers on the basis of their circulation, language, readership, area of dissemination, target audience, etc. The political philosophy or the views of the newspaper were never germane to the grant or withholding of government advertisements. The Petitioners had a legitimate expectancy that such practice would not be departed from, absent constitutionally valid considerations.

G. That the Petitioners crave leave to urge additional grounds at the time of hearing.

That the petition has been filed on behalf of the Petitioner No. 1, by the Petitioner No. 2, the latter having been duly authorized by a resolution of the Board of Directors of the Petitioner No. 1. A copy of the resolution dated 20/10/2005 is filed herewith as *Annexure "G"*.

PRAYER

It is, therefore, prayed that this Hon'ble Court may be pleased to pass a judgment as follows:

- (a) Declaring that the acts of the Respondents of withholding/non-releasing to the Petitioner No. 1 of advertisements of the Federal Government and departments and institutions under its control is

- mala fide, in violation of Articles 19 and 25 of the Constitution and is liable to be struck down;
- (b) Directing the Respondents to release advertisements of the Federal Government, and departments and institutions under its control, to the Petitioner No. 1 in accordance with the practice followed by the said Respondents for the months of November 2006 and the months preceding the said month;
 - (c) Providing such other relief(s) as would meet the ends of justice and permit the Petitioners to enjoy the exercise of the fundamental right conferred on them by Article 19 and 25 of the Constitution and in that regard to issue such directions to the Respondents as may be just and appropriate; and
 - (d) Granting cost of this petition;

PETITIONER No.1

PETITIONER No.2

ADVOCATE FOR THE PETITIONERS

KARACHI:

Dated: /02/2007

ADDRESS OF THE PETITIONERS

As in cause title

ADDRESS OF THE PETITIONER'S
Advocate FOR SERVICE

MUNEER A. MALIK,
(H.C. 1969)
F-66/3, Park Lane, Block-5,
Clifton, Karachi.

DRAWN BY ME.

ADVOCATE

Appendix D-21 Constitution Petition filed in the High Court of Sindh against PEMRA challenging PEMRA's cross media ownership rule

IN THE HIGH COURT OF SINDH AT KARACHI

C.P. NO. D-204 of 2004

1. Pakistan Herald Publications (Pvt) Ltd.,
a company incorporated under the
laws of Pakistan, having its place of
business at Haroon House,
Dr. Ziauddin Ahmed Road,
Karachi.

2. Ghulam Ali Mirza s/o Allah Wassayo
Muslim, adult doing business at Haroon
House, Dr. Ziauddin Ahmed Road,
Karachi

Petitioners

VERSUS

1. The Federation of Pakistan
through the Secretary Ministry of Information
& Broadcasting, Islamabad.

2. The Pakistan Electronic Media Regulatory Authority,
A body corporate constituted under Ordinance XIII
of 2002 having its office at 46, Margala Road
F-8/2, Islamabad

Respondents

PETITION UNDER ARTICLE 199 OF THE CONSTITUTION
OF THE ISLAMIC REPUBLIC OF PAKISTAN, 1973

IN THE HIGH COURT OF SINDH AT KARACHI

CP. D-204 of 2004

Order with signature of Judge

For hearing of CMA No. 462 of 2006

18.01.2007

Mr. Muneer A. Malik Advocate.
Mr. Ali Jaffar Advocate,
along Kashif Hanif Advocate.
Mr. Mahmood Alam Standing Counsel.

Through this CMA No. 462 of 2006, the respondent No. 2 has sought review of the consent order dated 23.11.2005, as according to them license has not been granted to any Print Media Owner but they have been granted only up linking permission. Mr. Munir Malik, the learned advocate for the petitioner has stated that the order dated 23.11.2005 was a consent order and after a long delay this application has been filed, which is not maintainable and even otherwise there is discrimination with his client as some other Print Media are operating T.V. Channels. Both the counsels have argued to some extent in respect to the grant and requirements of license as well as permission of up linking and thereafter they along with learned standing counsel have agreed that Para-2 of the order dated 23.11.2005, being redundant now, is to be deleted while para-1 be substituted for the following para:

That the petitioner will be granted similar rights as have been granted to other cross Media Owners and that exercise will be completed by the end of February 2007. The earlier application for the satellite T.V. is to be treated as an application for a request of cross Media up linking and if any additional document/s is/are required then same may be asked for by the respondent from the petitioner within a period of seven days and petitioner will be under obligation to respond within a further period of seven days. Time schedule is agreed so the cut off date may not be affected. This C.M.A. is disposed of. Order accordingly.

Sd/-

MUNEEB AHMED KHAN

JUDGE

Appendix D-22 DAWN submits PEMRA TV License Application

28th February 2004.

The Pakistan Electronic Media Regulatory Authority
6th Floor, Green Trust Tower
Jinnah Avenue, Blue Area,
Islamabad.

Dear Sir,

Enclosed please find an application by Pakistan Herald Publications (Pvt.) Ltd. For the issuance of a license for Satellite Television Broadcasting Station (REF. STV-2004/10) including enclosures as per detail attached.

This application has been filled out on the basis that PEMRA cannot lawfully disqualify an applicant by reason of his owning or operating a newspaper or a journal in Pakistan.

In order to vindicate our stand, we have already filed Constitutional Petition No. 204 of 2004 in the High Court of Sindh at Karachi.

In view of the above, the cross media ownership affidavit / undertaking has not been submitted with the application, certification with all the SOQ's submitted have been amended accordingly and the undertaking on page 4 of the application has also been modified.

Yours faithfully
For Pakistan Herald Publications (Pvt.) Ltd.

HAMEED HAROON
CHIEF EXECUTIVE

IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No. D-204 of 2004

Date Order with signature of Judge

For Katcha Peshi

23.11.2005

Mr. Muneer A. Malik, Advocate for petitioners.

Mr. Syed Ziauddin Nasir, Standing Counsel for respondents

By consent, this Constitutional Petition is disposed of in the following terms:-

- (i) The respondent No. 2 shall consider the application made by petitioner No. 1 for grant of TV Broadcast Licence on its own merits in the same manner and mode in which the owners of Print Media have been granted licence:
- (ii) The parties shall bear their own costs. The above exercise shall be completed by respondent No. 2 within a period of ninety (90) days from this order; and
- (iii) The petitioners shall be at liberty to challenge any adverse order passed by respondent No. 2 in connection with his application.”

**Sd/-
GHULAM RABBANI
JUDGE**

**Sd/-
MUNEEB AHMED KHAN
JUDGE**

Appendix D 24 DAWN writes to PEMRA asking for compliance of the Court Order

Malik, Chaudhry, Ahmed & Siddiqui
Advocates, Barristers & Attorneys

Muneer A. Malik, Advocate Supreme Court
Adnan I. Chaudhry, Advocate High Court
Salahuddin Ahmed, Barrister-at-Law

Faisal Siddiqi, Advocate High Court
Haider Waheed, Advocate

May 24, 2006

Pakistan Electronic Media Regulatory Authority,
6th Floor, Green Trust Tower,
Jinnah Avenue Blue Area,
Islamabad

SUB: CONST. PETITION NO. 204 OF 2004 – HIGH COURT OF SINDH AT KARACHI – PAKISTAN HERALD PUBLICATIONS (PVT) LTD. & ANOTHER VS. FEDERATION OF PAKISTAN & PEMRA

Dear Sir,

The above Constitution Petition was disposed of vide consent order dated 23/11/2005 in the following terms:

- “1. *The respondent No. 2 shall consider the application made by petitioner No. 1 for grant of TV Broadcast License on its own merits in the same manner and mode in which the owners of Print Media have been granted License;*
2. *The parties shall bear their own costs. The above exercise shall be completed by respondent No. 2 within a period of ninety (90) days from this order; and*
3. *The petitioners shall be at liberty to challenge any adverse order passed by respondent No. 2 in connection with his application.”*

That vide letter dated 10th April 2006, copy enclosed herewith for facility of reference, we had put you on notice that the High Court’s order dated 23/11/2005 had not been complied with. Regretfully, PEMRA has not even bothered to respond to our letter of 10th April 2006. Please take notice that if we do not hear from you within 7 days of the receipt of this letter we shall be filing proceedings against you for having committed wilful contempt of the High Court’s order dated 23/11/2005.

Your faithfully,

MUNEER A. MALIK
Advocate

CC to Pakistan Herald Publications (Pvt) Ltd., Haroon House Dr. Ziauddin Ahmed Road
Karachi

Malik, Chaudhry, Ahmed & Siddiqui
Advocates, Barristers & Attorneys

Muneer A. Malik, Advocate Supreme Court
Adnan I. Chaudhry, Advocate High Court
Salahuddin Ahmed, Barrister-at-Law

Faisal Siddiqi, Advocate High Court
Haider Waheed, Advocate

April 10, 2006
By Courier

The Chairman,
The Pakistan Electronic Media Regulatory Authority,
6th Floor Green Trust Tower,
Jinnah Avenue Blue Area,
Islamabad

SUB: GRANT OF TV BROADCASTING LICENSE

Dear Sir,

We write on behalf of Pakistan Herald Publications (Pvt) Ltd who vide their application dated 28th February 2004 had applied for a TV Broadcasting License. However, as our client was unwilling to give an affidavit relating to cross-media ownership, this application was not processed. To the contrary, they had filed a Constitution Petition No. 204 of 2004 in the High Court of Sindh at Karachi, which was disposed of by a consent order which, inter alia, provided that you will consider the application of our client on its own merits in the same manner and mode in which the owners of print media have been granted licenses. A copy of the order is once again enclosed for your perusal.

That vide letter dated 30th December 2005, copy enclosed herewith, our clients apprised you of the High Court order and requested consideration of their previous application in light of the High Court order.

That more than 90 days have elapsed since passing of the High Court order. We would, therefore, appreciate your immediate consideration, as the High Court had desired the completion of the exercise within a period of 90 days from 23/11/2005.

Your faithfully,

MUNEER A. MALIK
Advocate Supreme Court

CC to M/s Pakistan Herald Publications (Pvt) Ltd., Haroon House Dr. Ziauddin Ahmed Road
Karachi

Appendix D-25 DAWN Report on the PAPRA problem

ALL PAKISTAN NEWSPAPERS SOCIETY

32-Farid Chambers, Abdullah Haroon Road, Karachi-74400
Tel: 5671256, 5671314 Fax: 5671310 E-mail: theapns@hotmail.com Website: www.apns.net

DAWN

Karachi, Friday, December 29, 2006

No media regulatory body planned: govt

By Sher Baz Khan

ISLAMABAD, Dec 28: Faced with a strong opposition from the media, opposition parties and human rights organizations, the government on Thursday denied working on a proposal to establish an authority that would regulate matters pertaining to press and publication.

“We are not considering any such proposal (of setting up the authority),” Federal Information Minister Muhammad Ali Durrani told participants of a meeting of the Senate Functional Committee on Human Rights here.

The committee took up the issue of a reportedly proposed bill through which the government wanted to establish an authority to further control the press and also access to information in the country.

According to reports, the proposed bill sought the establishment of Press and Publication Regulatory Authority (PAPRA) that would apparently streamline the country’s media industry, but in practice would further tighten the noose around the print and electronic media.

The committee was of the view that the government had not consulted stakeholders on any such proposal, raising fears that the proposed legislation would prove to be another control mechanism to influence the print media and ultimately impede freedom of the press.

Following media reports, the chairman of the committee, Senator S.M. Zafar, had taken a suo motu notice of the bill on Dec 18. Muhammad Ali Durrani claimed that there was no suggestion or bill under consideration to establish Press and Publications Regulatory Authority.

“Had there been any such proposal, we would have taken media organizations like All Pakistan Newspapers Society (APNS) and others into confidence,” Mr. Durrani said.

However, some members of the committee insisted that the government, in fact, did not want to reveal anything about the proposed authority. They said the media reports on the issue were based on a document through which the information ministry had sought comments from provinces on the scope of legislation in this regard.

“It was an internal exercise and doesn’t mean we are in a hurry to enact the law,” Mr Durrani replied. The information minister, however, said: “In case we need any such law in the future, we would consult all the stakeholders.”

Some of the members from the opposition parties were of the view that the government wanted to establish the proposed authority through a bill before the next general elections in order to further control the press and coverage of the polls.

However, Mr Durrani said the government regarded freedom of the press its top priority.

PML Secretary General Mushahid Hussain Sayed said the government always held thorough consultations before preparing draft of any bill, which was done in the case of the Protection of Women Bill when a “comprehensive debate” was held at different forums to elicit public opinion.

He said no one should form any opinion until the formal draft of the PAPRA bill was presented for debate.

Hameed Haroon of the All Pakistan Newspapers Society said the society had some reservations over the unofficial draft of the PAPRA bill which should be removed at the earliest. Fasih Iqbal of the Council of Pakistan Newspapers Editors said there was no need for any further law to streamline media-related procedures in the country.

Appendix D-26 Sindh High Court Order to PEMRA to grant DAWN uplinking permission as given to other media houses

IN THE HIGH COURT OF SINDH AT KARACHI

C.P. NO. D-204 of 2004

1. Pakistan Herald Publications (Pvt) Ltd.,
a company incorporated under the
laws of Pakistan, having its place of
business at Haroon House,
Dr. Ziauddin Ahmed Road,
Karachi.

2. Ghulam Ali Mirza s/o Allah Wassayo
Muslim, adult doing business at Haroon
House, Dr. Ziauddin Ahmed Road,
Karachi.

Petitioners

VERSUS

1. The Federation of Pakistan
through the Secretary Ministry of Information
& Broadcasting, Islamabad.

2. The Pakistan Electronic Media Regulatory Authority,
A body corporate constituted under Ordinance XIII
of 2002 having its office at 46, Margala Road
F-8/2, Islamabad

Respondents

PETITION UNDER ARTICLE 199 OF THE CONSTITUTION
OF THE ISLAMIC REPUBLIC OF PAKISTAN, 1973
IN THE HIGH COURT OF SINDH AT KARACHI

CP. D-204 of 2004
Order with signature of Judge
For hearing of CMA No. 462 of 2006

18.01.2007

Mr. Muneer A. Malik Advocate.
Mr. Ali Jaffar Advocate,
along Kashif Hanif Advocate.
Mr. Mahmood Alam Standing Counsel.

Through this CMA No. 462 of 2006, the respondent No. 2 has sought review of the consent order dated 23.11.2005, as according to them license has not been granted to any Print Media Owner but they have been granted only up linking permission. Mr. Munir Malik, the learned advocate for the petitioner has stated that the order dated 23.11.2005 was a consent order and after a long delay this application has been filed, which is not maintainable and even otherwise there is discrimination with his client as some other Print Media are operating T.V. Channels. Both the counsels have argued to some extent in respect to the grant and requirements of license as well as permission of up linking and thereafter they along with learned standing counsel have agreed that Para-2 of the order dated 23.11.2005, being redundant now, is to be deleted while para-1 be substituted for the following para:

That the petitioner will be granted similar rights as have been granted to other cross Media Owners and that exercise will be completed by the end of February 2007. The earlier application for the satellite T.V. is to be treated as an application for a request of cross Media up linking and if any additional document/s is/are required then same may be asked for by the respondent from the petitioner within a period of seven days and petitioner will be under obligation to respond within a further period of seven days. Time schedule is agreed so the cut off date may not be affected. This C.M.A. is disposed of. Order accordingly.

Sd/-
MUNEEB AHMED KHAN
JUDGE

Appendix D-27 Correspondence between DAWN and PEMRA

**PAKISTAN ELECTRONIC MEDIA
REGULATORY AUTHORITY
ISLAMABAD**

6th floor, Evacuee Trust,
Tower, Off Sector F-6/1
Islamabad
Tel: 051-9219713
Fax: 051-9222332

No. 10-2 (17) Phase-II-2006
Jan 07

25

Subject: **TEMPORARY UPLINKING PERMISSION**

Please refer to order of Sindh High Court dated 18.1.2007 in CMA No. 462/2006 filled in CP No. D-204/2004.

2. As per Rule 29 PEMRA Rules 2002, M/s Herald Publications (Pvt.) Ltd. is requested to submit formal NOC / formal recommendation from the Ministry of Information & Broadcasting in order to allow PEMRA to proceed with its application for Satellite TV channel (which is now being treated as an application for temporary uplinking permission as per aforementioned orders of the Sindh High Court) within 7 days of this letter.

Dr. Abdul Jabbar
Director General (Tech)

Mr. Shakeel Masud,
Chief Executive Officer,
M/s Herald Publications (Pvt.) Ltd.
Karachi

Appendix D-28 Correspondence between DAWN and PEMRA

Pakistan
Herald
Publications
(Private)
Limited

31st January 2007

Ministry of Information & Broadcasting
Islamabad.

Dear Sir,

We have been asked by PEMRA, vide their letter dated 25th January 2007 to request you to issue Pakistan Herald Publications (Pvt.) Ltd. a No Objection Certificate under Rule 29 of the PEMRA Rules 2002, for issuance of a Temporary Uplinking Permission as per the Orders of the Sindh High Court dated 18th January 2007.

A copy of the letter from PEMRA dated 25th January 2007 and a copy of the Sindh High Court Order is enclosed for your perusal. Please note that the Court Order also binds the Ministry of Information & Broadcasting that was being represented in Court by Mr. Mahmood Alam, Standing Counsel.

We shall be grateful if you would issue the required NOC as soon as possible so that the timeframe as per the court order may be maintained.

Thank you.

HAMEED HAROON
Chief Executive

Encl.

Appendix D-29 Correspondence between DAWN and PEMRA

REMINDER

*PAKISTAN ELECTRONIC MEDIA
REGULATORY AUTHORITY
ISLAMABAD*

6th floor, Green Trust Tower,
Blue Area, Islamabad
Phone: 051-9219713
Fax: 051-9220281

No. F.10-2 (17) Phase-II-2006
12.02.2007

Subject: **TEMPORARY UPLINKING PERMISSION**

This is in continuation our earlier letter dated 25.01.2007 on the above subject.

2. It is pointed out that through order dated 18.01.2007 in CMA 462/2006 filed in CP No. D-204/2004, the honorable Sindh High Court had specifically given time schedule to the parties so that the cut off date of February 28, 2007 is not affected.. M/s. Herald Publications is therefore once again requested to furnish NOC / formal recommendation from Ministry of Information & Broadcasting as per Rule 29 of PEMRA Rules, 2002 in order to allow PEMRA to proceed further in the matter.

Dr. Abdul Jabbar
Director General (Tech)

Mr. Hameed Haroon
Chief Executive,
M/s Herald Publications (Pvt.) Ltd.
Karachi

Appendix D-30 Correspondence between DAWN and PEMRA

Pakistan
Herald
Publications
(Private)
Limited

14th February 2007

Director General (Tech)
Pakistan Electronic Media Regulatory Authority
Islamabad.

Dear Sir,

This refers to your reminder dated 12 February 2007, bearing # F.10-2(17) Phase II-2006.

The “formal recommendation” envisaged under Rule 29 of the PEMRA Rule is a proceeding between PEMRA and the Ministry of Information & Broadcasting. By making a formal request to the Ministry of Information & Broadcasting to issue the required NOC / recommendation, we have complied with the Court order dated 18 January 2007. Such request was made vide our letter dated 31 January 2007 and a copy was forwarded to PEMRA. You are requested to coordinate with the Ministry of Information & Broadcasting for the issue of the “formal recommendation”.

Please note that in the instant case, the NOC / recommendation of the Ministry of Information & Broadcasting cannot be withheld and has to follow after the Ministry’s consent to the order passed by the Hon’ble High Court on 18th January 2007, giving through the standing Counsel in C.P. 204/2004.

HAMEED HAROON
Chief Executive

C.C.
Ministry of Information & Broadcasting
External Publicity Wing
Islamabad.

Appendix D-31 Correspondence between DAWN and PEMRA

**PAKISTAN ELECTRONIC MEDIA
REGULATORY AUTHORITY**

6th floor, Green Trust Tower,
Jinnah Avenue, Blue Area,
Islamabad.
Ph: 051-9219713
Fax: 051-9207419
ajabbar@pemra.gov.pk

F.10-2 (17) Phase-II-2005
Feb, 07

17

Subject: TEMPORARY UPLINKING PERMISSION

Kindly refer to your letter dated 14 Feb. 07 on the above subject.

2. M/s Herald Publications Ltd. has not correctly interpreted Rule 29 of the PEMRA Rules 2002. Under this Rule, NOC / formal recommendation from the Ministry of Information and Broadcasting is not a proceeding between PEMRA and Ministry of Information and Broadcasting. PEMRA's responsibility is limited to grant of short term uplinking permission on the formal recommendation of Ministry of Information and Broadcasting. The responsibility to get NOC/formal recommendation from this Ministry rests on the company applying for short term uplinking permission (in this case M/s Herald Publications Ltd.).

3. You are, therefore, requested to furnish NOC/formal recommendation from Ministry of Information and Broadcasting as per Rule 29 of PEMRA Rules 2002 in order to allow PEMRA to proceed further in the matter.

Dr. Abdul Jabbar
Director General (Technical)

Mr. Hameed Haroon
Chief Executive,
M/s Herald Publications (Pvt.) Ltd.
Karachi

Appendix D-32 Correspondence between DAWN and PEMRA

Pakistan
Herald
Publications
(Private)
Limited

21st February 2007

Ministry of Information & Broadcasting
External Publicity Wing
Islamabad.

**Grand of an NOC/recommendation to PEMRA for issue of
an uplinking permission to Pakistan Herald Publications (Pvt.) Ltd.**

Dear Sir,

Vide our letter dated 31 January 2007, we had requested the Ministry of Information to issue the required NOC / recommendation to PEMRA to facilitate the grant of an uplinking permission to us. PEMRA informs us that it has yet to receive such an NOC / recommendation from the Ministry of Information.

Please note that as per the order of the Hon'ble High Court of Sindh passed on 18 January 2007 in CP No. 204/2004, both PEMRA and the Ministry of Information are to ensure that our uplinking permission is not delayed beyond 28th February 2007.

Kindly issue the required NOC/recommendation to PEMRA at the earliest. We would be obliged if a copy of the same is also sent to us.

For Pakistan Herald Publications (Pvt.) Limited.

Shabbir Gangat
Director Finance.

C.C. PEMRA
Director General Tech.

Appendix D-33 Notice that PEMRA has approached the Supreme Court for review of Sindh High Court consent order

(APPELLATE JURISDICTION)

CMA No. ___/2007

In

CPLA No. ___/2007

Pakistan Electronic Media Regulatory Authority
..... **PETITIONER**

VERSUS

Pakistan Herald Publications & 2 others
..... **RESPONDENTS**

NOTICE

To

1. Pakistan Herald Publications (Pvt.) Ltd., a company incorporated under the law of Pakistan, having its place of business at Haroon House, Dr. Ziauddin Ahmed Road, Karachi.
2. Ghulam Ali Mirza s/o Allah Wasayo, Muslim, adult doing business at Haroon House, Dr. Ziauddin Ahmed Road, Karachi.
3. Federation of Pakistan through the Secretary, Ministry of Information and Broadcasting.

..... **RESPONDENTS**

PLEASE TAKE NOTICE THAT I HAVE FILED THE CAPTIONED CIVIL PETITION FOR LEAVE TO APPEAL AGAINST THE JUDGMENT OF THE SINDH HIGH COURT AT KARACHI DATED 18.01.2007 IN CMA NO. 462/2006 FILED IN CP NO. D-204/2004 IN THE SUPREME COURT OF PAKISTAN AT ISLAMABAD.

**M.A. Zaidi
Advocate on Record
Supreme Court of Pakistan**

Appendix D-34 Ministry of Information sends NOC to PEMRA for granting uplinking permission

**GOVERNMENT OF PAKISTAN
MINISTRY OF INFORMATION & BROADCASTING
(EXTERNAL PUBLICITY WING)**

**B.F. Building, Zero Point, Islamabad
Tele: 9252166, Fax No. 9252366, 9252260**

No. 5(2)/2007-EP(Proj)

Islamabad: March 8, 2007

Subject: **TEMPORARY UPLINKING PERMISSION**

Enclosed please find a copy of letter No. Nil, dated 31st January 2007 from Pakistan Herald Publications (Private) Limited requesting this Ministry's NOC for temporary uplinking permission.

2. This Ministry has no objection to the grant of temporary satellite uplinking permission to Pakistan Herald Publications (Private) Limited for a period of 30 days (i.e. 1st March to 30th March 2007 – both days inclusive).
3. Their request for uplinking certificate may be entertained as per the PEMRA's new policy.

**Sd/-
(Khalid M. Sarwar)
Director**

Encl: As above

Dr. Abdul Jabbar
Director General (Technical),
PEMRA, Green Trust Tower,
6th Floor, Jinnah Avenue, Blue Area,
Islamabad.
Tele: 92 19 713
Fax: 92 22 332

Copy to: Mr Hameed Haroon, Chief Executive, Pakistan Herald Publications (Pvt) Ltd.
Dr. Ziauddin Ahmed Road, Karachi. With the advise to approach PEMRA for
uplinking certificate
Telefax: 021-56 83 559, 56 83 188.

**(Khalid M. Sarwar)
Director**

Appendix D-35 DAWN's letter to PEMRA forwarding the Ministry of Information's NOC

Pakistan
Herald
Publications
(Private)
Limited

8th March 2007

Dr. Abdul Jabbar
Director General (Tech)
Pakistan Electronic Media Regulatory Authority
PEMRA, Green Trust Tower
6th Floor, Jinnah Avenue, Blue Area,
Islamabad.

**N.O.C. from the Ministry of Information & Broadcasting
for the grant of a temporary uplinking permission.**

Dear Sir,

We have received a Fax addressed to you from the Ministry of Information & Broadcasting, E.P. Wing, Islamabad (Copy attached), in which they have granted to Pakistan Herald Publications (Pvt) Ltd, their NOC for the grant of temporary satellite uplinking permission.

We now request you to kindly issue us the required uplinking certificate.

Thank you.

Shabbir Gangat
Director Finance.

Encl:

Appendix D-36 PEMRA 's rejection of DAWN's request for uplinking TV licensed

*PAKISTAN ELECTRONIC MEDIA
Tower,
REGULATORY AUTHORITY
ISLAMABAD*

6th floor, Green Trust
Blue Area, Islamabad.
Phone: 051 - 9219713
Fax: 051- 9222332

F.No-10-3(17) Phase-II-2006

05 Mar, 07

Subject: **TEMPORARY UPLINKING PERMISSION**

Please refer to our letter of even number dated 25 Jan., 07 in pursuance of the order of the honorable Sindh High Court dated 18.01.2007 in CMA No.462/2006 filed in CP No.D-204/2004 on the above subject, our subsequent reminders of even number dated 12, 17 & 26 Feb., 07 on the same subject and your letter dated 14 Feb., 07.

2. You have failed to furnish NOC from Ministry of Information & Broadcasting as provided in Rule 29 of PEMRA Rules, 2002 which was required from Pakistan Herald Publications (Pvt.) Ltd in pursuance of the order of the honorable High Court dated 18.01.2007.

3. It may also be mentioned that Pakistan Herald Publications (Pvt.) also does not qualify under section 31 of PEMRA Ordinance, 2002 for grant of temporary uplinking permission as it is neither a broadcast station nor a CTV Network.

4. In view of the above, your application for uplinking permission is hereby rejected.

Dr. Abdul Jabbar
DG Technical

Mr. Hameed Haroon
Chief Executive,
M/s. Herald Publications (Pvt.) Ltd.
Karachi

MOST IMMEDIATE
BY SPECIAL MESSENGER

GOVERNMENT OF PAKISTAN
MINISTRY OF INFORMATION & BROADCASTING
(EXTERNAL PUBLICITY WING)

No. 5(2)/2007-EP (Proj)
2007

Islamabad: March 9,

Subject: **TEMPORARY UPLINKING PERMISSION**

Reference your letter No. F.10-2(17) Phase II-2005, dated 19.02.2007, received today through Cabinet Division's letter No. 6/5/2006-PEMRA/RA-I, dated 09.03.2007, on the subject cited above.

2. The points raised in the aforementioned letter require detailed examination and review. Therefore, further action on our letter of even number, dated yesterday, i.e. 08th March 2007, may be deferred, till further communication from us.

**(Khalid M.
Sarwar)**
Director

Dr. Abdul Jabbar,
Director General (Technical)
PEMRA, Hqrs.
Islamabad.

Cc:
Mr. Hameed Haroon, Chief Executive, Pakistan Herald Publications (Pvt.)
Ltd.
Dr. Ziauddin Ahmed Road, Karachi.
Telefax: 021-56 83 559, 56 83 188

**(Khalid M.
Sarwar)**
Director