

[TO BE INTRODUCED IN THE NATIONAL ASSEMBLY]

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BILL

to provide for protection of the journalists

WHEREAS the Constitution of the Islamic Republic of Pakistan guarantees the protection, honour and respect of every citizen;

WHEREAS it is required that the journalists should be provided protection to perform their duties in better and just manner so that they can become responsible journalists of the nation;

WHEREAS it is expedient to enact the following law with regard to the protection of journalists;

It is hereby enacted as follows:-

1. **Short title, extent and commencement.**— (1) This Act may be called “the Protection of Journalists Act, 2014.

(2) It shall be extended to the whole of Pakistan.

(3) It shall come into force at once.

2. **Definitions.**— In this Act, unless there is anything contrary to the subject or context.

(i) “Protection” means all those protective measures, which is the right of every Pakistani citizen, while remaining in the limits of Constitution and the law and it also includes those journalists who is legally residing in Pakistan. “Protection” includes all those methods and means which the government adopts for the protection of journalists, their children and other family members.

(ii) “Environment” means the environment in which a journalist is performing his responsibilities or the place where a journalist proceeds for special reporting.

(iii) “Journalism” means to publish news and information packages, pictures, recording, writing, modification, reporting, analysis or news or information regarding local, national, international events and of matters of Public interest.

(iv) “Journalist” means such person (male and female) who within constitutional and legal parameters prepares regularly news items, informations, reflections, recordings, writings, modifications, reports, analysis regarding local, national, internal events and other matters of public interest within the scope of legal and constitutional limits, media workers will also be included in the same.

3. **Protection of journalists from disclosing the sources of information.**— Journalists will not be forced to disclose their sources of information except the disclosure of matters which

relate to the National Security. Supreme Court of Pakistan shall have the power to inquire about the sources.

4. Provision of Special Protection to journalists.- (a) The Government will provide special protection to the persons discharging their duties as journalists in any institution (Federal or Provincial) so that they make it sure to discharge their duties amicably.

(b) Access and coverage without any delay protection will be ensured to discharge their professional duties by journalists as required in the places under control of the government including all public places but excluding high security military zones.

(c) Officials working in all government organizations in any grade, will ensure facilitation to the journalists with protection and respect during discharge of their assignment.

5. Special Security initiatives for immediate protection of journalists at their residences.-

(a) The Government will provide on spot security to the journalists on their request.

(b) The SHO of respective area will provide the demanded protection and security to the journalists in case they receive any threat or are in need of security protection.

(c) If any untoward incident takes place at any place and the concerned SHO takes no step despite being informed, the SHO shall be held responsible for any harm caused to a journalist.

6. Establishment of National Press Council for rapid resolution of journalistic problems.-

A national press council shall be set up, whose membership shall consist of one representation each from Pakistan Federal Union of journalists, All Pakistan Newspapers Employees Council, All Pakistan newspaper society, Pakistan Broadcasters Association, Council of Pakistan newspaper Editors and Chairman, Pakistan Electronic Media Regulatory Authority. Secretary, Ministry of Information and Broadcasting, Secretary Ministry of Interior and at least one representative of an independent media development organization registered under laws of Pakistan shall also be a member of the National Press Council.

7. Functions of National Press Council.- (a) To give proposals and programmes to the Government with reference to the protection and problems faced by the journalists during their duty.

(b) To introduce mechanism for the solution of the problems of journalists.

(c) To create conducive atmosphere in order to endure opportunities of personal development, progress and education for the journalists working in private and public sectors.

(d) To ensure prompt implementation on the complaints of journalists.

- (e) To arrange seminars, consultative programmes, conferences and Round Table talks for the protection of journalists and to maintain the dignity of their work.
- (f) To mediate in cases related with the payment of wages and other benefits between the Media owners and employees.
- (g) All such other steps deemed necessary for achieving the objectives of the Act.

8. To support the role of media as the custodian of public interest.- (a) The Government shall ensure to provide facilities and supports to the journalists according to their status as the guardian of public interests for ensuring effectively the freedom of expression as provided under Article 19 of the Constitution.

(b) Every government institution (federal or provisional) shall ensure the co-operation that media enjoys the right to acquire information including the unpublished information under Article 19 (a) of the Constitution.

(c) The Government shall ensure protection and its support to the women journalists during discharging of their professional duties against any in-discriminatory behavior or sexual harassment in any way and shall bind the institutions to establish a separate working environment for women.

9. Application of this act.- This act will apply to all such permanent, temporary contract and contingent journalists who work in all the present media institutions or work as freelance, but, are registered properly with any media organization, press club or journalists union and media members, shall include therein.

10. Power to enact laws.- Federal Government shall have the power to enact laws to achieve the objectives of this act through notification in the official gazette; provided that such laws are not contrary to the objects of this act. In such situation, these would nullify automatically.

11. Jurisdiction.- The case regarding the murder and kidnapping of any journalist would be prosecuted in a special court.

12. Punishment.- A person who willfully intervenes in the work of any journalist or causes to stop him from performing his responsibilities, or deprives him from his rights which he enjoys under this act or violates the rules of this act in any way, he will be liable to fine which will not be less or more than 55 thousands (as the case may be), or he will be awarded such punishment, which will not be less or more than six months, or on Court discretion, he will be punishable with both sentences at the same time on the basis of intensity of offence.

13. Repeal.- All such laws, administrative directives and rules of regulations which are in conflict with the contents of this act, would stand repealed.

14. **Remove of difficulties.**- If any kind of difficulty arises in giving effect to any section of this act, the Government will pass such orders and take such steps which are necessary to remove such difficulties and through which object of this act could be achieved..

STATEMENT OF OBJECTS AND REASONS

Unfortunately, journalists who are the basic source of news and information are being targeted, though; media is a source of creating awareness in the society about National and International issues. Yet, It is an apathy that media itself is deprived and there is no particular law in Pakistan for their safety. Due to non existence of legal protection, violence has become common practice on journalists, harass them, kill them and severely injure them while they are discharging their responsibilities. It is a fact that more than eighty journalists have been killed since 1st January, 2000 to date and meanwhile the incidents of attacks, violence, murder, kidnapping, harassment, detentions or frighten the journalists were committed against more than two thousand journalists. It is also a fact that neither murderer of any murdered journalist could have been arrested so far nor any sentence after prosecuting the culprits was awarded. Although the sentence has been awarded in Wali Babar case but the criminals are still absconders. While, approximately, eight persons including witnesses, investigator and lawyers pursuing the case have been killed.

It is necessary to mention that it is the fundamental responsibilities of the incumbent Government to provide protection to the lives of a reporter, cameraman, photographer and such other all persons belonging to print and electronic media and other citizens.

It is proposed in the above mentioned Act that such security measures be taken in future through establishment of National Press Council that the problems of journalist community could be reduced, security must be provided to the families of those whose dear ones died or injured or kidnapped during performance of their duties.

However, all, the purpose of the said law is to ensure the protection of journalists, so that they could perform their professional responsibilities in a better way.

If, the above mentioned law is passed, it will prove to be the best precedent for the whole world with regard to freedom and protection of Pakistan media.

Sd/-

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