

**JUDGMENT SHEET**  
**IN THE LAHORE HIGH COURT, LAHORE**  
**JUDICIAL DEPARTMENT**  
**JUDGMENT**

Press Appeal No.225/2012

Tahir Mehdi Imtiaz Ahmad Warraich	<b>VS.</b>	Government of Punjab through Secretary, Home Department etc.
--------------------------------------	------------	--

Date of hearing	30.04.2024
Appellant by	Mr. Fahad Malik, Advocate
Respondents by	Raja Muhammad Arif, Additional Advocate General

**Ch. Muhammad Iqbal, J:-** Through this appeal under Section 20 of the Press, Newspapers, News Agencies and Books Registration Ordinance 2002, the appellant has challenged the validity of order dated 15.02.2012 passed by the District Coordination Officer, Chiniot who while invoking jurisdiction under Section 19 of the Ordinance ibid, cancelled the declaration in respect of Monthly Magazine “Misbah” and the appellant/ printer was directed to stop the circulation of the said magazine.

2. Brief facts of the case as stated by learned counsel for the appellant are that the appellant is the publisher of Monthly Magazine “Misbah” [hereinafter referred to as the “magazine”] published from Chanab Nagar (Rabwah) District Chiniot for the female followers of Quadiani group. The original publisher namely, Sh. Khurshid Ahmad had died and the appellant has applied for substituting his place as such the respondent No.2 has treated the appellant as publisher. The appellant received a show cause notice (No.1532 dated 01.02.2012) from respondent

No.2/D.C.O, Chiniot wherein it was mentioned that the magazine contained objectionable material under Section 298-C of the Pakistan Penal Code and appellant was further called upon that as to why the magazine should not be banned and its declaration be cancelled under Section 19 of the Press, Newspapers, News Agencies and Books Registration Ordinance 2002. The appellant appeared before the respondent No.2 on 06.02.2012 and also got recorded his statement regarding compliance of law. On 15.02.2012, the appellant received an order from the respondent No.2 whereby the declaration in respect of the magazine was cancelled and order was passed to stop the printing, publication and circulation of the said magazine. Hence, this appeal.

3. I have heard learned counsels for the parties and have gone through the record.

4. The matter in issue relates to cancellation of declaration of press/ publication of a magazine/Misbah. Under Article 19 of the Constitution of the Islamic Republic of Pakistan, 1973 [hereinafter referred to as “Constitution”], every citizen has a right of freedom of speech and expression as well as freedom of the press but said rights can only be enjoyed subject to the conditions imposed in the said Article as well as the law. For ready reference, Article 19 of the Constitution is reproduced as under:

“19. Every citizen shall have the right to freedom of speech and expression, and there shall be freedom of the press, subject to any reasonable restrictions imposed by law in the interest of glory of Islam or the integrity, security or defence of Pakistan or any part thereof, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, commission of or incitement to an offence.”

(emphasis supplied)

As the matter in issue relates to the publication of a magazine which publication falls within the domain of “press” and the Article ibid while guaranteeing the freedom of press gives

authority to impose restriction in accordance with law. For press entities, an Ethical Code of Practice has been given in the Schedule of the Press Council of Pakistan Ordinance, 2002, which is reproduced as under:

**“Schedule**

(See Section 8 (I) (iv))

**Ethical Code of Practice**

An Ethical Code, of Practice is formulated as under for the press for the purpose of its functioning in accordance with the canons of decency, principles of professional conduct and precepts of freedom and responsibility to serve the public interest by ensuring an unobstructed flow of news and views to the people envisaging that honestly accuracy, objectivity and fairness shall be the guidelines for the press while serving the public interest in any form of publication such as news items, articles, editorials, features cartoons, illustrations, photographs and advertisements: etc-

(1) The press shall strive to uphold standards of morality and must avoid plagiarism and publication of slanderous and libelous material.

(2) The press shall strive to publish and disclose all essential and relevant facts and ensure that the information it disseminates is fair and accurate.

(3) The press shall avoid biased reporting or publication of unverified material, and avoid the expression of comments and conjecture as established fact, Generalization based on the behaviour of an individual or a small number of individuals will be termed unethical.

(4) The press shall respect the privacy of individuals and shall do nothing which tantamounts to an intrusion into private, family life and home;

(5) Rumours and unconfirmed reports shall be avoided and if at all published shall be identified as such.

(6) The information, including picture, disseminated shall be true and accurate.

(7) The press shall avoid originating, printing, publishing and disseminating any material, which encourages or incites discrimination or hatred on grounds of race, religion, caste, sect, nationality, ethnicity, gender, disability, illness, or age, of an individual or group.

(8) The press shall not lend itself to the projection of crime as heroic and the criminals as heroes.

(9) The press shall avoid printing, publishing or disseminating any material, which may bring into contempt Pakistan or its people or tends to undermine its sovereignty or integrity as an independent country.

(10) The press shall not publish or disseminate any material or expression, which is violative of Article 19 of the Constitution of the Islamic Republic of Pakistan.

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

(12) While reporting on medical issues, care must be taken to avoid sensationalism, which could arouse baseless fears or false hopes in the readers. Early research finding should not be presented as though they were conclusive or almost conclusive.

(13) Sensationalism of violence and brutalities shall be avoided. All reporting shall be accurate, particularly when Court proceedings are covered and an accused person must not be presented as guilty before judgment has been pronounced.

(14) In the cases, of sexual offences and heinous crime against children, juveniles and women, names and identifying photographs shall not be published.

(15) Confidentiality agreed upon at briefings and background interviews must be observed.

(16) The press while publishing findings of opinion polls and surveys shall indicate the number of people, geographical area on which the polls and surveys were conducted, and the identify of the poll-sponsor.

(17) Any kind of privilege or inducement, financial or otherwise, which is likely to create conflict of interest and any inducement offered to influence the performance of professional duties and is not compatible with the concept of a reputable, independent and responsible press, must be avoided.”

The crux of the aforesaid Ethical Code of Practice is that no one including “press” is allowed to violate the honor of any individual and the state of Pakistan as well as the religion of Islam.

5. Further, Section 5 of the Press, Newspapers, News Agencies and Books Registration Ordinance 2002 deals with the directions regarding publishing material in the publication whereas Section 6 of the Ordinance ibid directs the printer to submit declaration with the undertaking to abide by the aforementioned Ethical Code of Practice. For ready reference, Sections 5 & 6 of the Ordinance ibid are reproduced as under:

**“5. Publication of newspapers.--**No newspaper shall be published except in conformity with the provisions of this Ordinance and without prejudice to the provisions of Section 3, every copy of every such newspapers shall contain the name of the owner and editor thereof printed clearly on such copy and also the date of its publication. Similarly, no news agency shall disseminate or defuse news except in conformity with the provisions of this ordinance unless there subsists a declaration authenticated by the District Coordination Officer.

**6. Declaration of the printer, publisher and news agency.--** (1) The printer and publisher of every newspaper or an owner of news agency shall appear in person or by agent authorised in this behalf before the District Co-ordination Officer within whose local jurisdiction such newspaper shall be printed or published, or news agency ordinarily operates and shall make and subscribe, in duplicate originals a declaration in Form 'B' or in such other form as may be prescribed, and the District Co-ordination Officer shall, immediately upon the filing of such form, issue a receipt for the same.

(2) Every declaration shall specify the title of the newspaper, the language in which it is to be published, the periodicity of its publication and shall contain such other particulars as may be prescribed to include bank where account will be operated and financial funding, if any.

(3) Where the printer or publisher of a newspaper making a declaration is not the owner thereof, the declaration shall specify the name of the owner and shall also be accompanied by an authority in writing from the owner authorising such person to make and subscribe such declaration.

(4) The declaration of news agency shall contain its name, language of dissemination of news and credit lines to include bank where account will be operated.

(5) Submission of declaration and its authentication under this Ordinance shall be necessary before the publication of newspaper or dissemination of news by any news agency.

(6) The declaration submitted by the publisher under sub-section (5) shall be accompanied by an undertaking by the editor to abide by the Ethical Code of Practice contained in the Schedule to the Press Council of Pakistan Ordinance, 2002.”

The appellant is follower of Quadiani group and the magazine in question was being used to preach and propagate teaching of the said group which is prohibited under Section 298-C of Pakistan Penal Code, 1860 (PPC). As per Section 298-C PPC, every person of Quadiani group has been banned not only from posing himself as a Muslim but also from preaching or propagating his

faith. For ready reference, Section 298-C PPC is reproduced as under:

**“298C. Person of Quadiani group, etc., calling himself a Muslim or preaching or propagating his faith.**—Any person of the Quadiani group or the Lahori group (who call themselves ‘Ahmadis’ or by any other name) who, directly or indirectly, poses himself as a Muslim, or calls, or refers to, his faith as Islam, or preaches or propagates his faith, or invites others to accept his faith, by words, either spoken or written, or by visible representations, or in any manner whatsoever outrages the religious feelings of Muslims, shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.”

Under Section 19 of the Press, Newspapers, News Agencies and Books Registration Ordinance 2002, the parameters for cancellation of declaration of a newspaper are given. For ready reference, aforesaid provision is reproduced as under:

**“19. Cancellation of declaration.** – (1) On the application of the Press Registrar either suo moto or based on the information through any person, the District Co-ordination Officer empowered to authenticate a declaration under this Ordinance, is of opinion that any declaration made in respect of a newspaper should be cancelled, he may, after giving the person concerned an opportunity of showing cause against the action proposed to be taken, hold an enquiry into the matter and if, after considering the cause, if any, shown by such parties and after giving them reasonable opportunity of being heard, he is satisfied that;

(a) the news paper, in respect of which the declaration has been made is being published in contravention of the provisions of this Ordinance or rules made thereunder; or

(b) the newspaper mentioned in the declaration bears a title which is the same as or similar to, that of any other newspaper published either in the same language or in the country; or

(c) the printer and publisher has ceased to be the printer or publisher of the newspaper mentioned in such declaration; or

(d) the declaration was made on knowingly false representation or concealment of any material fact or in respect of a periodical work which is not a newspaper; the District Co-ordination Officer may, by order, cancel the declaration and shall forward as soon as possible a copy of the order to the person making or subscribing the declaration and also to the Press Registrar.

(2) During the period of sixty days of the cancellation order no person shall be issued a declaration in the name of the same title to any other person.”

The appellant while obtaining the declaration of magazine, submitted his affidavit-cum-undertaking to abide by the provisions of the Ordinance ibid as well as the Rules and Regulations made thereunder but subsequently he has committed blatant grave violations to the aforesaid declaration.

6. However, as an abandoned caution, the Chief Minister, Punjab constituted Muthida Ulma Board Punjab to ascertain regarding preaching of objectionable material. The said Board in its meeting held on 27.06.2011 after perusing the contents of the magazine, recommended for cancellation of its declaration on the ground of publishing objectionable material. For reference, relevant portion of the decision dated 27.06.2011 is reproduced as under:

محکمہ داخلہ پنجاب	قادیانی مذہب کی تبلیغ پر مشتمل مواد پر مبنی اس رسالہ پر پابندی اور اس کا ڈیٹیکریشن منسوخ کرنے کی سفارش کی جاتی ہے۔	مرزا خلیل احمد قمر	ماہنامہ مصباح مارچ 2001	-6
-------------------	--	-----------------------	----------------------------	----

In this regard, Home Department, Government of the Punjab issued a notification dated 26.10.2011, by holding that the magazine contains a deliberate mischief of malicious and objectionable material. For reference, aforesaid notification is reproduced as under:

“Government of the Punjab

Home Department

Dated Lahore the 26<sup>th</sup> October, 2011

#### NOTIFICATION

No. SO (IS-III) 6-15/2010 WHEREAS, the Government of Punjab is satisfied that the following books/booklets/ Magazines/News Papers contain matter which is objectionable and deliberately/maliciously intended to outrage religious feelings:-

Sr. #	TITLED	WRITTEN BY	NATURE
1	Mahmood Ahmad Abbasi (Aqaid-o-Nazriat)/Khalafat Hazrat Amir Muawaia & Yazid (Book)	Syed Ali Mutahar Naqvi Amrohi	Sectarian

2	Yeh Teesri Eid (Booklet)	Eng. Abdul Qaddus Salfi	Sectarian
3	Eid Milad-un-Nabi ki Haqeeqat (Booklet)	Abu Muawia Maulana Muhammad Ayaz	Sectarian
4	Way of Seekers (Book)	Mriza Bashir-ud-Din Mahmood Ahmad	Sectarian
5	Al-Fazal (Weekly & Daily)	Abdul Samih Khan	Sectarian
6	Monthly Misbah, March, 2001 (Magazine)	Mirza Khalil Ahmad Qamar	Sectarian
7	New Canada (Magazine)	Syed Hasnat Ahmad	Sectarian

2. Now therefore, in exercise of powers conferred under Section 99-A Cr.P.C 1898, the Government of the Punjab is pleased to ban and confiscate all copies of the above mentioned books/ booklets/ Magazines/Newspapers alongwith its translation in any language, wherever found in open market or at any Madrissa, with immediate effect.

Secretary to Govt. of the Punjab  
Home Department”

The Home Department, Government of the Punjab issued direction to the District Coordination Officer, Chiniot on 27.10.2011 and recommended for cancellation of declaration of magazine for publishing objectionable material. For reference, letter dated 27.10.2011 is reproduced as under:

“NO.SO (IS.III) 6-15/2010  
GOVERNMENT OF THE PUNJAB  
HOME DEPARTMENT

Dated Lahore, the 27<sup>th</sup> October, 2011

To

**The District Coordination Officer,  
Chiniot**

Subject:- **CANCELLATION OF DECLARATION  
OF MONTHLY MISBAH**

I am directed to convey that the Muttehida Ulama Board Punjab has recommended cancellation of declaration of monthly Magazine “Misbah” for publishing objectionable material in its meeting held on 27.06.2011.

2. I am further directed to request that necessary action may please be taken in the matter under intimation to this



Department according to Pakistan Newspapers, News Agencies and Books Registration Ordinance, 2002.

Section Officer (IS.III)”

In view of the aforesaid facts, a show cause notice under Section 19 of the Press, Newspapers, News Agencies and Books Registration Ordinance 2002 was issued on 01.02.2012 to the appellant with the allegation that the magazine is being used to preach the teachings of Qadiani group which practice is prohibited under Section 298-C PPC. For ready reference, the notice dated 01.02.2012 is reproduced as under:

"از دفتر ڈسٹرکٹ کوآرڈینیشن آفیسر چنیوٹ  
نمبر 1532 مورخہ 01-02-2012  
نوٹس بنام:- طاہر مہدی امتیاز احمد وڑائچ پرنٹر ماہنامہ "مصباح" چناب نگر  
زیر دفعہ 19 پریس نیوز پیپر، نیوز ایجنسی و بک رجسٹریشن آرڈیننس 2002  
قلمی ہے کہ ماہنامہ "مصباح" کا پبلشر فوت ہو چکا ہے جبکہ آپ ماہنامہ مذکور کے پرنٹر  
ہیں اور آپ نے برائے تبدیلی پبلیکیشن دفتر ہذا میں درخواست دے رکھی ہے۔  
ہمارے علم میں یہ بات آئی ہے کہ ماہنامہ "مصباح" کی اشاعت جاری ہے۔ جس میں  
قادیانیت کی تبلیغ کی جاتی ہے۔ جو کہ زیر دفعہ 298/C تعزیرات پاکستان قابل مواخذہ ہے۔  
لہذا آپ کو متعلقہ فریق گردانتے ہوئے بذریعہ نوٹس ہذا مطلع کیا جاتا ہے کہ آپ  
مورخہ 06.02.2012 کو بوقت 11:30 بجے دفتر حاضر آکر وجہ بیان کریں کہ کیوں نہ اشاعت ماہنامہ  
"مصباح" پر پابندی لگا کر ڈیکلریشن منسوخ کیا جائے۔ عدم حاضری کی صورت میں حسب ضابطہ کاروائی  
عمل میں لائی جاوے گی۔

ڈسٹرکٹ کوآرڈینیشن آفیسر

چنیوٹ

اسسٹنٹ کمشنر لالیاں نوٹس علیہ کی تعمیل حسب ضابطہ کروائیں اور نوٹس بعد تعمیل قبل از تاریخ واپس

ارسال کریں۔

ڈسٹرکٹ کوآرڈینیشن آفیسر

چنیوٹ

In response to the aforesaid notice, the appellant filed following written reply on 06.02.2012:

"بیان برحلف:-

خاکسار آنمکرم کے نوٹس کے سلسلہ میں حاضر ہوا۔ آنمکرم سے درخواست ہے کہ ماہنامہ  
"مصباح" میں کوئی قابل اعتراض مواد شائع نہیں ہوتا۔ آنمکرم سے درخواست ہے کہ اس کے  
ڈیکلریشن کو کینسل نہ کیا جائے۔"

The aforesaid reply given by the appellant shows that he neither controverted the allegations levelled against him nor explained about his stance rather made an evasive denial by stating that nothing objectionable is being printed in the magazine.

7. The District Coordination Officer, Chiniot on the basis of aforesaid facts of the case and after providing opportunity of hearing to the appellant, passed a well-reasoned order dated 15.02.2012 and the reasons mentioned in the said order could not be rebutted by the learned counsel for the appellant. For ready reference, order dated 15.02.2012 is reproduced as under:

“OFFICE OF THE  
DISTRICT COORDINATION OFFICER  
CHINIOT

Subject: CANCELLATION OF DECLARATION OF  
MONTHLY MISBAH

ORDER

Briefly stating, Mutehida Ulema Board Punjab in its meeting held on 27.06.2011 has recommended cancellation of declaration of Monthly Magazine Misbah for publishing objectionable material. This information was received through letter No.SO (IS.III) 6-15/2010, dated 27.10.2011 of Home Department, Government of the Punjab. It has also been informed that propagation of Qadianiat is a crime Under Section 298-C of PPC. The Monthly Misbah has been declared as propagating Qadianiat and as such recommended to be banned by Mutahida Ulema Board Punjab constituted by the Chief Minister Punjab. Therefore, declaration of Monthly Misbah may be cancelled.

In pursuance of the subject matter, the record pertaining to Monthly Misbah was obtained from District Jhang as the same was not available in this office. Perusal of record reveals that the declaration of Monthly Misbah in the name of Sheikh Khurshid Ahmad S/o Sheikh Salamat Ali was authenticated by the then District Magistrate on 22.09.1986. After going through the relevant material received from the Home Department, Government of the Punjab, a Notice U/S 19 of Press, Newspapers, News Agencies and Books Registration Ordinance, 2002 was issued in the name of Tahir Mehdi Imtiaz Ahmad Warraich, the Printer of Monthly Misbah Chenab Nagar. It is pertinent to mention here that on account of death of Sheikh Khurshid Ahmad in whose name the declaration in question was authenticated, the said notice was served upon Mr. Tahir Mehdi Imtiaz Ahmad Warraich who is the Printer as well as applicant for change of Publisher of Monthly Misbah, considering him the concerned party.

Mr. Tahir Mehdi Imtiaz Ahmad Warraich appeared before the undersigned on 6.2.2012 and his statement was recorded accordingly. He has contended that no objectionable material is being published in Monthly Misbah. He has further prayed that the declaration of Monthly Misbah may not be cancelled.

I have gone through the relevant literature received from the Home Department and other material available on record. Arguments of Mr. Tahir Mehdi Imtiaz Ahmad Warraich have also been heard at length. It is observed as under:

- 1) According to Section 6(6) of Press, Newspapers, News Agencies and Books Registration Ordinance, 2002, the declaration submitted by the publisher under sub-section (5) shall be accompanied by an undertaking by the editor to abide by the Ethical Code of Practice contained in the schedule to the Press Council of Pakistan Ordinance which inter alia lays down:  
“The Press shall avoid originating, printing, publishing and disseminating any material, which encourages or incites discrimination or hatred on grounds of race, religion, caste, sect, nationality, ethnicity, gender, disability, illness, or age, of an individual or group”.
- 2) The Monthly Misbah contains material which is preaching as well as propagation of Qadianiat within the meaning of Section 289-C of PPC.
- 3) Mr. Tahir Mahdi Imtiaz Ahmad Warraich has failed to prove that Misbah does not contain objectionable material.
- 4) Mutehida Ulema Board Punjab constituted by the Chief Minister Punjab has recommended to ban the Monthly Magazine Misbah.

In the light of above mentioned observations, I am convinced that Monthly Magazine Misbah is being published in contravention of provisions of Press, Newspapers, News Agencies and Books Registration Ordinance, 2002. Therefore, I Dr. Irshad Ahmed, District Coordination Officer, Chiniot hereby cancel the declaration in respect of Monthly Magazine Misbah authenticated by the then District Magistrate Jhang with immediate effect. The Printer of Monthly Misbah is directed to stop circulation of the Monthly Misbah forthwith under intimation to this office.

DISTRICT COORDINATION OFFICER  
CHINIOT”

Furthermore, under Section 99-A of Criminal Procedure Code (Cr.P.C.), 1898, the Government is competent to forfeit any publication if it is satisfied that such publication contains objectionable material as prescribed in law. For ready reference, Section 99-A Cr.P.C. is reproduced as under:

**“99-A Power to declare certain publications forfeited and to issue search warrants for the same. (1) Where:-**

a) Any newspaper, or book as defined in the West Pakistan Press and Publication Ordinance, 1963, or any other law relating to press and publications for the time being in force or

b) Any document.

(2) In sub-section (1) “document” includes also any painting, drawing or photograph, or otherwise visible representation.”

8. As regard the argument of learned counsel for the appellant that the declaration of the magazine has been cancelled on the recommendations of Muttehida Ulema Board which has no authority in this regard as such the impugned order is not sustainable in the eyes of law, suffice it to say in this regard that on receipt of the material record/ information the District Coordination Officer after application of judicious mind issued show cause notice [dated 01.02.2012] to the appellant to appear on 06.02.2012 and to explain his position on the allegation regarding preaching of Qadianiat through the magazine. In response to the said notice, the appellant appeared before the said Officer on 06.02.2012 and filed reply [as reproduced in paragraph No.5 of this judgment] and the appellant was also heard at full length by the DCO before passing the impugned order as envisaged in Article 10-A of the Constitution as well as mandated by Section 19 of the Press, Newspapers, News Agencies and Books Registration Ordinance 2002. Thus, the argument of learned counsel for the appellant is devoid of any substance which is accordingly hereby repelled.

9. Further, as regard the stance of the appellant that the declaration regarding cancellation of the magazine of the appellant is result of discrimination, the same is illusive, suffice it to say that while scanning contents of the transcripts/publications of the Magazine Misbah, Muttehida Ulema Board has found objectionable material and even the Home Department has also recommended for cancellation of declaration of publications having objectionable material across the board without targeting

any specific group. It is apparent from the impugned notification that as many as seven publications of different book / magazine have been banned which dismantles the very foundation of the above argument. The recommendations dated 27.06.2011 made by the Muttehida Ulema Board as well as notification dated 26.10.2011, issued by the Home Department, reproduced in paragraph No.5 of this judgment have not been questioned before any competent forum whereas the said recommendations were in the active knowledge of the appellant, thus the said recommendations of the Home Department have attained finality.

10. As the appellant through publishing the objectionable material in magazine in question has committed blatant violation of the aforementioned provisions of law as such the District Coordination Officer, Chiniot has rightly cancelled the declaration of the magazine-Misbah through the well-reasoned order dated 15.02.2012 as such the same does not require any indulgence from this Court in its appellate jurisdiction.

11. Learned counsel for the appellant has not pointed out any illegality, material irregularity or jurisdictional defect in the impugned order calling for any interference through this appeal.

12. In view of above, this appeal having no merits is hereby **dismissed**. No order as to costs.

**(Ch. Muhammad Iqbal)**  
**Judge**

Approved for reporting.

**Judge**