

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

Present:

Justice Qazi Faez Isa, CJ
Justice Irfan Saadat Khan
Justice Naeem Akhtar Afghan
Justice Shahid Bilal Hassan

Criminal Original Petition No.6 of 2024

((Contempt proceedings against Senator Fesal Vawda on account of his press conference in the National Press Club, Islamabad on 15.05.2024))

In Attendance:

On Court's Notice	:	Ch. Aamir Rehman, Addl.AGP
On behalf of 26 News Channels:		Mr. Faisal Siddiqui, ASC
On behalf of Bol News	:	Ms. Asma Mushtaq, ASC
On behalf of Sindh TV	:	Mr. Javed Ahmad Qazi, ASC
On behalf of Talon TV	:	Mr. Zulfiqar Ahmed Bhutta, ASC
On behalf of PEMRA	:	Mr. Saad Mumtaz Hashmi, ASC

Owners/Representatives of TV Channels:

Abb Tak	Syed Fahad Hussain Shah, M.D. Abb Tak
	Siraj Ahmed, D.N. Abb Tak
Aaj News	Qudratullah Shahab Zuberi, CEO
	Asif Aziz Zuberi, CEO
Hum News	M. Rehan Ahmed, Director
Geo News	Zaheeruddin, C.O.O.
ARY News	Salman Iqbal,
Bol News	Abdul Razzaq, Adminstration Manager
GNN	Shehryar Nawaz Chatha, CEO
Dunya News	Mian Amir Mehmood, Chairman
	Naveed Kashif, M.D.
Neo News	Nasrullah Malik, CEO
	Fahad, C.O.
Dawn News	Shakil Masood, CEO (Also Chairman, Pakistan Broadcasters Association)
Express News	Sultan Lakhani, Owner
Samaa TV	Junaid Amin, CEO
	Umar Farooq Manan
92 News	Muhammad Rasheed, Owner
	Usama Shams, CEO
24 News	Syed Turrab Abbas,
	Executive Director(Operations)
News One	Tahir A. Khan, Owner
Suno TV	Hashim Khan, CEO
AIK News	Fahad Hussain, Chairman
Capital TV	Basit Riaz Sheikh, M.D.
G-TV	Waseem-ur-Rehman, CEO
Public TV	Ahmed Sahi, CEO & Jawad Hanif, M.D.
7 News	Amir Sohail, Director

Channel 5	Malik Manzoor, D.N.
ABN News	Mohsin Bilal, CEO
Sindh TV	Abdul Karim Rajpar
KTN News	Asad
Waseb TV	Nemo
Awaz	Faisal Brohi, CEO
Dharti	Zohaib Hassan, Director
SUCH News	Mudassar Bukhari, Owner
ROZE News	S.K. Niazi, Chairman
Times News	Muhammad Ali Qazi
TV Today	Haq Nawaz Ghuman
Talon TV	Mudassir Iqbal, C.O.O.
Kohinoor TV	Nemo

Date of Hearing: 12.09.2024.

ORDER

Qazi Faez Isa, CJ. Contempt notices were issued to a number of television channels for broadcasting false and contemptuous matter about this Court and its Judges. An opportunity was provided to all of them to submit replies to the notices. The learned Mr. Faisal Siddiqui states that he represents twenty-six television channels and all of them have filed miscellaneous applications tendering unqualified apologies to the Court and which state that they will ensure that such mistakes are not repeated in the future. The other channels to whom notices were issued have also directly or through their respective counsel tendered a similar apology and statement.

2. The learned Mr. Faisal Siddiqui further states that all of them will also broadcast on prime time the fact that they have tendered an apology to this Court and will also broadcast the following, recorded by this Court in its order 28 June 2024, which is reproduced hereunder:

'(1). The Holy Qur'an forbids scandalizing and slandering – *'Woe to every scandalmonger and slanderer'*.¹ Islam advocates peace, harmony and cooperation, and is against all those who feed discord and strife. *'Heed not a slanderer going about with malicious gossip'*.² The Creator tells us that our words are recorded and we will be held accountable for each and every one of them – *'not a word does he utter which is not recorded by the sentinel attached with him'*.³ And, if another says something scandalous/derogatory which is not true and one repeats it the one repeating is also accountable for it. Allah Almighty says, *'ascertain the truth lest you harm a people*

¹ *Al-Qur'an*, surah al-Humazah (104) verse 1.

² *Ibid.*, surah al-Qalam (68) verses 10-11.

³ *Ibid.*, surah Qaf (50) verse 18.

unwittingly'.⁴ Unfortunately, there are those who either knowingly, negligently or carelessly spread slander.'

(2). 'This Court has to ensure to all that the constitutionally prescribed fundamental rights are not denied to them. However, the right to freedom of speech and expression and the freedom of the press in Article 19 does not take precedence over the inviolability of the *dignity* of persons and of the privacy of the home in Article 14, which incidentally is numerically a prior fundamental right. The exhilarating elixir of free speech and media freedom does not permit slandering anyone, including judges and courts.'

(3). 'Disagreement and discord has become all too pervasive and it has permeated into peoples' behavior, ideas and beliefs with the quick, easy and widespread dissemination of falsehoods and slander. The legal tool which is used for recompensing the wronged and imposing heavy financial penalties remains under-developed and it is effectively stymied in Pakistan. Resultantly defamation and spreading lies is not visited upon with consequences which may curtail them.'

(4). '*False accusation is a manifest sin*⁵ and its significance is brought to bear by drawing a powerful similitude, '*Would you like to eat the flesh of your dead brother*'.⁶ To the question whether, '*We will be brought to account for what we say*' the response of Prophet Muhammad (peace and blessings be upon him) was rhetorical, '*Are people thrown onto their faces in Hell for anything other than the harvest of their tongues?*'⁷ On another occasion he said that no one shall enter Paradise whose neighbor is not safe from the harm of his tongue.⁸ Imam Ghazali⁹ wrote that, '*To believe in defamation is worse than defamation, as defamation shows the way but belief in defamation gives permission. He who shows the path to a thing is not equal to one who admits it and gives permission. So beware of slanderers and defamers.*'¹⁰ The broadcaster of slander, therefore, cannot take refuge in saying that he is not the originator of the slander; the broadcaster must verify the truth or falsehood of the matter. Those who broadcast slander and defamatory material also corrupt those who hear it. Imam Ghazali wrote, '*The Prophet (peace and blessings be upon him) said: The hearer of back-biting is included within the back-biters.*'

⁴ *Ibid.*, surah al-Hujurat (49) verse 6.

⁵ *Ibid.*, surah al-Ahzab (33) verse 58.

⁶ *Ibid.*, surah al-Hujurat (49) verse 12.

⁷ *Sunan al-Tirmidhi*, Abwab al-Iman, *Bab Ma Ja' fi Hurmat al-Salah*, Hadith No. 2616, transmitted by Mu'adh bin Jabal.

⁸ *Musnad Ahmad*, Musnad al-Mukthirin, Hadith No. 6476, transmitted by Anas bin Malik.

⁹ Abu Hamid al-Ghazali (1058-1111 CE, 450-504 Hijri) who is considered to be the century's *mujaddid*, a renewer of the faith.

¹⁰ *Ihya Ulum-id-Din*, Chapter on Harms of the Tongue,' quoting Musab bin Jubair.

However, he can be saved *'if the hearer protests by his tongue, he will be exempted from its sin. If he cannot do it, he will think it bad in his mind. If he can shift from that place or change the topic, he will be exempted.'*¹¹

(5). 'In this age when lies can be globally spread with ease, and cannot be erased, extra care has to be exercised. If this is not done the public sphere is polluted and polarised. Deception and disinformation elbows out decency and truth. Those having the expertise in making lies prevail manage to instil hatred and destroy friendships and families. Lies also undermine the credibility of institutions, and have been known to set the world at war. The potential of harm that is in lies and slander can be undone and conviviality restored by expiation.'

(6). *'There are two modes of expiation of the sin of back-biting. The back-biter will repent sincerely in mind and be sorry for that. Then he will seek pardon of the back-bited person being very humble.'*¹²

3. The other television channels also submitted that they too will do what learned Mr. Faisal Siddiqui's clients have undertaken to do, as mentioned above.

4. The learned Additional Attorney-General submits that tendering an unqualified apology and undertaking to broadcast the abovementioned (paragraph 2(1) to (6)) during prime time is a mitigating factor and an expiation of the offence of contempt, therefore, it may be accepted.

5. We are cognizant of the fact that the Article 19 of the Constitution of the Islamic Republic of Pakistan grants the *freedom of the press*, however, it also makes such freedom subject to certain restrictions, including not violating *decency or morality*. Another fundamental right is provided in Article 14 of the Constitution which requires that the *dignity of man* is to be ensured. The media is categorized as the fourth pillar of the State and an independent media broadcasting facts and the truth is essential for democratic rule as it highlights wrongdoing. However, its credibility and effectiveness is undermined when falsehoods are broadcast.

¹¹ *Ibid.*

¹² *Ibid.*

6. In view of the unqualified apology and the undertaking with regard to the abovementioned broadcast, which would constitute expiation, the show cause notices issued by this Court on 17 May 2024 to all the television channels are withdrawn, subject to the said apology and the contents of paragraph 2(1) to (6) being broadcast on prime time.

7. In conclusion, we may observe that if within the respective press/media organizations a mechanism for self accountability is developed it will improve their standing, credibility and resultantly become more effective in drawing attention to wrongdoing, and thus help in stemming it.

Chief Justice

Judge

Judge

Judge

Islamabad
12.09.2024
(Muhammad Asif)

Approved for reporting