

# PEMRA's Overreach: Exploring Censorship and State Anxiety

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## Abstract

Is there a commonality in the screen texts that appear to challenge the Pakistani state and the media regulatory institute Pakistan Electronic Media Regulatory Authority (PEMRA)? This paper presents a critical analysis of selected screen texts that were either banned or issued threats of censorship, spanning across a variety of mediums. The web documentary *Among the Believers*, (dir. Hemal Trivedi and Mohammad Ali Naqvi, 2015) drama serial *Udaari/Flight* (dir. Mohammed Ehteshamuddin, 2016) and the Gala Biscuit advertisement (dir. Asad-ul-Haq, 2020) are all discussed in order to identify patterns in themes or depictions that provoke censorship from the regulatory body. The paper posits that censorship is a means through which PEMRA, which is an arm of the state, strives to uphold the ideological norms and values that the state holds to be a fundamental part of the national construct of identity. The paper will also explore what exactly is the construction of identity that the state is vested in creating, and also protecting from any media portrayals that pose challenges to it. Moreover, ideas are additionally drawn upon from seminal texts by Ayaz Naseem that explore constructs of citizenship and nationality in the educational curriculum under the theoretical frameworks of nationalism, religion and gender, and these are applied to the screen texts under consideration in order to determine how these screen texts challenge normative constructs. Lastly, this paper also reflects upon the possibility of this state control of media loosening with the advent of the digital age which has allowed for media content to be widely available over the internet.

Key Words: Media Censorship, Identity, Pakistani State, PEMRA, Anxiety, Regulation

## Introduction

This paper will examine how various screen texts in Pakistan are censored. For the purposes of this paper, the process of censorship can be best conceptualized as “a controlling force of authority” (Panday 7). This control by the state and its authorized institutions is not a benign process as it transcends beyond merely implementing media regulation laws. It betrays the palpable anxiety of the state to control content especially in a digital age where screen texts are

widely circulated online. The process of regulation often appears to be arbitrary; the legislative criteria set for what qualifies as objectionable content is so broad and vague that any screen text can fall victim to censorship. In practice, however, this censorship is invoked in order to curb the spread of any material that can be perceived as oppositional to a carefully curated, state-manufactured, and homogenized ideal of Pakistani morals, cultural values, and lifestyle. Thus, this paper posits that the broadness of its legislative rules and regulations are a deliberate manufacturing in order to allow regulatory institutions to carry out state interests.

Furthermore, this paper explores the censorship of screen texts in Pakistan, with a particular focus on the role of Pakistan Electronic Media Regulatory Authority (PEMRA). It argues that criteria for this censorship is not as straightforward as the perceived notion that PEMRA arbitrarily bans whatever is considered “anti-state” or “vulgar” under its regulations. The content that is either banned or threatened to be censored is often diverse in thematic concerns; it only needs to be perceived as threatening to the national identity in order to invoke a reactionary response by the regulatory authority. This response can be supported by its wide range of statutes. I analyze a variety of screen texts, namely the television drama series *Udaari/Flight* (dir. Mohammad Ehteshamuddin, 2016), the documentary *Among the Believers* (dir. Hemal Trivedi and Mohammad Ali Naqvi, 2015) and the Gala Biscuit advertisement (dir. Asad-ul-Haq, 2020), in order to showcase how the anxiety to preserve a national identity manifests itself over a multitude of screen texts.

## State Anxiety to Regulate

Before examining how institutions regulate representations of cultural and national identity via censorship, it is important to consider where the need to establish this regulatory authority stems from. The answer can be found by looking at the historical context within which the nation was born; a violent extrication from a newly post-colonial Indian subcontinent. For a postcolonial and post-Partition Pakistan, it became fundamental to create an identity distinct from both its neighbor India and the relics of British colonialism. This nation-building project is one that is vested with “an uneasy trajectory characterized by unfulfilled aspirations, subdued identity assertions and conflicting notions of national authenticity and purity” (Dryland and Syed 43). According to Dryland and Syed, a post-colonial, post-partition state needed to develop a homogenous and collectivizing national cultural identity free from the influences of its past (43). Today, one can observe the state’s anxiety to uphold and maintain this identity even within the realm of media, notably through regulatory bodies such as PEMRA.

## PEMRA’s Institutional Powers

PEMRA was established in 2002 by General Pervez Musharraf’s military regime in order to “facilitate a growing broadcast media industry in the country” (Rasul and McDowell). The growth occurred due to General Musharraf’s media liberalization policy to modernize the country in line with the economic models based on the “neoliberal agenda of developed nations” on whom the country relied upon for aid and assistance (Gul and Obaid 37). As Gul and Obaid

evidence, a significant “boom in the market” occurred when “television channels increased drastically from three to ninety” within a decade (37). This transition from the state-owned Pakistan Television Network (PTV) being “the only television channel available to the masses until the early 1990s” to a growth in the privately-owned media industry and a diversification of media content being produced also called for increased scrutiny, as the burgeoning industry would ultimately pose a challenge to the ideological norms and values of the Pakistani state (38).

According to Section 4 of the PEMRA Ordinance of 2002, the Authority is meant to “be responsible for regulating the establishment and operation of all broadcast media and distribution services in Pakistan established for the purpose of international, national, provincial, district, local or special target audiences” (PEMRA [Amendment] Act 2007). Moreover, according to a notification on the PEMRA Rules published on 12<sup>th</sup> December, 2009 by the Ministry of Information and Broadcasting, there is a specified code of conduct mandated for media broadcasters or cable TV operators. This code of conduct has numerous sub-sections which elaborate upon what exactly disqualifies a program from being aired, such as:

- (b) contains anything pornographic, obscene or indecent or is likely to deprave, corrupt or injure the public morality;
- (g) contains aspersions against the Judiciary and integrity of the Armed Forces of Pakistan;
- (i) is against basic cultural values, morality and good manners;
- (1) denigrates men or women through the depiction in any manner of the figure, in such a way as to have the effect of being indecent or derogatory;
- (p) contains material which is against ideology of Pakistan or Islamic values;
- (3) Programmes must not be directed against the sanctity of home, family and marital harmony (PEMRA Rules 2009).

Clearly, the powers granted to PEMRA through the 2002 Ordinance allows for it to have a scope of influence over all broadcast media, and the code of conduct described above has been deliberately worded to be vague and subjective. For instance, Section (i) denounces anything against “basic cultural values, morality and good manners” without articulating what these values or acceptable standards of manners are. The code stated above, which contains only selected clauses of the lengthy code of conduct, is also expansive in terms of its clauses and the media forms it covers. This empowers PEMRA to wield a heavy hand in media regulation, as “state-sanctioned censorship has become the most consciously and conspicuously formalized institution of cultural regulation” (Kaur and Mazzarella 9). The 2002 Ordinance and 2009 Code of Conduct are institutionally-protected tools for an anxiety-ridden state to crush anything that appears contradictory to or questioning of national identity, and this anxiety only heightens in the age of the Internet which “presents wholly new challenges to official regulations in Pakistan” (Kaur and Mazzarella 2). In the domain of the Internet, PEMRA portrays itself as “cyber-cops” who, “working for the Pakistan Internet Exchange assiduously filter pornography, blasphemy

and ‘anti-Islamic’ content from online networks” (2). Ultimately, PEMRA’s ability to extensively police the internet is reflective of the institutional powers it is granted.

### **National-cultural Identity**

To understand the abstract conception of a homogenized, national-cultural identity which state institutions aim to curate and uphold, the way in which the national syllabus and its textbooks articulate this identity is a meaningful site to explore. In as early as textbooks for the third grade, “the martyrs for Pakistan who were awarded the Nishan e Haider appear prominently” and are revered using language of heroism and “repeatedly referred to as ‘the sons of Pakistan’” (Naseem 111). Moreover, when it comes to representing women, Naseem points two overt elements of the imagery. There is the “panopticon of dress” which is apparent through graphic illustrations of women in social studies and Urdu texts which show them donned in “shalwar kameez and dupattas”, and the second is a fixed “meaning of space in which the female subject and her subjectivity is ideally to be located” mainly occupying spaces that are “traditionally and discursively feminine” like the home, the classroom as a teacher, the workplace as a nurse and so forth (Naseem 106). These women are also shown as routinely subservient to the men around them. This can be most notably seen in the presentation of Fatima Jinnah who is hailed as the “mother of the nation” (109) in a third grade Urdu reader *Meri Kitaab/My Book*, which states that she “used to serve her brother at home. Then she used to travel with the Quaid... help him in national duties... take care of his every need” (108).

Naseem’s insights on the presentation of identity and citizenship in Pakistan indicate what is curated by state institutions as the hallmarks of Pakistani national identity: belonging to the Muslim majority, being patriotic, nationalistic, and respectful of state institutions such as the armed forces; the women must adorn a demeanor of modesty and femininity, and only occupy domestic, traditional spaces and adopt roles that are subservient to the men around them. With this understanding of state-constructed idealized identity, the next section of this paper analyzes the screen texts and their tussle with the repressive force of PEMRA.

### **Screen Texts**

On 10<sup>th</sup> May 2016, PEMRA issued a notice to Hum TV, giving it time till 25<sup>th</sup> May to explain the “objectionable” and “immoral” scenes in the television drama series *Udaari*, making the threat of regulation and censorship clear (Haider). The objectionable immorality in question was as follows; *Udaari* is a drama series exploring child sexual abuse, which features a stepfather Imtiaz with “evil intentions” towards his minor step-daughter Zebo. As the drama progresses, his advances towards her become more and more perverse until he rapes her one day and threatens her to remain silent about her ordeal (Haider). The plot follows Imtiaz’s perversions, with his wife Sajida growing increasingly suspicious of his behavior, until one night he openly declares during a confrontation that he will rape her child in front of her, prompting Sajida to stab him, leave him for dead, and escape to the city with her daughter under assumed names. The series

ends in a victory for Zebo and Sajida, as the court exonerates Sajida for the attempted murder of Imtiaz and sentences him to life imprisonment for rape and child abuse.

Through the dichotomy between the characterizations of Zebo and Imtiaz, the purpose of the drama serial is clear. Zebo's portrayal with her plaited hair, childlike features and a demeanor of innocence, and Imtiaz with his leers, unsettling grin, dark eyes and harrowing dialogues such as "*Aba ki baatein maney gi na? Tujhe har cheez milay gi. Toffiyaan, gooliyan*" ('Will you listen to what your father says? You'll get everything. Toffees and sweets') show that the series does not glamorize or endorse this behavior but rather attempts to condemn the predatory nature of the rapist and emphasize upon his monstrosity. In fact, the director Mohammad Ehteshamuddin stated that the Pakistani audience played a significant role in creating a public demand that pushed back against PEMRA's threats of censorship. He stated that "to deprive people of stories is criminal, especially when they are trying to make society a better place... the audience stood behind us because it broke the unspoken rule of discussing a taboo during prime time" (Isani and Alavi). This shows how PEMRA's approach to the drama serial was not necessarily indicative of the standpoint of the wider population; rather, it was a top-down enforcement of morality. Unlike PEMRA, the audience was able to understand the nuances of the serial and grasp the notion that showcasing child sexual abuse was not intended to be immoral but rather a portrayal of abominable social ills. Moreover, Pakistan already has numerous cases of child sexual abuse, rape, murder and domestic abuse that continue to be underreported for reasons such as "family honour, concept of morality, and cultural taboos" (Hyder and Malik 175). In fact, two years after the airing of *Udaari*, the brutal rape and murder of Zainab Ansari, a six-year-old girl in Kasur, left the nation reeling in horror, with over "half a million social media users" rallying "around the hashtag #JusticeForZainab" (Pierpoint). Yet, PEMRA believed the drama serial to be purporting immorality rather than representing a horrific reality. Although *Udaari* was permitted to air despite the threats, it remains curious that a show merely attempting to explore child sex abuse should invoke such a response to begin with, as "whoever the eyes and ears of PEMRA are, they seem strangely selective in their outrage" (Haider).

I argue that by threatening the show, PEMRA was upholding its mandate and acting upon what it perceives to be serving state interests. As per PEMRA Rules 2009, anything that "is against...good manners" (Section 1) or "directed against the sanctity of the home, family" (Section 3) can be disallowed to air; all criteria within which *Udaari* falls under as it is hardly "good manners" and it questions the sanctity of the home by portraying a sexual abuser in a domestic setting. The domestic home is the space recommended for an idealized Pakistani woman to occupy as per Naseem's analysis of identity, and this characterization of the "*chadar and char dewari*" ('a scarf and the four-walled confines of the home') (Naseem 118) being under threat or a site of abuse is unacceptable to a state that endorses the confinement of women within this spatial realm, hence provoking PEMRA to wield its authority under the garb of perceived immorality. A state anxious about preserving its curated identity must make a statement by displaying its authority through its institutional arms, even if the threat of censorship is ultimately not implemented.

However, even when a screen text does not attempt to make a political statement or challenge any cultural norm or identity, it may still pose a threat. Such was the case with the Gala Biscuits' 2020 advertisement, which was posted for public viewership on Twitter by Mehwish Hayat, the actress who starred in the festive ad that aimed to celebrate Pakistani nationality and heritage.

The hashtag associated with the advertisement is intriguing: #deskabiscuit, which can be translated to “the nation’s biscuit” (@MehwishHayat). Clearly, this connotes a sense of cultural identity attached with the biscuit, as it posits itself as the top contender for being the nation’s beloved biscuit. The tweet also articulates what values the brand espouses as the national biscuit; they “cherish the cultural diversity of our *des* (‘land’)” (@MehwishHayat). Indeed, the ad attempts to portray its own version of a celebratory, culturally-diverse festival as the scene opens with Hayat, donned in a gold *peshwas* (‘traditional flowing dress’), descending upon the stage while perched atop of a crescent moon (alluding to the moon presented in the Pakistani flag), and breaking out into a festive dance with the other dancers on stage, all dressed as garish ethnic caricatures, singing repetitively “*mere des ka biscuit Gala!*” (‘my nation’s biscuit Gala!’). The settings change throughout the one minute and thirty-seven second ad, as the scenes switch across the cultural displays, with the dancing Punjabis wearing turbans and carrying swords, and the Balochi men armed with Kalashnikovs.

Upon initial viewership, there could be various reasons behind the brewing controversy over the advertisement on Twitter, such as disapproval of the ethnic stereotypes presented, but the actual basis of the controversy was different. Harsh criticism swept across the social media platform, that first surfaced in a tweet by columnist and journalist Ansar Abbasi who called the advertisement a “*mujra*” (‘erotic dance’) and urged PEMRA to take action (Hussain). PEMRA’s response, predictably, was swift and decisive; it directed satellite TV channels to avoid airing such “indecent” advertisements which were “in violation of commonly accepted standards of decency but also socio-cultural norms of Pakistani society” (Hussain).

Through the diction of their notice, and the swift urgency of their response, PEMRA places itself as the ultimate authority for cultural regulation. They are a direct extension of a state that invests itself as a constructor of national identity and ethos, one within which a jovial, dancing woman does not belong. However, PEMRA’s reactionary response to the advertisement could not have been because of this reason alone. Dancing women have been previously used as a prop to attract audiences and represent liberal modernity in cases that serve the interests of the state. Such was the case in *Kaaf Kangana* (dir. Khalil-ur-Rehman Qamar, 2019), an Inter-Services Public Relations (ISPR) which features a three-minute item number *Khabon Main/In My Dreams*, that is also publicly available on YouTube by ARY Films. The ISPR serves as “the military’s public relations department”, and even “under General Musharraf’s military rule it was a de facto architect of the liberalization project in broadcasting” (Sulehria 102), therefore making it apparent that portrayals of dances that are otherwise considered immoral are acceptable for the public relations purposes of state institutions. Even though one could argue that PEMRA overlooked this instance because it was an ISPR-project film, this still does not explain PEMRA’s selective scrutiny as civilian media projects have frequently depicted dancing women. Gala biscuits even had a previous advertisement that was aired in 2013 and is still accessible on YouTube, which features a woman dancing to a similar festive jingle with the same chorus as used in the 2020 ad. The difference between the 2013 and the 2020 advertisements was ultimately the public attention and criticism that the latter drew, which would bring into question the credibility and effectiveness of PEMRA as a regulatory body if prompt and decisive action was not taken. Therefore, while PEMRA certainly is able to take on regulating content for its purported immorality and vulgarity, the process by which the institution selects what is liable to

censorship is selective and often based upon public discourses that pushes the institution into action.

Moreover, it is intriguing to note that with the advent of the digital cyberspace, the weakening grip of control of state institutions follows. Consider, for instance, the documentary *Among the Believers*, directed by Hemal Trivedi and Mohammad Ali Naqvi. The film provides in-depth insight into Maulana Abdul Aziz and the underbelly of his radicalized Laal Masjid, which functions as a *madrassa* ('religious school') imparting not just religious education but training children in the radical politics of *jihad* ('struggle'). The documentary is meant to be immersive and chilling, and those effects are achieved through composition choices such as the background score of *tablas* ('Indian twin hand drums') that quicken in pace as scenes of the chanting children and Maulana Aziz's sinister interviews unfold, thus heightening the intensity of the scenes. It also goes on to present a dichotomy of sorts; an ideological divide between the radical Islamic right-wing spearheaded by Maulana Aziz, and the comparatively small progressive, secularist circles led by nuclear physicist and activist Pervez Hoodbhoy. It then lends way to highlighting the efforts undertaken by the armed forces to destabilize the mosque, with little success in their endeavors. Even with a cursory purview of the screen text, it is a fairly straightforward task to identify the themes that could be problematized by PEMRA, especially in light of clause (g) and (p) of the PEMRA Rules of 2009 that disallow material against the integrity of the armed forces, the ideology of Pakistan, and Islamic values. In fact, the documentary proved so reprehensible to the state that it was banned at a federal level, as the Central Board of Film Censors issued a notification of the ban, citing the reason that it "projects the negative image of Pakistan in the context of ongoing fight against extremism terrorism" ("Another Film Banned").

One would think this would suffice as relief for PEMRA's urge to suppress media dissent. However, what is curious to note is that *Among the Believers* aired on Netflix Pakistan, and eventually was uploaded on YouTube on 24 November 2017 by user Gurpreet Singh, and till this date it remains accessible online for public viewership. As far as the question of access to these digital platforms remains in Pakistan, as of May 2019, PTA's (Pakistan Telecommunications Authority) telecom indicators released statistical data that placed the number of smartphone users in the country at 161.183 million, a figure that has been achieved due to the influx of low-cost Chinese smartphone brands in the market (Syed). Syed points out that out of these, 68.07 million are 3G and 4G users due to the provision of mobile Internet services in remote areas of the country. Drawing from these statistics, it is reasonable to presume that a sizable section of Pakistan's population can access and navigate cyberspace, and hence have the ability to view censored screen texts. This possibility does not bode well with, and has been attempted to be tackled by, state institutions. PEMRA called for regulating web media content in the country, but in the deliberations held by the Senate Functional Committee on Human Rights, chaired by Senator Mustafa Nawaz Khokar in 2020, it was decided that PEMRA had no jurisdiction over these realms as it would be a violation of Article 19 of the Constitution, which guarantees freedom of speech to citizens. ("Senate Committee Rules"). With the Senate Functional Committee of Human Rights applying a measure of restraint to PEMRA's legislative powers over the cyber realm, along with the rapid dissemination of technological devices to Pakistani citizens, we can make the case that the digital realm provides the possibility of loosening state control of media in Pakistan.

Another instance of this loosening state control was seen through the banning and subsequent unbanning of the web serial *Churails/Witches* (dir. Asim Abbasi, 2020); based on a group of feminists-turned-detectives, this revenge thriller streamed on Zee5 and vividly depicted “drugs, alcohol, infidelity, interspersed with foul language” (Ebrahim). Complaints regarding the content were lodged to both PEMRA and PTA; however, Ebrahim establishes that PEMRA could not legally ban the program from being aired as digital streaming services did not come under their jurisdiction. According to Ebrahim, PTA official, on the other hand, confirmed that the institutions were in correspondence with Zee5 and requested the platform to take down the show since neither PEMRA or PTA had the legislative authority to ban content on the platform, and could only negotiate a request with Zee5 for removal on the basis of citing a violation of a code of conduct or law. The request was initially accepted, but the removal did not last. A critical outcry emerged online, led by Asim Abbasi, the director of *Churails* who lamented the show being “shut down in its country of origin”, prompting a reinstating of the show within mere days with no official word by either Zee5 or by any Pakistani media regulatory authority why or “on whose behest it was pulled down” to begin with. Instances such as the reversal of the banning of *Churails*, or the widespread availability of the federally banned documentary *Among the Believers* online, showcase the way in which the distribution of media over the Internet has challenged the traditional authority of media censorship and regulatory authorities. The tools of control are being rendered less effective in its intended outcome to stifle threats, as not only is the censorship of media more difficult over the cyber realm, but the critical voices of an observant and engaged population cannot be erased either.

## Conclusion

The screen texts examined in this essay deal with vastly different thematic concerns and intents as *Udaari* touches upon child sexual abuse, the Gala Biscuits advertisement portrays a jovial celebration of a nationally beloved biscuit, and *Among the Believers* provides an intriguing political insight into the operations of the radical Laal Masjid. However, each screen text was subjected to either censorship or the threat thereof by PEMRA, despite the significant variation in content which indicates that the regulatory body is not an apolitical institution that implements standard regulations. Rather, it exists as an arm of the state that serves to preserve the sanctity of an identity that a post-colonial, post-partition Pakistan state is anxious to maintain, and any representations contrary to this national, hegemonic identity are not tolerated. Regulatory institutions such as PEMRA are designed to fulfill state-vested interests, and authoritarian control over media content is legitimized through a broad spectrum of legislation that can justify any measure undertaken by these institutions. The dynamics between the media and PEMRA, however, are shifting due to the advent of a digital age where access to the Internet and cyberspaces is more prevalent than ever before. The digital cyberspace can make room for “oppositional cultural elements” to emerge further in Pakistani media, which can ultimately play a role in “reemploying the history, heroes and cultural values of the country” (Bilal 21). This changes the landscape in which PEMRA operates, as screen texts now have increased opportunity to evade regulation by circulating online. This poses a significant challenge to the state and its institutions, who now anxiously grapple with a reality that is increasingly weakening their control.



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## **Filmography**

*Among the Believers* (dir. Hemal Trivedi and dir. Mohammad Ali Naqvi, 2015)

*Churails/Witches* (dir. Asim Abbasi, 2020)

Gala Biscuit advertisement (dir. Asad-ul-Haq, 2020)

*Kaaf Kangana* (dir. Khalil-ur-Rehman Qamar, 2019)

*Udaari/Flight* (dir. Mohammed Ehteshamuddin, 2016)