

**PAKISTAN ELECTRONIC MEDIA REGULATORY AUTHORITY (PEMRA)
ISLAMABAD.**

NOTIFICATION

S.R.O. _____.— In exercise of the powers conferred under sub-section (3) of Section 4 of the Pakistan Electronic Media Regulatory Authority Ordinance 2002 (XIII of 2002), the Pakistan Electronic Media Regulatory Authority, is pleased to make the following Regulations, namely: —

1. Short title and commencement.—(1) These Regulations may be called the Pakistan Electronic Media Regulatory Authority (Appeal & Review) Regulations 2008.

(2) These shall come into force at once.

2. Definitions.—(1) In these Regulations, unless there is anything repugnant in the subject or context, —

- (a) “appeal” means an appeal preferred under Rule 23 of the PEMRA Rules 2002;
- (b) “appellant” means a person who prefers an appeal before the Authority under Rule 23 of the PEMRA Rules 2002;
- (c) “Authority” means Pakistan Electronic Media Regulatory Authority established under Section 3 of the Ordinance;
- (d) “fee” means the appeal or review fee as prescribed in the Schedule-I paid in the form of bank draft or challan along with the appeal or review application, as the case may be;
- (e) “prescribed format” means a format prescribed under these Regulations;
- (f) “impugned order” means an order passed by an officer including Members and Chairman of the Authority while acting under the delegated power of the Authority against which an appeal is being or has been filed before the Authority;
- (g) “Ordinance” means Pakistan Electronic Media Regulatory Authority Ordinance 2002 (XIII of 2002);
- (h) “Secretary” means an officer of the Authority currently performing the functions of Secretary to the Authority;

(2) Words and expressions used in these Regulations, but not defined herein, shall have the same meanings as are assigned to them in the Ordinance.

PART - II

APPEALS AND REVIEW

3. Appeal before the Authority. — (1) An appellant may prefer an appeal to the Authority against an impugned order, by filing a memorandum of appeal in the prescribed format as provided in Schedule II of these Regulations.

(2) An appeal not filed as per prescribed format shall be returned by the Secretary to the Authority:

Provided that if return of an appeal is likely to render it time barred, the Secretary to the Authority may require the appellant to file the appeal as per prescribed format within seven days.

4. Limitation for filing appeal. — An appeal under Regulation 3 shall be preferred within a period of thirty days from the date of issuance of impugned order:

Provided that the Authority may, upon an application filed in this behalf, entertain an appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within the prescribed period.

5. Presumption of receipt of impugned order.— Subject to anything contrary on the record a copy of the impugned order shall be presumed to have been received by the appellant if, .—

(a) sent by courier, three days following the day it is dispatched by the receipt and issue department of the Commission;

(b) sent by registered posts, seven days following the date it is mailed by the receipt and issue department of the Commission; and

(c) sent by hand delivery; on production of the receipt showing the date it is served on the appellant.

6. Period for decision on an Appeal.— The Authority shall decide an appeal within a period of forty five days starting from the date on which the appeal is received in prescribed format to the Secretary to the Authority.

7. Review of a decision of the Authority.- Where no appeal has been preferred against a decision of the Authority under Section 30-A of the Ordinance, an application for review of a decision of the Authority may be filed before the Authority in the format prescribed in Schedule III of these Regulations within sixty (60) days of passing of such decision:

Provided that no review application shall lie against a decision of the Authority against which a review has already been filed or such decision which has been passed in a review application.

8. Secretary to the Authority to examine appeals and review before submission to the Authority.- (1) Secretary to the Authority shall examine appeals and review applications before their submission to the Authority for a decision on merits, and may return an appeal or review on any of the following grounds, namely.-

- a. An appeal or review has already been filed by the same party on the same issue;
- b. It is not on prescribed format along with the rationale and grounds for review;
- c. It is not accompanied with bank draft of requisite amount;
- d. An appeal under Section 30-A of the Ordinance has been filed before the High Court against such decision of the Authority;

(2) An appeal or review application, as the case may be, not maintainable under the provisions of the Ordinance, Rules or these Regulations shall be returned by the Secretary to the Authority.

(3) Where Secretary to the Authority returns an appeal or review application under sub-regulation (2), reasons for return of appeal or review, as the case may be, shall also be communicated to the appellant or applicant in writing.

9. Representation to the Executive Member.- An appellant or applicant, whose appeal or review application has been returned may make a representation before the Executive Member of the Authority who may pass such orders as deemed fit in the circumstances of the case.

10. Fees payable.- An appeal or review application, as the case may be, shall be accompanied with a prescribed fee as provided in Schedule I of these Regulations.

**Sohail Asif Ali Khan
Secretary to Authority**

SCHEDULE-I

TABLE OF FEES

- | | |
|--------------------------------------|-------------|
| 1. For filing of appeal: | Rs.5,000/- |
| 2. For filing of review application: | Rs.15,000/- |

Fees shall be payable in the form of Bank Draft payable to Pakistan Electronic Media Regulatory Authority.

SCHEDULE II

[Regulation 3]

BEFORE THE PAKISTAN ELECTRONIC MEDIA REGULATORY AUTHORITY ISLAMABAD

A .B .— Appellant(s)

Appeal under Rule 23 of the PEMRA Rules 2002 read with section(s) (specify the relevant provisions invoked in the appeal) **against an order of the (specify the name and designation of the Officer who made impugned order) dated (specify the date of order).**

1. Jurisdiction of the Authority

The appellant declares that the subject matter of the appeal falls within the jurisdiction of the Authority.

2. Limitation

Specify the date on which order was communicated.

The appellant further declares that the appeal is within the limitation period as prescribed in these regulations.

(Or in alternate specify that the appeal is time barred and an application for condonation of delay is attached)

3. Facts of the case and the details of the orders against which appeal is preferred:

The facts of the case are given below:

(Give a concise statement of facts and grounds of appeal against the specific order in a chronological order, each paragraph containing as nearly as possible, a separate issue or fact).

4. Relevant provisions of law.

(Reference must be made to all the relevant provisions invoked and to be relied upon in the appeal).

5. Relief Sought for.

(Specify the exact relief sought from the Authority.)

6. Fee.

(Mentioned Bank Draft Number along with Amount.)

Certificate:

It is hereby certified that this is first appeal before the Authority against the said decision of an officer of the Authority and no appeal under Section 30-A of the PEMRA Ordinance 2002 or Constitutional Petition has been preferred to the High Court or any other law against the said decision or on the issue, and the contents of above appeal are true to the best of my knowledge and belief.

Appellant

SCHEDULE-III

BEFORE THE PAKISTAN ELECTRONIC MEDIA REGULATORY AUTHORITY ISLAMABAD

[Regulation 7]

A .B .— (Give full particulars) Applicant (s)

Review under Regulation 7 of the PEMRA (Appeal & Review) Regulations 2008 read with section(s) (specify the relevant provisions invoked in the review) **against a decision of the Authority dated** (specify the date of decision).

1. Summary of the decision.

(Give a brief account of the decision against which review application is being filed).

2. Jurisdiction of the Authority

The appellant declares that the subject matter of the appeal falls within the jurisdiction of the Authority.

3. Limitation

Specify the date on which order was communicated.

The applicant further declares that the application is within the limitation period as prescribed in these regulations.

4. Facts of the case and the details of the orders against which review is preferred along with grounds for review:

The facts of the case are given below:

(Give a concise statement of facts and grounds of application against the specific order in a chronological order, each paragraph containing as nearly as possible, a separate issue or fact).

Specify the rationale and grounds for reconsideration/review of the case.

5. Relevant provisions of law.

(Reference must be made to all the relevant provisions invoked and to be relied upon in the application).

6. Relief Sought for.

(Specify the exact relief sought from the Authority.)

7. Fee.

(Mentioned Bank Draft Number along with Amount.)

Certificate:

It is hereby certified that this is first review application before the Authority against the said decision of the Authority and no appeal under Section 30-A of the PEMRA Ordinance 2002 or Constitutional Petition has been preferred to the High Court or any other law against the said decision of the Authority or on the issue and contents of the above application are true to the best of my knowledge and belief.

Applicant