

Government of Pakistan
**PAKISTAN ELECTRONIC MEDIA
REGULATORY AUTHORITY**

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F.No.3(07)/2022/OPS-BM/3886

September 5, 2022

All Satellite TV Channel Licensees

Subject: **DIRECTIVES ON LIVE COVERAGE**

Reference is invited to the earlier directives issued on 15-11-2021, 19-04-2022, 09-05-2022, 16-05-2022, 09-08-2022, 29-08-2022, 31-08-2022 & 02-09-2022, wherein all the licensees were time and again directed to refrain from telecasting any content in any manner ***(either recorded or produced under its banner or aired during a live speech or press talk)*** against state institutions.

2. It has been observed with grave concern that despite repeated directives, satellite TV channels are continuously violating Authority's directives and are also ignoring principles laid down by the Hon'ble Supreme Court of Pakistan passed in Suo Moto Case No. 28 of 2018 dated September 12, 2018 (reported as PLD 2019 SC 1). Relevant excerpt of the judgment is reproduced below:

"19. There remains no ambiguity in our minds with regards to the laxity of the licensees in ensuring compliance with the Code of Conduct and of PEMRA as a regulatory authority in penalizing licensees on account of any violations of the Code of Conduct. If voluntary violations of the Code of Conduct or even negligence by the licensees to ensure adherence thereto is not penalized by PEMRA, the Code of Conduct will be reduced to a mere paper tiger and be rendered absolutely redundant. **We therefore issue a writ of mandamus to PEMRA to ensure that the following parameters laid down in the law and the Code of Conduct are adhered to in letter and spirit and that no violations thereof shall be tolerated by PEMRA:-**

- i. The Code of Conduct ensures that the freedom of speech and the right to information (Articles 19 and 19A of the Constitution) are protected,

and at the same time provide that the discussion of sub judice matters must be conducted in a manner which does not negatively affect another person's fundamental right to be dealt with in accordance with the law (Article 4 of the Constitution) and the right to fair trial and due process (Article 10A of the Constitution).

- ii. All licensees should be sent a notice/reminder of their basic ethics and objectives, standards and obligations under the Code of Conduct, particularly Clause 4(10) thereof, in that, editorial oversight should be observed prior to the airing of all programmes and any programme, the subject or content of which is found or deemed to be in violation of the Code of Conduct in its true letter and spirit, should not be aired by the licensee;
- iii. Any discussion on a matter which is sub judice may be aired but only to the extent that it is to provide information to the public which is objective in nature and not subjective, and no content, including commentary, opinions or suggestions about the potential fate of such sub judice matter which tends to prejudice the determination by a court, tribunal, etc., shall be aired;
- iv. While content based on extracts of court proceedings, police records and other sources are allowed to the extent that they are fair and correct, any news or discussions in programmes shall not be aired which are likely to jeopardize ongoing inquiries, investigations or trials;
- v. In compliance with Clause 5 of the Code of Conduct, all licensees should strictly ensure that an effective delaying mechanism is in place for broadcasting live programmes to ensure stern compliance with the Code of Conduct and Articles 4, 10A and 204 of the Constitution;
- vi. In compliance with Clause 17 of the Code of Conduct, an impartial and competent in-house Monitoring Committee shall be formed by each licensee, with intimation to PEMRA which shall be duty bound to ensure compliance of the Code of Conduct;
- vii. With regards to the Monitoring Committee, we direct that licensees include (for each of its meetings) at least one practicing lawyer of at least 5 years or above practice, with adequate understanding of the law

- to advise the licensee regarding any potential violations of the Code of Conduct by programmes to be aired in the future;
- viii. In compliance with Clause 20 of the Code of Conduct, each licensee shall be required to hold regular trainings of its officers, employees, staff, anchors, representatives etc. with regards to ensure compliance with the Code of Conduct with the schedule and agenda of these regular trainings to be intimated to PEMRA through the Monitoring Committee;
- ix. If any licensee is found to have violated or failed to observe the Code of Conduct in its true letter and spirit, particularly Clause 4 of thereof, and/or Articles 4, 10A and 204 of the Constitution, strict and immediate action should be taken against such licensee in accordance with Section 33 of the Ordinance. The Supreme Court or any High Court retains the power to take cognizance of the matter and shall exercise its powers under Article 204 *ibid* where such Court is of the opinion that it is appropriate in the facts and circumstances of the case for it to do so; and.....”

3. Further, the Hon’ble Islamabad High Court in its recent order passed on 29-08-2022 in CMA No. 102 of 2022 has also directed PEMRA to ensure proper utilization of prescribed procedure regarding delay mechanism.

4. Whereas, it has observed that satellite TV channels while giving coverage to a public gathering and speeches made thereof telecast unwarranted/objectionable views without any editorial control and utilizing effective time delay mechanism which could expunge undesirable views/ statements which malign or denigrate state institutions.

5. Whereas, Constitution of Islamic Republic of Pakistan vests certain rights which are guaranteed under Articles 18 and 19 of the 1973, but these are not absolute and are subject to reasonable restrictions in accordance with the provisions of the Constitution itself and/or any other law made in this regard, as held by the Hon’ble Supreme Court of Pakistan in different cases and the case titled “Pakistan Broadcasters Association and 10 others petitioners Vs. Pakistan Electronic Media Regulatory Authority through Chairman and another-respondents (reported as 2014 PLD Sindh 630) and upheld by the Hon’ble Supreme Court of Pakistan in its judgment dated 13-06-2016 (reported as 2016 PLD SC 692).

6. Whereas, airing of hateful, slanderous and unwarranted statements against state institutions are in sheer violation of Article 19 of the Constitution of the Islamic Republic of Pakistan, judgment of the Hon'ble Supreme Court of Pakistan passed in Suo Moto Case No. 28 of 2018 reported as PLD 2019 Supreme Court1, Orders passed by the Hon'ble Lahore High Court, Lahore in the matter of writ petition No. 22093/2015, Section 20 (a), (b) (c)& (f) of PEMRA Ordinance, 2002 as amended by PEMRA (Amendment) Act 2007, Rule 15(1) of PEMRA Rules, 2009, Regulation 18 (c) of PEMRA (Television Broadcast Station Operations) Regulations 2012, Clause 3 (1) (h) (i)(j)(k) (l), 4 (7) (10), 5, 17, 23 & 24 of Electronic Media (Programmes and Advertisements) Code of Conduct 2015 read with Section 27 of PEMRA Ordinance, 2002 as amended by PEMRA (Amendment) Act 2007.


7. Therefore, in view of the foregoing, while directing all the licensees (News & Current Affairs and Regional) to implement order of the Hon'ble Supreme Court of Pakistan passed in Suo Moto Case No. 28 of 2018 dated September 12, 2018 (reported as 2019 PLD SC 1), reproduced vide para-2 above.

The Authority therefore, has decided the following:

- i. ***Maximum time delay mechanism for broadcasting LIVE CONTENT as enshrined under clause 5 of the Code of Conduct 2015 is deployed, immediately. Details of the equipment installed by the licensee must be shared with the Authority along with technical specifications mentioning maximum time for which signal of live programme/ content is delayed.***
 - ii. ***Editorial Board / In-House Monitoring Committee be constituted, immediately. Detailed information and SOP's chalked out for discharging their duties as enshrined under clause 17 of the Code of Conduct 2015.***
8. All the licensees are therefore, ***directed to stop live telecast of content/ programme. Licensees are directed to ensure the compliance of clause 5 of the Electronic Media (Programmes & Advertisements) Code of Conduct 2015 and para 19 of the judgment passed by the Hon'ble Supreme Court of Pakistan as mentioned in para 2 . Therefore all the licencees are hereby directed to implement the para 2& 7 above forthwith in letter and spirit and the same is authenticated by the Authority through its authorized officers and a certificate is duly issued in this respect.***

9. In case of any violation observed legal action under Section 27, 29, 30 and 33 of PEMRA Ordinance 2002 as amended by PEMRA (Amendment) Act, 2007 shall be initiated as per PEMRA Laws.

10. This issues with approval of the Chairman, PEMRA.


(MUHAMMAD TAHIR)
Director General
(Operations-Broadcast Media)

Copy for Information:

- Chairman, Pakistan Broadcasters Association (PBA), Karachi
- Director General (Licensing-Broadcast Media), PEMRA.
- Director General (Monitoring), PEMRA.
- Director/PSO to the Chairman PEMRA.
- Director/Head Legal, PEMRA.