

conducted, commissioned and paid for the poll, the methodology used, the sample size, the margin of error, and the fieldwork dates.

### **Guideline 13: Regulatory and Complaints Mechanisms**

#### **Guideline 13**

Election broadcasts should be monitored and regulated by an independent, impartial body.

##### **Guideline 13.1**

The body should allocate time for direct access programmes and should have the power to hear and take binding action on complaints concerning broadcast-related violations by the media, political parties or candidates, including by ordering a correction or reply.

##### **Guideline 13.2**

The body should render complaints decisions promptly.

##### **Guideline 13.3**

If there is a regularly constituted, independent broadcast-monitoring body, it may carry out these functions; otherwise, a special body should be established for this purpose.

##### **Guideline 13.4**

The body should not be able to take decisions only upon the strength of the votes of the appointees of the government or of one party.

### **Guideline 14: Judicial Review**

Actions and decisions of any body charged with regulating election

broadcasts should be subject to judicial review, which should be carried out on an expedited basis.

### **Guideline 15: Plebiscites and Referendums**

In plebiscites and referendums, where the voters have the choice only of voting “yes” or “no” to a particular proposition, equal airtime should be allocated to each side. This formula stands even if more parties support one side of the issue than the other. Guidelines 1-14, to the extent relevant, are also applicable.

### **Guideline 16: Local Elections**

The preceding Guidelines should be appropriately modified and applied by local and regional government media in local, municipal and regional elections.

For more information see

[webworld.unesco.org/download/fed/iraq](http://webworld.unesco.org/download/fed/iraq)

or

[www.indexonline.org](http://www.indexonline.org).

## **GREAT BRITAIN'S ELECTORAL COMMISSION'S MEDIA HANDBOOK**

### **How are Party Election Broadcasts allocated?**

The Communications Act 2003 requires certain broadcasters to carry Party Election Broadcasts (PEB) (or Party Political Broadcasts (PPB)) based on allocation rules created by Ofcom. These rules apply to ITV1, Channel 4, Five, talkSPORT, Virgin AM and Classic FM.

S4C is required to carry broadcasts under the Act but is regulated by the Welsh Authority.

The BBC is required to carry PEBs under its Charter and Agreements but is not regulated by Ofcom.

Sky is not required to carry PEBs but has done so voluntarily in the past.

Parties qualify for a broadcast on the basis of contesting one-sixth or more of the seats up for election. England, Scotland, Wales and Northern Ireland are considered separately. Parties may receive additional broadcasts depending on their level of past and/or current electoral support.

Political parties pay for and produce the content of PEBs, which must observe the law – for example, on copyright, libel, contempt, obscenity, incitement to racial hatred or violence. They must comply with the Ofcom Broadcasting Code or BBC Editorial Guidelines that relate to harm and offence and fairness and privacy.

To find out more from the Broadcasters Liaison Group, a group of Ofcom broadcasters that discusses the allocation of PEBs visit

[www.broadcastersliaisongroup.org.uk](http://www.broadcastersliaisongroup.org.uk)

## **What are the rules on political impartiality for broadcasters and programme makers?**

Political impartiality in broadcasts is covered by the editorial guidelines or code relevant to that particular broadcaster.

The BBC's editorial guidelines on broadcasting during an election can be found at [www.bbc.co.uk/guidelines/editorialguidelines/edguide/politics/broadcastingdur.shtml](http://www.bbc.co.uk/guidelines/editorialguidelines/edguide/politics/broadcastingdur.shtml). The Ofcom Broadcasting Code can be found at [www.ofcom.org.uk/tv/ifi/codes/bcode/elections/](http://www.ofcom.org.uk/tv/ifi/codes/bcode/elections/)

### **BBC GUIDELINES FOR ELECTIONS COVERAGE**

#### ***Section 10: Politics, Public Policy and Polls*** **Elections**

#### **Broadcasting During Elections**

##### **10.4.16**

The BBC's commitment to impartiality and fairness is under intense scrutiny when reporting election campaigns. Political parties are likely to seek to influence editorial decisions.

Programme makers and other content producers should take all complaints seriously and be aware that anything they say may be construed as "BBC policy". It should be explained to complainants that general complaints or allegations of bias must always be dealt with at a higher level, and the complaint should then be referred accordingly.

##### **10.4.17**

We should make, and be able to defend, our editorial decisions on the basis that they are reasonable and carefully reached, with due impartiality. To achieve this we must ensure that:

- news judgements continue to drive editorial decision making in news based programmes

- news judgements at election time are made within a framework of democratic debate which ensures that due weight is given to hearing the views and examining and challenging the policies of all parties. Significant smaller parties should also receive some network coverage during the campaign
- when producing UK-wide output, we are aware of the different political structures in the four nations of the United Kingdom and that they are reflected in the election coverage of each nation.

#### **10.4.18**

The way in which due impartiality is achieved between parties will vary, depending on the format, output and platform. It may be done in a single item, a single programme, a series of programmes or items, or over the course of the campaign as a whole. But programme makers and content producers must take responsibility for achieving due impartiality in their own output and not rely on other BBC content or services to redress any imbalance for them.

### **Reporting UK Election and Referendum Campaigns**

#### **10.4.19**

The BBC is required by law to adopt a code of practice at each election to govern the participation of candidates in each constituency or electoral area. In doing so, the BBC is required to "have regard to any views expressed by the Electoral Commission".

Election and referendum guidelines for TV, radio and online coverage, including message boards, will be drawn up by Chief Adviser Politics, agreed by the BBC Trust and published before each campaign.

#### **10.4.20**

On polling day the BBC, in common with other broadcasters, will cease to report campaigns from 06.00 until the polls close. Coverage will be

restricted to uncontroversial factual accounts, such as the appearance of politicians at polling stations or the weather. Subjects which have been at issue or part of the campaign, or other controversial matters relating to the election, must not receive coverage on polling day, to ensure that nothing in the BBC's output can be construed as influencing the ballot while the polls are open.

**BBC'S ELECTION GUIDELINES FOR MAY 2013**

For details see website:

*<http://www.bbc.co.uk/guidelines/editorialguidelines/news/news-2013-3-12/>*

**Annexures of Part two  
(listed only, not reproduced).  
(Texts of Annextures are part of the  
Report submitted to the Supreme Court)**

**ANNEXURES IN PART-TWO OF THE REPORT**

1. Letter dated 17th September, 2012 from Law & Justice Division
2. List of 64 media-related laws administered by the Ministry of Information & Broadcasting.
3. Letter dated 1st January, 2013 from Law & Justice Division.
4. Annual Report of PEMRA, 2002.
5. 11-Page statement by PEMRA through Ministry I&B 2013.
6. Letter/statement dated 22nd February, 2013 by Cable Operators Association of Pakistan.
7. BBC Charter.
8. Statement on PBC through the Ministry of I&B.
9. Statement on PTV through Ministry of I&B.
10. Statement on APP through Ministry of I&B.
11. Self-Regulatory Codes of India, Bangladesh, Sri Lanka.
12. Self-Regulation by UK Press Complaints Commission.
13. Self Regulation by Press Council of India.
14. Excerpt from statement by Ministry of I&B on TOR No.G
15. Statements by some stakeholders i.e. Ministry of I&B, APNS, AAP, BISP, PBA, Independent Media Corporation, Media-Logic and PAS
16. Documents provided by Midas (Pvt) Limited and Mr. Asad Kharal.
17. Letter addressed to MD, PPRA.

**Elements About  
The Consultative Roundtables...**

**Elements about the Consultative Roundtables held to review the Recommendations of the Media Commission appointed by the Supreme Court of Pakistan, 2013:**

1. In end-June 2013, the Supreme Court of Pakistan invited all stake-holders and the public to provide feedback to the Court on the Report of the Media Commission (placed on the website of the Supreme Court of Pakistan).

2. In response, eight Roundtables were initiated and organized by the Citizens' Initiative on Media Issues (CIMI), an informal, independent network of concerned citizens, with the co-operation of other forums as named below and with funding support for logistics provided by the Pakistan office of the German foundation, Friedrich Ebert Stiftung.

3. No public funds were used to meet the costs of the consultative process.

4. Six out of eight Roundtables were organized between 26th August 2013 and 8th October 2013 by CIMI with the Departments of Mass Communication/Journalism of the following premier Universities :

- (i) University of Karachi
- (ii) Fatima Jinnah Women's University, Rawalpindi
- (iii) Bahauddin Zakariya University, Multan
- (iv) University of Peshawar
- (v) University of Punjab, Lahore
- (vi) Balochistan University of Information Technology & Management Sciences, Quetta.

The civil society organization which helped organize the Roundtable in Hyderabad was the Centre for Peace and Civil Society (CPCS) and the Roundtable in Islamabad was the Society for Alternative Media (SAMAR).

SPO (Strengthening Participatory Organization), a leading nation-wide civil society forum extended valuable support for all eight Roundtables.

5. About 40 to 50 individuals comprising media studies' faculty, students, civil society activists and journalists participated in each

Roundtable. In Multan, the student- participants were in larger numbers.

6. Thus, about 400 Pakistani citizens with a deep, well-informed interest in media issues took an active part in the deliberations lasting about 3 to 4 hours at each Roundtable.

7. Women participated in significant numbers. Each person present recorded her/his respective names in writing.

8. The quality of participation in discussions was active, engaged and constructive.

9. An Assessment form was provided to each participant to record views about each of the 32/33 Recommendations listed. Some Recommendations were not listed, due to time-constraints.

10. The form provided three choices for marking opinions about each Recommendation :

- Endorsed
- Endorsed , but with some qualifications/observations
- Not Endorsed

11. Out of about 400 participants, 367 recorded their views/preferences and handed over the forms, all of which are preserved.

12. An overwhelming majority, i.e., over three-fourths of all participants representing a rich diversity of disciplines, viewpoints, languages, cultures, and in all four Provinces of Pakistan nevertheless ENDORSED ...without qualification...all the Recommendations made by the Media Commission .

13. Responsibility for implementing the Recommendations begins with the media sector itself (principally, owners of media), and includes Parliament, Government, Judiciary, advertisers , advertising agencies, media houses, ratings agencies, civil society forums and citizens at large.

14. It is notable that to date, by November 2013, i.e. over four months since the full Report was submitted to the Supreme Court and its text placed on the SC's website, discussion about the Recommendations

and the content of the Report has been confined to an astute analysis on the editorial page of Dawn (29th July 2013), a couple of news reports in The News/Jang and a 40-minute discussion on Waqt TV in October 2013.

15. By and large, the media themselves do not indicate any interest in reviewing the Report in depth. This possible disinterest is because the first set of Recommendations call for reformative actions by media owners, practitioners and journalists themselves!

16. However, Parliament and civil society forums as vital custodians of the public interest bear a critical responsibility to review the issues and suggestions contained in the Report, and to initiate actions for reform in all the related spheres.

17. It is hoped that with the opinion/decision to be rendered by the Honourable Bench on the Report of the Media Commission, the required deliberations and actions will be undertaken by all the concerned sectors.

18. The tabulated responses of 367 participants of the eight Roundtables as recorded on the Assessment forms are reproduced below.

**Assessment of 33 Recommendations of the Media Commission completed by participants of consultative workshops (End-August / September 2013)**

**PAKISTAN  
367 Respondents**

**12 Recommendations in Part One of the Report**

Recommendations by the Media Commission submitted on 21st March 2013 for consideration by the Supreme Court to enable fulfilment of the aim described in TOR No.F i.e. “To enquire into allegations of media-related corruption and suggest steps to ensure impartial and independent media for the upcoming elections.”

In some cases the text of the recommendation has been adapted from the original

Total Respondents = 367

No.	Recommendations	City	Endorsed	Endorsed with Qualifications	Not Endorsed	No Reply	Total
01.	The Commission concluded that there were/are eleven modes and sectors by which actions could be taken to ensure impartial and independent media during the Elections 2013:  The Commission pointed out that the eleventh mode will require actions and measures going into the post-Elections 2013 phase to achieve conclusive aims.	Lhe	39	11	1	4	54
		Khi	41	4	1	1	46
		ISB	17	3		3	23
		RWP	33	6		1	41
		PSR	32	5	1	3	41
		QTA	39	12	3	4	55
		HDB	30	3		1	34
		MLTN	54	12		6	73
		TOTAL	285	56		23	367

No.	Recommendations	City	Endorsed	Endorsed with Qualifications	Not Endorsed	No Reply	Total
	Through self-regulation by media organizations themselves, by individual media proprietors, journalists, practitioners: <b>To refine, expand, practice and enforce existing Codes of Ethics of/by media organizations themselves and by individual media practitioners and journalists</b> with special reference to the most recent Guidelines formulated in countries with long-established democratic systems of United Kingdom, India, etc.						
02.	Each newspaper/magazine, FM radio and TV channel should appoint an Internal Ombudsman to provide an opportunity to citizens to convey complaints for scrutiny and action independent of the management and ownership of the media.	Lhe Khi ISB RP PSR QTA HDB MLTN TOTAL	44 31 19 33 33 37 24 57 278	6 11 2 6 4 11 7 12 59	1 1    1 2 1 6	3 3 2 2 4 6 1 3 24	54 46 23 41 41 55 34 73 367

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No.	Recommendations	City	Endorsed	Endorsed with Qualifications	Not Endorsed	No Reply	Total
03.	<p>That through both voluntary actions by media and through the initiative of ECP, <b>a new level of optimal transparency about rates and costs of political advertising on TV, radio and print media</b> can be achieved to provide a level playing field to all candidates and political parties.</p> <p>That the Election Commission of Pakistan may wish to consider establishing a specially-created <b>Political Advertising Cell in ECP</b>. The responsibility of this Cell would be to act as <b>a central coordination point for the booking of and payment for, all political advertising in media</b> during Election 2013. The purpose of this Cell will be to ensure transparency and observance of prescribed limits on expenditure. Facilities to support this Cell can be instantly obtained through the Federal Press Information Department and the Information Departments of the four Provincial Governments.</p>	Lhe Khi	43	6	1	4	54
ISB		30	5	7	4	46	
RP		19	2		2	23	
PSR		35	5		1	41	
QTA		29	6	3	3	41	
HDB		38	12	1	4	55	
MLTN		27	4	1	2	34	
TOTAL		59	12	1	1	73	
		280	52	14	21	367	

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No.	Recommendations	City	Endorsed	Endorsed with Qualifications	Not Endorsed	No Reply	Total
04.	That <b>civil society networks of Observers</b> should be used at each local constituency level to monitor use of both mass media and community-based media during the Elections.	Lhe Khi	47	4	3	3	54
		ISB	31	10		2	46
		RP	16	2		5	23
		PSR	29	11		1	41
		QTA	31	7	2	3	41
		HDB	36	11		6	55
		MLTN	29	3	1	2	34
		TOTAL	56	13	6	3	73
		275	61		25	367	
05.	That <b>PEMRA</b> should be directed by the Court and by the Election Commission of Pakistan <b>to strictly enforce the existing Rules &amp; Regulations</b> applicable to both satellite TV channels, FM Radio channels and to Cable TV Operators.	Lhe Khi	43	7	1	4	54
		ISB	34	9		3	46
		RP	15	2	5	5	23
		PSR	35	6			41
		QTA	27	4	3	5	41
		HDB	42	8	1	5	55
		MLTN	26	2	10	3	34
		TOTAL	59	9		4	73
		281	47		29	367	
06.	That Internet-based media, which are estimated to be used by as many (or more) people as those who use print media, should also be subject to ethical and professional norms and principles.	Lhe Khi	43	6	2	3	54
		ISB	35	5		6	46
		RP	15	6		2	23
		PSR	30	11			41
		QTA	31	5	1	4	41
		HDB	39	10	1	5	55
		MLTN	29	2		3	34
		TOTAL	61	9		3	73
		283	54	4	26	367	
07.	That State-owned media (PBC, PTV, APP) should be given directions by the Election Commission of Pakistan to ensure that Government control of these media/entities does not prevent them from remaining impartial and balanced before and during the election phase in particular.	Lhe Khi	47	4	2	3	54
		ISB	38	3		3	46
		RP	18	3	1	2	23
		PSR	34	6			41
		QTA	32	5	1	4	41
		HDB	40	9		5	55
		MLTN	31	2	1	1	34
		TOTAL	58	12	5	2	73
		298	44		20	367	

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No.	Recommendations	City	Endorsed	Endorsed with Qualifications	Not Endorsed	No Reply	Total
08.	That special measures should be taken by the Caretaker Government to provide safety and security to working journalists during the Elections phase.	Lhe Khi	46	4	1	4	54
		ISB	39	3		4	46
		RP	11	10	1	2	23
		PSR	38	2			41
		QTA	36	1	1	4	41
		HDB	45	6	3	3	55
		MLTN	31	2		1	34
		TOTAL	61	9		2	73
		307	37		20	367	
09.	That political parties and candidates should also ensure due care and restraint in their dealings with media in the Elections phase.	Lhe Khi	46	2	2	6	54
		ISB	30	6		8	46
		RP	13	5	1	5	23
		PSR	32	5	2	3	41
		QTA	32	1	2	6	41
		HDB	41	7		5	55
		MLTN	30	2	1	2	34
		TOTAL	62	7	8	3	73
		286	35		38	367	
10.	That the presence of international observers during the Elections phase will act as a positive factor to help media to render an impartial and independent role.	Lhe Khi	37	5	6	6	54
		ISB	37	4		5	46
		RP	16	2	1	4	23
		PSR	28	8		5	41
		QTA	26	4	1	10	41
		HDB	34	7	8	6	55
		MLTN	26	5	1	2	34
		TOTAL	48	12	4	9	73
		252	47	21	47	367	
11.	Some prominent persons in public life who appeared before the Commission were of the view that irresponsibility and malice on the part of some media persons is also a form of corruption. They complained bitterly about the slander and defamation they have faced both through incorrect, unverified reports published in certain newspapers and through unfounded allegations made by certain TV anchors.	Lhe Khi	44	6	1	4	54
		ISB	36	2		8	46
		RP	16	5	1	2	23
		PSR	40	1	1		41
		QTA	29	6	3	5	41
		HDB	44	6		5	55
		MLTN	27	4		2	34
		TOTAL	64	5		3	73
		300	35		29	367	

No.	Recommendations	City	Endorsed	Endorsed with Qualifications	Not Endorsed	No Reply	Total
	<p>They emphasized that if they were to file cases in court to seek damages and justice, the legal process would take several years and require high financial costs.</p> <p><b>Retractions and corrections by media, especially by TV channels is virtually non-existent.</b> The Councils of Complaints under the PEMRA law are slow and ineffective. <b>There is a need for independent mechanism to hold errant media and individuals accountable in a prompt and effective manner for unsubstantiated defamatory/derogatory statements made in media.</b></p>						
12.	<p>It was also stated that certain large private enterprises e.g. one or more firms in the construction and housing sector, use their vast financial resources to inhibit and discourage most private media from presenting independent critical analysis of the vested interests of such private firms due to the volume of advertising time and space bought by such firms, which bring financial benefit to proprietors of print and broadcast media.</p>	<p>Lhe Khi ISB RP PSR QTA HDB MLTN TOTAL</p>	<p>43 32 16 38 29 42 28 60 288</p>	<p>6 4 1 5 8 3 9 36</p>	<p>1 2 1 4</p>	<p>4 10 7 2 5 5 3 3 39</p>	<p>54 46 23 41 41 55 34 73 367</p>

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No.	Recommendations	City	Endorsed	Endorsed with Qualifications	Not Endorsed	No Reply	Total
.	<p>As stated elsewhere in this Report i.e. in para no.4 of the section titled: “Working methods used by the Commission”, the scale, nature and complexity of the different types of media-related corruption require the application of specialized, professional investigative skills preferably by independent, non-official specialized firms of auditors, etc., backed by adequate resources, the force of law and other legal means to obtain all related documents, examine/cross-examine both those making allegations and those who are the subject of the allegations in order to determine the veracity of the allegations.</p> <p><b>The Commission is of the opinion that sufficient grounds exist for forensic audits and detailed investigations of several transactions and aspects referred to in the petitions admitted by the Court and aspects of media-related corruption in this Report.</b></p>						

**21 Recommendations in Part Two of the Report**  
**(The text given below is an adapted version derived from the original, larger text in the Report /Executive Summary)**

Respondents = 367

(Except in question 3 which was not included in the questionnaire of Karachi & Hyderabad)

No.		City	Endorsed	Endorsed with Qualifications	Not Endorsed	No Reply	Total
01.	<b>Print and electronic media</b> i.e. newspapers, magazines, TV and news channels, individually and through their respective representative bodies should conduct candid, self-critical reviews of their own performance <b>to take practical, visible actions to remove flaws and enhance standards.</b> This process should be reported to the public at large.	KHI	40	4	-	2	46
		LHE	38	11	-	5	54
		ISB	18	1	-	4	23
		RWP	32	9	-	-	41
		PSR	30	7	-	4	41
		QTA	44	5	1	5	55
		MLTN	64	6	-	3	73
		HDB	30	3	-	1	34
		TOTAL	296	46	1	24	367
02.	The National Assembly, Senate and four Provincial Assemblies should conduct a comprehensive review of media-related legislation (about 64 existing laws) policies and rules to remove defects and to update them to contemporary conditions in order to prepare for the rapidly changing	KHI	38	5	1	2	46
		LHE	42	4	1	7	54
		ISB	15	5	-	3	23
		RWP	36	4	-	1	41
		PSR	31	5	-	5	41
		QTA	37	11	2	5	55
		MLTN	55	11	1	6	73
		HDB	27	5	1	1	34
		TOTAL	281	50	6	30	367

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No.		City	Endorsed	Endorsed with Qualifications	Not Endorsed	No Reply	Total
	<p>conditions e.g. introduce new laws where required : for instance : to regulate advertising through an Advertising Council; to ensure credible TV audience ratings systems, etc.</p> <p>Therefore, the Commission is of the view that the Standing Committees on Information &amp; Broadcasting of the National Assembly and the Senate establish a <b>Media Laws Review Task Force</b> comprising media specialists, to conduct a comprehensive review over, say, a <b>6-months period of all media laws, rules, regulations and Codes</b> in the context of the new objective conditions and make appropriate recommendations for new laws, amendments to existing laws, rules etc. .</p>						
03.	<p>Subject to reform and restructuring as detailed elsewhere and in other following recommendations, The Ministry of Information and Broadcasting should be renamed and retained to serve as a non-propagandist focal point for the policy dimensions of the information sector.</p>	<p>KHI LHE ISB RWP PSR QTA MLTN HDB TOTAL</p>	<p>- 36 16 29 25 36 53 - 195</p>	<p>- 6 4 11 9 9 14 - 53</p>	<p>- 4 - 1 2 - - - 7</p>	<p>- 8 3 - 5 10 6 - 32</p>	<p>- 54 23 41 41 55 73 - 287</p>

No.		City	Endorsed	Endorsed with Qualifications	Not Endorsed	No Reply	Total
04.	Departments of the Federal Ministry of Information and Broadcasting such as the Audit Bureau of Circulation ( <b>ABC</b> ), Press Information Department ( <b>PID</b> ), and others as well as the Provincial Departments of Information should be significantly reformed to curb malpractices, corruption etc.	KHI	39	2	-	5	46
		LHE	40	9	1	4	54
		ISB	19	1	-	3	23
		RWP	35	6	-	-	41
		PSR	34	2	1	4	41
		QTA	42	7	1	5	55
		MLTN	64	5	-	4	73
		HDB	26	4	-	4	34
		TOTAL	299	36	3	29	367
05.	The existing centralized system of control by <b>PID</b> on the selection of advertising agencies and selection of media for advertising by Government entities should be <b>replaced with horizontal de-centralization and de-control to be replaced by a new accountable, monitored, autonomy-based framework.</b>  Four determinant factors can shape the new policy:  (I) De-centralization  (ii) Guidelines by the Federal Government  (iii) Comprehensive, multi-media policy Monitoring without controlling	KHI	35	8	1	2	46
		LHE	45	5	-	4	54
		ISB	19	1	-	3	23
		RWP	32	9	-	-	41
		PSR	30	2	3	6	41
		QTA	44	3	-	8	55
		MLTN	62	6	2	3	73
		HDB	25	7	-	2	34
		TOTAL	292	41	6	28	367

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No.		City	Endorsed	Endorsed with Qualifications	Not Endorsed	No Reply	Total
06.	Without prejudice to the earlier Recommendation regarding renaming/retaining the ministry of Information: In view of continuing convergence of technologies and overlaps, synergies etc. the Ministries of Information and Broadcasting and of Information Technology (as well as) regulatory bodies such as the Pakistan Electronic Media Regulatory Authority (PEMRA) and the Pakistan Telecommunication Authority (PTA) should be <b>merged into a single Ministry and a single regulatory entity</b> (on the lines of Ofcom in the UK). <b>Cinema</b> should also be brought under this new single entity.	KHI	25	15	4	2	46
		LHE	35	9	4	6	54
		ISB	15	3	-	5	23
		RWP	34	6	1	-	41
		PSR	30	5	1	5	41
		QTA	37	7	6	5	55
		MLTN	58	9	2	4	73
		HDB	26	6	1	1	34
		TOTAL	260	60	19	28	367
07.	<b>Instead of the existing discretionary power of the Prime Minister / Minister: The mode for the appointment of the Chairman and Members of the existing electronic media regulatory authority (PEMRA) or a single new entity should be changed</b> to enable options from the Speaker	KHI	34	6	1	5	46
		LHE	40	7	1	6	54
		ISB	14	4	-	5	23
		RWP	39	2	-	-	41
		PSR	31	3	3	4	41
		QTA	40	5	1	9	55
		MLTN	65	3	1	4	73
		HDB	29	3	-	2	34
		TOTAL	292	33	7	35	367

No.		City	Endorsed	Endorsed with Qualifications	Not Endorsed	No Reply	Total
	of National Assembly, Chairman of the Senate, leaders of the Houses and the leaders of the Opposition in the Federal Parliament and eminent citizens, media, non-Muslims to recommend the shortlists of persons <b>with acknowledge expertise.</b>						
08.	Without banning content from overseas countries from being screened in Pakistan, appropriate new measures should be taken by the relevant authorities e.g. Ministries, PEMRA, Pakistan Broadcasters' Association (PBA) etc. to provide minimal scope and opportunity on <b>fair and equitable terms to Pakistani producers, directors, writers, actors, and talent</b> for being able to obtain screening on TV channels and in cinema theatres of content originated by, or produced/financed by Pakistani sources.	KHI LHE ISB RWP PSR QTA MLTN HDB TOTAL	33 42 14 28 28 39 61 29 274	7 6 5 13 7 11 10 4 63	1 2 - - 2 1 - - 6	5 4 4 - 4 4 2 1 24	46 54 23 41 41 55 73 34 367
09.	<b>PEMRA should conduct regular, structured dialogue</b> with all stakeholders and groups such as civil society groups representing viewers and listeners of TV and radio channels, PBA, cable TV distributors, advertisers and advertising agencies to resolve concerns and complaints.	KHI LHE ISB RWP PSR QTA MLTN HDB TOTAL	36 41 15 38 33 46 64 25 298	1 7 2 3 2 5 5 - 25	- 2 1 - 1 - - - 4	9 4 5 - 5 4 4 9 40	46 54 23 41 41 55 73 34 367

*Media Commission Report*

No.		City	Endorsed	Endorsed with Qualifications	Not Endorsed	No Reply	Total
10.	The High Courts and the Supreme Court of Pakistan <b>should expedite hearings and disposals of the large number of cases</b> (e.g. 72, according to one estimate) dealing with electronic media on which <b>stay-orders</b> are in operation.	KHI	39	-	3	4	46
		LHE	45	3	1	5	54
		ISB	16	2	-	5	23
		RWP	40	1	-	-	41
		PSR	34	1	-	6	41
		QTA	48	1	1	5	55
		MLTN	59	6	1	7	73
		HDB	30	3	-	1	34
		TOTAL	311	17	6	33	367
11.	The private TV news channels should respect the sanctity of facts and the ethics of journalism: they should keep separate the content of news from their own comments and entertainment material, <b>to stop the use of “infotainment” in news bulletin by playing songs and making inappropriate remarks while showing images of leaders and of events.</b> Such caricatured content can be shown separate satirical shows.	KHI	40	3	1	2	46
		LHE	42	5	1	6	54
		ISB	17	2	-	4	23
		RWP	34	7	-	-	41
		PSR	33	4	-	4	41
		QTA	42	7	2	4	55
		MLTN	62	6	4	1	73
		HDB	26	7	-	1	34
		TOTAL	296	41	8	22	367
12.	Till the transition to digital broadcast technology is completed, <b>PEMRA should freeze the issuance of any more licenses for TV channels</b> because there is already a glut of numbers in analogue-based technology.	KHI	32	6	5	3	46
		LHE	36	8	5	5	54
		ISB	16	2	1	4	23
		RWP	36	5	-	-	41
		PSR	26	7	4	4	41
		QTA	38	8	5	4	55
		MLTN	55	13	2	3	73
		HDB	28	4	1	1	34
		TOTAL	267	53	23	24	367

No.		City	Endorsed	Endorsed with Qualifications	Not Endorsed	No Reply	Total
13.	To enable PEMRA to credibly curb the telecast of pirated/smuggled/illicit content from India, USA, and other sources, other government entities, Federal and Provincial such as, the Federal Board of Revenue/Customs, Federal Investigation Agency, Police Forces and Law Enforcement Agencies <b>should take visible actions to prevent the smuggling and open sale of DTH (Direct-To-Home) set-top boxes from India.</b>	KHI	32	4	4	6	46
		LHE	43	4	2	5	54
		ISB	16	3	-	4	23
		RWP	36	4	1	-	41
		PSR	27	5	3	6	41
		QTA	38	8	3	6	55
		MLTN	57	9	2	5	73
		HDB	28	5	-	1	34
		TOTAL	277	42	15	33	367
14.	<b>PEMRA</b> should be directed to formulate a <b>fair, transparent policy</b> to issue licenses on a <b>non-auction basis</b> , without applying a commercial approach, for <b>community-based electronic media</b> . PEMRA should be directed to revise its discriminatory exclusion of NGOs registered as social welfare associations, societies, trusts, not-for-profit joint-stock companies from being eligible applicants for community-based electronic media.	KHI	36	4	2	4	46
		LHE	30	15	4	5	54
		ISB	20	-	-	3	23
		RWP	37	4	-	-	41
		PSR	30	6	-	5	41
		QTA	44	3	2	6	55
		MLTN	64	5	1	3	73
		HDB	28	3	1	2	34
		TOTAL	289	40	10	28	367

*Media Commission Report*

No.		City	Endorsed	Endorsed with Qualifications	Not Endorsed	No Reply	Total
15.	<b>Transforming PBC, PTV and APP into authentically autonomous entities:</b> Pakistan Broadcasting Corporation (PBC): <b>To introduce an entirely new system and process for the appointment of the Chairman, Chief Executive and the Board of Directors,</b> on lines similar to the new system proposed for PEMRA in Para-1 the section of this Report dealing with TOR No.B. Due to PBC's deep dependence on financial subsidies from the State, such State funding should continue but new checks and balances put in place to prevent such subsidies from becoming a partisan stranglehold.	KHI	36	5	-	5	46
		LHE	44	5	1	4	54
		ISB	14	5	-	4	23
		RWP	36	3	1	1	41
		PSR	25	10	1	5	41
		QTA	43	3	4	5	55
		MLTN	67	3	-	3	73
		HDB	28	4	1	1	34
		TOTAL	293	38	8	28	367
		16.	<b>Pakistan Televisions Corporation (PTV):</b> Unlike PBC which has its own legislative cover through the PBC Act, 1973, <b>PTV is a joint-stock company wholly owned by the State,</b> and registered under the Companies Ordinance, 1984. The Commission recommends that due consideration be given to <b>reducing the shareholding of the State in PTV by about 75% to reduce it to 25%, or less.</b>	KHI	39	4	1
LHE	41			7	1	5	54
ISB	16			1	2	4	23
RWP	36			3	-	2	41
PSR	24			11	2	4	41
QTA	40			6	3	6	55
MLTN	59			10	-	4	73
HDB	29			3	1	1	34
TOTAL	284			45	10	28	367

No.		City	Endorsed	Endorsed with Qualifications	Not Endorsed	No Reply	Total
	<p>That 75% shares be offered to the public at large through the Stock Exchanges of the country and through a special public offering with the conditionality that no single organization/investor/citizen can hold more than 2% (two percent) of the total shares. Owners of TV channels should not be eligible to own any shares in PTV to prevent conflict-of-interest. The aim of dispersing and diffusing ownership of shares so broadly is to prevent any single group from exercising undue control over the editorial policy and programme content. Further, through a system of time-bound rotation, civil society organizations of repute such as those with long-established records of service in the fields of education, health, human rights, capacity-building, micro-credit, etc. professional associations, universities etc. could also be given minimal blocks of shares. While the State's interests and linkages would be maintained through a continued shareholding by the State, <b>the Government-of-the-day would no longer exercise partisan control of PTV.</b></p>						

Media Commission Report

No.		City	Endorsed	Endorsed with Qualifications	Not Endorsed	No Reply	Total
	The public at large, represented by citizens as well as organizations, would gain the opportunity <b>to redirect PTV to become a genuine public service broadcaster.</b> To ensure efficiency, a management structure subject to bipartisan Parliamentary oversight could be established.						
17.	<b>PTV:</b> Due consideration would also need to be given towards placing <b>PTV under the purview of the amended and reformed PEMRA law</b> as suggested in the section of this Report dealing with TOR No.B.	KHI LHE ISB RWP PSR QTA MLTN HDB TOTAL	39 45 19 36 32 46 59 27 303	2 2 - 5 4 1 7 2 23	- 1 - - 1 2 2 1 7	5 6 4 - 4 6 5 4 34	46 54 23 41 41 55 73 34 367
18.	<b>PTV:</b> The need <b>to end the unfair monopoly status of PTV being the sole recipient of the TV license fee.</b> Income from licence fees should be used to create a new service broadcasting network independent of State ownership and control.	KHI LHE ISB RWP PSR QTA MLTN HDB TOTAL	38 43 18 38 33 40 63 27 300	2 5 1 3 1 6 6 4 28	1 1 1 - 1 2 - - 6	5 5 3 - 6 7 4 3 33	46 54 23 41 41 55 73 34 367

No.		City	Endorsed	Endorsed with Qualifications	Not Endorsed	No Reply	Total
19.	<p><b>Associated Press of Pakistan:</b></p> <p>Consideration needs to be given to the possibility of <b>reducing the State ownership of APP from the present level of 100% to a level such as 25% or less with 75% shares being offered to:</b></p> <p>(a) the present staff of APP in proportion to years of service, levels of performance with a proportionate reduction/surrender of shares, on retirement/removal from service, etc.</p> <p>(b) on a pattern similar to the one proposed for a new structure for PTV, the offer of limited blocks of shares to the collective representative bodies of media which use the output of APP e.g. All Pakistan Newspapers Society, Pakistan Broadcasters' Association etc.</p>	KHI	38	3	1	4	46
		LHE	44	6	-	4	54
		ISB	17	2	1	3	23
		RWP	37	3	-	1	41
		PSR	31	5	1	4	41
		QTA	44	1	2	8	55
		MLTN	62	5	1	5	73
		HDB	24	6	2	2	34
		TOTAL	297	31	8	31	367
20.	<p><b>New legislation and reform of existing legislation for content self-regulation</b></p> <p>The Commission is of the opinion that it is <b>not feasible</b> to let the content of media be regulated exclusively through content self-regulation even after taking note of international standards</p>	KHI	36	5	1	4	46
		LHE	35	8	-	11	54
		ISB	13	2	1	7	23
		RWP	34	3	-	4	41
		PSR	26	6	-	9	41
		QTA	35	-	-	20	55
		MLTN	53	6	1	13	73
		HDB	30	2	-	2	34
		TOTAL	262	32	3	70	367

*Media Commission Report*

No.		City	Endorsed	Endorsed with Qualifications	Not Endorsed	No Reply	Total
	and best practices. There is an inescapable, irreducible responsibility and need for the State to provide a legislative framework of guiding principles and norms, with adequate checks and balances that do not curb freedom of expression. Except for certain subjects of hypersensitivity and for subjects that, in any case, deserve circumspection, media in Pakistan already enjoy some of the highest levels of freedom, and of content self-regulation, in comparison to all other predominantly Muslim countries, and in comparison to most other countries in the regions of which Pakistan is simultaneously a part i.e. Central Asia, South Asia, West Asia, Gulf. .						
21.	<b>The funding for mechanisms that administer content self-regulation (e.g. Press Council of Pakistan) should be provided by the print media and the electronic media,</b> rather than from the Government to ensure authentic independence and credibility of these mechanisms.	KHI LHE ISB RWP PSR QTA MLTN HDB TOTAL	35 40 17 35 32 47 59 27 292	6 6 - 5 3 - 4 1 25	- - - - 1 - 2 1 4	5 8 6 1 5 8 8 5 46	46 54 23 41 41 55 73 34 367

On 12 December and 20 December 2013, in the National Assembly of Pakistan, in response to Questions put by Dr. Arif Alvi, MNA (Karachi), PTI, to the Federal Minister for Information, Broadcasting and National Heritage, Senator Pervez Rashid, regarding the views of the Government of Pakistan about the Report and Recommendations of the Media Commission, written Answers were provided to become part of the official Record.

The same are re-produced on the following pages

**257. \*Dr. Arif Alvi:**

Will the Minister for Information, Broadcasting and National Heritage be pleased to state:

(a) whether it is a fact that the Media Commission has been appointed by the Supreme Court of Pakistan; 11

(b) whether it is also a fact that the report of the said commission has been made a public document by the Court during June, and is available on the website of the said Court;.

(c) whether it is further a fact that the Ministry formulated its comments/responses to each recommendation contained in the said report; if so, the detail of the comments; if not, the reasons thereof; and

(d) the time by which Ministry will finalize its comments thereon ?

**Minister for Information, Broadcasting and National Heritage (Mr. Pervaiz Rashid)**

(a) Yes, Media Commission has been appointed by the Supreme Court of Pakistan, while rendering an order on 15th January, 2013 during the hearing of the Constitutional Petition No. 105/2012 along with CMAs-3795 & 3798 of 2012, HRC No. 23957-S/2012 & CMA 3464/12 and Constitution Petition No. 117/12.

(b) The said Commission has submitted its report in the Honorable Supreme Court of Pakistan on March 21, 2013 and June 3rd and 10 June 2013. The report is also available on the Supreme Court's website.

(c) Yes, the comments so filed are attached as Annexure-A.

(d) Ministry has already submitted its response to the Supreme Court of Pakistan on 26-07-2013.

(Annexure has been placed in the National Assembly Library)

**392. \*Dr. Arif Alvi:**

Will the Minister for Information, Broadcasting and National Heritage be pleased to state:

(a) whether it is fact that the rates of the Government advertisements for newspapers and magazines are substantially low as compared to private advertisements;

(b) whether it is also a fact that the rates of the Government advertisements for TV Channels are significantly higher as compared to the Private Channels;

(c) if the answer to part (a) and (b) above are in the affirmative, the justification thereof; and

(d) the step taken by the Ministry to end said discrimination causing loss to the public exchequer ?

**Minister for Information, Broadcasting and National Heritage (Mr. Pervaiz Rashid):**

(a) The government advertisements are published in the newspapers and periodicals at rates fixed by the government on the basis of prescribed formula taking into consideration the circulation as audited by the Audit Bureau of Circulation (ABC). The government rates in print media are on lower side than the private advertisements since majority of these consist of tender notice, public service messages like vacancies available in public sector organizations etc. Whereas the private advertisements are initiated by the entities mostly aiming at earning profits by placing promotional ads to enhance the sales of their products and services.

(b) It may be clarified that the government advertisement on electronic media are presently not being covered by the Centralized Advertisement policy of the Government. The Centralized Advertisement Policy caters to the print media only, covering ads

released through the Press Information Department (PID) of the Ministry of I, B & NH.

As far as the release of advertisements to the electronic media is concerned, ground work has already been completed, and further progress would be made once the Federal Government issues directions in this regard to all the government controlled organizations / Ministries / Divisions and Public sector organizations would be asked to route their respective advertisements through the Press Information Department. In the present system of the release of government advertisement to electronic media, the tariff issue is being dealt with separately by each Ministry and Division through its respective advertising agency. the tariff may vary on case to case basis. For private commercial sector rates are flexible and negotiated between the channels and client. However, the is general assessment made during the evaluation process by the Ministry that the tariff charged from the government organizations is comparatively higher as compared to rates charged for advertisements from the private sector. Right now, no data is available in this regard, but once a policy decision is made regarding government advertisements on electronic media, a study on the subject can be conducted.

(c) The tariff for newspaper advertisements is an arrangement between the client and the newspaper management. The print media advertisement arrangement between government and newspapers operational with the consent of both the parties. As regards electronic media advertisements of the government, an arrangement is yet to be evolved.

(d) The government believes in doing things through consultation and accommodation. Efforts are already under way to take the stakeholders on board and to arrive at a consensus solution. The issue would be addressed comprehensively in due course of time to the satisfaction of all concerned.

MINISTRY OF INFORMATION, BROADCASTING  
AND NATIONAL HERITAGE  
(Pakistan Television Corporation)  
...

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STARRED NATIONAL ASSEMBLY QUESTION NO. 188

<p><u>QUESTION BY</u> DR. ARIF ALVI, MNA</p>	<p><u>REPLY BY</u> FEDERAL MINISTER FOR INFORMATION, BROADCASTING AND NATIONAL HERITAGE</p>
<p>Will the Minister for Information, Broadcasting and National Heritage be pleased to state;</p> <p>a) Whether it is a fact that the Media Commission has been appointed by the Supreme Court of Pakistan;</p> <p>b) Whether it is also a fact that the said Commission has been made a public document by the Court during June, 2013 and is available on the website of the said Court;</p> <p>c) Whether it is further a fact that the Ministry formulated its comments/responses to each recommendation contained in the said report, if so, the details of the comments, if not, the reason</p>	<p>a) Yes, Media Commission has been appointed by the Supreme Court of Pakistan, while rendering an order on 15<sup>th</sup> January, 2013 during the hearing of the Constitutional Petition No. 165/2012 alongwith CMAs-3795 &amp; 3798 of 2012, HFC No. 23957-S/2012 and Const P. 53/2012 and Constitution Petition No. 104 of 2012 &amp; CMA 3464/12 and Constitution Petition No. 117/12.</p> <p>b) The said Commission has submitted its report in the Honorable Supreme Court of Pakistan on March 21, 2013 and June 3<sup>rd</sup> and 10<sup>th</sup> June 2013. The report is also available on the Supreme Court's website.</p> <p>c) Yes, The comments so filed are attached as Annexure-A</p> <div style="text-align: center;"> <p>7 22</p>  </div>

<p>d) The time by which Ministry will finalize its comments thereof?</p>	<p>d) Ministry has already submitted its response to the supreme court of Pakistan on 26.07.2013</p>
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**IN THE SUPREME COURT OF PAKISTAN**  
(Original Jurisdiction)

Submitted on behalf of the Federation of Pakistan  
Respondent No. 1: Ministry of Information, Broadcasting & National Heritage

CMA No...../2013  
Const. P.No.105/2012

**Hamid Mir and others Vs. Federation of Pakistan & others**

Court Appealed from : Constitution Petition  
RAJA AAMIR ABBAS – ASC  
Counsel for the Respondent With Mehmood A. Sheikh  
Advocate-on-Record  
Supreme Court of Pakistan  
Counsel for the Petitioner Mr. M.S. Khattak - AOR

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**MEHMOOD A. SHEIKH**  
Advocate on Record

-1-

**IN THE SUPREME COURT OF PAKISTAN**  
(Original Jurisdiction)

Submitted on behalf of the Federation of Pakistan  
Respondent No. 1: Ministry of Information, Broadcasting & National Heritage

CMA No...../2013  
Const. P.No.105/2012

Hamid Mir and others Vs. Federation of Pakistan & others

**CONCISE STATEMENT**

**CONSTITUTIONAL PETITION NO. 105/2013 : HAMID MIR VS FEDERATION OF PAKISTAN :**

**M/O INFORMATION, BROADCASTING & NATIONAL HERITAGE VIEWS / COMMENTS ON MEDIA COMMISSION'S REPORT OF 21<sup>ST</sup> MARCH 2013, 3<sup>RD</sup> JUNE 2013 AND 10<sup>TH</sup> JUNE 2013**

**Background**

The views / comments of Ministry of Information, Broadcasting & National Heritage are being filed in the Supreme Court of the Pakistan in Response to Media Commission's Report submitted in the Supreme Court vide their covering letters of 21<sup>st</sup> March 2013 (Annex - 1), 3<sup>rd</sup> June 2013 (Annex - 2) and 10<sup>th</sup> June 2013 (Annex - 3) containing six Volumes. The views / comments address the core / actionable recommendations of the Media Commission.

**TOR - A**

*"To consider the role of the M/o I&B and other Government agencies in ensuring freedom of print and electronic media and whether or not there is information and materia brought before the commission to justify the continued functioning of the Ministry, consistent with Article 19 of the Constitution".*

2. Following are the views / comments :-

- a. This Ministry endorses MC conclusion (Para - 2 : Page - 78 : Vol - 4) that state system alone has the legitimacy and the *locus standi* to maintain vigilance for the protection of the public interest including the information sector, besides facilitating Freedom of Print and Electronic Media. The role of state apparatus certainly has to be unobtrusive.
- b. This Ministry endorses Media Commission's (hereinafter MC) recommendation (Para - 4 : Page 79 : Vol - 4) that the Federal Ministry of Information & Broadcasting and four Provincial Information Departments may require restructuring aimed at merger of certain units' functions, abolition where needed, and reforms on other allied issues. The recommendation for placing the subject of cinema under the purview of the proposed new singular Ministry for effective development and functions of media is also supported. It may be placed on record that such a restructuring will have to be effected in consultation with Management Services Wing of Establishment Division as per guidelines in Secretariat Instructions - 2044 (Instruction No. 75 : Page 18).

- c. This Ministry endorses the MC recommendations on bringing together the sectors of Information and Broadcasting with Information Technology and Telecommunication, subject to GOP approval.
- d. The MC recommendation on horizontal decentralization / de-control in selection of advertising agency / media by GOP organizations is not supported since GOP's Common Services Manual – 1997 (Volume – I : Chapter – 1 : Advertisements) has outlined a detailed set of instructions on government's advertisement policy. It however could be reviewed by the elected government on need basis. The Ministry endorses MC recommendation for a restructured Ministry of Information & Broadcasting, considering simultaneously alternative names.
- e. The Ministry endorses MC recommendations that Ministry of I&B and four Provincial Information Departments be retained as part of state and government structure.
- f. This Ministry however would like to place on record that under Article – 99 of the Constitution – 1973, it is the Federal Government's privilege that it "shall by rule specify the manner in which orders and instruments executed in the name of the President shall be authenticated, and the validity of any order or instruments so authenticated shall not be questioned in any court. The Federal Government shall make rules for allocation and transaction of its business" – which constitutes its executive empowerment to run the state business.

**TOR – B**

*"To analyze whether and to what extent PEMRA has been able to fulfil its developmental mandate and regulatory functions independency under the PEMRA Ordinance".*

3. Following are the views / comments :-
  - a. The Ministry supports Media Commission's recommendation as there is a lot of room to revisit laws / regulations by which PEMRA operates and functions. There are gaps of meaningful, purposeful and apolitical oversight. There is dire need to depoliticize this regulatory body.
  - b. The regulator has to be made accountable to the provision of laws and an independent board, outside the purview of the government. The board shall comprise of members from civil society, persons of impeccable integrity and members from both the ruling and opposition parties, which is absent at this moment. Making PEMRA apolitical will be in the interest of the government, opposition and the public as well.
  - c. Recommendations of the Media Commission are endorsed as it will create consensus among political stake holders and will ensure the credibility of the institution. Unfortunately the existing provisions of PEMRA Act – 2007 which deal with the appointment of Chairman / Members have not been able to address the issue of public confidence and quality induction.
  - d. Media commission recommendation is also supported as an independent regulator shall be answerable directly to the parliament.
  - e. MC recommendation for amalgamation of sectors related to Communication, Broadcasting, Telecommunication and National Heritage under one administrative setup is supported.

MC recommendation that PEMRA should formulate appropriate policy to protect local talent from unfair impact of foreign content is supported.

MC recommendation for a structured dialogue with stakeholders like PBA, Cable TV distributors, advertisers and others is supported.

MC recommendation to freeze issuance of any more TV Channel licenses, till the transition to digital broadcast technology is completed, is supported.

MC recommendation to empower PEMRA to credibly curb the telecast of pirated content from India, USA and other sources in coordination with other GOP entities like FBR, FIA and LEAs is supported.

j. MC recommendation that PEMRA should formulate a transparent policy to issue licenses, without applying commercial approach, for community based electronic media, is supported.

k. MC recommendation that community based electronic media's external financial sponsorship be ensured through EAD is supported.

#### TOR - C

*"To determine if it advances or is consistent with the fundamental right under Article 19 ibid to allow the Government or its instrumentalities to be major players in the media through State Television and Radio Broadcasters".*

4. Following are the views / comments :-

a. This Ministry supports MC's observations at (Para - 10 : Page 129 : Vol - 4) that Government and its instrumentalities have a valid right and role to be the major players in Electronic Media which is entirely consistent with the fundamental right under Article - 19 of the Constitution. Moreover, it again is supported that presence of state owned Electronic Media under GOP control provides a balance to otherwise imbalanced volume of negative comments, besides fulfilling the need for public interest.

b. Media Commission's observation (Para - 14 : Page 132 : Vol - 4) is supported which stipulates that private commercial media does not ensure projection of contents relevant to the subjects detailed in Article - 19 of the Constitution.

c. This Ministry would like to uphold Media Commission's (recommendation - 1 on TOR - C : Page 133 : Vol - 4) that there is justification for the government and its instrumentalities to be major players in media through PTV and PBC. However, a workable plan can be devised to follow BBC model as fine example of autonomy.

#### TOR - D

*"To ascertain if PTV, PBC and APP, the recipients of public funding of billions of rupees, have independent in-house management and transparent policies in place which advance the objectives of fairness and even-handedness expected of publicly-funded entities and to determine if there are adequate checks against lop-sided or biased dissemination of information by these publicly-funded entities".*

5. Following are the views / comments :-

a. The Ministry supports MC's observation (Para - 10 : Page 139 : Vol - 4) that regular news bulletins of private electronic media present some news

- and events as farcical sources of mirth – which state media entities never normally use, and such professional requirements are fulfilled by state media entities.
- b. The Ministry supports the Media Commission recommendations to reduce the state share holding in PTV up to 25% or less offering 75% to public through stock exchange. Ministry of Finance is already carrying out an exercise in this regard. In addition to this, management of PTV shall also be made part of the stock option deal. Necessary amendments in the PTV Company Act could be made to accommodate this issue.
  - c. The Ministry supports the Media Commission recommendations and is not bothered over the loss of control over the editorial policy. Competitiveness is not a negative phenomenon as it improves quality of contents.
  - d. The Ministry endorses the idea of appointing the Chief Executive Managing Director of PTV, PBC and APP through a procedure given in the Supreme Court judgment wherein an independent commission has been mandated to fill these positions from open market through competition.
  - e. This Ministry however supports the spirit of MC recommendation that state media entities (PBC, PTV and APP) may prefer to be playing a progressive and purposeful role in the information landscape of Pakistan.

**TOR – E**

*"To consider the feasibility of letting the media adopt a self-regulatory code of conduct instead of content regulation, in the light of international standards or best practices".*

6. Following are the views / comments :-
  - a. This Ministry supports MC observation (Para – 4 : Page – 147 : Vol – I) that Prophets, Philosophers and Political Statesmen have indicated over centuries the regulation of the self or a single organization which must require an external framework of collectively shared Values, Principles, Laws and Rules.
  - b. This Ministry supports Commission's recommendation that it is not feasible to let the content of Media regulated exclusively through Content Self Regulation, even after taking note of international standards and best practices. It is further supported that there is an inescapable, irreducible responsibility and need for the state to provide a legislative framework of guiding principles with adequate checks and balances that do not curtail freedom of expression.
  - c. This Ministry supports MC recommendations that media in Pakistan already is enjoying some of the highest level of freedom and content self regulation in comparison to all other predominantly Muslim Countries. Central Asian, South Asian and West Asian states included.
  - d. This Ministry supports MC recommendation that many of the existing media related laws framed in previous decades need to be updated and revised through Parliamentary Standing Committees on Information and Broadcasting. Amendments to existing Media Laws, where needed, could be introduced by the legislators during 2014.
  - e. This Ministry supports MC recommendation that funding for mechanism that administer content self regulation should come from within the print and electronic media, rather than from the government.

**TOR – F**

*"To enquire into allegations of media-related corruption and suggest steps to ensure impartial and independent media for the upcoming elections".*

7. Following are the views / comments :-
- a. This Ministry also supports Para – 23 of Supreme Court judgment dated 8-7-2013 which states that the historical analysis highlights the potential need for the government to put its Secret Service on a statutory footing for a more effective democratic control over their budgets, expenditures and activities.
  - b. It may however be noted that Finance Division vide Office Memorandum of 11<sup>th</sup> June 2013 has abolished Secret Services Expenditure (SSE) available with Federal Ministries / Divisions with effect from FY – 2013-2014.

**TOR – G**

*"To inquire whether, when giving money to different media houses directly for or on the pretext of advertisements, where the government or its functionaries pursuing a transparent, duly approved, bona fide Government Advertisement Allocation Policy or where the decisions to buy advertisement space with public money are made arbitrarily or without objective criteria or to favour particular channels, journalists or media houses".*

8. Following are the views / comments :-
- a. This Ministry supports MC conclusion that the Ministry of I&B is not the only source for the use of Secret Funds in Media Sector which actually are available with several other Ministries and Departments. MC findings that the formulation of a written policy is the right and responsibility of an elected government in collaboration with the views of Civil Society and other stakeholders is the correct answer, and is supported.
  - b. MC recommendation that aspects covered by TOR – G be brought to the attention of the Parliamentary Committee on National Security and Standing Committees on National Assembly and Senate to recommend improvements in relevant policies and procedures so that positive goals indicated in TOR – G are achieved – is supported.
  - c. This Ministry supports MC opinion that if the Honourable Court deems appropriate, the required directions may be given to conduct independent inquiry to determine the veracity or otherwise of allegations in this sector (TOR – G).
  - d. This Ministry supports MC conclusion that there exists a set of written advertisement policy containing guidelines on the subject explaining procedures, criteria and documentation requirement to be followed as explained in GOP's Common Services Manual – 1997 (Chapter – 1), read with, Rules of Business – 1973 (Schedule – II : Entry – 17 : Provision – 6). These instrumentalities reflect legal empowerment of Press Information Department of Ministry of I&B on the subject. Except procedural improvements / modifications in public interest, no parallel rule – framing on this subject is recommended.

-6-

**TOR - H**

*"To propose a single, transparent, objective, non-discriminatory policy for allocation of Government advertisements among electronic and print media".*

9. Following are the views / comments :-

- a. This Ministry does not support MC recommendation on TOR - H emphasizing decentralization of Government Advertisements since it has stood test of the time since 1960s to date and provides Federal Government a leeway to regulate equitably based system of advertisement distribution in Print and Electronic Sector which is lawfully governed by the guidelines / instructions laid down in *GOP's Common Services Manual - 1997 (Chapter - 1)*. It takes into account the metropolitan and regional media for a nationwide healthy development of the media industry.
- b. What MC recommendation has not taken into consideration is the mandatory guidelines on the subject of advertisement distribution already exist in the afore cited Book, which however can be improved in public interest in consultation with stakeholders.

**TOR - I**

*"Whether the Federal and Provincial Governments, autonomous and semi-autonomous bodies, Government corporations or agencies adhere to PPR rules or other transparent processes while granting advertisement contracts to advertising agencies or media houses. If not, then to suggest processes which are fair and transparent and which ensure the greatest value and fairest dissemination of information".*

10. Following are the views / comments :-

- a. This Ministry supports MC recommendations that all Federal and Provincial Government entities adhere to the principles and guidelines of PPR regulatory regime - which actually lays down that the scope of scrutiny by PPR covers only contracts of Rs. 50 million and more.
- b. This Ministry would place on record its concern on MC observation that the Commission could not meet in person with Chairman and MD - PPR itself. It however is agreed that the processes be adopted which are fair, transparent and which ensure greatest value and fairest dissemination of information.
- c. This Ministry endorses MC recommendations (Para - 33 : Page - 177 Vol - 4) regarding proposed restructuring of Audit Bureau of Circulation and Press Information Department in order to meet the national development goals of providing best possible support services to the private sector media and advertising agencies within the framework of guidelines defined by the government.
- d. The role of Audit Bureau of Circulation has to be validated through third party evaluation on circulation.

**General Observations by the Media Commission**

11. This Ministry has no comments / views to offer under this heading.

-/-

Conclusion

2. This Ministry would like to place on record its appreciation for the voluminous work done by Media Commission as per its mandate conferred by the Supreme Court of Pakistan vide its Short Order of 15<sup>th</sup> January 2013.

  
(Dr. Nazir Saeed)  
Secretary  
Ministry of Information, Broadcasting  
& National Heritage  
Islamabad

26-7-2013



MEHMOOD AHMED SHEIKH  
Advocate Supreme Court / AOR  
Tel (Df): 3345-5510584

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**Press Releases  
about the meetings of the  
National Assembly  
Standing Committee on  
Information, Broadcasting  
and  
National Heritage,  
held on  
16th April 2014.  
and  
30th April 2014.**

## Press Release

The 8th Meeting of the Information Standing Committee of the National Assembly, as presided by the chairperson MNA Marvi Memon was held at the National Assembly on April 16, 2014. The Minister Information, Secretary Information, Department Heads, Senator (R) Javed Jabbar, Mr Hamid Mir, Mr Absar Alam, Mr Moeed Peerzada and Honorable Members Ms Parveen Masood Bhatti, Ms Arifa Khalid Pervez, Ms Marriyum Aurangzeb, Mr Imran Zafar Leghari, Ms Belum Hasnain, Mr Murad Saeed, Dr Muhammad Azhar Khan Jadoon, Ms Saman Sultana Jafri and Ms Naeema Kishwer attended the meeting

**With reference to the Recommendations by the Media Commission appointed by the Supreme Court 2013, the Standing Committee of Information, Broadcasting, and Heritage unanimously agreed to the following actions and proposals and adopted the resolution as follows:**

1. In the age of independence of media, globalization, IT and Information it is important to have a specific role of the Ministry of Information for policy setting, to facilitate media development with freedom and accountability.
2. Review of the existing 64 laws on Media is critical. New laws are equally required, specifically for advertising regulation, convergence, cross media ownership negative impacts, and self regulation. The Standing Committee will be having special meetings with legal experts on this critical subject soon and will be appointing a Media Laws Review Taskforce with a 6 month mandate to examine 64 laws and to propose amendments as well as new laws where required.
3. The existence of a Ministry of Information is important. However, its restructuring is critical. The Ministry and bodies under the purview of the Ministry have assured the committee that their restructuring plans will be presented within one month to the committee.

4. Ministry of Information and IT can be merged due to new areas of convergence. A new name for the Ministry to be Ministry for Public Information, Media and National Heritage.
5. Make PEMRA truly autonomous and accountable to Parliament and not to the Executive. Thus a change in mode of appointment of chairperson and its members along the lines of the ECP is recommended.
6. Create a single new integrated regulatory body by merging PEMRA, PTA including cinema on the lines of OFCOM in the UK. In the cinema sector there is a need to ensure inter provincial harmony in the implementation of censorship rules in the provinces. All imported films to be censored by the Federal government. Provincial censor boards should include federal representation.
7. Policy to ensure minimal time for Pakistani content on TV and Radio to be strengthened.
8. Public, regular, structured dialogue of government and regulatory bodies with all stakeholders relevant to electronic media is necessary. Similar Regular structured dialogue with non-media stakeholders i.e civil society is extremely important.
9. Judiciary should conduct expeditious and conclusive disposal of the large number of stay orders obtained by TV and Radio against PEMRA as at present even non licensed TV channels are operating freely.
10. Actual compliance should be ensured by media of their own Codes and transparency by appointing Internal Ombudsman and Compliance coordinators to respond to complaints and concerns of citizens.
11. Temporarily Freeze (except community licenses) issuance of licenses for new TV channels as cable TV distribution capacity is already saturated and until transition to digital technology.
12. Ensure effective actions by government authorities to prevent smuggling and sale of DTH set top boxes.
13. Ensure licenses are issued for valid, eligible community radio stations and community TV channels with safeguards.

14. PTV, PBC APP should be transformed into genuine public service entities which are even handed and fair for them to be consistent with Article 19. New system to should be introduced for appointment of Chairman, CEO and Board of Directors. Government should look into options for restructuring the ownership of PTV, PBC and APP to make their ownership more broad based and public service oriented.
15. A new Law is required within which self regulation by media can be conducted in a transparent and accountable manner, so that self interest doesn't substitute self regulation in media.
16. The funding for Press Council to be equitably shared by media proprietors (such as APNS) and other segments in order for it to be independent.
17. Alleged corrupt practices indulged into by media and government should be investigated and discouraged.
18. There is a need for more effective practice of existing Codes by media themselves.
19. Strict effective action is needed by PEMRA and Press Council to prevent excesses by media against public figures, thereby preventing unfair defamation or ridicule of public figures. Strict action needs to be taken by the Councils of complaints appointed by PEMRA which could include parliamentarians to prevent unfair defamation.
20. Forensic audits should be conducted to determine whether corruptions occurred in award of advertising contracts by NAB, FIA etc.
21. There is a need to Rationalize the principles on the basis of which advertising rates are determined for placement of govt advertising in print and electronic media so as to end the discrepancies. Government should propose single transparent policy for awarding advertisement.
22. There is a need to Reform the system by which advertisements of federal and provincial governments are placed by restructuring the audit bureau of circulation and inducting reputed firms from private sector to make ABC credible; and by other methods such as possible decentralization.

23. ECP is urged to implement recommendation of media commission to ensure transparency in use of funds for advertising in the forthcoming local governments.
24. PEMRA should facilitate preparation of options for new revenue model for TV channels to reduce existing 100% dependence on advertising.
25. More Effective regulatory actions are required to reduce imbalanced interruptions, disruptions intrusions of advertising on TV and radio.
26. Secret funds have been abolished. Second list will be presented to the committee and to the public after audit or as per SC instructions.
27. It is considered opinion of the committee that PEMRA has not satisfactorily addressed the concerns raised by the Media Commission Report regarding: the restructuring of PEMRA, Autonomy of PEMRA from Executive, Direct Parliamentary Purview & Oversight of PEMRA, Review of the PEMRA Act 2002 (Amended 2007) and Private Monopolies in Media created as a result of the Amended PEMRA Act 2007. Unfortunately without addressing these core issues it is difficult to conceive that PEMRA will be able to respond to the challenges it faces as an independent media regulator. It is therefore recommended that the Ministry of Information and Broadcasting should undertake an immediate examination of these concerns, with a clear deadline in mind, to suggest the best ways and means to implement the recommendations of the Media Commission.
28. Ministry of Information has committed itself to help improve security for journalists and media. However it has not presented any coherent plan so far. It needs to present an over-view of its Security Plan which it has designed after its consultations with the various media organisations. Ministry also needs to give action plan on the Committee of Information recommendations on the same.
29. The existing reliance on an predominantly big cities audience

measurement system to determine TV ratings should be replaced with new alternative options which accurately reflect the countries demographic realities.

30. As per commitment made by PBA to the media commission the actual rates charged by PBA members, (eg election advertising) should be placed on the internet and transparency ensured on the assets, income, expenses of media proprietors and senior journalists including TV anchors.

## Press Release:

### **Meeting of the National Assembly Standing Committee on Information, Broadcasting & National Heritage**

**Wednesday, 30th April, 2014, Islamabad.**

9th meeting of the National Assembly Standing Committee on Information, Broadcasting & National Heritage was held on 30-04-2014 at 2:00 p.m in Islamabad under the chair of MNA Marvi Memon. The meeting was attended by Marvi Memon (Chairperson), Dr. Muhammad Azhar Khan Jadoon MNA, Mr Murad Saeed MNA, Ms Ghulam Bibi Bharwana MNA, Waseem Akhtar Shaikh MNA, Tahir Iqbal Ch MNA, Syed Amir Ali Shah Jamote MNA, Imran Zafar Leghari MNA, Naeema Kishwar Khan MNA, Saman Sultana Jafri MNA, Arifa Khalid Parvez MNA, Marriyum Aurangzeb MNA and Mrs. Belum Hasnain MNA and Honorable Minister Senator Pervaiz Rasheed, Parliamentary Secretary MNA Mohsin Ranjha, and Representatives from the Ministry of Information, Broadcasting & National Heritage.

**The schema of the meeting was to discuss the following:**

- 1. Presentation by the Ministry on “Pakistan Culture and Arts Foundation Relief Fund” and Committee's initial recommendations on the same:**
- 2. Finalization of main Committee's Recommendations on Right to Information (RTI)**
- 3. Finalization of Members Names and Terms of Reference (ToRs) for Media Laws Review Task Force.**
- 4. Discussion of Committee's Recommendations on Code of Conduct of Pakistan Electronic Media Regulatory Authority (PEMRA)**

**1. Initial recommendations of the Committee on 'Pakistan Culture and Arts Foundation Relief Fund':**

- Definition of the scope of beneficiaries to be increased to include not just artisans, artists, musicians, performing artists, drama artists of film radio TV, but also writers, poets, actors, and others.
- Amount to be increased from Rs 5000, to minimum 10,000 per month.
- Special medical emergency fund to be given by federal and provincial governments and rules be laid down by both.
- District wise equal representation to be given via district quotas for all provinces and 2 territories  
Gender balance to be ensured for women representation at 50%
- Advertisement to be given by Ministry on PTV, Radio, Print newspapers, internet, social media to ensure all districts citizens aware of this opportunity. Ministry to ensure that the Registration of these applications for fund are transparently displayed on website.
- All members of Parliament to have recommendary facility through sending their suggestions for applications to the Sub Committee of Information on Heritage so that needy in their constituencies can be given an opportunity to be heard. Similarly Arts councils and other relevant bodies to also present their lists to the sub committee.

**2. Right to Information recommendations:**

2.1 RECOMMENDATIONS OF SUB-COMMITTEE ON RIGHT TO INFORMATION: headed by MNA Beelum Hasnain were reviewed by Main committee and sub-committee dissolved at successful completion of their work. Their notes will be included in final report to be submitted to parliament.

## **2.2 MAIN COMMITTEE'S FINAL RECOMMENDATIONS ON RIGHT TO INFORMATION**

**BILL**, as being proposed to executive branch which includes those recommendations of sub-committee not taken by government bill:

1. **Amendment in Section 12:** The RTI draft of the Federal Government has asked for both the fee to apply for information and a prescribed form to furnish request. The Chair suggests that if printed forms and copies are required, only then there should be charge of fees. However, if the application process is made online, it should be free of cost for the general public so as to reinforce the spirit of Article 19-A of the Constitution that declares access to information as basic right of every citizen.

### **2. Formation of Independent Information Commission:**

Countries of the region like Bangladesh, Nepal and India have entrusted the task of protecting this right to **independent and autonomous information commissions**. Punjab & KPK RTI Bills also include the formation of independent and powerful information commission to take action against the departments denying public access to information.

The ombudsman does not have any judicial authority and can only recommend that is not mandatory for the offending departments to comply with. It does not promise an independent and powerful information authority to take action against the departments.

### **3. Legal Protection to Whistle Blowers:**

The draft RTI Bill has no provision that provides legal protection for Whistleblowers. The purpose of including such a provision is to encourage individuals to report serious misconduct and wrongdoing of public officials, while carrying out their official duties.

In order to discourage individuals from whistleblowing in bad faith, the law must be clear to not protect information, which is a mere allegation, is false and is made in bad faith.

Inclusion of this clause is in compliance with the principles of FOI, which have been published by Article 19 - Global Campaign for Free Expression, in 'The Public's Right to Know: Principles on Freedom of Information Legislation' (1999). They were also endorsed by the UN Special Rapporteur on Freedom of Opinion and Expression in 2000 and the Organisation of American States (OAS) Special Rapporteur on Freedom of Expression in 1999.

**4. Amendment in Section 8 2(d):**

Section 8 pertains to exclusion of record that includes 2(d); “*record declared as classified by the Federal Government.*”

This provision provides a wide discretion to declare any matter of public interest as not disclose-able to the public. This provision must be amended to give specific guidelines outlining the type of information that the Federal Government may declare as classified.

There is a dire need of establishing some criteria to define the terms 'classified, secret, confidential and restricted information'. But any information pertaining to National Integrity should stand exempt.

**5. Rule 78 of “Rules of Procedures and Conduct of Business in National Assembly 2007”**

Articles 8, 14, 15, 16, 17 and 18 deal with the nature of information that is exempted under this law. The matter of what should be open to public scrutiny and what should be confidential is of utmost importance. Heavy criticism has been placed on RTI Bill, 2013's draft for being overlapping, confusing and restrictive when it comes to the permissibility of State Records for the public. The chair suggests using the *Rule 78 of “Rules of Procedures and Conduct of Business in National Assembly 2007”* as yardstick. This Rule specifies the “Admissibility of Questions” by setting criteria for the nature of questions to be asked on the floor of the House. It explains both the admissibility and non-admissibility principles for the MNAs. If the Elected MPs serving in the most prestigious and apex State Institute, the National Assembly, are bound by Rule 78 and they cannot question anything over and above it, then it should serve well for the general

public as well. And the debate of the liberty of access to information can be reassured by this Rule.

**6. Broadening the scope of 'Grievances of Complainant':**

Section 2, pertaining to definitions describes “complaint” in a limited manner only. **Section 2(ii)(b)** limits the scope of “complaint” to denial & delay of information only. Whereas, grievance by applicant might also occur in the case of false, partial or misleading information provided. Following grievances may also be included here as these could also constitute a possible cause of complaint:

- *a public body has excessively charged a requester for the information provided.*
- *a public body has provided false or misleading information to a requester.*
- *only partial information has been provided to a requester.*
- *(f) the requester feels that irrelevant information has been provided.*

**7. Broadening the scope of 'Public Body':**

**Section 2(ix)** defines the types of divisions, organizations and departments that fall under 'public body' and hence come under purview of this Bill.

Following establishments/ bodies have not been included in the definition of public body, which may also be considered to be added in the list:

- a. National Assembly, Senate and respective Secretariats.*

**8. Exemptions under Sections 14 to 18:**

**Section 8** deals with exclusion of record. Whenever in the Bill, exclusions are referred to (for example in Section 7, Section 13(2)(c)), only section 8 is being mentioned. Whereas, **Sections 14 to 18** deal with Exemptions as well and need to be mentioned as well to avoid possible confusion.

**9. Procedure for disposal of applications and review:**

**Section 13(2)** states that *“In case the designated official, on authority of the principal officer, is of the opinion that...”*

If the Designated Official seeks authority/ blessing from the Principal Officer at this stage, there is no point in making a review application to Principal Officer under Section 13(4). Therefore, **this part of the statement may be deleted** to read only as:

*“In case the designated official is of the opinion that...”*

**10. Time Frame for Disposal of Complaints by Wafaqi Mohtasib and Federal Tax Ombudsman:**

**Section 19** lacks deadline for the Wafaqi Mohtasib and Federal Tax Ombudsman to comply with, in disposal of any such complaints. For the clearance of such complaints by the Ombudsman, it's imperative that a time frame be put in place. The deadline is suggested to be of **three months extendable to further three months**, with reasons of such delay **till the time Information Commission is fully established & functional.**

**11. Offences by the Designated Official:**

**Section 21(2)** declares fine for the designated official in case he fails or refuses to provide inspection or disclose records. Apart from these offences, the designated official may be found guilty of furnishing **delayed, false, misleading, irrelevant or partial information.** Hence, these offences too should be added in this section and made punishable.

**12. Power to Make Rules:**

**Section 26(1)** empowers the Federal Government to make rules to carry out the purposes of this Act and reads as: *“The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.”*

A deadline needs to be put in place bounding the Government to make the subordinate rules, to ensure swift compliance with the draft Bill. It is recommended that a time frame of **60 days** be given to the Government to make rules for carrying out the purposes of this Act and the word 'may' be changed to read 'will'.

**13. Fine for Designated Official:**

The fine on offences under section **21 (1) and (2)** may be increased.

**14. Adding Time Lines & Accountability in the Rules made by the Ministry:**

The committee recommended that Time Lines be added to the different sections of the law to ensure swift implementation.

- i. It was suggested that this Act should give a deadline of say '**6 months**' to all public bodies to implement Section 4 for '**Maintenance & Indexing of Records**'.
- ii. It would also be worthwhile giving a similar deadline for Computerization of public records as well, that is mentioned in **Section 6**.
- iii. It was also recommended that a maximum of **15 days' time limit** be given to the principal officer to respond to the review application of the complainant in **Section 13(4)**.
- iv. Accountability clauses for not implementing the RTI Act by public bodies are missing and should be incorporated in **Section 5**.

**3. Finalization of Members Names and Terms of Reference (ToRs) for Media Laws Review Task Force.**

**1.** To conduct a comprehensive review of all existing laws, rules, regulations at the Federal, Provincial and Local levels which are either directly named as media-related laws, or have a bearing on the operation and output of media.

**2.** To identify the needs, if any, for amendments, changes, etc in sections of such laws, rules, regulations including " Definitions " and substantive provisions so as to accurately reflect contemporary realities and factors such as new technologies, and to propose specific amendments to existing laws, rules, regulations for consideration by the respective Legislatures.

3. To draft the texts for new laws, rules, regulations in the light of contemporary conditions and emerging trends, and with reference to the Recommendations of the Media Commission as unanimously endorsed by the National Assembly Standing Committee on Information, Broadcasting and National Heritage in its meeting on 16th April 2014.

4. Develop a monitoring Framework for committee reference to have an oversight on the implementation of the existing and the amended laws rules regulations.

5. Any other TORs that the Task force experts may wish to add as a result of their deliberations with the approval of the committee.

**Members of the Media Laws Review Task Force:**

1. Mr Babar Sattar
2. Barrister Salman Afridi
3. Mr Rizwan Ejaz
4. Mr Nawazish Peerzada
5. Mr Faisal Siddiqi
6. Ms Yasmeen Aftab Ali
7. Ms Afia Salam
8. Mr Abdul Jabbar
9. Mr. Khurram Mumtaz Hashmi
10. Mr. Rabel Zeeshan Akhund

**4. Review of report of sub-committee headed by MNA Arifa Khalid Pervaiz by main information Committee, regarding Recommendations on Code of Conduct of PEMRA.**

The committee decided to discuss this report and further information in the next committee meeting.

Text of the Constitutional Petition  
No.105/2012 filed in the  
Supreme Court of Pakistan  
on 19th July 2012  
by  
Mr.Hamid Mir  
and  
Mr. Absar Alam Haider.

**BEFORE THE SUPREME COURT OF PAKISTAN  
(Constitutional Original Jurisdiction)**

Constitutional Petition No. of 2012

1. Hamid Mir  
son of late Professor Waris Mir  
resident of House 498, Street 32  
E 11./3, Islamabad

2. Absar Alam Haider  
son of Khurshid Alam  
resident of House 316, Street 20,  
F - 11/2, Islamabad

Versus

1. Federation of Pakistan  
through Secretary Ministry of Information and Broadcasting  
4th Floor, Cabinet Block, Pakistan Secretariat  
Government of Pakistan  
Islamabad.

2. Pakistan Electronic Media Regulatory Authority  
PEMRA Headquarters, Mauve Area, G - 8/1  
Islamabad, through its Chairman.

3. Pakistan Telecommunication Authority  
PTA Headquarters, F - 5/1  
Islamabad, through its Chairman.

4. Bahria Town (Pvt.) Ltd.  
through its Chairman Ali Riaz Malik  
Corporate Head Office,  
Phase II Bahria Town,  
Rawalpindi. .

5. Malik Riaz Hussain  
former Chairman Bahria Town (Pvt.) Ltd.  
Corporate Head Office,  
Phase II Bahria Town,  
Rawalpindi.

6. Federal Board of Revenue FBR House,  
Constitution Avenue G - 5,  
Islamabad, through its Chairman.

7. Securities and Exchange Commission of Pakistan NIC  
Building, Jinnah Avenue  
Islamabad, through its Chairman.

8. Federal Investigation Agency  
Mauve Area,  
Islamabad through its Director General.

**CONSTITUTIONAL PETITION under Article 184(3) of the  
Constitution of the Islamic Republic of Pakistan, 1973**

Respectfully sheweth:

1. That Petitioner No. 1 is a law abiding citizen of Pakistan and has been associated with the print and electronic media for the last about 25 years. The Petitioner No. 1 has been imbued with a spirit of journalism since his childhood as his father late professor Waris Mir taught journalism at the University of Punjab, Lahore. It is submitted that Petitioner No. 1 completed his Masters in Journalism from the University of Punjab, Lahore and became Editor of Newspaper Daily Pakistan in 1996 at the age of 30, thereafter, Petitioner No. 1 performed duties in various leading newspapers as Reporter, Editor and Columnist. Petitioner No. 1 served as Bureau Chief of GEO News at Islamabad from 2002 until 2007 and is currently the Executive Editor of GEO News along with writing a regular column for Newspaper Daily Jang. It is submitted that

Petitioner No. 1 has received the All Pakistan Newspapers Society (APNS) award for best Urdu columnist in 1998 at the age of 32, South Asian Association for Regional Cooperation (SAARC) Life Time Achievement award in 2010 and the most popular TV Anchor award by AGAI-II in 2012. Petitioner No. 1 has been invited by Harvard University, Yale University, Graduate School of Journalism, California, London School of Economics and all prominent universities in Pakistan to lecture students on the role and responsibilities of the media. Petitioner No. 1 was banned by the Musharraf regime for four months after imposition of emergency in 2007 for advocating the rule of law, however, Petitioner No. 1 did not back down and conducted his shows in the open. Petitioner No. 1 has conducted various programs pertaining to corruption, misuse of office and other social issues upon ) which this Hon'ble Court has successfully taken up Suo Motu actions delivering justice.

2. That Petitioner No. 2 is a law abiding citizen of Pakistan and has been associated with the print and electronic media for the last about 22 years. It is submitted that Petitioners No. A has worked with Newspapers, The Muslim from 1990 to 1997, The Nation (Nawai Waqt Group) from 1997 to 2000 and Electronic Media, GEO News from 2007 to 2008, Dunya News 2008 to 2009 and currently with AAJ News. It is further submitted that Petitioners No. is a Fellow of the Nieman Foundation for Journalism at Harvard University, the oldest fellowship program for journalists in the world, and has contributed to international publications including the New York Times, Boston Globe, Tokyo Shimbun and Al - Abram of Egypt. It is

pertinent to mention that on the fateful day of 3 November 2007 when the second martial law was imposed against the superior judiciary Petitioner No. 2 made it a point to be standing in front of the Supreme Court of Pakistan building in order to do his duty to the people of Pakistan.

3. That the struggle for an independent judiciary saw mobilization of the lawyer community and the civil society backed by the print and electronic media known collectively as the Lawyer's Movement, it succeeded not only in ensuring restoration of the superior court judges but also administered a coup de grace to a relic of the past; a dictator and usurper of the Constitution along with his acolytes in the civil - military bureaucracy, PCO tainted judges and his political supporters.
4. That since those fateful days the independent judiciary and a free media have stood their ground under constant onslaught by the establishment of the day, the civil - military bureaucracy and those that operate from the shadows calling themselves the so - called last line of defense for Pakistan. It is submitted that free media has been responsible for bringing to fore numerous scandals upon which the independent judiciary has acted with an iron fist recovering billions and exposing corruption. The free media has always stood by the golden principle of the rule of law rather than the rule of King Rex Lex and sought to educate the people of Pakistan in this respect.
5. That the fate of a free and independent media is inextricably entwined with the role of an independent judiciary. The independent judiciary may yet survive with a compliant media

but the converse cannot hold to be true. Only an independent judiciary and a free media stand between complete lawlessness, anarchy, mis - governance, lack of information and corruption.

6. That the events of last month or so in effect have proved that the independence of judiciary and media is something the so called establishment finds difficult to swallow and, therefore, every attempt is being made to malign and discredit them, both. It is specifically averred that this entire saga of castigating the judiciary has in fact been engineered by those that operate from the shadows with the help of certain disgruntled individuals and/or public office holders who have been unable to manipulate the institution of judiciary.
7. That the events of the last month or so, culminating in Suo Motu Case No. 5 of 2012, are evidence that the forces of status quo have taken it upon themselves to militate against the independent judiciary and those who wish and endeavor for a free media. It is submitted that in developed countries, world over, an independent judiciary is an essential and formal pillar of the state while the print and electronic media is an informal pillar upholding the edifice of the state acting as its conscience. In Pakistan the independent judiciary has only just taken up that constitutional role while the free media is yet to cement its continued right to such role.
8. That it is in these terms that the events of the last month or so have momentous ramifications for the survival of a free media as the much touted word of accountability, constantly

brandished by the media, is as applicable to it as to other organs and citizens of the state.

9. That during the course of proceedings in Suo Motu Case No. 5 of 2012 Petitioner No. 1 was summoned by this Hon'ble Court to depose upon oath as to the veracity of the information vis a vis the allegations against the apex Court and while so deposing Petitioner No. 1 laid before this Hon'ble Court the complete picture of the weak factual nature of the allegations so leveled. It is submitted that after the aforesaid deposition on 05.06.2012 a fake list started making rounds firstly via SMS. (Short Message Service) of journalists that allegedly were on the payroll of Respondent Nos. 4 and 5 and, thereafter, the same list appeared on social media websites on the letterhead of Respondent No. 4. It is further submitted that the timing of the, said release of list was in fact engineered to malign Petitioner No. 1 and also to preempt any further disclosures against Respondent Nos. 4 and 5 by !tainting the image of the said individuals on that list. It is averred that this Hon'ble Court may summon Respondent No. 3 and inquire as to the veracity, origin and timing of such a list both via SMS and on social media websites and what steps if any were taken by the said regulator in terms of verifying its contents and/or its rightful blockage. (Copy of list of journalists, Blog Articles, Pakistan Herald and Newslime Magazine, attached herewith as Annex: A to G)
10. That the only conclusion that may be drawn from the events of the last month or so is that certain individuals, in a Byzantium conspiracy, at the of the apex Court and the free and independent media and such an attempt is a matter of utmost

public importance affecting the fundamental rights of not only the Petitioner but of this nation.

11. That the right to information is a constitutionally guaranteed right under Article 19 A of the Constitution of the Islamic Republic of Pakistan, 1973. It is averred that it resultantly lays a duty at the door of the print and electronic media being the purileyors of information to act in a judicious and balanced manner.
12. That the current Code of Conduct formulated under Regulation 24 of the Pakistan Electronic Media Regulatory Authority (TV/Radio Broadcast Operations) Regulations, 2002, is hardly a code sufficient for regulating the conduct of the media broadcasters or cable tv operators. It is further submitted that the said Code of Conduct does not come up to the standards imposed by the Preamble of the Pakistan Electronic Media Regulatory Authority Ordinance, 2002, which specifically states: 'WHEREAS, it is expedient to provide for the development of electronic media in order to:- (i) improve the standards of information, education and entertainment; ... (iv) ensure accountability, transparency and good governance by optimizing the free flow of information;'. it is submitted that the PEMRA has been mandated under section 19(5) of the PEMRA Ordinance, 2002, to devise a Code of Conduct for programs and advertisements for compliance by the licensees, therefore, formulating such Code of Conduct under the said Regulations rather than the Ordinance is in fact illegal as the said Regulation 24 does not empower PEMRA to formulate such Code of Conduct. It is further submitted that the said Code of Conduct

formulated under the said Regulations of 2002 suffers from another defect as the said Regulations of 2002 were so made under the PEMRA Ordinance, 2002 and Rule 30 of the PEMRA Rules, 2002. The said PEMRA Rules, 2002 have since been replaced by the PEMRA Rules, 2009 and no longer contain Rule 30 which even otherwise only granted Regulation making powers. However, the Code of Conduct being a statutory mandate should have been so exercised by virtue of the Ordinance giving power rather than relying on Rules and Regulations.

13. That the Petitioners having worked for over two decades with a number of influential media houses are privy to the manner in which such large media houses operate and are, therefore, invoking the extraordinary constitutional original jurisdiction of this Hon'ble Court to assert their constitutional right - to information which must be deemed to be a right to true, fair and unbiased information. It is submitted that ethics must be writ into the body of media law in Pakistan and must culminate into a comprehensive Code of Conduct regulating the print and electronic media and the associated journalists. The job of an honest journalist such as the Petitioners is to raise fingers at, accuse and hold accountable those who hold public office at the will of the people and those democratically elected leaders are mandated by the virtue of their job to be put all sorts of questions be they personal or otherwise. The events of the past month or so have shown us that certain people in the electronic media thought that they could extend the same ;treatment to the highest judicial office of the state of Pakistan and thereby hold the people of Pakistan hostage to the illusion that the integrity

of the country's superior judiciary was compromised. Such an illusion may not be dismissed lightly for the people of Pakistan must remain steadfast in their belief of the freedom and independence of the superior judiciary otherwise this façade of civilization will all but crumble and, therefore, it is clear that any attempt to accuse an Hon'ble Judge of the Superior Courts must be thoroughly examined, verified, checked and double checked.

14. That the Petitioners journalists by choice feels that recent disclosures of anchor persons, producers and owners of a private television channel stand exposed hobnobbing with Respondent No. 5 a property developer of dubious character and that this single act has destroyed the credibility of the whole media and further the public has lost confidence and trust in the electronic media. It is submitted that with a view to restoring the image of - honest media persons, an institution which has the ability to steer Pakistan towards a better course of change it is imperative that the owners, producers, anchor persons and journalists associated with large media groups/houses must declare their assets, statements of income and wealth tax. It is further submitted that owners of television channels must declare their political affiliation if any, their sources of income and revenue, the extent of government patronage in the form of advertising and such other influential and wealthy patronage from private individuals, political parties and/or agencies, if any. Only such disclosure can ensure that the said television channels/media houses maintain a balance while disseminating information thus making' it un biased and true.

15. That it would further be in the fitness of things if the said Respondent Nos. 5 and 4 be summoned before this Hon'ble Court and be directed to produce documents in order to prove the allegations he/ they have made, directly or indirectly, against providing benefits in form of cash, cars and plots to journalists, military officials, bureaucrats and other individuals. It is therefore essential that these charges of bribery, gratification and provision of plots be brought to the fore' and for that purpose the complete record of Respondent No. 4 may be scrutinized and made public by Respondent No. 5 along with his own bank account details and also whether any cash or illegal gratification has exchanged hands for the purposes of buying favors, ever.
  
16. That it is essential that this rags to riches story of Respondent Nos. 4 and 5 be also made public as to how an ordinary person over the course of less than two decades has become one-of the richest men in Pakistan with the openly admitted ability to buy favors at the highest echelons of power and to get his way. It is further submitted that the dubious nature of the land acquisitions by Respondent Nos. 4 and 5 is living proof of their reach and ability in manipulating the executive process and public officials who are hand in glove in his success and the loss caused to poor landowners who have been deprived. It is specifically averred that a certain criminal element has also been aiding and abetting Respondent Nos. 4 and 5 acting as their muscle: and been active in forcibly taking over physical possession of land and this element must also be exposed.
  
17. That after the recent disclosures this loss of credibility and face

before the public is not a good omen for the Media and the country because in a democratic state the media by default is considered a pillar of the state and, therefore, has a role to play to ensure accountability, transparency and good governance by bringing the unpolluted truth to the people of the country and informing them how their elected governments and other organs of the state are performing. It is submitted that if at this stage in our history the print and electronic media is not purged of the black sheep then as an institution it shall have wasted all the sacrifices rendered by successive generations since the printing press was introduced to the sub - continent and, where after, countless journalists have rendered numerous sacrifices. in life, blood and sweat for a free and independent media. It is specifically averred that a story appearing in Newline Magazine is what forms the basis of such allegations etc. and is, therefore, annexed with the instant Petition.

18. That if the government were to adhere to the Freedom of Information Ordinance, 2002 in letter and spirit most of the elements of bias and extent of truthfulness would be fulfilled as then each and every document so obtained by any citizen or journalist would have the sanction of the state and, therefore, there would remain no room for sensational journalism.
19. That the establishment and maintenance by Respondent No: 1 of a secret fund is another matter which needs to be thoroughly examined as the purpose of such a fund can only be dubious as it. is used by the government of the time for buying certain elements of the print and electronic media. The Federation of Pakistan must make public the exact amount constituting such

fund and its nature and purpose. It is submitted that the maintenance of such fund is illegal and unconstitutional and further in derogation of every fundamental right guaranteed under the Constitution of the Islamic Republic of Pakistan. It is specifically averred that this Hon'ble Court may direct Respondent No. 1 to present a complete record of the secret fund and how much monies have been doled out to the various elements of the print and electronic media and for which purpose. And for reasons which form an open secret such funds have been increased manifold to destroy judiciary and the honest elements in media.

20. That a well known hushed up scam of misusing government funds in recent history by Government of Punjab is that of M/s MIDAS (Pvt.) Ltd. Inquiry of which has been put on the back burner because the same is allegedly influenced by owners of media houses. The DG Anti Corruption Punjab may kindly be asked why they have not proceeded against the said MIDAS. It is further submitted that the said scam was to the tune of Rs. 640 Million and the same was highlighted and put before the Hon'ble Chief Justice by the Transparency International Pakistan.
21. That this Petition raises significant questions of public importance pertaining to the enforcement of fundamental rights conferred by Chapter 1 of Part II of the Constitution of the Islamic Republic of Pakistan:
  - a. Whether the right to freedom of speech guaranteed under Article 19 of the Constitution of the Islamic

Republic of Pakistan, 1973, does not also place on the same pedestal the freedom of the press also guaranteed under the same Article?

- b. Whether the freedom of the press a constitutionally guaranteed right can in fact be effective unless the print and electronic media is not regulated by a comprehensive code of conduct having the force of law?
- c. Whether with the explosion of the electronic media and the existence of the print media and their role in formulating opinion is not a code of conduct necessary for ensuring that no action detrimental to reputation shall be taken except in accordance with law as enshrined under Article 4 of the Constitution of the Islamic Republic -of Pakistan?
- d. Whether the people of Pakistan do not have the right to unbiased and correct information and is that not a right to a non - vegetative life as enshrined under Article 9 read with Article 19A of the Constitution of the Islamic Republic of Pakistan?
- e. Whether the proliferation of the mass media and its hold on society a balance is not necessary for ensuring the inviolability of the dignity of the people of Pakistan as under Article 14 of the Constitution of the Islamic Republic of Pakistan?
- f. Whether the secret fund established and maintained by the Respondent No. 1 can be deemed to be constitutional and legal under any provision of the Constitution of the Islamic Republic of Pakistan or any law for the time being in force?

- g. Whether the right to equality before law and the equal protection of law under Article 25 of the Constitution of the Islamic Republic of Pakistan can be effective without a free and independent print and electronic media?
22. That it may not be out of place for this Hon'ble Court to constitute a National Media Commission that can look into all allegations and inquire about all stakeholders including the Federal Government, Provincial Governments, prominent journalists, media house owners, independent journalists, role of agencies, etc. and thereby expose the black sheep amongst their fraternity who have damaged this noble career and profession and attempted to malign the judiciary through the illegally gotten and amassed wealth by Respondent Nos. 4 and 5.
23. That the print and electronic media needs to be regulated by a comprehensive Code of Conduct based upon international standards effectively encapsulating the following ingredients that are a hallmark for all international journalist associations:
- Report and interpret honestly, striving for accuracy, fairness and disclosure of all essential facts: Not suppress relevant available facts, or give distorting emphasis. Do utmost to give a fair opportunity for reply.
  - Do not place unnecessary emphasis on personal characteristics, including race, ethnicity, nationality, gender, age, family relationships, or physical or intellectual disability.
  - Aim to attribute information to its source. Where a source seeks anonymity, do not agree without first considering the source's

- motives and any alternative attributable source. Where confidences are accepted, respect them in all circumstances.
- Do not allow personal interest, or any belief, commitment, payment, gift or benefit, to undermine accuracy, fairness or independence.
  - Disclose conflicts of interest that affect, or could be seen to affect, the accuracy, fairness or independence of your journalism. Do not improperly use a journalistic position for personal gain.
  - Do not allow advertising or other commercial considerations to undermine accuracy, fairness or independence.
  - Do utmost to ensure disclosure of any direct or indirect payment made for interviews, pictures, information or stories.
  - Use fair, responsible and honest means to obtain material. Identify yourself and your employer before obtaining any interview for publication or broadcast. Never exploit a person's vulnerability or ignorance of media practice.
  - Present pictures and sound which are true and accurate. Any manipulation likely to mislead should not be disclosed.
  - Do not plagiarize.
  - Respect private grief and personal privacy. Journalists have the right to resist compulsion to intrude.
  - Do utmost to achieve fair correction of errors.
24. That it is submitted that the aforesaid is not a comprehensive code of conduct and Respondents No. 1 & 2 may make further suggestions to fortify it and so that it may not be a suggestive code of conduct but rather one that has the force of law ensuring that it is followed by all and sundry.
25. That this Hon'ble Court may direct Respondent No.

1/Federation of Pakistan to issue a directive under section 5 of the PEMRA Ordinance, 2002, to PEMRA so as to formulate a comprehensive Code of Conduct/Ethics Rules in order to better regulate the television and radio broadcast operations.

## **GROUND**

- a. That the right to information under Article 19 A of the Constitution of the Islamic Republic of Pakistan is not a right simpliciter but a right to unbiased, corroborated, correct and true information.
- b. That a strict adherence to section 7 of the Freedom of Information Ordinance, 2002, read with Article 19 A of the Constitution of the Islamic Republic of Pakistan, 1973, would render most sources of public information verified and true thereby leaving no room for one sided reporting/journalism.
- c. That the right to a non - vegetative life as enshrined under Article 9 of the Constitution of the Islamic Republic of Pakistan, settled by this Hon'ble Court, read along with Article 19A of the Constitution of the Islamic Republic of Pakistan in fact means that the public has the right to unbiased and correct information and for that purpose a comprehensive code of ethics and standards is needed to ensure that purpose.
- d. That further Article 9 read with Article 19A should make it mandatory upon the public officials/officers to not withhold any information demanded by a journalist or media, house unless it is a matter relating to the security of Pakistan or to the

defense of Pakistan or pertaining to Pakistan's the relations with other states. It is submitted that the people of Pakistan have through the print and electronic media, the purveyors of information, a fundamental right to be provided correct and unbiased information by the public office holders.

- e. That a comprehensive Code of Conduct enacted with all stake holders of the print and electronic media read along with Article 4 of the Constitution of the Islamic Republic of Pakistan would in fact give full effect to the provisions of the said Article mandating that 'no action detrimental to the ... reputation... shall be taken except in accordance with law' and in the modern age where the print and electronic media purveys information it is necessary that such a code of conduct be formulated in order not only to protect the citizens of Pakistan but also journalists themselves from baseless allegations.
- f. That recent spate of allegations and counter allegations vis a vis the print and electronic media means in effect that the dignity of man guaranteed by the Constitution of the Islamic Republic of Pakistan under Article 14 is now violable and therefore necessary steps are needed to ensure its inviolability.
- g. That allegations by certain persons of having bought influence with journalists is in fact a derogation of the right to free speech of the people of Pakistan as enshrined in the Constitution of the Islamic Republic of Pakistan. under Article 19 which right is primarily exercised on behalf of the people of Pakistan by the print and electronic media. Therefore, any such allegations by individuals attempting to malign any individual in the print and

electronic media must either be proven or taken back along with an apology.

- h. That the so called secret fund established and maintained by the Respondent No. 1 is derogatory of every fundamental right in the Constitution of the Islamic Republic of Pakistan and reeks of corruption the purpose of which is only for the government to buy favor with certain elements of the print and electronic media. Such a fund is illegal and needs to be made public so that it can be used in a judicious manner.
- i. That the right of equality before law and the equal protection of law cannot actually be effective without the existence of a free and independent print and electronic media one that is devoid of outside influence.
- j. That certain individuals at the behest of the establishment attempting to malign and taint the image of the apex Court and the free and independent media was an unconstitutional and illegal act.

26. That the Petitioners feel that this is a matter of public importance the nature of which deems that only this Hon'ble Court may look into it and form a national media commission in order to right the wrongs, devise a code of conduct and take such other steps to ensure the freedom and independence of the media.

27. That the Petitioners having no other alternate efficacious remedy have been left with no choice but to invoke the constitutional original jurisdiction of this Hon'ble Court.

PRAYER

That this Hon'ble Court may be pleased to adjudicate and inquire into the aforesaid issues itself or in the alternative constitute a commission to have the same investigated.

That this Hon'ble Court may direct Respondent Nos. 4 and 5 to appear along with proof of all the persons; journalists, military officials, bureaucrats and any other individuals whom they have tried, directly or indirectly, to buy favors from. Respondent No. 6 may further be directed to produce the assets and income statements of all media persons under scrutiny and question.

That this Hon'ble, Court may direct Respondent No. 7 to inquire into and produce the record of Respondent No. 4 and direct Respondent No. 8 to inquire into who spread the fake or genuine lists of media persons on social media.

That this Hon'ble Court may direct that Respondent No. 5 be inquired into with respect to him illegally obliging the media owners, anchors and/or journalists.

That there should be an impartial investigation into why the huge scam of PKR 640 Million has been hushed up by the Anti - Corruption department in the province of Punjab.

Any other relief that this Hon'ble Court may deem necessary and fit under the circumstances of the Petition may also graciously be granted.

DRAWN AND FILED BY:

M.S. KHATTAK  
Advocate on Record  
Supreme Court of Pakistan  
Islamabad

Dated: July 2012

As per instructions, it is the first Constitutional Petition, under Article 184(3) of the Constitution of the Islamic Republic of Pakistan, filed before this Hon'ble Court. The Petitioners have not previously filed Writ Petition in the High Court under Article 199 of the Constitution of the Islamic Republic of Pakistan.

Advocate on Record

Complete text of Constitutional Petition in the public interest  
filed under Article 184 , Clause 3 of  
Constitution of Pakistan filed and argued in the Supreme Court  
of Pakistan in 1996 by Petitioner Javed Jabbar and  
Co-Petitioner Dr Mubashir Hasan.

Background details are on pages 158 and 159 of the publication  
(MASS MEDIA LAWS AND REGULATIONS IN PAKISTAN  
Published by AMIC, Singapore, for UNESCO, 1997.)

This was the first such petition submitted to the Supreme Court  
on issues regarding freedom of expression  
being related to freedom of the air waves and to State or private  
monopolies being violative of fundamental rights.

**In the Supreme Court of Pakistan  
(Constitutional jurisdiction)**

**CONSTITUTIONAL PETITION NO. OF 1996**

1 - Javed Jabbar,  
son of (late) Ahmed Abdul Jabbar,  
Muslim, adult,  
48-B Block-6 PECHS  
Karachi .... Petitioner

2 - Dr Mubashir Hasan,  
son of (late) Munawwar Hasan,  
Muslim, adult, 4-K Gulberg-II  
Lahore ... Co-petitioner

Versus

1 - Federation of Pakistan  
through the Secretary,  
Ministry of Information & Broadcasting  
Government of Pakistan,  
Islamabad

2 - Pakistan Broadcasting Corporation  
Constitution Avenue,  
Islamabad

3 - Pakistan Television Corporation  
Aga Khan Avenue,  
Islamabad

4 - Shalimar Recording Company Ltd  
36 - Sector H-9,  
Islamabad

5 - Shaheen Pay TV  
c/o Shaheen Foundation,  
Islamabad

6 - First Media Services  
P.O. Box 1901,  
Islamabad

Petition under Article 184, clause (3) of the Constitution of Pakistan for determination of meaning and implications of Article 19 of the Constitution of Pakistan and for enforcement of fundamental rights and for other remedies.

This petition respectfully shows as under:

1. That this constitutional writ petition is sought to be moved directly under the original jurisdiction of the Supreme Court of Pakistan as expressed in Article 184, clause (3) of the Constitution of the Islamic Republic of Pakistan which enables the Supreme Court to consider a question of public importance which in this instance concerns the fundamental rights of citizens.
2. That this petition is motivated by the necessity for an interpretation by the Supreme Court of Article 19 of the Constitution which, in part, refers to: "freedom of the Press". As the advent of radio, TV, cinema and video in recent decades has placed these mass media in the same category as the Press by virtue of being means of mass communication, it is urgently necessary to determine that the phrase:

"freedom of the Press" in the context of contemporary history and as per the spirit of the Constitution, actually refers to: "freedom of the mass media". At the present time, the freedom of expression guaranteed by Article 19 is withheld by the failure of the Government to allow freedom of expression on radio and TV with particular reference to the news bulletins and programmes dealing with political issues and current affairs

3. That this petition is also based on the conviction that the fundamental rights of the citizens of Pakistan as enshrined in Article 3 (elimination of exploitation), Article 4 (right of individuals to be dealt with in accordance with law), Article 18 (freedom of trade, business or profession), Article 19 (freedom of speech and freedom of the press), Article 25 (equality of citizens) and Article 38A (preventing the concentration of wealth and means of production and distribution) have been grossly violated by the Governmental and private monopolies created in media and TV which discriminate against citizens by depriving, them of freedom of expression in the electronic media and which give undue and unfair advantage in use of media to government controlled organizations and to private companies specially favoured by government through non-transparent procedures.

4. That in the Constitution, the words: "freedom of the Press" as intended by framers thereof or by implications in modern times, must necessarily include radio and TV within the scope of: "freedom of the Press"

5. That Article 159 of the Constitution dealing with broadcasting and telecasting relates only to the entrustment of a provincial government by the Federal government of functions with respect to the construction and use of transmitters and does not deal with substantive aspects of the use of radio and TV as means of mass communication in Pakistan. In any case this Article is to be read and construed while

keeping alive other provisions of the Constitution dealing with fundamental rights, directive principles of policy, equality provisions, etc.

6. That the Press, as a means of reporting and analyzing information and, as a means of representing public opinion serves a vital and essential function in a democratic society. This is why the Press is considered to be the fourth pillar of the State alongwith the Legislature, the Judiciary and the Executive.

7. That with the evolution of new media in the 20th century such as radio, cinema, TV etc. the function of reporting and analyzing information and of representing different shades of public opinion has also evolved into a function of these new media, thus ending the original monopoly of the Press in this field. In the 2nd half of the 20th century, the mass media have become the fourth pillar of the State.

8. That even though it is true that the mass medium of cinema is also part of mass media, in the context of this petition, the media of radio and TV are "news media" whereas the cinema is a medium that predominantly on a non-news basis provides both information and entertainment i.e. the cinema does not have the daily immediacy of the coverage which radio and TV possess. Thus, while there should also be freedom of expression in the cinema, detailed arguments in the context of cinema are deliberately not being submitted at this time because it is in the daily news and current affairs dimensions of radio and TV where a clarification by the Supreme Court is required and where a reform of the present arrangement is needed

9. That in a country like Pakistan where the rate of literacy is amongst the lowest in the world we have a situation where, in a nation of about 130 million people, the combined circulation of all newspapers and magazines which conventionally represent the term: "the Press" does not exceed, at the very most, 1.5 million copies. At an average

readership per copy of each printed newspaper or magazine of 6 to 8 persons per copy (which is a generous estimate) we get a total readership of only about 12 million people. This is less than 10 per cent of the country's population.

10. That the media of radio, TV and cinema which do not require the ability to read, have far greater coverage of the population than the Press. For example, as compared to the 12 million people who read newspapers and magazines, it is estimated that at least 100 million people of the country listen to the radio at one time or another during the day or the week. In the case of TV, going by the unofficial estimates for ownership of TV sets in the country (these estimates range from 3.5 million to 5 million TV sets whereas the officially licenced TV sets are only 2.4 million), with an average viewership of about 8 to 10 viewers per TV set, means that there is an audience of about 50 million people for TV as compared to the only 12 million people who read newspapers.

11. That due to their illiteracy and due to the Government control over radio and TV in Pakistan, over 115 million people out of the population of 130 million people are daily deprived of fair and convenient access to the wide range of political events, statements and analyses that characterize our society. Only about 12 million people who are readers of the Press are able to gain information on the wide range of domestic political and social news, events and opinions. Most of the remaining 115 million people are compelled to turn to sources such as the South Asian Service of BBC Radio and/or the BBC TV World News Service and similar services of other foreign countries in order to learn about important news and events in their own country.

12. That on the one hand, the ruling party that forms the government approaches the illiterate voter for his vote on the premise that the voter, though illiterate, is intelligent enough and wise enough to exercise his fundamental right to vote to elect a political party to office.

13. That on the other hand, as soon as a political party comes to form the government, the same voter who has elected the party to office is now treated with contempt. The illiterate voter who listens to the radio and may watch TV but cannot read the Press is disregarded as being unworthy of being able to learn about all the opinions and information expressed by different political leaders. The illiterate voter as well as the literate voter who have put the political party into public office and who have ensured legitimacy to the democratic and electoral process are now deemed eligible only to be fed the propaganda of the ruling party. and the government through the news bulletins of radio and TV.

14. That it is bad enough for dictatorships to use electronic media for propaganda. But when radio and TV are used in a democratic, multi-party system entirely at the will of the ruling party, then the misuse is diametrically opposed to the norms of democracy and the public interest.

15. That this practice deprives the citizen of his basic rights and this tendency has been given an institutional form through the complete government control over radio and TV and through the contents of the news bulletins in these two media.

16. That the historic, sustained, narrow, restricted interpretation by the Government of the term: "the Press" as being descriptive only of newspapers and magazines while excluding radio and TV from the ambit of this term in the context of the Constitution has actually promoted an unhealthy intolerance of dissenting opinion in the country. It is also sought to be established that the views of non-official elected political leaders are not worth broadcasting or telecasting, except in brief or mutilated form. This practice has corrupted and vulgarized the process of public discourse and is substantially responsible for the very low credibility of radio and TV in Pakistan as media of political and investigative reporting.

17. That there are three serious consequences of the failure of radio and TV to apply the principle of "freedom of expression" as contained in Article 19 in news bulletins and current affairs programmes of these media:

a) Reporting of the political debate which is the very life-blood of democracy remains biased and one-sided in favour of the ruling party and denies citizens access to information to which citizens have a basic right.

b) Numerous issues of public interest arising from instances of corruption, misuse of public office, etc that are regularly covered by the Press are deliberately ignored by radio and TV because they implicate individuals who hold elected or appointive government office. This denies citizens access to information about the conduct of their elected representatives and officials.

c) Different facets of the plurality and diversity of opinion and of political activities that characterize our country fail to be reflected in the coverage provided by the electronic media thus projecting an inaccurate and restricted view of the broad range of news and issues that exist in our society. Even though the Act of PBC {Chapter IV-10-(a) and (e)} and the Memorandum of PTV require "balance" and "impartiality" in the coverage provided to political and social events, PBC and PTV have almost always failed to ensure balance and impartiality in their news bulletins and programmes on political issues.

18. That rare and occasional exceptions to the pattern of extreme bias are inadequate and do not, in any way, redress the gross imbalance in political coverage by radio and TV.

19. That while radio and TV in Pakistan have excelled in certain instances by producing drama and other types of programmes of a high quality it is in the important area of political coverage that both radio and TV have consistently failed to achieve minimal standards of

fairness and balance.

20. That it is only prior to the elections of 1970, 1988 and 1993 that radio and TV provided reasonable coverage to different political parties as part of the election process and it is only in one instance i.e. the period between December 1988 and March 1989 immediately following the elections of November 1988 when Petitioner No.1 served as Minister of State for Information & Broadcasting that radio and TV provided a reasonably balanced level of coverage to both the ruling and the opposition parties. However, these exceptions in duration are miniscule compared to the predominant pattern of bias in favour of the ruling party alone. The coverage provided by radio and TV in the pre-election phases in the elections of 1977 reflected a bias in favour of the ruling party and in 1990 in favour of the blatantly partisan caretaker government.

21. That whereas the Press represents virtually all shades of political opinion, in the case of radio and TV there is almost total predominance of the Government of the day or, more precisely of the views and interests of the political party or coalition of parties which forms the Federal Government at any given time.

22. That the petitioner in calling for balance in news coverage is advocating only the principle of equity and accuracy without holding the brief for one or the other party. The interests of the people and the country in any case supersede the interests of one or more political parties.

23. That the unnatural and unhealthy control of radio and TV in Pakistan by the Government of the day is well reflected in statistics submitted to the National Assembly in 1995.

24. That the Minister for Information & Broadcasting answered a tabled question on June 28, 1995 with the news that between December 1994 and April 1995, PTV's Khabarnama gave 16 hours and 39 minutes

to Government coverage and only 50 minutes and 30 seconds to the Opposition. That works out to less than 6 per cent of the time given to Government.

25. That calculated by the number of seats in the National Assembly respectively secured by the ruling coalition, the PDF i.e. about 100, and the principal opposition party, the PML(N) i.e. 72, the percentage of time that the Opposition is entitled to is about 35 per cent, not 6 per cent. In other words, the Opposition should get about 500 per cent more time than what was given in that particular period.

26. That while Governments are certainly entitled to the major part of the time, in this instance there is no co-relation even between the votes secured by the ruling party and the opposition party in the 1993 elections at which time the opposition actually got more votes -- though less seats -- than the ruling party. In misusing radio and TV, political parties share the same attitude. For example, today's principal opposition party misused the electronic media in exactly the same manner when it was in office between 1990 and 1993 as is currently being done by the present ruling party.

27. That during sessions of Parliament, radio and TV do give brief summaries of the daily proceedings of both Houses. It is notable that these summaries are presented at a very late hour in the night and are also presented in a most unattractive manner which seems to be deliberately designed so as to reduce the interest of viewers and listeners. However in this case as well, the coverage given to the members of the ruling party and the coverage given to the members from other parties, particularly the opposition parties, is disproportionate. There is also frequent suppression of substantive points made by the Opposition. This represents an institutionalized form of repression of information to deprive the domestic radio and TV audiences from gaining an accurate picture of the proceedings of

Parliament on a particular date.

28. That when Parliament is not in session, i.e. for over 200 days of the year, then the views and activities of the Opposition and other parties and groups are completely suppressed from coverage on radio and TV.

29. That as regards the reporting of political and public opinion which is not directly represented in Parliament, radio and TV exercise almost total suppression. Only when a party that is not represented in Parliament but is in favour with the government of the day does it receive some occasional coverage on radio and TV.

30. That as for giving fair representation to the political opinion of citizens that is independent of the opinions of both ruling and opposition parties, radio and TV simply do not recognize the existence of such opinion, particularly if it is critical of the government of the day or dissents on matters of principle.

31. That whereas the speeches of the President, Prime Minister, the Minister or the Minister of State for Finance (on budget day) and other functionaries such as chief ministers are telecast live or recorded depicting the individuals concerned speaking in their own voices on screen and on the air, the speeches made by the Leader of the Opposition or prominent members of the Opposition are virtually never telecast in a similar fashion and are simply blacked out altogether. Even the still photographs of opposition Leaders are not shown on the TV screens when their speeches are being incompletely -- or inaccurately! -- reported. The people are prevented from learning about how and what respective leaders have stated and how they have rendered themselves on issues of vital public interest within and outside the legislatures.

32. That in contrast, newspapers and magazines do give reasonably well-balanced coverage in text and pictures to both ruling and opposition parties.

33. That the fundamental right to freedom of speech guaranteed in

Article 19 is thus blatantly violated in radio and TV.

34. That freedom of expression as embodied in Article 19 is a singular, indivisible fundamental right which cannot be made available to citizens only on a selective basis at the pleasure of the Government by permitting freedom of expression in the Press and by preventing freedom of expression on radio and TV.

35. That the main reason for this condition is the total control exercised over the Pakistan Broadcasting Corporation and Pakistan Television Corporation by the Federal Government which alone appoints the chairman, the managing director and the directors of these two corporations. As the Secretary of the Ministry of Information and Broadcasting is most often appointed as the chairman of these two corporations, radio and TV become entirely subservient to the will and the whim of the ruling party that constitutes the Government and its related interest groups.

36. That in the case of the Shalimar Recording Company which operates the STN TV channel the Federal Government holds 54 per cent of the shares of this company and reserves the right to appoint the chairman and the chief executive. PTV and PBC are also represented on the Board of Directors of Shalimar, thus giving Government and the ruling political party a controlling role on this TV channel as well. One manifestation of the totality of Government control over the STN channel is the fact that the STN channel, despite ostensibly being a separate channel from PTV, is not permitted to broadcast its own news bulletins. Instead it is compelled to telecast the news bulletins and, on many occasions, the special political programmes of PTV.

37. That even if one of the new -TV channels which has reportedly secretly been given permission to come into operation shortly may have been allowed to originate its own news bulletins, the fact that the permission has been given in a secret manner without open, public

competition indicates the mala fide intent of the Federal Government by ensuring that the news bulletins that may be telecast from a possible new TV channel will basically be either indirectly controlled/influenced by the Government or always slanted in its favour. Secondly, as the Shaheen Foundation of the Pakistan Air Force is associated with a new TV channel, the official connection between an institution of the Armed Forces and the Government will ensure that non-official opinion will not receive fair and adequate representation.

38. That unlike the case of the Press which operates under a specific regulatory law i.e. the Registration of Printing Presses and Publications Ordinance 1995, there is no specific regulatory law for either radio or TV in Pakistan. This is a serious vacuum which appears to have been deliberately maintained by successive governments in order to enable the exercise of personal whim and favour at the unbridled discretion of the competent authority to manipulate the control of electronic media in favour of the ruling political party and of particular interest groups.

39. That whereas Radio Pakistan is governed by the Pakistan Broadcasting Corporation Act of 1973 which is confined exclusively to the functions of Radio Pakistan/PBC, there is no law that regulates private FM radio stations or any other type of radio stations.

40. That in the case of TV there is simply no Federal or Provincial law that regulates the ownership, operation and use of the TV medium. Pakistan Television Corporation Limited functions simply as a joint stock company whose shares are entirely owned and controlled by the Federal Government. Similarly, Shalimar Recording Company functions as a simple corporate entity. There is no law to regulate privately-owned TV channels. This vacuum is a deliberate omission to facilitate the arbitrary exercise of power.

41. That there can be no real freedom of the Press in Pakistan unless

there is freedom of expression on radio and TV in Pakistan. The exercise of such freedom in the media should obviously be subject to reasonable restrictions as specified in Article 19 e.g. "reasonable restrictions imposed by law in the interest of the 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."

42. That by the principles of equity and justice which are the essence of Islam and by the standards and practice of multi-party democracies across the world, the imbalanced use of radio and TV in Pakistan by the Government makes a mockery of Article 19 of the Constitution.

43. That the nature of mass communications in the world at large, the speed of change in society and the imperatives of justice require that the pledge made by the Constitution through Article 19 to the citizens of Pakistan guaranteeing them freedom of speech be given tangible and purposeful meaning by a relevant reinterpretation of the term: "freedom of the Press" to mean: "freedom of the media".

44. That the second related motivation for this petition emanates directly from the first motivation. This concerns the secret, non-transparent manner in which permission has been granted by the competent authority of the Federal government to a selected individual and/or group/s to operate a new private TV channel in the country with token participation of the Shaheen Foundation, a welfare organization of the Pakistan Air Force.

45. That a report published in Dawn on 6th May 1996 is at Annexure. The report provides details of this transaction and may be treated as part of this petition.

46. That by decisions reportedly taken by the competent authority

in the Federal Government during 1996 and 1995, the fundamental right of interested citizens to engage in a business or a profession on the basis of free and open competition (as indicated in Article 18) has been violated because the Federal Government has arbitrarily and capriciously awarded permission to a particular favoured private party/parties to establish and operate radio channels and cable TV channels/TV channels without giving prior public notice and without providing an opportunity to other interested private parties to submit proposals, bids etc. for the same purpose. This entire process lacks transparency, smacks of favouritism and was discriminatory. It is also clearly violative of the equality clause (Article 25) and was mala fide.

47. Some private parties are reported to have also applied for permission to establish new TV channels. If this is correct, the parties concerned may have had access to privileged information as no public notice inviting bids was published.

48. That the air-waves of Pakistan are, like the air-space of Pakistan, a valuable national resource to which access for use should be based on the principles of fairness and equity as enshrined in the letter and spirit of the Constitution. Just as utilization of land, water, mineral resources, etc. are subject to an open and transparent process of fair competition for their ownership, control, exploitation, etc., so too should the use of air-waves in Pakistan and the ownership and operation of electronic media in Pakistan be subject to principles of transparency, fairness and equity.

49. That earlier in 1995, ostensibly 3 different private parties in Karachi, Lahore and Islamabad which are reportedly 3 different manifestations of a singular party using different nomenclatures was given permission by the competent authority of the Federal government to operate FM radio stations under the names of "FM 100 Pakistan" FM Radio Stations.

50. That investigative reports published in a leading newspaper, *The News* dated 24th April 1995 and 7th May 1995 (at Annexure) provide full details. The petitioner prays that the contents of the same be treated as a part hereof for the sake of brevity.

51. That the same party was also given permission to establish and operate the first-ever cable TV system in Pakistan (as per report cited in para 45 above, at annexure) on entirely unprecedented and highly advantageous terms not disclosed to any other person interested in the said venture. All this was done by respondent No.1 by keeping all the people of Pakistan in the dark.

52. That the permission for this new TV channel was granted without publishing criteria for the pre-qualification of potential bidders.

53. That the actions taken by the Federal Government in 1996 and 1995 illegally create new entities and are, in part, clearly in line with actions taken earlier in 1993 and 1994 by which particular individuals are being granted special media contracts in violation of the Constitution and law. Reference is made to case of the STN channel where an unhealthy monopoly was created in favour of a single private party (i.e. NTM) without regard to the need for an open and transparent process. 14 advertising agencies filed a constitutional writ petition in the Sindh High Court in January 1993 challenging the award of an exclusive programming and advertising contract to NTM on the STN channel. In disregard of the pendency of this writ petition in the Sindh High Court and despite the caretaker government of 1993 having made an effort to end this monopoly by distributing the seven days of each week between at least three programming contractors, the arbitrariness of the Federal Government in the misuse of radio and TV was further expressed by extending the monopolistic contract of NTM by an additional 10 years in 1994 in defiance of the matter being subjudice and against the public interest.

54. That in the absence of any law whatsoever to regulate the establishment and operation of TV channels in the country the Federal government has failed to formulate and publish a policy on this subject embodying the guiding principles by which such permits will be granted.

55. That it is a well-established worldwide principle of justice which is also valid in Pakistan which requires that, in the absence of a specific law for a particular subject, the discretion exercised by Government should be done in such a manner that it fulfills the requirements of the basic principles of the Constitution and ensures the sanctity of the fundamental rights of citizens.

56. That in addition to depriving other interested citizens from being able to operate a similar service for the first time, this action of the Federal Government violates fundamental rights *inter alia* for the following reasons and grounds to be urged at the time of hearing:

**Grounds:**

a) By allocating permission for both radio and TV channels to the same individual/s it creates an unhealthy monopoly in favour of one person or group and to the disadvantage of other citizens and groups. This violates Articles 18 (freedom of trade) and Article 38-A (prevention of concentration of wealth and means of production) of the Constitution as well as the Monopolies and Restrictive Trade Practices Ordinance 1970.

b) The party that has been allocated the facility of FM radio stations in Karachi, Lahore and Islamabad is one and the same and is not entitled to have exclusive monopoly under the constitution and the law. Moreover the party that is allocated a new private TV channel has no prior direct experience or acknowledged professional

association with the electronic media, or even the print media.

c) There is no licensing system nor any guidelines for exercise of such licensing power by the Federal government which has converted this lacunae into an arbitrary; capricious, unencumbered power to be used for favouring especially pampered individuals and parties as in the present case.

d) The whole exercise has been conducted without inviting the public to participate. Such exercise of executive power by the Federal government also violates Articles 4 and 5 of the Constitution.

e) With regard to FM radio stations, the entire process of application by the private party, consideration by the Ministry and approval by the "competent authority" is reported to have taken less than 48 hours as per report cited (at annexure) in para 50 above. This in itself is some kind of a world record for so important a subject and clearly shows lack of objective application of mind. In fact it reflects motivation by arbitrary favouritism showing clear mala fide.

f) While ostensibly the permission has been given to three different applicants in Karachi, Lahore and Islamabad the respective applications from each party are reportedly exactly identical in text, use of word-processor/typewriter, format, etc. as per report cited (at annexure) in para 50 above and not denied by Respondent No.1. This shows that all the three recipients/operators of 3 private FM radio stations are one and the same i.e. different identities of Respondent No.6 and in the circumstances all the parties have acted in collusion with each other.

g) The permission has been given on the basis of: "non terminable exclusivity". This represents the worst possible form of a private monopoly bestowed as a gift to a particular party. It deprives all other interested citizens from enjoying the opportunity to obtain a

similar advantage and makes the injustice unlawful and perpetual. Nothing could be more prohibitive under the Constitution than such illegal and wrongful tyranny.

h) Whereas previously all TV and radio transmissions have been operated only by Government-controlled corporations such as PTV, PBC and STN, and thereby subject to some form of direct monitoring in the public interest, this is the first time in the 48-year history of Pakistan that a private party, chosen purely on a personal and favoured basis, has been given an exclusive right to operate TV and radio transmission facilities as well as produce, obtain and transmit programmes.

### **Prayer/relief sought:**

1. That the Court may determine that the term: "freedom of the Press" as occurring in Article 19 of the Constitution also refers to: "freedom of radio, TV and other modern mass media".
2. That Respondent No.1 be directed to ensure that the composition of the Boards of Directors of Pakistan Broadcasting Corporation, Pakistan Television Corporation and Shalimar Recording Company Limited reflect a balance of:
  - a) Eminent private citizens with acknowledged independent stature.
  - b) Nominees of the Leaders of the Opposition in the Senate and the National Assembly.
  - c) Government officials/representatives. and that the chairpersons of the boards of these corporations be private citizens of acknowledged independent stature.
3. That Respondents be directed to ensure equality and balance in the news bulletins and current affairs programmes of radio and TV so as to provide accurate coverage to the principal segments of political

opinion in the country and that this be done by enabling, whenever there is an occasion of significant public interest the live coverage of speeches and/or activities of the Leaders of the Opposition and other leaders and citizens of acknowledged stature.

4. That Respondents be directed to ensure that news of public interest, even if it throws adverse light on the incumbent government be given fair and appropriate exposure in news bulletins and current affairs programmes.

5. That the Honourable Court may please declare that the words: "the Press" occurring in Article 19 mean and include "the Press, Radio, TV and cinema and the entire mass media".

6. That Respondent No.1 be directed to cancel the permission given to Respondents Nos.5 and 6 to establish and operate a cable TV system/a new TV channel and FM radio stations and declare that such permissions are unconstitutional, without lawful authority and of no legal effect.

7. That Respondent No.1 be directed to formulate and declare a public policy for the award of permits/licences etc. to establish, own and operate radio channels, TV channels, cable TV systems etc. in such a manner that all interested and qualified citizens are enabled to compete on a fair and equal basis to secure such a permit/licence etc.

8. That Respondent 1 be directed to create a regulatory authority for all radio and TV channels in Pakistan by which an open, transparent process is ensured for the award of permission to establish and operate radio and TV channels in the country, as also define the criteria for pre-qualification of operators of radio and TV channels, modes and terms of bidding and evaluation of bids, principles of programming policy, use and exposure of advertising in these media, terms of renewal of contracts/permits, etc.

9. Any other relief that the Court deems fit.

## REFERENCES

- Afzal qLI Rafique, Political Parties in Pakistan 1947-58, The National Commission on Historical and Cultural Research, Rawalpindi, 1976
- Ahmed Syed, Jaffar; Federalism in Pakistan: A constitutional study, Pakistan Study Centre, University of Karachi, 1990
- Aziz, K.K., A History of the Idea of Pakistan, Vanguard Books, Lahore, 1987
- Baxter, Craig, Zia's Pakistan, Vanguard Books, Lahore, 1985
- Burney, I. H.; No Illusions, Some Hopes and No Fears, Oxford University Press, 1996
- Human Development in South Asia, 1997, Human Development Centre, Islamabad and Oxford University Press, Karachi
- Human Development Report 1997, UNDP, Oxford University Press, Karachi
- Humayun, Syed; Sheikh Mujeeb's Six-point formula, Royal Book Company, Karachi, 1985
- Hussain, Mushahid; Hussain, Akmal; Pakistan: Problems of Governance, Vanguard Books, Lahore, 1993
- Jalal, Ayesha, The Sole Spokesman, Cambridge University Press, 1985
- Jalal, Ayesha, The State of Martial Rule, Vanguard Books, Lahore, 1991
- Jinnah, Mohammad Ali, Speeches and Statements, 1947-48; Ministry of Information and Broadcasting, Government of Pakistan, Islamabad, 1989
- Junaid, Shahwar; Communications, Rawalpindi

- Khan, Makhdoom Ali, *The Constitution of the Islamic Republic of Pakistan (as amended up to December 1988)*, 1986, Pakistan Law House, Karachi.
- Khan, Mazhar Ali; *Pakistan - The first twelve years*, Oxford University Press, Karachi, 1996
- Kazi, Fazul Hague; *Law and Politics in Pakistan*, Royal Book Company, Karachi, 1976
- Mcgrath, Allen; *The Destruction of Pakistan's Democracy*, Oxford University Press, Karachi, 1996.
- Newburg, Paula; *Judging the State*, Cambridge University Press
- Niazi, Zamir, *The Press in Chains*, Royal Book Company, Karachi, 1986
- Niazi, Zamir, *The Press Under Siege*, Karachi Press Club, Karachi, 1992
- Niazi, Zamir, *The Web of Censorship*, Oxford University Press, Karachi, 1994
- *Press Freedom Report: Pakistan 1996*, Green Press, Islamabad, 1996
- Prometheus, *Visible Mis-government, 1990-92*, Progressive Publishers, Lahore, 1992
- Sadiq Al-Khairi, *Jinnah Re-Interpreted*, Oxford University Press, 1995
- Siddiqi, A. R., Brigadier (Retired); *The Military in Pakistan*, Vanguard Books, Lahore, 1996
- Waseem, Mohammad; *Politics and the State in Pakistan*, National Institute of Historical and Cultural Research, Islamabad, 1994

## **Financial record of the Commission's work**

To enable the Media Commission to conduct its work as per the Terms of Reference, the Supreme Court directed the Ministry of Information and Broadcasting, Government of Pakistan to provide an adequate amount.

A total of Rs. 4 million was so provided, in two equal instalments. A bank account in the name of the Media Commission was opened and operated jointly by the Chairman and Member at the DHA branch of the National Bank of Pakistan in Karachi.

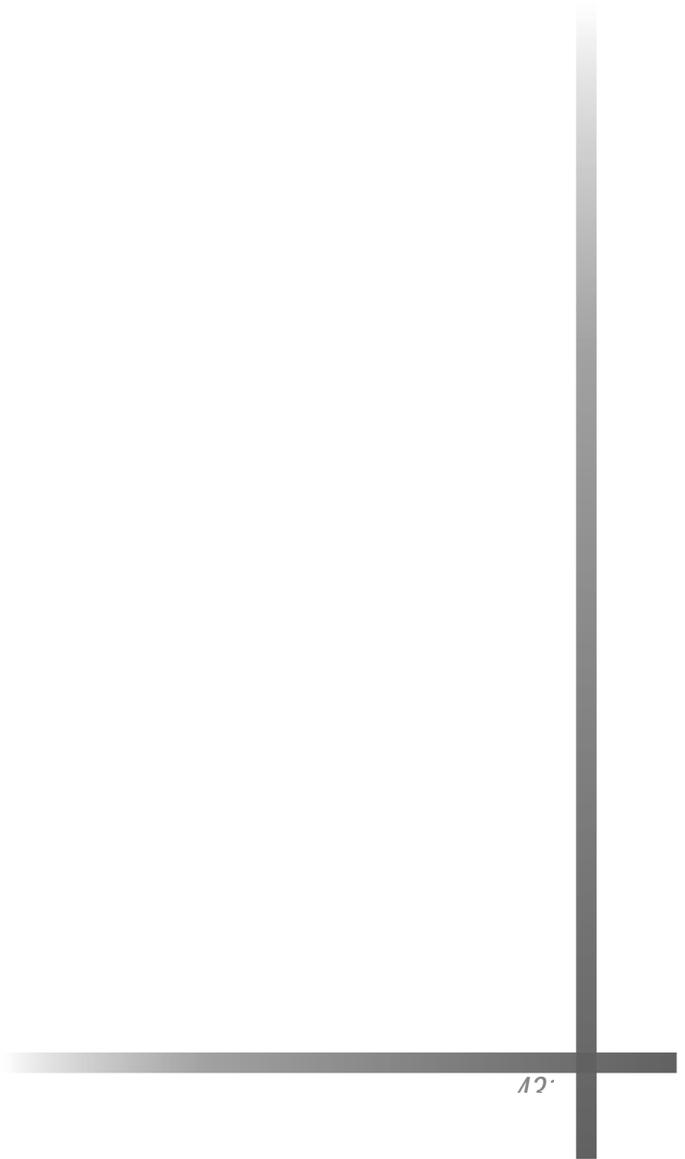
Expenses were incurred on : Staff salaries/Research fees ; Equipment ; Utilities ; Air travel ; Hotel accomodation ; Ground transport ; Press advertisements ; Meetings costs ; Miscellaneous.

The Chairman, Member and Secretary of the Commission served on a voluntary, honorary basis. Each of them periodically provided private facilities to facilitate the Commission's tasks.

An amount of approximately Rs.2.5 million was expended under the above heads. An amount of approximately Rs.1.5 million remains as balance in the Bank account, pending formal closure of the account and re-fund of the amount to the Ministry of Information and Broadcasting

Equipment such as computers, printer, etc purchased for the Commission was handed over to the Karachi office of the Ministry after completion of the Report.

In the first week of January 2014, all the financial records comprising vouchers, invoices, receipts, ledger, cheque book etc in original form, were despatched by TCS courier to the Registrar, Supreme Court of Pakistan for onward transmission and necessary action.



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