



Government of Pakistan
PAKISTAN ELECTRONIC MEDIA
REGULATORY AUTHORITY

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Islamabad, the 05th March, 2023

All Satellite TV Channel Licensees

Subject: **PROHIBITION ORDER UNDER SECTION 27 OF PEMRA ORDINANCE 2002 AS AMENDED BY PEMRA (AMENDMENT) ACT 2007**

Reference is invited to the directives issued by this office on 15-11-2021, 19-04-2022, 09-05-2022, 16-05-2022, 09-08- 2022, 16-02-2023 and 3-03-2023, wherein all the licensees were directed to refrain from telecasting any content in any manner (either recorded or produced under its banner or aired during a live speech or press talk) against state institutions.

2. **WHEREAS**, it has been observed that Mr. Imran Khan, Chairman Pakistan Tehreek-e-Insaf, in his speeches/statements is continuously alleging state institutions by leveling baseless allegations and spreading hate speech through his provocative statements against state institutions and officers which is prejudicial to the maintenance of law and order and is likely to disturb public peace and tranquility.

3. **ANDWHEREAS**, airing of baseless allegations, hateful, slanderous and unwarranted statement against state institutions and officers are in sheer violation of Article 19 of the Constitution of the Islamic Republic of Pakistan, judgment of the Hon'ble Supreme Court of Pakistan passed in Suo Moto Case No. 28 of 2018 reported as PLD 2019 Supreme Court1, PLD 2019 Supreme Court 318 in Suo Moto Case No. 7 of 2017, Orders passed by the Hon'ble Lahore High Court, Lahore in the matter of writ petition No. 22093/2015, Section 20 (a), (b) (c)& (f)of PEMRA Ordinance, 2002 as amended by PEMRA (Amendment) Act 2007, Rule 15(1) of PEMRA Rules, 2009, Regulation 18 (c) of PEMRA (Television Broadcast Station Operations) Regulations 2012, Clause 3 (1)(h)(i)(j)(k) (l), 4(7)(10), 5, 17, 23 & 24 of Electronic Media (Programmes and Advertisements) Code of Conduct 2015 read with Section 27 of PEMRA Ordinance, 2002 as amended by PEMRA (Amendment) Act 2007. The referred provisions of PEMRA laws are reproduced hereunder:

Article 19 of the Constitution of the Islamic Republic of Pakistan: Every citizen shall have the right to freedom of speech and expression, and there shall be freedom of the press, subject to any 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.

PLD 2019 Supreme Court 318 in Suo Moto Case No. 7 of 2017:

“.....The Pakistan Electronic Media Regulatory Authority Ordinance, 2002 (the "PEMRA Ordinance") mirrors the aforesaid restrictions as set out in the afore quoted Article 19 of the Constitution and further prohibits broadcasts which are, "likely to create hatred among the people or is prejudicial to the maintenance of law and order or is likely to disturb public peace and tranquility"⁸¹. The licences which PEMRA issues further stipulate that broadcasts cannot be made which, "encourage violence, terrorism, racial, ethnic or religious discrimination, sectarianism, extremism, militancy, hatred"⁸².”

Section 20 of PEMRA Ordinance 2002 as amended by PEMRA Amendment Act 2007

20. *Terms and conditions of licence.- A person who is issued a licence under this Ordinance shall.-*
- (a) ensure preservation of the sovereignty, security and integrity of the Islamic Republic of Pakistan*
 - (b) ensure preservation of the national, cultural, social and religious values and the principles of public policy as enshrined in the Constitution of the Islamic Republic of Pakistan;*
 - (c) ensure that all programmes and advertisements do not contain or encourage violence, terrorism, racial, ethnic or religious discrimination, sectarianism, extremism, militancy, **hatred**, pornography, obscenity, vulgarity or other material offensive to commonly accepted standards of decency;*

(f) *comply with the codes of programmes and advertisements approved by the Authority and appoint an in-house monitoring committee, under intimation to the Authority, to ensure compliance of the Code;*

27. Prohibition of broadcast media or distribution service operation.-
The Authority shall by order in writing, giving reasons therefore, prohibit any broadcast media or distribution service operator from.-

(a) *broadcasting or re-broadcasting or distributing any programme or advertisement if it is of the opinion that such particular programme or advertisement is against the ideology of Pakistan or is likely to create hatred among the people or is prejudicial to the maintenance of law and order or is likely to disturb public peace and tranquility or endangers national security or is pornographic, obscene or vulgar or is offensive to the commonly accepted standards of decency;*

Rule 15(1) of PEMRA Rules 2009: Programmes and advertisement content.-

(1) *The contents of the programmes and advertisements which are broadcast or distributed by the broadcast media or distribution service operator, shall conform to the provisions of Section 20 of the Ordinance, these rules, the code set out in the Schedule-A and terms and conditions of the licence.*

Regulation 18 1 (c) PEMRA (Television Broadcast Station Operations) Regulations 2012: General Standards for programmes: 1. In addition to the Code of Conduct prescribed under the rules, the licensee shall comply with the following:

(c) *The licensee shall ensure that nothing is contained in any programme, or an advertisement, which is prejudicial to the interests of the sovereignty and integrity of Pakistan, Ideology of Pakistan, security, friendly relations with friends states, public order or which may constitute contempt of court, defamation or incitement to an offence or brings into disrepute the State Institutions including armed forces.*

Electronic Media (Programmes and Advertisements) Code of Conduct 2015:

3. *Fundamental principles:-* *The licensee shall ensure that:-*

- (1) No content is aired which -*
- (h) is likely to incite, aid, abet, glamorize or justify violence, commission of any crime, terror or leads to serious public disorder;*
- (i) is known to be false; or there exist sufficient reasons to believe that the same may be false beyond a reasonable doubt;*
- (j) contains aspersions against the judiciary or armed forces of Pakistan;*
- (k) amounts to intimidation, blackmail or false incrimination of any person;*
- (l) is defamatory as defined in the law for the time being in force; or,*

4. *News and current affairs programmes:-* *The licensee shall ensure that:-*

- (7) In talk shows or other similar programmes, the licensee and its employees shall ensure that*
- (a) information is being provided is not false, distorted, or misleading and relevant facts are not suppressed for commercial, institutional or other special interests;*
- (b) the program is conducted in an objective and unbiased manner;*

- (10). **Editorial oversight:-** The licensee shall ensure that its representatives, hosts and producers of the programme shall discuss and review the contents of the programme prior to programme going on air / being recorded, and ensure that its contents conform to, in letter and spirit, this Code of Conduct.*

5. *Programming mix and live coverage:-* *Nolicensee shall broadcast any live programme unless there is an effective delaying mechanism put in place in order to ensure effective monitoring and editorial control in conformity with this Code.*

17. *Monitoring committee:-* *Licensee shall comply with this Code and appoint an in-house monitoring committee under intimation to the PEMRA to ensure compliance of the Code.*

23. Hate Speech:

- (1) Licensee shall ensure that hate speech by any of its employees or any guest in a programme is not aired.
- (2) The licensee shall not relay allegations that fall within the spectrum of hate speech, including calling someone anti - Pakistan, traitor, or anti - Islam.
- (3) Where hate speech is resorted to by any guest, the channel and its representative must stop the participant and remind him and the audience that no one has the authority to declare any other citizen as a Kafir or enemy of Pakistan , Islam or any other religion .

Explanation: - Hate speech includes any expression that may incite violence, hatred or discrimination on the basis of religion, ethnicity, colour, race, gender, origin, caste, mental or physical disability .

24. Standards of behavior:-

- (1) This Code presents the standards to be complied with by all the licensees and it shall always be the sole responsibility of the licensee to ensure the content aired by it is in compliance with the Code of Conduct.
- (2) This Code represents an affirmative declaration of understanding and compliance with basic values and objectives that licensees, including its employees and officials shall adhere to, and these shall be observed in letter and spirit.

4. Foregoing in view, after analyzing the content of the speech it has been observed that the content was telecasted by the licensees **without effective utilization of time delay mechanism** in violation of above mentioned provisions of PEMRA laws as well as judgments of the apex courts, therefore, the competent authority i.e. Chairman PEMRA in view of the above mentioned background and reasons, in exercise of delegated powers of the Authority vested in Section 27(a) of the PEMRA Ordinance 2002 as amended by PEMRA (Amendment) Act 2007, hereby **prohibits broadcast/rebroadcast of speech(s)/press talks (recorded or Live) of Mr. Imran Khan on all satellite TV channels with immediate effect.**

5. Furthermore, all satellite TV channels are directed to ensure that an impartial Editorial Board be constituted as required under Clause 17 of Electronic Media (Programmes

and Advertisement) Code of Conduct 2015 in order to ensure that their platform is not used by anyone for uttering remarks in any manner which are contemptuous and against any state institution and hateful, prejudicial to law and order situation in the country (in any manner even repeatedly in programmes / talk shows/ news bulletins / public speeches/ addresses).

6. In case of non-compliance, the license shall be suspended under Section 30 (3) of PEMRA Ordinance 2002 as amended by PEMRA (Amendment) Act 2007, without any show cause notice in the public interest along with other enabling provisions of law.

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



Director
(Operations-Broadcast Media)

Copy for Information To:-

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