



COMPLIANCE MECHANISM

For the purpose of compliance PBA shall constitute a Media Council comprising of:

1: Governing Body- Comprising 11 members with one chairman nominated by PBA.

Qualifications: Five members of governing body will be notable professionals from various sectors of civil society, eminent scholars, economists, educationists, freelance media experts, civil rights leaders, business community, prominent art and literary figures and artists etc. Five members will be from amongst PBA members. The chairman of the body will be a retired Judge of the Supreme Court or High Court. The composition above is suggested so as to give the media council credibility and due weight in the eyes of the public as well as the Government, which will thus be in a good position to safe guard the legitimate interests and rights of the media industry as well of the public.

The Chairman will be paid a monthly salary and perks as approved by PBA.

2: There will be a Broadcast Complaint Settlement Committee (BCSC) headed by Chairman of the Media Council nominated by PBA.

(a) Broadcast Complaint Settlement Committee (BCSC) will comprise of 04 members and a Chairman. Two members will be from amongst PBA members and two members from an experts' panel nominated by the chairman with the consent of PBA. This panel will comprise of credible, honest and experienced subject experts. Their selection for hearing of a particular complaint will as per their relevant experience and expertise.

(b) The members of BCSC will be paid a stipend according to the number of days spent on settling complaints.

3: Registrar –There will be a Registrar sitting at Head Office in Karachi. In case, at some point in the future, it is decided that there will be Broadcast Complaint Settlement Committees (BCSCs) in the provinces than there will be assistant registrars in those provinces.

Qualification: A retired registrar of Sessions court or an experienced lawyer or any other person as may be proposed by the Media Council with the consent of PBA.

PROCESS OF RECEIVING AND DISPOSING OFF COMPLAINTS

1: The registrar will receive complaints from public and PEMRA, which he will scrutinize and discuss with the Chairman about maintainability, after which such complaints deemed necessary for settlement will be submitted to the BCSC for preliminary hearing.

2: The registrar will issue notices to complainants and respondents, fixed dates of proceedings and perform all such duties as per requirement of a legal institution wherein the office of the registrar is established, like a court of law.

3. The BCSC will provide ample opportunity of hearing to the parties and shall decide complaints within 60 days from the date of first hearing. Due to any delay, the judgment of the BCSC will not be invalidated if decided after 60 days.

4. The BCSC shall have following powers:

i) Immediate advice by the Chairman and BCSC. On receiving of a complaint of immediate nature, an advice or feedback may be given by the Chairman or a public member of the BCSC to the relevant broadcaster through telephone. If the broadcaster fails to act upon the given advice and if the findings after regular hearing come against the broadcaster the action against him will be sever than normal

ii. After hearing the parties the BCSC shall pass the Order which may dismiss the complaint or prohibit the content or programme for all times, or may suggest revisions or changes in such content or programme as a pre-condition for its airing or warn, admonish or express its disapproval against the broadcaster or direct it to broadcast an apology in suitable manner as may be prescribed by the Broadcast Complaint Settlement Committee (BCSC).

The BCSC, if it considers it just and appropriate in the very circumstance of a case keeping the contents of the complaint in view, may award costs of the proceedings but not exceeding Rs. _____²⁵

iii) The Tribunal in addition to the powers contained in clause 23 hereinabove, shall have the power to impose any of the following penalties, keeping in view the seriousness of violation:

a) 1st time to 5th time violation of the Code during a year. Fine up to Rs.50000/-

b) 6th or further violation of the Code during the same year. Fine up to Rs.75000/

5: The Registrar shall deliver certified true copies of decisions to the concerned parties within 07 days from the date of decision.



6: Any aggrieved party may prefer an appeal to the Media Council against the judgment of the BCSC. The appeal shall be filed within 30 days from the receipt of certified true copy of the BCSC judgment.

7: The imposition of fine, if any, directed to be paid by the respondent in the BCSC judgment shall remain suspended till the final decision of appeal by the Media Council.

8: The Media Council shall decide the appeal within 30 days from the date of institution of appeal. Thereafter, the aggrieved party may prefer a second appeal to the concerned High Court.

9: The Media Council and BCSC shall follow the procedure prescribed in the Civil Procedure Code 1908 and shall be deemed to be a civil court.

10: The Media Council may frame separate rules for necessary fee for institution of complaint/appeals and grant of certified true copies with the consent of PBA.

11: The jurisdiction of the Media Council and the BCSC will be confined to the provisions of PEMRA laws and the rules and regulations framed there under including the self-regulatory Code of Conduct of the PBA.

12: Every complainant, while lodging a complaint before the BCSC shall submit an undertaking that the subject matter of the complaint is not pending in any court of law and the decision of the BCSC and the Media Council will be binding.

13. To ensure the urgent redress of any objection/ complaint of immediate nature through advice as per clause 4(i), members and registrar of the BCSC will designate and provide such phone numbers and email addresses to the PBA and for information of the public at which they can be contacted throughout each day and on every day of the week

14. For the purpose above each broadcaster shall also designate an officer with a designated phone number to be available throughout its transmission time. Hearing such an officer shall be deemed sufficient hearing for the purpose of this clause.

15. In any event the BCSC and Media Council shall give express reasons in writing for all its Orders.

16. The decision of the BSCS and Media Council shall be in accordance with the opinion of the majority of its members hearing the complaint or objection.



N.B. Notwithstanding anything contained in any other law, the provisions of voluntary code of conduct and its compliance mechanism shall have overriding effect. The complainant in each case shall sign a declaration and submit it to BCSC that neither he has initiated legal proceedings on the subject matter in any court of law nor he will institute any legal proceedings in any court of law on the same subject, except the remedy and procedure provided in the compliance mechanism of the PBA Code