



**PAKISTAN
BROADCASTERS
ASSOCIATION**

CHANNEL CLOSURE

STANDARD OPERATING PROCEDURE

WHEREAS:

1. As part of a new media policy announced by Federal Government in 2000, the Parliament, for the first time, adopted a statute, namely, PEMRA Ordinance 2002 (PEMRA Ordinance), that was expressly aimed at encouraging and promoting electronic media in every field and geographical region of the country.
2. PEMRA Ordinance also provided for the setting up of a Federal regulatory body for achieving the objects of PEMRA Ordinance and also to regulate electronic media in the country. In pursuance of the Ordinance, the Federal Government set up Pakistan Electronic Media Regulatory Authority (PEMRA).
3. During the last decade, purely due to the initiative of private sector, Pakistan electronic media industry has developed into a solid industry employing, directly and indirectly, hundreds of thousands of people all over the country.
4. What is more important is that electronic media has assumed the role of the fourth pillar of the state with its independence, incisive debates and enhancing the viewers' understanding of their own problem, their solutions and the performance of their government.
5. Further, electronic media's persistent inclusion of feelings of frustration and views and beliefs of people and groups that would otherwise have felt excluded and shut off from the national discourse because of flaws in our electoral democracy, has provided a vital counter pull to forces of separatism and violence.
6. The strength, independence and courage of Pakistan's electronic media has gained recognition across the world. It is felt that the performance of Pakistani media - owing to the difficulty and dangerous environment it exists in, coupled with the threats that it operates within - warrants more praise for it than Western media.
7. Unfortunately, the achievements of Pakistani media and the international standing that it is enjoying today cannot be said to be because of any sustained help or support either from Federal Government or PEMRA, which to-date has primarily been concerned with only regulating and controlling instead of helping and promoting the industry that is increasingly facing severe financial hardships and a growing environment of intolerance, violence and threats.
8. Since 2007, electronic media has been facing either complete or partial closures/shut downs either throughout the country, e.g. 3rd November 2007, or in particular areas such as Karachi.
9. The channel closure/shut down is either on the direct instructions of the government, cable operators, pressure groups, political parties, that may be unhappy with the media for some reason to accept their otherwise unfair demands. That may be resorting to taking the law into its own hands by forcing the channel closure just to express their frustrations over the way that the media may be covering certain incidents.

Following are some instances of political parties' or groups' angry reactions:

- If the speech or rally of their party or Party leader is not given full coverage as per their desire
 - If a news item is not carried as per their desire or a news item is carried which is against their interest.
 - If coverage is given to a rival party which criticizes them
 - If a TV anchor talks about a party's leader(s) past deeds of corruption and incompetence
 - If a guest is brought who at one time was a loyal member of their party and is now criticizing its former party or revealing certain incidents etc.
 - If a channel (or channels) object to unlicensed illegal airing of Indian/Foreign channels on cable networks which is in direct contravention of the existing laws of the country and a major source of illegal advertisements.
10. The physical reaction of any party or pressure group is not just confined to closure of channels, but journalists and other staff members of the broadcasters are also threatened and physically abused. In some cases, journalists have even been murdered. Broadcasting vehicles and other equipment have also been attacked and vandalized. The cable operators are intimidated, their cable wires are cut off and head-ends are attacked to force them to take the targeted channels off air, or place those channels at the end of the spectrum, or distort the picture/audio.
11. When faced with illegal closures/shut down, the broadcasters are left with absolutely no avenue of addressing the problem 'immediately'. The Government as well as PEMRA and Federal and Provincial law enforcing agencies are never forthcoming in offering any help to the broadcasters. This forces the broadcasters to seek help from the courts, an option that is thankfully fruitful but because of the workload in courts, takes an excessively long time to obtain favorable orders for addressing the situation, orders that too are dependent on law enforcement agencies which were uncooperative from the beginning.
12. The problem of different parties and groups taking the law into their own hands by closing the channels and the channels being left with no immediate remedy is further exacerbated by a situation of complete policy vacuum where neither federal nor provincial governments have clearly laid down the government stand or policy on various critical issues facing our country.

This complete absence of government's stand and policy in critical areas leaves it impossible for PEMRA to regulate and leaves broadcasters totally devoid of any policy yardstick.

13. To date, no federal or provincial government or PEMRA has held any party or group responsible for channel closures, taken any action against the delinquent party under applicable criminal laws and has never compensated the broadcasters for losses incurred.
14. The forthcoming elections have considerably increased the need for the implementation and enforcement of this policy, as political rallies and speeches by candidates of different political parties for seats in the National and Provincial assemblies will be held throughout the country and multiple parties may have campaigning speeches and rallies on the same day at the same time. However, the member broadcasters can only cover **ONE** event at a time. Therefore, PBA anticipates greater use of criminal intimidation and violence from different groups wanting to get their events covered by member broadcasters of PBA.
15. Pakistan Broadcasters Association (PBA) was formed in the year 2005, with the objective of protecting its member broadcasters in every lawful manner from any infringement upon their constitutional and legal rights and liberties. Under its Memorandum and Article of Association, PBA is entitled *"To frame rules, regulations and bylaws of association and code of conduct of its members."*

It is in the above background that electronic media broadcasters/members of PBA have decided, merely by way of self-defense and as a last resort, to get together and agree upon ways to take practical steps to discourage channel closures by identifying the delinquent party and taking collective penal action against it. The following rules are therefore adopted to deal with the incidents of channel closures/shutdown, and other ancillary issues.

1. Short title and commencement.- (1) These rules shall be called the Channel Closure Standard Operating Procedure (SOP).

(2) They shall come into force at once.

2. Definitions.- (1) The words and phrases below shall have the following meaning:

- i. **"External Entity (ies)"** means political parties, ethnic parties/groups, religious parties, cable operators and other pressure exerting groups.
- ii. **"Coercive Action"** means an action taken by External Entity (ies) by using a force, pressure, threat, physical abuse etc.
- iii. **"Forced Closure"** means the closure/stoppage of a channel broadcast of a PBA Member on Cable TV Network and/or disruption in smooth broadcast of a channel due to Forced Closure/Coercive Action of the External Entity(ies) including physical vandalism of PBA Member channel premises and/or equipment in any location in the country and changes to channel position of PBA Member channel without prior consent and approval of PBA.
- iv. **"Channel Closure Committee"** will be constituted under the banner of PBA comprising of 3 retired judges, one in each Karachi, Lahore and Rawalpindi.

- v. **“Punitive Measures Committee”** will be constituted under the banner of PBA comprising of 3 members from the board of directors elected by the board of directors who will be the recommending authority for placement and enforcement of fines prescribed in this SOP.
- vi. **“Outage”** means non-availability of a channel on Cable TV Network and/or disruption in smooth broadcast of a channel due to Forced Closure/Coercive Action of the External Entities including physical vandalism of PBA Member channel premises and/or equipment and changes to channel position of PBA Member channel without prior consent and approval of PBA in any location in the country. Following are the three different categories of Outage:
- Category ‘A’:** Karachi and Lahore (even if the outage is in one location and/or on one cable operator and/or one town);
Category ‘B’: Multiple Towns (except Karachi & Lahore);
Category ‘C’: Single Town (except Karachi & Lahore).
- vii. **“PBA Ticker(s)”** mean PBA announcement through breaking/commercial tickers aired on PBA Member Channels.
- viii. **“Punitive Measures”** mean the broadcasting of PBA Tickers, News stories, Press Conference and print advertisement according to following table:

Category	Ticker/ Commercial Ticker	News Story/ Telop ¹	Press Conference	Print Ads ²
A	6 min duration (24 tickers of 15 seconds) each per day out of which 3 minutes (12 tickers) between 7pm to 11pm.	7pm to 11pm, one minute each hour.	After 24 hours of outage	Appeal ads, minimum size 20x3 in major national newspapers ³ , within 3 days to protect its interest similar to APNS

¹ Applicable on PBA Member News Channels Only.

² Applicable on PBA Members who publish newspapers.

³ Major National Newspapers include: Daily Jang, Dawn, Daily Express, The News, The Express Tribune

B	3 min duration (12 tickers) each per day out of which 1.5 minutes (6 tickers) between 7pm to 11pm.	7pm to 11pm, one minute each alternate hour.	After 48 hours of outage.	Appeal ads, minimum size 20x3 in respective local editions of major newspapers, within 3 days to protect its interest similar to APNS
C	2 min (8 tickers) duration each per day.	8am - 11pm, one minute 4 times.	None.	None.

- ix. **“Performa”** shall mean the document attached with this Policy as Annexure ‘A’;
 - x. **“PBA Circular”** mean an official PBA Circular directing its Members for taking the Punitive Measures against the External Entity (ies) based on the Performa.
- (2) The expressions used but not defined herein shall have the same meaning as are assigned to them under the Memorandum and Articles of Association of PBA.

3. Who can initiate action under these Rules

The mechanism and procedure as laid down in these Rules can be invoked by any member of the PBA if any of its member channels experience Outage in even one town or location in the country.

4. Procedure in case of Outage

- a. Whenever a member faces Outage of a channel and wishes to initiate the procedure as laid down in these Rules, it will register a complaint on the phone with one of the members of the Channel Closure Committee, specifying the channel name, timing of Outage and the area in which Outage is being experienced.
- b. The Committee member shall log the complaint and communicate the same to other Committee members.
- c. Committee member or members will then take any reasonable steps that they may deem necessary, such as calling at least [three] cable operators or such other person or persons that they may deem appropriate to verify the complaint.

- d. When determining the facts needed to submit their reports, Committee members shall also have access to the distribution managers of PBA Member Channels and will also have access to phone numbers of PBA Member Channel Distribution Teams, Bureau Chiefs, and Cable Operators.
- e. Based on their inquiries, the Committee will come to a preliminary determination about the fact of the Outage complained of and also the identity of the External Entity that is responsible for it.
- f. Committee members will then internally do a conference call among themselves and seek to reach a consensus as to the findings on the complaint.
- g. Once consensus has been developed as to the fact of the Outage as well as the identity of the External Entity that is responsible for it, the Committee members will conduct a conference call with the board of PBA to formally inform them of the findings of Channel Closure Committee.
- h. Committee members shall seek to ensure that they convey their findings on the complaint to the PBA within [3] hours of receiving the complaint.
- i. In addition to holding a conference call with PBA Board, the Channel Closure Committee shall also issue to PBA their findings in writing. These findings will be provided on the format given in Appendix at the end of these Rules.
- j. Immediately upon receiving the above mentioned conference call from the Committee members, PBA will issue an official circular to all of its members, requiring them to take collective action as follows:

For Category 'A'

Duration of Outage	Punitive Measures
After 3 Hours	A preliminary news story based on the preliminary findings of the Outage by Channel Closure Committee to be broadcasted by the Members, without mentioning any name of channel or that of External Entity
After 8 Hours	News story containing names of channel and that of External Entity will be broadcasted by all the Members, based on the prima facie findings of the Channel Closure Committee
24-48 Hours	Broadcast of PBA Tickers, News Reports, Press Conference and print ads, by all the Members of PBA using the name of the channel and quoting the name of the External Entity causing the Forced Closure.
48-72 Hours	Publishing of Print Ads in newspapers using the name of the channel and quoting the name of the External Entity causing the Forced Closure.
More than 72 Hours and less	For each day of the Outage, total boycott of the External Entity causing Forced Closure will be observed and no

than one week	news story and/or press conference of the External Entity will be broadcasted by any Member of PBA. Boycott will finish only after public apology of that External Entity.
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For Category 'B'

Duration of Outage	Punitive Measures
After 3 Hours	A preliminary news story based on the prima facie findings of the Outage by Channel Closure Committee to be broadcasted by the Members, without mentioning any name of channel or that of External Entity
After 8 Hours	News story containing names of channel and that of External Entity will be broadcasted by all the Members, based on the prima facie findings of the Channel Closure Committee
After 24 Hours	Broadcast of PBA Tickers, News Reports, Press Conference and print ads, by all the Members of PBA using the name of the channel and quoting the name of the External Entity causing the Forced Closure.

For Category 'C'

Duration of Outage	Punitive Measures
After 3 Hours	A preliminary news story based on the prima facie findings of the Outage by Channel Closure Committee to be broadcasted by the Members, without mentioning any name of channel or that of External Entity
After 8 Hours	News story containing names of channel and that of External Entity will be broadcasted by all the Members, based on the prima facie findings of the Channel Closure Committee
After 24 Hours	Broadcast of PBA Tickers, News Reports, Press Conference and print ads, by all the Members of PBA using the name of the channel and quoting the name of the External Entity causing the Forced Closure.

Ticker and News Story Intro (OC) is provided in Annexure B.

5. Repeated Force Closures

For the External Entity (ies) that are found to have been repeatedly involved in the Forced Closure of the channels of the PBA Members, all PBA members shall conduct a total boycott of such External Entity and shall not broadcast any news story and/or press conference of the External Entity till such time that such External Entity apologizes for its illegal conduct.

6. Remedies provided in these Rules not exhaustive

The availability of the remedies that are being provided for through these Rules shall not disentitle the PBA member or members that may suffer financial losses because of Outages, or any damage to equipment or any physical assault to any of its staff and such broadcaster may, in addition to invoking its rights as a PBA member under these Rules, may also approach the courts by filing and pursuing a civil or criminal case or petition.

7. Disobedience:

In case of any disobedience and deviation from the PBA Circular by any PBA Member, that does not meet its obligations as contained in these Rules, the case will be referred to the "**Punitive Measures Committee**" who will be the recommending authority for levying fines. The Member, if found to have intentionally and knowingly ignored its obligation, will be fined as following:

- a) [Non-broadcast of news for one minute: an amount equal to Published Commercial Average Gross Prime Time Rack Rate of the channel for one minute duration.]
- b) [Non-broadcast of PBA Tickers: amount equal to 25% of Published Commercial Average Gross Prime Time Rack Rate of the channel for one minute duration.]

The fined PBA Member will have a right to appeal the matter with the BoD of PBA.

8. Funds:

Funds for creation, running and implementation of Channel Closure Committee will be contributed by all PBA Members equally.

Note: Annexure can be provided on request.