

DRAFT OF SELF REGULATORY CODE OF CONDUCT

Scope of the Voluntary Code:

This Code of Conduct (hereinafter referred as the Code”) formulated voluntarily by Pakistan Broadcasters Association (hereinafter referred as “the PBA”) and all electronic media broadcasters who are members of PBA is aimed at self- regulation of electronic media. All the licensees/ permission holders in their individual capacity and PBA, to the extent of its members, hereby undertake that the Code shall be strictly adhered to in letter and spirit. PBA shall endeavor in every way and manner to ensure strict compliance of the Code by its members.

PREAMBLE

WHEREAS: The Pakistan Broadcaster’s Association (“the PBA”), while recognizing the Article 19 of the Constitution of the Islamic Republic of Pakistan which provides that *“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....”* acknowledges that with the rights of the media come responsibilities and therefore the PBA hereby enunciates this Code of Conduct (“the PBA Code”) to be applicable with immediate effect.

- a) Freedom of expression and the right of the public to information are fundamental to the establishment, nurturing and sustenance of a democratic society and are guaranteed by the Constitution;
- b) Since the public has also a right to know the truth, it is the duty of the media to provide the truth to the public without fear of harassment or coercion;
- c) The State is also enjoined by the Constitution to protect and safeguard the rights and freedoms of the citizens including those associated with the media;

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- d) We are conscious of our duties to the public at large and the nation and are aware that the right of the public to know and be informed must be balanced against the need to protect the privacy of individuals and the security of the state in a manner that secures the larger public interest;
- e) Every broadcaster understands the significance of this Code:
- f) The interest of the general public shall be the determining factor at all times in interpreting and enforcing the provisions of the PBA Code.

NOW THEREFORE THE PBA AND THE BRAODCASTERS DO HEREBY VOLUNTARILY ADOPT THIS CODE OF CONDUCT:

3. Code of Conduct for Programmes

3.1 We, the media broadcasters being the licensees/permission holders of PEMRA do hereby voluntarily undertake that no content shall be aired which contains:

- a) a call to arms against the Federation of Pakistan or action to damage the integrity, security and defense of Pakistan. However, programme content which covers, deals with or probes controversial questions pertaining to sensitive issues of integrity, security and defense of Pakistan within the confines of law and justified by the context shall not be restricted
- b) any abusive treatment of the religious views and beliefs of those belonging to a particular religion or sect or justifies or promotes sectarian hatred and violence
- c) Anything pornographic and/or obscene as defined by laws in force.
- d) Abusive comment that purposely and recklessly intends to incite hatred and contempt against any individual or group of persons, on the basis of race, caste, nationality, ethnic or linguistic origin, color, religion, sect, sex, sexual orientation, age, mental or physical disability is not promoted in any programme
- e) in violation of copyrights or other related property rights
- f) anything against prevailing and evolving socio cultural norms; demographics changes news norms, rural and urban.
- g) Broadcasters must ensure that material likely to incite the commission of terror, crime or to lead to serious public disorder must be avoided. Broadcasters must use their best endeavors so as not to broadcast material (that could endanger lives or prejudice the success of attempts to deal with an on-going hijack, kidnapping or terrorist incident. (Terror coverage clauses to be inserted here once approved.)

P/3.....

- h) Induce or justify violence.
 - i) Known to be false or there exist sufficient reasons to believe that the same may be false beyond a reasonable doubt and with malice
 - j) amounts to contempt of court as defined in Article 204 of the Constitution of Islamic Republic of Pakistan and any other contempt law in force
 - k) The difference between opinion and fact must not be blurred and where appropriate, the distinction between the same should be duly identified to the audience. Where programme content is based on an unconfirmed report or rumor the same should be clearly identified as such to the audience.
 - l) Where individuals or groups are singled out for criticism, the programme should provide reasonable opportunity for a balancing response.
 - m) Amounting to black mail as defined in Pakistan Penal Code or incrimination of any person, including advantage from such person.
 - n) anything defamatory as defined in Defamation Law or relating to an individual's private life unless warranted by public interest, or his or her prior permission has been obtained
- 3.2)** Without prejudice to any other restrictions in this regard, while reporting the proceedings of the Parliament or the Provincial Assemblies, such portion of the proceedings as the Chairman or the Speaker may have ordered to be expunged, shall not be broadcast or distributed and every effort shall be made to release a fair account of the proceedings.
- 3.3)** The veracity and authenticity of news and reports broadcast shall be ensured as far as editorially possible.
- 3.4)** Editorial caution will be used while covering tragic incidents such as bomb blasts, war, natural disasters so that gory images of bloodshed, corpses or human organs, live or recorded are avoided as far reasonably possible. PG should be given.
- 3.5)** Subject to the Code a programme relating to any controversial issues, shall strive to present the point of view of all the stakeholders with equanimity in an objective manner.

4) Broadcasters' Obligations and Responsibilities:

- 4.1 The Broadcast media operators including anchor persons, producers, editors, and directors undertake responsibility to ensure compliance of the code
- 4.2) All efforts must be made by broadcasters and talk show moderators to correct error of fact at the earliest opportunity and to ensure that corrections brought expressly to their notice are broadcast to public.
- 4.3) Broadcasters and talk show moderators (hosts/ anchors) will ensure that Content of news and current affairs programmes is always presented in as balanced a manner as possible. It must be ensured that material received from foreign countries are not against the public policy.
- 4.4) Broadcasters and talk show moderators (hosts/anchors) will ensure that Content of news and current affairs programmes are presented with sensitivity in the case of material likely to cause some distress to a substantial number of viewers such as images or interview with victims of traumatic incidents. Should only be used when deemed editorially essential.
- 4.5) While addressing or interviewing any person, programme presenters, anchor person and compares shall extend proper courtesy and respect to the concerned person in a manner which is fully compatible with our civic values and traditions.

IV) Live Uplinking

If at any point live coverage is likely to air content which violates any law or this Code, the *broadcasters*, licenses / permission holder or any person operating under it, shall immediately take preemptive measures to prohibit the airing of such content. In this regard all the *broadcasters* , licensees or permission holders shall incorporate such technological measure within their system which shall provide sufficient time delay in broadcast, to ensure that the content complies with this Code and can be filtered.

Except by PEMRA, no written directive will be enforceable on cable operators, issued by any persons, authority, institutions or political parties etc.

As far as editorially possible, guide lines issued by election commission of Pakistan shall be followed at the time of election.

Review and Enforcement:

- 5) The PBA may review the terms and conditions of the Code in order to incorporate any amendments/ changes incumbent on account of practical issues faced.
- 6) Besides this Code of Conduct there were certain other issues which PBA and PEMRA agreed to, for legislation as reflected in Annexure-A of this Code.
- 7) This Code of Conduct will come into force with immediate effect as agreed by PEMRA and PBA members and will apply to all Electronic Media, subject to compliance of issues mentioned in footnote no 1 to 5.

NB

1. Before enforcing the voluntarily Code of Conduct, necessary amendments should be made in the Freedom of Information Ordinance 2002 and Defamation Ordinance 2002.
2. Immediately upon promulgation of PBA Voluntarily Code of Conduct, all provisions of PEMRA laws those are found contradictory and in conflict with the PBA Code of
3. Conduct shall be omitted by way of necessary amendments in the PEMRA Ordinance 2002 and the Rules and Regulations framed their under.
4. The code will not be applied stringently on entertainment programmes, satire, drama, films and such genres.
5. Any clause in contravention to Article 19 of Constitution of Pakistan will not be applicable.
6. This code of conduct shall be applicable to all state owned/managed/Joint ventures of Electronic Media as well

Acceptance

I / We, being the owners/ operators/ authorized person / representative of M/s
----- (a licenses of PEMRA) do hereby certify that I / we
have Read, understood and accepted all the provisions of the above Code of
Conduct which consists of six pages and hereby undertake to abide by this Code.

(_____)

M/s _____

Palace _____

Date: _____

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