

PAKISTAN ELECTRONIC MEDIA REGULATORY AUTHORITY
(CONTENT) REGULATIONS

27th Feb, 2012

The meeting of the members of Council of Complaints from all over Pakistan along with PEMRA functionaries deliberated in detail the proposed draft by PEMRA for the improvement of working of electronic media;

It is necessary to point it out here that all the participants agreed that they have a strong belief in the freedom of expression. The meeting only discussed the draft to enhance the reputation of the electronic journalism in Pakistan;

The consensus in the meeting was that editorial control and proper policy of gate-keeping is necessary along with arrangement for the training of workers of the electronic media;

SRO._____:- In exercise of the powers conferred under Section 4 (3) read with section 19, 20 and all other enabling provisions of Pakistan Electronic Media Regulatory Authority Ordinance, 2002, the Pakistan Electronic Media Regulatory Authority is pleased to make the following Regulations:

1. Short title and commencement.- (1) These regulations shall be called Pakistan Electronic Media Regulatory Authority (Content) Regulations 2012.

(2) They shall come into force at once.

2. Definitions.- (1) Terms and expressions used in these regulations shall have, unless it appears repugnant to the context or provided otherwise, following meaning:

- (a) “advertisement” means a set of visual and audio messages for the projection of a product, service, or idea with the object of propagating sale, purchase or hire of the product, service or idea for creating other related effects;
- (b) “Authority” means the Pakistan Electronic Media Regulatory Authority (PEMRA) established under section 3 of the Ordinance;
- (c) “Council” means the Council of Complaints established under the Ordinance;
- (d) “content” includes programs and advertisements;
- (e) “footage” means the raw, unedited material as it had been originally filmed by any video recording device;
- (f) “indecent” includes whatsoever may amount to any incentive, sensuality and excitement of impure thoughts in the mind of an ordinary man of normal

temperament or whatsoever may be deemed to be detrimental to public morals;

- (g) "licence" means a licence issued by the Authority to establish and operate a broadcast media or distribution service;
- (h) "licensee" means a person to whom the Authority has issued a licence;
- (i) "offensive" means anything that hurts any person or group on the basis of such person's or group's personal likes or dislikes;
- (j) "Ordinance" means the Pakistan electronic Media Regulatory Authority Ordinance, 2002 as amended from time to time;
- (k) "program" means the systematic broadcasting of visual or sound images by a broadcast station but does not include an advertisement;
- (l) "propaganda" means persuasion of people by giving one sided information or views on any controversial issue;
- (m) "proscribed organization" means proscribed organization as defined under Anti-Terrorism Act, 1997;
- (n) "regulations" means the regulations made under the Ordinance;
- (o) "rules" means the rules made under the Ordinance;
- (p) "sectarian" means pertaining to, devoted to, peculiar to, or one which promotes the interest of a religious sect, religious persuasion, or religious belief;
- (q) "terrorism" means terrorism as defined under Anti-Terrorism Act, 1997;
- (r) "terrorist" means terrorist as defined under Anti-Terrorism Act 1997;

(2) Words and phrases used but not defined in these regulations, unless the context otherwise requires, shall have the meanings assigned to them in the Ordinance and the rules made thereunder.

3. Local media industry protection.- (1) Licensee shall ensure that the foreign content aired by the licensee in a calender day does not exceed a maximum of ten percent of the whole content.

(2) Licensee shall ensure that no program is aired in violation of the intellectual property rights.

4. Religious content.- No content shall be aired that contains derogatory remarks about any religion or sect or community or uses visuals or words contemptuous of religious sects and ethnic groups or which promotes communal or sectarian hatred or disharmony.

5. Ethical & social values.- Licensee shall show deference to the ethical and social values of the country and ensure that:

- a) any content that maligns or slanders any individual in person or certain groups, segments of social, public and moral life of the country is not broadcast or distributed;
- b) content does not make careless references to any class or group of persons as being inherently inferior or in any way discriminate against any section of the community on account of religion, gender, age, disability or occupational status.
- c) content is not obscene or indecent;

Explanation: For the purposes of these regulations content shall be deemed to be obscene if its effect is such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it.

- d) offensive or derogatory jokes, words, gestures, dialogues and subtitles are not broadcast or distributed;
- e) behaviour such as smoking and drug abuse is not presented as glamorous or desirable;
- f) alcoholic beverages, tobacco products or any other narcotics shall not be shown;
- g) content does not contain anything that denigrates men or women through the depiction in any manner of the figure, in such a way as to have the effect of being indecent or derogatory;
- h) content does not contain an abusive comment that, when taken in context, tends to or is likely to expose an individual or a group or class of individuals to hatred or contempt on the basis of race or caste, national, ethnic or linguistic origin, colour or religion or sect, sex, sexual orientation, age or mental or physical disability;
- a) no content is aired that is offensive to commonly accepted standards of decency or is defamatory;

6. Coverage of incidents of accidents, violence and crime.- (1) Coverage of incidents of violence and crime shall not incite, glamorize or in any way promote violence or anti-social behaviour.

(2) Appropriate warning shall be given upfront for content which may be potentially disturbing or upsetting so as to enable viewers to make an informed choice.

(3) Scenes with excessive violence or suffering such as close-up shots of persons being brutally tortured and killed shall not be shown.

(4) It shall be ensured that reporting of incidents of crime, accident, natural disaster or violence does not create hurdles in dispensation of the duties of rescue agencies, hospitals and doctors.

(5) Extreme caution shall be exercised in handling themes, plots or scenes that depict sex and violence, including rape and other sexual assaults.

(6) Identity of any victim of rape or sexual abuse or such victim's family shall not be revealed without prior written permission of the victim or victim's guardian where victim is a minor.

(7) Content shall not glamorise or in any way promote persons groups or organizations who use or advocate the use of violence or engage in any criminal activity within Pakistan.

(8) A licensee shall not broadcast video footage of suicide bombers, terrorists, bodies of victims of terrorism, statements and pronouncements of proscribed organizations, militants and extremist elements and any other act which may, in any way, promote, aid or abet terrorist or terrorism.

7. Privacy and personal data protection.- (1) Any personal information of any individual shall not be revealed unless prior written permission has been obtained from such person or such person's guardian, as the case may be.

(2) Licensee shall not obtain or seek information, audio, pictures or any agreement through misrepresentation or deception.

8. Programming for children.- (1) Programs and advertisements meant for children shall not:

a) be presented in a manner which may be disturbing or distressing to children or

which may in any way adversely affect their general well being;

b) be frightening, or contain violence:

c) be deceptive or misleading;

(2) Horror and supernatural content which may be frightening to children, shall be broadcast in timeslots that are less accessible to children.

(3) The licensee shall include appropriate warning before airing any content that may not be suitable for children.

9. Language- (1) Content shall maintain high standards of language and abusive language shall be strictly avoided in all programming categories specially in dramas and talk shows.

(2) Standard urdu, regional and foreign languages which are grammatically correct, shall be used for programs such as news, current affairs, info-educational programs and programs meant for children.

10. News and current affairs programs.- (1) News, current affairs or documentary programs shall present information in an objective, accurate and balanced manner without being sensationalized.

(2) All news-bulletins shall be prepared and edited by the licensee at through its own editorial board.

(3) Any political or analytical program whether in the form of a talk show or otherwise, shall be conducted in an objective manner ensuring representation of the concerned parties and the guests shall be treated with due respect.

(4) The licensee shall ensure that the news do not contain anything factually incorrect.

(5) In the event any factually incorrect program, news or assertion is made by the

licensee, the correct factual position shall be broadcast as soon as it comes to the knowledge of the licensee along with an apology.

(6) Programs on *sub judice* matters may be aired in informative manner and shall be handled objectively and no conclusive remarks shall be aired until the decision is announced by the court

(7) News shall be clearly distinguished from commentary, opinion and analysis.

(8) Gloomy, sensational, or alarming details not essential to factual reporting shall not be aired as a part of news-bulletin.

(9) Footages of gory scenes including bloodshed and dead bodies shall not be aired.

(10) News shall not be aired in a manner that creates public panic.

(11) 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 of the Parliament or the Provincial Assemblies.

(12) The evidence on which a dramatic reenactment is based shall be tested with the same rigor required of a factual program.

(13) Sequences that are based on extracts of court proceedings, from police records, and other sources must be fair. Where the creative realization of some elements (such as characterization, dialogue or atmosphere) may introduce a fictional dimension, this shall not be allowed to distort the known facts.

(14) Footage or re-enactment of executions or other scenes in which people are clearly seen being killed or about to die shall not be shown.

(15) In talk shows or other similar programs, the licensee shall ensure that:

- a) the topic of program is clearly highlighted and discussion remains within the ambit of the topic;
- b) information being provided is accurate and is not false, distorted, inappropriate or misleading;
- c) the program is conducted in an objective and unbiased manner;
- d) material is not presented in a manner that creates public panic;
- e) exploitation that is appearing to purposefully debase or abuse a person, or group of persons is avoided;
- f) the expression of comment and conjecture is not made as fact;
- g) the truth is not distorted or suppressed for commercial, institutional or other special interests;
- h) undue advantage of information gained in the course of licensee's or any of its employee's professional duties for private gain previously is not taken;
- m) intrusion into private life, grief or distress of individuals is avoided;
- b) the programs are hosted in a balanced and impartial manner;

11. Programming mix and live coverage.- (1) A licensee shall show content as per its licence category and percentage wise content set out in the terms and conditions of the licence.

(2) A licensee may broadcast live programs if it is permitted under the terms and conditions of the licence and an effective delaying mechanism has been put in place in order to ensure effective monitoring and editorial control.

(3) The selection criteria of the members of in-house monitoring committee to be appointed by the licensee as required under section 20 (f) of the Ordinance shall be provided to the Authority before grant of the licence.

12. General standards.- (1) Licensee shall exercise judgement through decision making of senior editorial staff before airing details of identity or number of hostages or victims of any incident of terrorism and as a general policy, the same shall only be disclosed after the same has been warranted by the security agency in-charge of the situation and family members of the affected persons have been notified.

(2) Licensee shall ensure that all proscribed organisations, militant groups or individuals who are notified by the Government as terrorists shall clearly be so identified and statements of such militant groups or individuals shall not be aired.

(3) Licensee shall ensure that there is no live coverage which discloses the tactical measures adopted by law enforcement agencies against terrorists during ongoing security operations.

(4) Footage that can cause depression or fear in the minds of public shall be properly edited before airing to minimize such effect and shall not be repeated excessively:

Provided that whenever such footage is shown, advance guiding notes shall be aired for exercise of viewer's discretion.

Explanation: For the purposes of sub-section (6) a footage shall be deemed to have been excessively repeated if it is aired for more than once in a transmission of one hour.

(5) While debating on the matters related to financial institutions and stock market, utmost care shall be exercised and it shall be ensure that only professionally qualified persons take part in the discussion.

(6) Licensee shall ensure that no content is aired that:

- a) brings into contempt Pakistan or its people or tends to undermine its integrity or solidarity as an independent and sovereign country;
- b) undermines public security or contains anything against maintenance of law and order or which promotes anti-national or anti-state attitudes;
- c) presents information or events in a manner likely to mislead or cause alarm to the public;
- d) contains propagandist and ideological messages on behalf of any foreign country, group or organisation;
- e) contains extremist or anarchic messages, including the incitement of violence for political ends or other purposes;
- f) sensationalizes the treatment of any issue whether local, nationalistic or foreign in nature; or
- g) contains aspersions against or ridicules the organs of the State;

(7) Licensee shall ensure that due impartiality is observed while airing news and programs dealing with matters of public policy or controversial issues of public importance in Pakistan and ensure that the programs are factually accurate and duly supported by evidence.

Explanation: Impartiality here means that opinion and views expressed by the licensee shall be based on proper reasoning and facts and shall not be influenced by personal bias, prejudice or other commercial interests of the licensee or persons working for the licensee.

13. Coverage of elections.- Licensee shall comply with the guidelines or code issued by the Election Commission of Pakistan for coverage of elections and airing of related programs.

14. Advertising.- (1) Advertisements shall conform to the requirements of the laws of the country including the laws pertaining to protection of the consumer rights and Prohibition of Indecent Advertisements Act, 1963.

(2) Advertisements meant for children shall not directly ask the children to buy the product.

(3) Advertisements shall not promote violence or other activities harmful to human health or property.

(4) Advertisements of any alcoholic beverages, tobacco products, illegal drugs or narcotics shall not be aired.

(5) Any health related advertisement shall not be aired without prior permission of the Federal Government as required under the relevant applicable laws.

(6) Promotion of any kind of lotteries, gambling or betting shall be prohibited.

(7) A licensee shall ensure that its service is not used to advertise or otherwise promote:-

- a) astrology;
- b) geomancy;
- c) palmistry;
- d) any sort of spiritualism magic or black magic; or
- e) any other type of fortune-telling.

(9) Advertisement shall not exploit nationalistic behavior and use of national symbols and anthem purely for the purposes of promotion of a product or any quality in such product shall be prohibited.

(10) Advertisements shall be readily recognizable as such and kept separate from programs.

(11) Advertisements in the form of subtitles, logos or sliding texts on TV shall not exceed a maximum of one tenth of the whole screen.

(12) Advertisements relating to telemarketing, tele-shopping or other offers to make phone calls shall clearly identify the applicable charges inclusive of all taxes.

(13) During a regular program a continuous break for advertising shall not exceed three minutes and duration between two such successive breaks shall not be less than fifteen minutes:

Provided that duration of advertisement in one hour shall not exceed a maximum of twelve minutes.

15. Responsibility for advertising.- Licensee shall be held liable for distribution of illegal or prohibited advertisements.

16. Programs and advertisements to comply with the local laws etc.- (1) All the licensee shall ensure that programs and advertisements comply with the Ordinance, rules, regulations, code of conduct and do not violate any laws of the country.

(2) Where prior permission for airing of any advertisement or program is required to be obtained under any law, such advertisement or program shall not be aired unless requisite prior permission has been obtained.

17. Errors and corrigendum.- (1) In the event any false news or information is aired, the licensee shall acknowledge and correct the same on the same medium without any delay in the same manner and magnitude as that of the false news or information was aired.

(2) Any person aggrieved from any aspect of the program or advertisements may file a complaint before the council as provided in Pakistan Electronic Media Regulatory Authority (Council of Complaints) Rules 2010.

18. Distribution of TV channels.- A distribution service operator shall relay only those TV channels that are licensed by the Authority.

19. Interpretation.- In case of a dispute or controversy over interpretation, purported meanings or effect of any particular content, the decision of the Authority shall be final and binding on all the concerned parties.
