

PAKISTAN ELECTRONIC MEDIA
REGULATORY AUTHORITY
ISLAMABAD

PEMRA HQs,
Operations Wing,
3rd Floor, Mauve Area,
G-8/1, Islamabad.
Tel: 051-9107109
Fax: 051-9107129

No.13(99)/OPS/2016/.....

Islamabad. February 13, 2017

Chief Executive Officer,
M/s.Labbaik Pvt. Ltd.
(BOL News),
Labbaik Plaza, C-47/C 15th Commercial Street,
Phase II Extension, DHA,
Karachi

Subject: PROHIBITION ORDERS UNDER SECTION 27 OF PEMRA ORDINANCE 2002

Whereas, M/S Labbaik (Private) Limited was granted a Licence No. F.10-2(44) STV-2006 dated December 27, 2006, to establish and operate satellite TV channel "BOL NEWS" under terms and conditions including compliance with the Code of Conduct devised for the programmes to be telecast thereof.

2. Whereas, in pursuance of a complaint received from Senator Ishaq Dar, Federal Minister for Finance, a show cause notice was issued to M/s. Labbaik Private Limited for airing misleading and defamatory comments about Pak Army, Federal Minister for Finance and Federal Minister for Defense by Shahid Masood in his programme "Live with Dr. Shahid Masood" on January 24, 2017. Excerpts of the programme content are reproduced as under:

ڈاکٹر شاہد مسعود (تجزیہ کار): --- اب جناب گل کیا ہوا پنڈی میں گل کیا ہوا --- دو شخصیات کو طلب کر لیا گیا راولپنڈی اُس میں دونوں اچھا دنوں اب میں کیا نام لوں اُس میں دونوں وفاقی وزیر ایک کا نام شروع ہوتا ہے K انگلش والا K اور ایک کا نام زیادہ مشہور ہے D سے ٹھیک ہے دونوں وفاقی وزیر اہم وزیر ایک اُن کا مطلب خزانہ و زائدہ ایک دفاع وغیرہ جو بھی کریں آپ اُن کو جناب طلب کر لیا گیا پنڈی طلب کیا گیا اور کہا گیا ایک منٹ hold on یہ آپ کی جو بھی سیاست ہے اس میں ذرا تیسری قوت نوج یہ سازش وائش کی کہانیاں بند کر دیں --- shut up کال --- ہاں تو اب سازش نہیں ہوگی اب سیاست --- عدالت میں سیاست --- مقدمہ لڑیں جوت لے کر آئیں سب کچھ کریں --- مگر یہ تیسری قوت اور سازش وائش اور یہ وہ کہانیاں کہ نوج ادھر اشارے نہ کریں --- آپ اپنا معاملہ عدالت کے اندر لڑیں --- یہ وہاں کریں یہ بیک بک ٹیک یہ ہو رہا ہے ہمارے خلاف سازش --- ہماری ادھر آپ یہ indications نہ بھیجیں --- تو دو وزراء کو گل بزدوس کر دیا گیا ہے ---

3. Whereas, M/s. Labbaik Private Limited was provided two opportunities of personal hearing at PEMRA Council of Complaints, Sindh i.e. on February 2, 2017 and February 10, 2017.

4. However, licenseefailed to defend its position or present any evidence in favour of such scandalous comments about Pak Army, Federal Minister for Finance and Federal Minister for Defense and instead kept seeking adjournments. The content aired thereof was deemed as a willful attempt to misinform the viewers, not only on a highly sensitive matter but also about civil-military relationship when the armed forces are fighting a valiant war against terrorists and need support by all through unity rather than fabricated stories of differences through derogatory remarks which are demoralizing for the nation and the armed forces and are benefitting the enemies of the state of Pakistan.

5. This also cast aspersions against Pak Army in violation of clause 3(1)(j) of Electronic Media Code of Conduct 2015, which has expressed several times its commitment with the Constitution and the rule of law.

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6. Whereas, broadcast of such content by BOL News is blatant and deliberate violation of Section 20 of the PEMRA Ordinance 2002 as amended by the PEMRA (Amendment) Act-2007 read with Rule 15 of the PEMRA Rules 2009 and Clauses 3(1)(i,k,l), 4(1),(7)(a,b,c), 10, 19(1)(2) and 22 (2)(3)(4) of the Code of Conduct-2015, which are reproduced below:

PEMRA Ordinance 2002

20. Terms and condition of license: - A person who is issued a license under this Ordinance shall:-

(c) *Ensure that all programs 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;*

Rule 15 (1) Of PEMRA Rules 2009:

Programs and advertisement content: - (1) *The content of the programs and advertisements which are broadcast or distributed by the broadcast media or distribution service operator, shall confirm 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 license.*

Electronic Media (Program and Advertisement) Code of Conduct 2015

3-Fundamental Principles

(1). No Content is aired which –

- (i) *Is known to be false; or there exist sufficient reasons to believe that the same may be false beyond a reasonable doubt.*
- (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.*

4- News and Current Affair Programs

(1). *News, Current Affairs or documentary programmes shall present information in an accurate manner.*

(7) *In talk shows or other similar programs, the licensee and its employees shall ensure that:-*

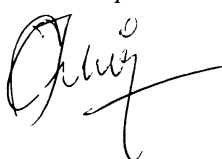
- (a) *Information being provided is not false, distorted, or misleading and relevant facts are not suppressed for commercial, institutional or other special interests;*
- (b) *The program is conducted in an objective and unbiased manner.*
- (c) *Program does not debase or demean a person or a group of person.*

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

19. Facts and opinion: - *The licensee shall ensure that:-*

- (1) *If during a talk show or news show a guest makes or asserts an opinion that is presented as a fact, on a serious issue, the channel and or its representatives must intervene and protect the audience by clarifying this is an opinion and not a fact.*
- (2) *If the host / moderator is giving his or her own opinion, he or she must also clarify that this is a personal opinion and not a fact.*

22. Airing of any allegations etc:- (1) *License shall not air allegation against any person or organization unless the licensee has credible information justifying such allegation and a fair opportunity to defend such allegation has been provided to the person or organization against whom allegation is being leveled.*



(2). *Where a serious allegation has been made by a guest and the accused is not available despite reasonable effort, the licensee shall adhere to the principle of innocent unless proven guilty, and the channel's representation will, to the best of their ability, represent the accused point of view and defense.*

(3) *Licensee shall ensure that reasonable opportunity of defense and reply is provided to any person or organization against any allegation leveled against such person or organization.*

(4) *With regard to serious accusations, the licensee shall not allow any deceptive or misleading mode or manner to portray any material as evidence of wrongdoing or that which is otherwise not evidence at all.*

7. Whereas, the official record of PEMRA confirms that Shahid Masood is a willful and repeat violator of PEMRA Code of Conduct and had been trying to create sensationalism through his irresponsible, untrue and derogatory comments against individuals and the state institutions in the past as well. In certain such instances, stated below, PEMRA had been taking cognizance which was upheld even by the judiciary as well.

- i. On February 9, 2016, PEMRA imposed fine amounting to Rupees Three Hundred Thousand on M/s Airwaves Media Pvt. Ltd. (News One) for airing indecent remarks in its programme "Dr. Shahid Masood Kay Sath"
- ii. Moreover, an advice was issued on February 16, 2016 to M/s. ARY Communication Pvt. Ltd. (ARY News) for its programme "Live with Dr. Shahid Masood" for airing unprofessional and irresponsible comments made by the host Shahid Masood.
- iii. In another case the Authority imposed fine of Rupees One Million on 15.7.2016 on ARY News and its programme "Live with Dr. Shahid Masood" for airing false and defamatory remarks against Senator Ishaq Dar, Federal Minister for Finance.
- iv. PEMRA had also imposed ban on Shahid Masood and his programme "Live with Dr. Shahid Masood" on ARY News for forty five (45) days on August 10, 2016 for casting aspersions against Chief Justice of Sindh High Court accusing him of taking bribery. Notwithstanding, The Honorable Islamabad High Court, Islamabad in FAO No. 81 of 2016 dated 19.9.2016 had upheld PEMRA's orders of suspension of programme "Live with Dr, Shahid Masood" for 45 days on ARY News dated August 10, 2016 for violating provisions of Code of Conduct 2015 and airing false and defamatory content in his programme.

8. Now, therefore, in view of the afore-mentioned reasons and endorsing the recommendations of PEMRA Council of Complaints, Sindh made in its 44th meeting held on February 10, 2017, the competent authority in exercise of delegated powers of the Authority vested in Section 27 of the PEMRA Ordinance 2002 as amended by the PEMRA (amendment) Act-2007 has ordered as follows:

- i. ***M/s. Labbaik Private Limited is prohibited from broadcasting or re-broadcasting, fresh, old or repeat program named "Live with Dr. Shahid Masood" for a period of thirty (30) days on Bol News starting from February 13, 2017, 08:00 p.m. till March 14, 2017, 12 midnight.***
- ii. ***Dr. Shahid Masood, the host of the programme "Live with Dr. Shahid Masood" shall not appear or reappear in any live, recorded/ old / repeated programme on Bol News as an anchor, analyst, guest or on audio/ video beepers during the news bulletins or during the regular, live, recorded transmission of the channel or any programme, in any manner, what so ever for four weeks starting from February 13, 2017, 08:00 p.m. till March 14, 2017 midnight.***



- iii. *During this prohibition period Shahid Masood is prohibited under Section 27 to do a programme on any other channel as a host or co-host with the name “Live with Dr. Shahid Masood” or with any other name.*
- iv. *Fine of Rs.1,000,000/- (One Million) is also imposed on M/s. Labbaik Private Limited (Bol News) payable within fifteen days of issuance of this order.*
- v. *M/s. Labbaik Private Limited (Bol News) is directed to air an apology for telecasting aspersions against Pak Army, and airing derogatory remarks against Senator Ishaq Dar, Federal Minister for Finance and Khawaja Muhammad Asif, Federal Minister for Defense at the same time, in the same manner and magnitude. Besides, tickers / scroll pertaining to apology shall also be aired during the regular transmission of BOL News, mentioning the name of the programme in which baseless allegations were telecast.*
- vi. *M/s. Labbaik Private Limited (Bol News) is also directed to deploy and/or properly utilize time-delay mechanism and constitute an In-House Editorial Committee, under intimation to this Office, to ensure compliance of the Code of Conduct. The Channel, at all reasonable times, shall facilitate inspection of time-delay mechanism after thirty (30) days of issuance of this decision.*
- vii. *The Channels are also warned that in case of violation or repeated violation of similar nature, and or non-compliance of the above decision, the Authority shall proceed against the channel(s) for revocation of the license(s) under Section 30 of PEMRA Ordinance 2002 as amended by the PEMRA (Amendment) Act 2007 and other enabling provisions of PEMRA laws.*


(Muhammad Tahir)

General Manager (Operations)

Copy to:

1. **Secretary to the Authority**[For record and intimation of the Authority]
2. **All RGMs, PEMRA:** [For information and necessary action]
3. **The Chairman, Pakistan Telecommunication Authority (PTA)** [With the request for immediate action to stop live web-streaming of the program “Live with Dr. Shahid Masood” on BOL News or News One]
4. **Managing Director, PAKSAT International, Headquarters, G-8/1, Islamabad**
5. **Director General (Admn/ Legal)**
6. **Director General (Licensing-Broadcast/DTH)**
7. **Director General (Monitoring)**
8. **General Manager (Media & PR).**
9. **DGM, Chairman Office.**
10. **C.E.O. M/s. Airwaves Media Pvt. Ltd. (News One)**