

# **GUIDELINES OF THE AUTHORITY ON MEDIA COVERAGE OF SIT-IN AT FAIZABAD, ISLAMABAD**

## **BACKGROUND**

- 1.1 Pakistan Electronic Media Regulatory Authority (“PEMRA”) is statutory body established to facilitate and regulate the private electronic media within Pakistan. It was established under the PEMRA Ordinance 2002, which was later amended through the PEMRA (Amendment) Act 2007 (Act No. II of 2007) (hereinafter referred to as “PEMRA Ordinance”). It has the mandate to improve the standards of information, education and entertainment; (ii) enlarge the choice available to the people of Pakistan in the media for news, current affairs, religious knowledge, art, culture, science, technology, economic development, social sector concerns, music, sports, drama and other subjects of public and national interest; (iii) facilitate the devolution of responsibility and power to the grass-roots by improving the access of the people to mass media at the local and community level; and (iv) ensure accountability, transparency and good governance by optimizing the free flow of information.
  
- 1.2 Whereas PEMRA’s Authority is mandated by the Parliament to regulate the establishment and operation of broadcast media in Pakistan by exercising the powers given to it under PEMRA Ordinance. If PEMRA finds any content or the programmes is against its law, it can issue a show cause notice to the licensee/ the Channel under Section 29(5) and (6) of the PEMRA Ordinance and can fine its Licensee upto One million in case of noncompliance of the applicable legal regime. Under Section 27 of the PEMRA Ordinance, the Authority by order in writing, giving reasons thereof, can prohibits any broadcast media or distribution service operator which is against the ideology of Pakistan, or is likely to create hatred among the people or is prejudicial to the maintenance of law and order or likely to disturb public peace and tranquility or endangers national security or is pornographic, obscene or vulgar is offensive to the commonly accepted standards of decency. Or any practice which amounts to abuse of media power by way of harming the interest of any other licensee or any other person. PEMRA can also take action under Section 26 of the PEMRA Ordinance, whereby the complaints received from any aggrieved person from the general public, are forwarded to the respective Council of Complaints duly constituted by the Federal Government to adjudicate on the complaints and give their recommendations to the Authority. The Authority gives the final decisions after cognizing on the recommendations of the Council of Complaints.

- 1.3 Section 20 of the PEMRA Ordinance, which is the essential part of the License issued by PEMRA provides *inter alia* the Terms and conditions of licence.- A person who is issued a licence under this Ordinance shall.- (a) ensure preservation of the sovereignty, security and integrity of the Islamic Republic of Pakistan; (b) ensure preservation of the national, cultural, social and religious values and the principles of public policy as enshrined in the Constitution of the Islamic Republic of Pakistan; (c) ensure that all programmes 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. Section 20 (f) provides that Licensee shall comply with the codes of programmes and advertisements approved by the Authority and appoint an in-house monitoring committee, under intimation to the Authority, to ensure compliance of the Code.
- 1.4 Section 19 (5) of the PEMRA Ordinance provides that the Authority shall devise a Code of Conduct for programmes and advertisements for compliance by the licensees. This Code of conduct devised by the Authority is the Electronic Media (Programmes and Advertisements) Code of Conduct 2015 (“Code of Conduct”), which sets out all the parameters for the Licensee to comply with to ensure responsible flow of information to the public at large. The Code of Conduct was devised by the Authority in consultation with the Pakistan Broadcasters Association (“PBA”), which is an association of Licensee of PEMRA of Broadcast Media Satellite TV licensee and FM radio Licensee. The Code of Conduct is also the part of the License granted by PEMRA and it was implemented by the Supreme Court of Pakistan.
- 1.5 In-House Editorial Committee or Board  
In order to avoid any violation of the Code of Conduct, PEMRA Licensee under Section 20(f) of PEMRA Ordinance read with Regulation 8(5) (a) of PEMRA (Television Broadcast Operations) Regulations, 2012 and Clause 17 Code of Conduct is obligated to appoint in-house committee under intimation to PEMRA to ensure compliance of the Code of programmes and advertisement. The purpose of the committee is that ensure that all programmes and advertisement comply with the terms and conditions of the licensee under Section 20 of PEMRA Ordinance.
- 1.6 Time-Delay Mechanism  
Under Clause 5 of Code of Conduct, no licensee shall broadcast any live programme unless there is an effective delay mechanism put in place in order to ensure effective monitoring and editorial control in conformity with the Code of Conduct.

1.7 Incite Violence

Under Clause 3 (1) (h) of the Code of Conduct the licensee has to ensure that no content is aired which is likely to incite, aid, abet, glamorize or justify violence, commission of any crime, terror or leads to serious public disorder;

1.8 Live Coverage

Pursuant to Clause 8(8) of the Code of Conduct the Licensee has to ensure that: there is no live coverage of any ongoing security operation by the law enforcement agencies and licensee shall air only such information as may be warranted by the security agency incharge of the operation.

2. PROCEEDINGS/FINDINGS

2.1 On 24th October 2017, PEMRA issued an advice No.13 (89)/Ops/15 wherein it was advised that TV channels should exercise utmost care while discussing the religiously sensitive matters in their news and current affairs programmes. In the first week of November PEMRA reminded all TV channels about the advice No.13 (89)/Ops/15 dated October 24, 2017. On November 25, 2017 all the News & Current Affairs Satellite TV Channel Licensees were repeatedly directed for atleast four hours to refrain from telecasting live footages of the troops and of the operation at Faizabad.

2.3 Failure of the Licensee to comply with the advice issued by PEMRA and due to unending live coverage by News and Current Affairs channels, the Authority issued a written directive on 25.11.2017 at 9:00 a.m. to stop live coverage of security operation and to ensure strict compliance of clause 8 (8) of Code of Conduct 2015, reproduced below:

***“The licensee shall ensure that: there is no live coverage of any ongoing security operation by the law enforcement agencies and licensee shall air only such information as may be warranted by the security agency incharge of the operation.”***

2.4 News and Current Affairs channels did not comply with the repeated directives and continued live coverage of Dharna operation exposing the positions of law enforcement agencies and in certain making sure that face of security forces are recognizable, endangering theirs as well as their family lives. This was willful violation of PEMRA laws.

2.5 The Federal Government through Ministry of Information, Broadcasting, National History and Literary Heritage, vide letter No. F.1(1)/2017-DGIP dated 25.11.2017, under Section 5 of PEMRA Ordinance directed PEMRA to immediately put off-air all those News and

Current Affairs TV channels which are telecasting the operation live and endangering the lives of the security personnel.

- 2.6 The Federal Government through Ministry of Information, Broadcasting, National History and Literary Heritage, vide letter No F.1(1)/2017-DGIP dated 26.11.2017, under Section 5 of PEMRA Ordinance directed PEMRA to take off-air only those TV channels which continue to violate the PEMRA laws, Code of Conduct 2015, Directives, Determination and Guidelines issued by the Authority regarding the audio visual coverage of Faizabad sit-in and related demonstrations all over the country and to implement aforesaid Federal Government Policy Directives immediately.
- 2.7. The Authority after considering the above mentioned directives of the Federal Government in pursuance of Section 5 of PEMRA Ordinance hereby issues order that any Broadcast Satellite TV Channel License Holder(s), which failed to comply with the following guidelines (for the media coverage of sit-in at Faizabad, Islamabad and other parts of the country), under Regulation 18(g) of the PEMRA Television Broadcast Station Operation Regulations 2012 shall be suspended / off-aired with immediate effect under Section 30 (3) of the PEMRA Ordinance for the reason of necessity in “public interest”.

### 3. GUIDELINES

- (i) To hold themselves to the highest possible standard of professionalism and neutrality in covering security-related events, abide by the profession's behavioral norms so as to maintain the country's sovereignty and security, and refrain from broadcasting news material that may be interpreted against security forces, or broadcasting visual material that may harm them.
- (ii) There shall be no live coverage of any ongoing security operation by the law enforcement agencies and licensee shall air only such information as may be verified/ authenticated by the local administration.
- (iii) Not to air, information or breaking news that may lead to the targeting of security forces, the uncovering of their positions or the identification of their areas of deployment, thereby giving the protestors a "free service" while trying to attack them or instigating attacks on them.
- (iv) It is forbidden to conduct live or recorded interviews, personally or via satellites, with individuals who are wanted by the law, or who head armed groups or adopt an

inciting and escalating discourse, or who harm national security or disclose military or security-related classified information.

- (v) Live Coverage of incidents of accident, violence and crime shall not incite, glamorize or in any way promote violence or anti-social behavior and such coverage does not prejudice the success of an ongoing security operation.
- (vi) No licensee shall broadcast any live programme unless there is an effective time delay mechanism put in place in order to ensure effective monitoring and editorial control.
- (vii) 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.
- (viii) No live content shall be aired which is likely to encourage or incite the commission of crime or to lead to disorder must not be included in television services.
- (ix) Licensee has to ensure that no content is aired which is likely to incite, aid, abet, glamorize or justify violence, commission of any crime, terror or leads to serious public disorder;
- (x) Scenes with violence or suffering such as close-up shots of person brutally tortured or killed shall not be shown.
- (xi) Licensee shall refrain from False reporting giving numbers of casualties and number of injured without verification.
- (xii) Establish and report the facts, without stereotype or generalization.
- (xiii) The Licensee shall not create hurdles in dispensation of the duties of the law enforcement agencies, rescue agencies, hospitals and doctors, etc.
- (xiv) Licensee shall appoint in-house committee under intimation to PEMRA to ensure compliance of the Code of programmes and advertisement.
- (xv) Licensee shall not air speculative or biased reporting that may compromise any security operation.

- (xvi) Licensee shall ensure that any of its reporter, camera man or other crew does not enter the area where security operation is being carried out without prior permission of the security agency incharge of the operation.
  - (xvii) Ensure safety and security of their field staff. In this regard camera crews and reporters should not go beyond the point as identified by the Incharge of the operation and ensure cooperation with law enforcement agencies.
  - (xviii) Licensee shall provide necessary protection gear to its reporters, cameramen and other crew deployed at any crime incident.
  - (xix) Licensee shall ensure that no programme or comment is aired which incites or condones acts of violence and encourages violation of law in the name of religion, sect, community or ethnic group or any other pretext.
  - (xx) The Licensee shall not present the content in a manner which may be disturbing or distressing to children or which may in any way adversely affect their general well-being;
  - (xxi) The licensee shall include appropriate warning through a disclaimer before airing any content that may not be suitable for children.
  - (xxii) Not broadcast video footage of extremists, protestors, bodies of any victims, statements and pronouncements of militants, extremists, protestors, and any other act which may, in any way, promote, aid, abet violence, terrorism and public disorder.
  - (xxiii) Besides above guidelines all other provisions of PEMRA Ordinance 2002, Rules 2009, Regulations, Code of Conduct 2015 and Licence terms and conditions shall remain intact and applicable on the licensees.
4. The above guidelines of the Authority is recommended for notification by the Federal Government, in the Official Gazette.