



MEDIA POLICY 2012



Muhammad Usama Riaz
Youth Minister for Information



Media Policy 2012

Role of Media and Media Reforms

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Foreword:

Watchdog in nature, informative in outlook and vivacious in mood, media has been an integral tool in the progress and development of the faculties of citizens of a country. Whether electronic or print, it must ensure an objective, unbiased, impartial and unembellished flow of domestic or global information to the citizens. In democratic countries, the role of free and open media entails a greater responsibility while playing the role of a watchdog. Even a slight negligence by the information benefactors can prove detrimental to the society.

With freedom comes accountability; system of check and balance by the government must exist for better and more ethical flow of information. No *carte blanche* for media; the government must make sure that all existing laws are respected while keeping the window of reforms open. The government should improve the regulatory system and device ethical and legal parameters for a more responsible, fair and constructive media. It is the only way to build a society free of fears, commotions and unethical behaviors.

Role of Media:

In Pakistan, the history of liberalized media goes back to the early years of 21st century and since then; effects of media are observed in all corners of the society. Whether its transference of news, reporting of a catastrophe, discussion on a subject, criticism on governance or area of entertainment, the role of media is always diagnostic and its significance cannot be denied. It has done a commendable job in educating, mobilizing and creating awareness in the people of Pakistan.

In the world of democracy:

- A leashed and responsible media playing the role of a watchdog, instead of a judge, is of principal importance
- Media, electronic or print, should be a critical analyst of the machinery of legislature, executive, judiciary and military instead of becoming a stakeholder of a state itself
- It should uphold the highest standards of ethics, morality and respect while remarking the scenarios of the state as what it says depicts national image in the world

Unfortunately,

- An immense competitive environment in the field of journalism has dragged the medium towards alarming curve of sensationalism
- The sense of being superior in grabbing and transferring information and nous to maintain highest market ratings have surpassed the sagacity of honor, integrity, respect and values.

Now a situation is generated in which the society feels a dire need of introducing reforms to tame the unleashed media because a nation prospers when all of its shareholders perform their duties within their ethical and legal constraints.

Media Reforms:

There are a number of legislative and regulatory mechanisms that directly and indirectly regulate media. *Need of the hour is to enforce or further amend these laws, if necessary, introduce reforms and develop a fear of accountability for better regulation of the media.*

A) Reforms in Print Media:

The print media of Pakistan is playing its role in communicating with the citizens. Following reforms should be introduced to regulate it in a more fruitful manner so that individuals and organizations who believe in individual liberties and constitutional heritage collaborate to ferret out the truth and rebuild our nation's greatness:

1) Full Enforcement of Regulatory Laws:

The laws devised for regulation of print media must be fully endorsed. The laws include:

- Press and Publication Ordinance (PPO) 2002
- Registration Printing Press and Publication Ordinance 1997
- Freedom of Information Ordinance of 2002
- Defamation Ordinance of 2002, the Contempt of Court Ordinance of 2003
- Press – Newspapers – News Agencies and Books Registration Ordinance 2003
- Press Council Ordinance 2002
- Intellectual Property Organization of Pakistan Ordinance 2005
- Access to Information Ordinance of 2006
- Laws pertaining to
 - Press Council of Pakistan (PCP)
 - All Pakistan News Paper society (APNS)
 - Council of Pakistan Newspaper Editors (CPNE)

2) Declaration of Assets:

Some elements in today's media have become blinkered by bias and hobbled by fiscal and technological constraints. Bias, both institutional and personal, prevents them from seeing beyond the practitioners' own narrow field of interest. Fiscal hobbles, imposed by short-sighted demands for near-term profits, have severely limited the agility needed to adapt to the legal and ethical constraints. Following are the reforms:

- Every newsgroup owner and column-writer must declare his assets on yearly basis (*Media Assets Declaration Act'12 proposing the reform is in Appendix*)
- Those news-group owners and column-writers who fail to declare their assets accurately will face severe consequences (*Media Assets Declaration Act'12 proposing the reform is in Appendix*)

3) Audit Bureau of Circulation (ABC):

- Role of ABC must be transparent regarding the circulation of the periodicals and publications like daily newspapers/magazines.
- Government Advertisements must be awarded on the factual basis of circulation.
- Survey of circulation of newspapers/periodicals must be conducted by a neutral gallop survey.

B) Reforms in Electronic Media

Electronic media is the most vibrant and critical among all types. It is believed that electronic media can prove to be a greatest strength to develop and promote national culture and ideology if it acts as a responsible medium of communication. Country's reputation is built with the way it is presented before the world and with this free medium of communication, should promote everything in the ray of positive light. Following reforms are needed to make it work in a more constructive and fruitful manner.

1) Pakistan Electronic Media Regulatory Authority Ordinance 2002 (XIII of 2002):

PEMRA Ordinance issued under the rule of a dictator has to be reformed to empower the Parliament for a better regulation of the electronic media. The reforms are:

- The PEMRA Ordinance should be amended (*Pakistan Electronic Media Regulatory Authority (Amendment) Act '12 proposing the reforms is in Appendix*)
- The amended Ordinance should be fully implemented by the government
- The phenomenon of accountability towards the violators, prescribed in the amended Ordinance, should be endorsed in letter and spirit.

2) Declaration of Assets:

- Every channel owner and anchor person must declare his assets on yearly basis (*Media Assets Declaration Act '12 proposing the reform is in Appendix*)
- Those channel owners and anchor persons who fail to declare their assets accurately will face severe consequences (*Media Assets Declaration Act '12 proposing the reform is in Appendix*)

3) Code of Conduct:

Code of conduct is the pathway on which patrons of a profession carry out their jobs, absence of which creates chaos. Since the establishment of the electronic media, there hasn't been any defined code of conduct, therefore:

- The parliament must legislate a code of conduct as soon as possible and government must implement it impartially and uniformly
- Those channel owners or media personals who don't comply with existing rules and regulations and the code of conduct must face consequences prescribed under rules.
- *A suggested code of conduct is as follows:*

a) National Defense, security and Integrity:

- Media personals of a channel shall not broadcast a program that hampers the defense mechanism of the country and poses a threat to the security, integrity and image of the country

b) Coverage of a catastrophe/disaster or Human agony:

- Media Personals, while reporting and covering a catastrophe, shall not ridicule the effected citizens by sensationalizing their report.
- They must not create panic among the rest of the citizens while communicating with them
- Coverage of unpleasant images and dead bodies shall be strictly avoided.

c) Coverage of Crime and Violence:

- Media personals, during coverage of crime and violence, shall not lacerate the emotions of the viewers by showing blood, injured/dead bodies or any kind of unethical and unacceptable behaviors.

d) Language:

- Broadcasters must maintain the highest standards of language, national or regional, in all programs; news, current affairs, dramas, cultural shows and documentaries.

e) Live Coverage:

- A delaying mechanism of at least 10-15 seconds must be incorporated while reporting or broadcasting a live show.
- Federal ombudsmen must make sure that the monitoring/editorial committee is implementing the delaying mechanism.

f) News Bullet-in:

- The newscaster must communicate the news in an objective manner without sensationalizing the matter.
- Breaking news cannot be aired unless a matter of national interest is to be communicated
- News bullet-in cannot be aired in an interval less than thirty minutes
- Background songs while broadcasting a news bullet-in should be avoided

g) Talk Shows:

- The anchorpersons/journalists must ensure highest standards of respect of the guests/panelists while conducting the programs
- The anchorpersons must not act as judges but watchdogs.
- Equal time should be given to all the guests/panelists.

h) Strengthening and Implementation of Libel Laws :

- The broadcasters must ensure the highest level of respect of national institutions; legislature, executive, judiciary and military
- The personals/journalists can comment on the governance of the institutions but cannot ridicule them.
- Libel laws should be strengthened to put a strong bar on the defamation of offices and individuals.

i) Respect and Privacy of the citizens:

- No program can be aired which breaches the privacy of any citizen of Pakistan (including the government officials)
- No program can be aired that defames the character of any citizen of Pakistan (including the government officials)

j) Extremism:

- Programs inciting the religious extremism cannot be aired
- The journalists must not use sensational language/ton on a sensitive matter that may lead to a situation of anarchy in the country.

k) Obscenity:

- Nothing can be broadcasted that is below the acceptable standards of the local community with respect to obscenity
- The drama actors/actresses, program hosts, anchorpersons, newscasters must maintain the ethical standards of the domestic community.

C) Social Media:

Social media is the new entry in the media sphere that has proven its effectiveness as well as its maliciousness in the last couple of years. It has brought revolutions in the Middle East and it has also fostered rumors and malevolent attitudes as in case of neighboring India's Assam State. As policy makers and visionaries, we are cognizant of its importance and we believe Ministry of Interior, Ministry of IT and Telecommunication as well as Ministry of Information should work collaboratively to produce legislation for greater public interest in this media.

D) Other Reforms:

1) Economic Safety of Journalists:

A vast majority of working journalists in the Pakistan are living in a miserable condition receiving low salaries and no facilities. The Seventh Wage Board Award was a ray of hope for them, when it was announced. This is a hot issue of today's Pakistani Journalism. It was announced in 2001 by a Wage Board constituted by the Government of Pakistan under Newspapers' Employees' Act 1973. Even after a period of ten years, it has not been implemented by the media organization till the end of 2011. The government must introduce economic reforms for the improvement in the life standards of the journalists.

a) Implementation of the Wage Board Award for Economic Safety of Journalists:

- The Ministry of Information must implement the wage board award by settling the matters with the media-group owners as soon as possible.
- The federal ombudsmen will make sure that after the settlement, the journalists are not exploited in the hands of media-group owners.

2) Immediate Revocation of Secret Fund of Ministry of Information:

The immoral activities through the allocation of funds from secret stock by Information Ministry, particularly in elections, must be stopped immediately. These types of events derail the image building of the government when disclosed.

Appendix

[TO BE INTRODUCED IN THE YOUTH PARLIAMENT PAKISTAN]

A

BILL

Further to amend the Pakistan Electronic Media Regulatory Authority Ordinance 2002 (XIII of 2002) for the purposes hereinafter appearing;

WHEREAS, it is expedient further to amend Pakistan Electronic Media Regulatory Authority Ordinance 2002 (XIII of 2002) for enhanced regulation of the electronic media;

It is hereby enacted as follows:-

1. Short title, extent and commencement: -

- 1) This Act may be called Pakistan Electronic Media Regulatory Authority (Amendment) Act, 2012
- 2) It shall extend to the whole of Pakistan.
- 3) It shall come into force at once.

2. Interpretations: - In this Act, unless there is anything repugnant in the subject or context

“**Media**” means electronic media

“**Prescribed**” means prescription by defined rules and regulations

“**Authority**” means the Pakistan Electronic Media Regulatory Authority (PEMRA);

“**Channel Owner**” means a person who is in possession of all or partial shares of the ownership channel;

“**Chairman**” means the Chairman of the Authority;

“**Chairperson**” means the head of a Council of Complaint;

“**Member**” means a member of the Authority;

“**Government**” means federal government unless specified;

3. Amendment of Section 6, Ordinance XIII of 2002: -

In the Pakistan Electronic Media Regulatory Authority Ordinance 2002 (XIII of 2002), hereinafter referred to as the said Ordinance, in section 6;

- a) in sub-section (1), for the word “President”, the word “Prime Minister” shall be substituted;

Explanation: Prime Minister is the head of government and shall have the powers to appoint the Chairman and members.

- b) After sub-section (1), sub-section (1A) and sub-section (1AA) shall be inserted as follows:

Sub-Section (1A): “A bi-partisan Parliamentary Standing Committee of Information and Broadcasting will recommend thirteen names to the Prime Minister for the appointment mentioning two senior-most members.

Sub-Section (1AA): “The Prime Minister will have the complete jurisdiction and power to select one member from the two for the appointment as the Chairman, whereas the other person would work as the member“

- c) in sub-section (2), sub-section (2A) shall be inserted as follows:

Sub-Section (2A): “The Chairman would be answerable to the Prime Minister of Pakistan for not implementing the rules and regulations“

4. Amendment of Section 7, Ordinance XIII of 2002: -

In the Pakistan Electronic Media Regulatory Authority Ordinance 2002 (XIII of 2002), hereinafter referred to as the said Ordinance, in section 7;

- a) in sub-section (1), for the word “four”, the word “five” shall be substituted;

Explanation: Tenure of Chairman and members shall be synchronized with tenure of the federal government.

5. Amendment of Section 17, Ordinance XIII of 2002: -

In the Pakistan Electronic Media Regulatory Authority Ordinance 2002 (XIII of 2002), hereinafter referred to as the said Ordinance, in section 17;

a) for the word “President” , the word “Prime Minister” shall be substituted;

Explanation: Prime Minister is the head of government and shall have the power to seek answer from the Chairman.

6. Amendment of Section 26, Ordinance XIII of 2002: -

In the Pakistan Electronic Media Regulatory Authority Ordinance 2002 (XIII of 2002), hereinafter referred to as the said Ordinance, in section 26;

a) in sub-section (2), after the words “persons or organizations from the general public”, the words “or from the federal ombudsmen described under section (7) of this Act” shall be inserted;

b) in sub-section (3), sub-section (3AA) shall be inserted as follows:

Sub-Section (3AA): “The Chairperson will write a quarterly report to the Chairman of the authority about the operations of council”

c) after section 26, section 26A “Appointment of federal ombudsmen” shall be inserted as follows : -

Section 26A “Appointment of federal ombudsmen”:

i. The Authority will appoint a federal ombudsman for every channel

- ii. Each federal ombudsman will be an employee of the federal government of Pakistan.
- iii. Each federal ombudsman will observe coverage of all kinds of programs on-air.
- iv. Each federal ombudsman is authorized to summon the report from editorial committee of a channel if any violation of the rules and regulations is committed.
- v. The federal ombudsmen are supposed to submit that report to the authority within forty eight hours.
- vi. The channel owner or its personals may launch complaints against owner or personal of any other channel to the office of federal ombudsman who will forward the complaint to the council within five working days.

7. Amendment of Section 33, Ordinance XIII of 2002: -

In the Pakistan Electronic Media Regulatory Authority Ordinance 2002 (XIII of 2002), hereinafter referred to as the said Ordinance, in section 33;

a) in sub-section (1), for the word “ten”, the word “fifteen” shall be substituted;

Explanation: Further to increase the penalty to stop offences.

8. Power to make rules: -

The Federal Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act.

9. Modification of the law: -

Any law, executive order, rules or regulations inconsistent with the provisions of this Act shall be modified accordingly.

10. Removal of difficulties: -

If any difficulties arise in giving effect to any of the provisions of this Act, the Federal Government may make such order, not inconsistent with the provisions of this Act, for removing the difficulty.

STATEMENT OF OBJECTIVES AND REASONS

1. The regulation of the electronic media, in accordance with the shifting national events, is of principal importance to avoid any shortcomings in the system.
2. The law is enacted to address the matter.

Mr. Muhammad Usama Riaz

Youth Minister of Information

Youth Parliament of Pakistan

Minister-in-Charge

[TO BE INTRODUCED IN THE YOUTH PARLIAMENT PAKISTAN]

A

BILL

To provide for obligatory declaration of assets by media group owners and media personals on yearly basis

WHEREAS, it is expedient to enact a law for the regulation of the flow of information, to avoid the partiality and biasness and to uphold the integrity and legal obligations of the information benefactors so that course of information transference be made more transparent, clear and constructive;

It is hereby enacted as follows:-

1. Short title, extent and commencement: -

- 1) This Act may be called Media Assets Declaration Act, 2012.
- 2) It shall extend to the whole of Pakistan.
- 3) It shall come into force at once.

2. Interpretations: - In this Act, unless there is anything repugnant in the subject or context

“Media” means electronic media or print media;

“Asset” means property of all kinds; moveable or immovable, cash, shares, furniture, jewelry, machinery, any work of art; an antique; or anything having cumulative market value of more than rupees six-hundred thousand on the end of every fiscal year;

“Declaration” means a declaration by a person in a way defined under section 3 of the Act;

“Media Group Owner” means a person who is in possession of all or partial shares of the ownership of a media group; channel or a newspaper

“Media Personal” means a person who is a part of opinion-developing group; channel anchor or newspaper column-writer

“Prescribed” means prescription by defined rules and regulations

3. Declaration of assets: -

As soon as may be, after the commencement of this Act, the Federal Government shall direct, by notification in the Official Gazette, every media group owner and media personal in possession of assets to submit an asset declaration statement in a prescribed manner to an empowered and non-partisan Parliamentary Standing Committee on Assets Disclosure and Investigation.

4. Declaration audit for assets verification: -

- 1) The Parliamentary Standing Committee on Assets disclosure and Investigation will carry out a detailed audit for verification of assets declaration statements of all media group owners under section (3), whereas for media personals, the committee has the authority to audit all or to select forty percent submittals.
 - a. The forty percent selection of the asset declaration statements of media personals will be kept confidential unless to be produced in the court for some reason.

5. Offences for late compliance of assets declaration statement submission: -

- 1) Any owner or personal of the media group who fails to submit a declaration under section (3) before the specified time will be apt for suspension and cancellation of license to broadcast until the submission of asset declaration statement.

- a. The Standing Committee has the authority to give relaxation to the person if a written explanation satisfies the committee.
- b. If the person fails to submit the asset declaration statement even after the period of relaxation granted by the committee, the person will be penalized under sub-section (1)

6. Punishment for inaccurate declaration of assets: -

Any owner or personal of media group who consciously submits a statement while declaring assets, which is forged, misleading or showing less assets or presenting the value less as compared to the market with variation of more than ten percent, will be punished with imprisonment for a term of seven years or seizure of such undervalued or non-declared assets or both.

7. Power to make rules: -

The Federal Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act.

8. Modification of the law: -

Any law, executive order, rules or regulations inconsistent with the provisions of this Act shall be modified accordingly.

9. Removal of difficulties: -

If any difficulties arise in giving effect to any of the provisions of this Act, the Federal Government may make such order, not inconsistent with the provisions of this Act, for removing the difficulty.

STATEMENT OF OBJECTIVES AND REASONS

1. The transparent flow of factual information is of paramount importance in development of the faculties of the citizens and hence the progress of the country. Today, some elements in the media try to forge the information and redirect the course deliberately and seek advantages in doing so, from inside and outside the premises of the country. This disrupting behavior has to be stopped.
2. The law is enacted to address the matter.

Mr. Muhammad Usama Riaz
Youth Minister of Information
Youth Parliament of Pakistan
Minister-in-Charge