

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
M.A.No.47 of 2016

DATE: ORDER WITH SIGNATURE(S) OF JUDGE(S).

FRESH CASE

1. For hearing of Main Case
 2. For order on CMA No.28980/2016 (Stay)
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02.11.2016

M/s. Abid S. Zuberi and Ayan Mustafa Memon,
Advocates for the Appellant.

1 & 2. Counsel for the Appellant draws Court's attention toward pages 21 and 23, where a copy of the impugned Suspension Order issued by the Respondents is reproduced. A review of the said order read with the accompanied Circular dated 19.10.2016 reproduced on page 27, shows that the Respondents have allegedly passed the impugned order suspending license granted to the Appellant on the basis of the aforesaid circular wherein all license holders were called upon by the Respondents to not to broadcast any Indian contents and channels were directed to allow air time of no more than 10% to foreign (except Indian) contents.

Per counsel, the Appellant is a Cartoon Channel and it was broadcasting childrens' cartoon and upon receipt of the said circular dated 19.10.2016, when the Respondents took the decision to block the broadcast of Indian contents, the Appellant immediately stopped airing all contents which originated from India. The counsel submitted that some cartoon programs, which were originated from India and dubbed in Urdu language for Pakistani viewers were broadcasted before the said circular was issued, however, strictly

following the intent of the circular dated 19.10.2016, the channel refrained from broadcasting such content. Per counsel, the ground on which the year 2008 license granted to the Appellant has been suspended is unfounded, as post 19.10.2016 no Indian contents were broadcasted by the Appellant. The learned counsel also raised concern over the unilateral action taken by the Respondents, in terms of which, without giving any opportunity of hearing to the license holders its license has been permanently cancelled, which is violative of the principle of natural justice. Notwithstanding that the mechanism provided under section 30 of the PEMRA Ordinance, 2002 requires that a notice of personal hearing would be given before taking such an action against a channel.

Issue notice to the Respondents as well as DAG for 10.11.2016. In the interim, operation of the order dated 31.10.2016 is suspended.

A copy of this order be circulated amongst all cable operators and other distribution companies by PEMRA immediately.

Judge