

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No.D-449 of 2020

Date Order with signature of Judge

Before:-
Mr.Justice Muhammad Ali Mazhar
Mr.Justice Amjad Ali Sahito

Sana Saleem **Petitioner**

V/s

Federation of Pakistan
& others.... **Respondents**

10-02-2021

Petitioner present in person along with her counsel Mr.Farrukh Sharif, Advocate.
Mr.Ayan Mustafa Memon, Advocate for the Respondent Nos.5 to 7.
M/s.Kashif Hanif & Mr.Sarmad Ali, Advocates for PEMRA.
Mr.Hussain Bohra, Assistant Attorney General.
Mr.Shaharyar Mehar, Assistant Advocate General.
Ms.Sara Malkani, Advocate for the Intervener.

Muhammad Ali Mazhar, J: The petitioner entreated for restraining order against respondent Nos.5, 6 and 7 not to telecast the last episode of T.V. Serial “MERE PASS TUM HO” on their T.V. Channel. This is a fact that when this petition was filed all previous episodes of aforesaid drama serial were already broadcasted and the petitioner only approached this court before airing of last episode just before 2 or 3 days. This matter was lastly fixed on 17.03.2020, thereafter, it is fixed today for hearing.

2. Mr.Ayan Mustafa Memon, Advocate for the Respondent Nos.5 to 7 argued that the last episode has already been aired much earlier and no complaint was filed by the petitioner against this drama serial before PEMRA but she has directly approached this court. Whereas the learned

counsel for PEMRA argued that under the PEMRA Ordinance and enabling rules and regulations, a Council of Complaint has been constituted, which is functional. He further argued that in case any dialogue or content, if considered to be violative of code of conduct formulated by PEMRA, the proper course of action is available under the law to file a complaint before Council of Complaint (PEMRA), where entire matter is taken up and after hearing the parties proper action is recommended to the competent authority of PEMRA, but in this case the petitioner has opted to approach this court directly rather than filing complaint to Council of Complaint (PEMRA).

3. To a plea raised by counsel for Respondent Nos.5 to 7 that this petition has become infructuous, the petitioner argued that though the whole drama serial has been broadcasted and airing has been completed, but there is a likelihood of retelecast of the same drama serial to some other time with alleged offending content.

4. Since Council of Complaint (PEMRA) is functional which is right and proper forum provided under the law, therefore, if the petitioner is still aggrieved and apprehends retelecast of aforesaid drama serial at any point of time she may file complaint to Council of Complaint (PEMRA) as proposed and suggested by learned counsel for PEMRA, which will be decided in accordance with law.

5. The petition along with pending applications is disposed of accordingly.

Judge

Judge

