

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
M.A No.26 of 2012

Date	Order with signature of Judge
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1. For orders on CMA No.2273/2012
2. For hearing of Main Case

22.01.2020

M/s. Mehmood Ali, Kashif Shaikh and Asma Kashif, advocates for the Appellant.

Mr. Kashif Hanif, advocate for the Respondent.

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This Misc. Appeal is directed against the PEMRA order for violation of PEMRA Code dated **03.4.2012** is on the point that whether the PEMRA Authority have exercised their powers in accordance with law or not. On the last date of hearing learned counsel for the appellant has suggested that there is no record of the 74th meeting in which the penalty has been imposed way back in **2012**. Today, the record of the meeting has been placed on record and it has been examined by counsel for the petitioner. It cannot be disputed that the program had gone on air, in which statement of a child has gone on air which should not have gone on air. Even in the script the compere has stated that the child has used hard expression. After hearing the learned counsel for the appellant and the Respondent at length the controversy is reduced only to the level that whether in view of the script of the offensive language available on record the imposition of maximum penalty of **Rs.10,00,000/-** was justified. The program in question was on the missing person issue. It cannot be disputed that the issue of missing person is a very sensitive issue for the public at large in general and for the families whose children are missing in particular. Irrespective of the fact that who picks up the kids, it cannot ascertain that the expression of this

kind from the family members who are suffering for loss of their dear and nears was not unexpected. Using such expression for an unidentified entity cannot be attributed to the class of person referred by learned counsel for the PEMRA. In this background irrespective of the fact that the appellant could have taken care of such lapse and particularly by Mr. Hamid Mir who is also very senior journalist the penalty imposed was disproportionate to the nature of violation alleged. The PEMA Authorities have not given reason for imposing the maximum penalty. In the above fact and circumstances, keeping in view of the nature of the offensive wording gone on air and the apologetic statement of Anchor person which has also gone on air at the same time, the penalty imposed is reduced to only **Rs.1,00,000/-**.

In view of the above, this Misc. Appeal is disposed of and the impugned order is modified as above.

JUDGE

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