

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

M.A. No.27 of 2014

Aurora Broadcasting Services (Pvt.) Ltd.

Versus

Pakistan Electronic Media Regulatory Authority



Date: Order with signature of Judge

1. For hearing of CMA 7227/14
2. For hearing of main case.

Dated: 26.02.2018

Mr. Behzad Haider for appellant.

Mr. Kashif Hanif for respondent a/w Mr. Faqir Liaquat, DGM Legal.

In pursuance of a decision available at page 33 a fine of Rs.0.5 Million was imposed upon the appellant along with a decision declining the request of the appellant company for revision in the programming mix to include 20% entertainment contents which was regretted by a common decision as referred above by relying on Regulation 6(5) of PEMRA TV Broadcast Operations Regulations 2012.

Mr. Behzad Haider, learned counsel for appellant submits that Sub-rule 5 of Rule 6 of ibid Regulation is not applicable as it is in relation to change of category or area of the coverage. The request of appellant was neither meant for change of category nor for area of coverage. In fact it was revision of "programming mix" while keeping category of license same i.e. news channel.

Mr. Kashif, learned counsel appearing for respondent submits that the present license does not allow any percentage of filler contents or infotainment and submits that since it was in violation of the terms of license a fine was imposed and the request of the appellant was declined. He however without prejudice of such rights and defence

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available to PEMRA under the Regulations submits that since a formal application has not been submitted by the appellant to the concerned authority, their right to move such application is still intact and if any such application is moved that shall be considered in accordance with law. He further submits that since the license does not allow such program to be aired under a news channel therefore such decision of imposing fine was taken.

Mr. Behzad, to the above submission of Mr. Kashif Hanif submits that they (respondents) are not maintaining a uniform policy as other news channels of the same category have been given the privilege to air other fillers in the news channel such as infotainment and advertisements. Such discrimination can be ascertained by the terms of the licences of other networks available at page 55, 103 and 105 etc.

Heard counsels and perused record.

In view of the above, insofar as fine of Rs.0.5 Million is concerned it is observed that at the relevant time the terms of the license did not permit such mixing or airing infotainment, as noted by the authority/respondent, therefore, amount of fine is maintained and the amount be deposited within one week from today with the authority/respondent. Insofar as application for revision in the programming to include a different percentage of other contents, infotainment etc. as highlighted by the appellant's counsel is concerned, an appropriate application in this regard be filed before the concerned authority which shall be considered and decided on the basis of uniform policy and law as maintained by the PEMRA/respondent within two months of moving such application. The earlier decision declining such request may not come in the way.

Misc. Appeal along with listed application stands disposed of in the above terms.

Judge