

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI



M.A. No.50 of 2017

Order with signature of Judge(s)

1. For order on CMA No.6217/2017 (Urgent)
2. For order on office objection alongwith reply as at 'A'
3. For order on CMA No.6218/2017
4. For hearing of main case
5. For order on CMA No.6219/2017

14.6.2017

Mr. A.B. Lashari for Appellant

1. Granted.
2. Deferred for the time being.
3. Granted subject to all just exceptions.

4-5. This Misc. Appeal is directed against the decision dated 03.3.2017, whereby the General Manager (Operations) of the Respondent, while exercising powers conferred upon him under PEMRA Ordinance, 2002 as amended by PEMRA Amendment Act, 2007, passed the following order: -

- i. *On account of airing of fake news of explosion in Gulberg, Lahore on 23.02.2017 a fine to the tune of Rs.0.5 million is imposed on **Awaz TV**, payable within three weeks from the issuance of this decision.*
- ii. *Moreover **Awaz TV** shall air the following apology through a news anchor on 6th March, 2017 at 06:00 pm in the same manner and magnitude as the fake news was aired. Besides tickers / scroll pertaining to apology shall also be aired from 6:00 pm to 7:00 pm during the regular transmission of Channel.*
- iii. ***Awaz TV** is further directed to activate In-house Editorial Committee, under intimation to this Office, to ensure compliance of the Code of Conduct. The Channel, at all reasonable times, shall facilitate inspection of time-delay mechanism.*
- iv. ***Awaz TV** is also warned that in case of non-compliance to above decision in part thereof or as a whole and/or in case of repeated violation of the Code of Conduct the Authority shall proceed against the channel(s) for*

suspension and/or revocation of its license under Section 30 of PEMRA Ordinance, 2002 as amended by PEMRA (Amendment) Act, 2007 and other enabling provisions of PEMRA laws.



Learned counsel contends that the impugned notice and the decision are illegal, arbitrary, coram non-judice and violative of the Articles 10A, 18, 19 and 25 of the Constitution of Pakistan. The Respondent No.2 has failed to dilate upon the contentions of the Appellant in the impugned decision which shows that the Appellant is being targeted unfairly. Counsel further contends that the impugned decision has been taken by the Personal Hearing Committee who has no authority to impose fines and is simply a body that may give recommendations. The impugned notice has been issued without seeking any information from the Appellant and without initiating any inspection / inquiry into the matter. The learned counsel also submits that on identical grounds this Court has already entertained Misc. Appeals No.7, 10 and 14 to 23 of 2017 wherein the operation of impugned decision has been suspended, he, therefore, prays for same relief.

Issue notice to the Respondents. In the meantime, operation of the impugned decision dated 03.3.2017 as well as notice dated 02.6.2017 shall remain suspended till the next date of hearing. To be fixed alongwith Misc. Appeals No.7, 10 and 14 to 23 of 2017 before the same Bench.


JUDGE

Zahid*

Hf of Priority Case

① For order on office objection
w/ reply as at 'A'

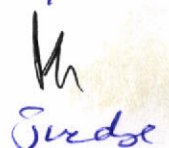
② For Hf of Memo. 6219/2017 (stay)

③ For Hf of main case

(Notice issued)

21-8-2017

Same order as in Memo. 10/2017.


Judge