

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE DOST MUHAMMAD KHAN
MR. JUSTICE QAZI FAEZ ISA

Civil Petition No.2117 of 2016

(On appeal from the judgment dated
28.6.2016 passed by the High Court of Sindh
at Karachi in M.A. No.35/16)

Pakistan Electronic Media Regulatory Authority

....Petitioner

VERSUS

Independent Media Corporation, Limited

....Respondents

For the petitioner: Mr. Kashif Hanif, ASC
Mr. Mehr Khan Malik, AOR (absent)
Mr. Absar Alam, Chairman, PEMRA

For the respondent: Mr. Jam Asif Mehmood Lar, ASC
Mr. Qutab-ud-Din Saim Hashmi, ASC
Syed Rifaqat Hussain Shah, AOR

For Respondents 1-3: Mr. Omair Syed Head (Litigation)

Date of hearing: 4.7.2016

ORDER

Dost Muhammad Khan, J.— At the very outset, the learned counsel for the parties agreed that let the main CPLA be decided in the following terms: -

- (i) That so far as the suspension of the show/program for three days by PEMRA is concerned, due to injunction order of the learned High Court of Sindh a very narrow margin of time is left and because the matter is listed for hearing today before the said Court, hence to that extent the petition has almost become infructuous.
- (ii) The rest of the four charges are still alive and to be inquired into/investigated by the COC and after receiving the recommendations the PEMRA (competent authority) would look into it while complying with all the rules and provisions of law

on the subject and will also consider the effect of the apology to be tendered publically by the Channel and through print media.

2. During course of hearing, it came to our notice that many other channels, like the one under consideration, have not installed the censoring devices, particularly time delaying mechanism to cut off and expunge the offending part of the live show/program and bring it in conformity with the PEMRA rules and provisions of the Ordinance.

3. It was stated at the bar that a team of experts would soon inspect all the channels to ensure that such device i.e. time delaying mechanism is in place so that undesirable and offending programs or spoken words are not aired and the same are blocked.

4. As the rest of the four allegations/charges fall within the domain of PEMRA, therefore, it may proceed with the same according to the law and rules on the subject and to conclude the matter as was agreed at the bar within 30 days, which shall commence after *Eid* holidays.

Needless to remark that the respondent may submit reply within 10 days, after *Eid* vacations.

5. In view of these arrangements, the appeal filed by the respondent before the High Court of Sindh has become infructuous and may be disposed of accordingly.

Petition is converted into appeal and disposed of.

Judge

Judge

Islamabad, the

4th July, 2016

Nisar/-

Not Approved For Reporting.