

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT: MR. JUSTICE MIAN SAQIB NISAR, HCJ
MR. JUSTICE SH. AZMAT SAEED
MR. JUSTICE IJAZ UL AHSAN

SUO MOTO CASE NO.10 OF 2018

Suo Moto Action regarding order passed by the Lahore High Court temporarily barring TV Channels from Broadcasting Anti-Judiciary Speeches.

In Attendance: Mr. Ashtar Ausaf Ali, AGP.
 Mr. M. Waqar Rana, Addl. AGP.
 Mr. Salman Akram Raja, ASC for PEMRA
 Sardar Ahmed Nawaz Sukhera,
 Secy. M/o Information & Broadcasting.
 Mr. Ashfaq Jummani, Sr. Member, PEMRA.

Date of Hearing: 17.04.2018

ORDER

MIAN SAQIB NISAR, CJ-. We took *Suo Motu Notice* in this matter on account of media reports and panel discussions on various media channels based on an order dated 16.04.2018 passed by a Full Bench of the Lahore High Court, Lahore. A false impression was intentionally sought to be created amongst the general public by such news reports as well as panel discussions that Muhammad Nawaz Sharif (*ex Prime Minister of Pakistan*) and his daughter Ms. Maryam Safdar had been directed to be taken off air and Pakistan Electronic Media Regulatory Authority (PEMRA) had been directed to stop broadcasting of speeches made by the said persons. Further, it was categorically stated that the learned High Court had banned airing of anti judiciary speeches by a large number of persons including Muhammad Nawaz Sharif and Ms. Maryam Safdar.

2. A false impression was also sought to be created that the fundamental right to freedom of speech enjoyed by all citizens and guaranteed by the Constitution has been curtailed, restricted or diminished through the said order.

3. We have summoned the order of the learned High Court and carefully gone through the same. Perusal of the said order indicates that PEMRA which is a regulatory authority of broadcasters has been directed to implement the law in terms of Article 19 of the Constitution of the Islamic Republic of Pakistan, 1973 read with Section 27 of the Pakistan Electronic Media Regulatory Authority Ordinance, 2002 and Section 2(j) of the Electronic Media (Programmes and Advertisements) Code of Conduct, 2015. Further, PEMRA has been directed to decide various applications moved by a number of applicants for enforcement of law against hate speech within a period of 15 days.

4. There is nothing in the order which even remotely directs or obligates PEMRA to ban Muhammad Nawaz Sharif and Ms. Maryam Safdar or any body else. The media speculation, panel discussions and press reports appearing on various channels and media outlets and in various newspapers today are incorrect, baseless and unsubstantiated. The opinions, verbal or in writing have clearly and obviously been expressed without even reading the contents of the order of the High Court.

5. We have confronted the learned Attorney General for Pakistan as well as the learned counsel appearing on behalf of PEMRA if the order in question in any manner imposes a ban, embargo or restriction on Muhammad Nawaz Sharif and Ms. Maryam Safdar or any body else. They have frankly conceded that this is not the case and the contents of the order do not support any such conclusion. They agree and acknowledge without any reservation whatsoever that as guardians of the Constitution and custodians of fundamental rights the superior Courts of the country are mandated and obligated to ensure that fundamental rights are protected and enforced with full force and vigor with all their manifestations and strictly in accordance with the letter and spirit of the Constitution and the law.

6. We had also issued notices to Muhammad Nawaz Sharif and Ms. Maryam Safdar and had directed the learned Attorney General for Pakistan to convey the same to the said persons to enable them to arrange their representation. None has appeared on their behalf. However, learned counsel appearing on behalf of other Respondents and the Attorney General for Pakistan, after going through the order, agree that there is nothing in the order that can even remotely be interpreted to mean or imply that a ban has been imposed on the said persons or taking them off-air. All learned counsel unanimously agree that as the regulator for electronic media, it is the duty of PEMRA to enforce the law as provided in Section 27 of the Ordinance, 2002 read with Section 2(j) of the Code of Conduct *ibid* and the order in question merely reiterates the said position.

7. Having satisfied ourselves that the order of the learned High Court, referred to above, does not in any way curb, restrict, curtail or diminish the fundamental right of freedom of speech as enshrined in Article 19 of the Constitution and merely directs PEMRA to enforce the law which it is obliged to do and decide the applications pending before it relating to hate speech against any and all organs of the State, we are inclined to dispose of this Suo Motu Notice. Disposed of accordingly.

CHIEF JUSTICE

JUDGE

JUDGE

ISLAMABAD, THE

17th April, 2018

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NOT APPROVED FOR REPORTING