

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT: MR. JUSTICE MIAN SAQIB NISAR, HCJ
MR. JUSTICE UMAR ATA BANDIAL
MR. JUSTICE IJAZ UL AHSAN

SUO MOTU CASE NO. 5 OF 2018

*REGARDING PAYMENT OF OUTSTANDING SALARIES TO
REPORTERS/WORKERS OF PRINT AND ELECTRONIC
MEDIA.*

In attendance:

Rose TV	Sahibzada Ahmed Raza Qasuri, Sr. ASC
Channel -7	Mr. Naeem Bukhari, ASC.
Express TV & Daily Express	Mr. Tariq Aziz, AOR.
Capital TV	Mr. Faisal Hussain, ASC
Daily Times and Daily TV	Mr. Ali Masood Hayat, ASC.
Sachal TV (in CMA 2362/18) Channel-5	Barrister Masroor Shah, ASC Ms. Shaista Altaf, ASC. Mr. Zia Shahid
(CMA 2320/2018)	Qazi Sheryar Iqbal, ASC.
(CMA 2188/2018)	Mr. Qausain Faisal Mufti, ASC.
Bol TV	Mr. Sami Ibrahim, Director News
Kashish TV	Mr. Abdul Jabbar, Regional Manger
Daily Jinnah	Mr. Shamshad Ahmed, Chief Editor
Rose Channel	Mr. Inayatullah Khan, G.M. Mr. Raza Abid Mustafa, Chief Reporter
Nawa-i-Waqt group	Mr. Matiullah Jan
For SC Reporters Association	Tayyab Baloch, Reporter
Geo TV	Mr. Salar Janjua, Director HR
HRC No.8468-P/2018 (on Court's call)	Syed Afaq Zaidi Mr. Waqar Ahmed Rana, Addl. AGP Sardar Ahmad Nawaz Sukhera, Secretary Information

Date of Hearing: 04.04.2018

ORDER

Pursuant to our order directing Media houses to provide information about unpaid salaries of their employees, the following information has been provided: -

2. **Channel-7:** Learned counsel representing Channel-7 concedes that payment of salaries for some months were overdue to the employees. However, he categorically states that now those have been paid. No employee came forward to contradict the above assertion. Therefore, proceedings against Channel-7 are dropped. However, it is directed that in case the salary of any of its employee is still outstanding, the same must be paid within a period of 15 days.

3. **Rose TV:** Learned counsel representing Rose TV states that no salary of any of its employees is outstanding. This fact is also affirmed by Mr. Raza Abid Mustafa, Chief Reporter Rose TV and not contested by any of the persons present in Court. Therefore, proceedings against Rose TV are also dropped. However, it is directed that in case the salary of any of its employee is still outstanding, the same must be paid within a period of 15 days.

4. **Capital TV:** Learned counsel representing Capital TV states that there are 315 employees working in the channel and salaries to all the employees have been paid till the month of January, 2018. However, salaries for the months of February and March, 2018 shall be paid till 30.04.2018. Let all salaries due be paid by 30.04.2018 without fail and a certificate in this regard along with an affidavit of the owner of the said TV channel be placed on record confirming that all salaries due to its employees have been paid. Accordingly, proceedings against Capital TV are dropped.

5. **Channel-5:** Learned counsel representing Channel-5 states that salaries have been paid to all the employees and there is no outstanding salary of any employee. However, Syed Afaq Zaidi has filed a complaint (*H.R.C. No.8468-P/2018*) stating therein that he

is an ex-employee of the said TV channel and has not been paid his dues. Let him provide details of his dues to Mr. Zia Shahid. He undertakes that he will look into the matter and redress the grievance of the applicant. He shall also apprise the Court in this regard. Therefore, proceedings against Channel-7 are dropped.

6. **Daily Jinnah:** Mr. Shamshad Ahmed, Chief Editor Daily Jinnah has appeared and stated that all salaries of its employees have been paid till March, 2018 and nothing is outstanding. Further, that salaries are paid to employees on 10th of each month (*i.e. the salary of the month of April shall be paid on 10.05.2018*). This statement is not controverted by any person present in Court. Proceedings against Daily Jinnah are accordingly dropped.

7. **Sachal TV:** Learned counsel representing Sachal TV states that no salary of any of its employees is outstanding. This is not contested by any person present in Court. Therefore, proceedings against Sachal TV are also dropped.

8. **Express TV & Daily Express:** Learned counsel representing Express TV channel and Daily Express newspaper states that no salary of any employee is outstanding against the TV channel or the newspaper. This version is not contested by any person present in Court. Therefore, proceedings against Express TV and Daily Express are also dropped.

9. **Daily Times and Times TV:** Learned counsel representing Daily Times TV and newspaper states that all outstanding salaries of employees shall be cleared by 30.04.2018 except those with whom there is some litigation pending before the Courts. On the basis of the undertaking given above, it is directed that excluding the employees who have gone to the Courts in

litigation for recovery of their dues, salaries of all other employees must be paid by 30.04.2018 without fail. A certificate along with affidavit of the owner of the said channel and newspaper shall be placed on record stating that all salaries due to the employees have been paid. Accordingly, proceedings against Daily Times TV and newspaper are dropped.

10. **Daily Nawa-e-Waqt and Waqt TV:** There is a complaint about non-payment of salaries by Nawa-e-Waqt group made by Mr. Matiullah Jan. None is present to represent the administration of the said group despite notice to them. We direct the Chief Executive of the Group to ensure that all outstanding salaries of employees shall be cleared by 30.04.2018 without fail. A certificate in this regard along with affidavit of the owner shall be placed on the record confirming that all salaries due to employees have been paid. Accordingly, proceedings against Daily Nawa-e-Waqt TV and newspaper are also dropped.

11. **News One TV:** There are complaints by the employee of the said TV channel regarding the non-payment of their salaries. None is present to represent the administration of the channel, despite notice. However, we direct that outstanding salaries of all employees must be cleared by 30.04.2018 without fail. A certificate in this regard along with affidavit of the owner of the said TV channel be placed on record confirming that all salaries due to employees have been paid. Accordingly, proceedings against News One TV are dropped.

12. **Kashish TV:** The representative of the Kashish TV states that no salary of any employee is outstanding against the said channel and all dues have been cleared till 31.03.2018. This

is also not contested by any person present in Court. Therefore, proceedings against Kashish TV are also dropped.

13. **Geo TV:** It has been complained to us in open Court that salaries of the employees of GEO TV channel have not been paid for the last few months. We have summoned Mr. Salar Janjua, Director HR who in unequivocal terms has accepted that some of the employees have not been paid salaries for a few months. Be that as it may, to receive a salary for the job done by a person is his fundamental right guaranteed by Article 9 of the Constitution of the Islamic Republic of Pakistan, 1973. Thus, the Chief Executive/owners of GEO TV channel are directed to clear all dues/salaries of their employees by 30.4.2018 without fail. A certificate confirming payment to all employees of their dues accompanied by an affidavit of the C.E.O. to that effect shall also be filed by the next date of hearing.

14. **PTV:** Learned counsel representing Mr. Tanvir Iqbal (*in CMA 2320/2018*) states that his client has conducted more than 128 programs on Current Affairs but he has not been paid from April, 2016. Sardar Ahmad Nawaz Sukhera, Secretary Information and MD of PTV on additional charge, present in Court shall look into the matter and redress the grievance of the applicant.

15. **Bol TV:** Mr. Qausain Faisal Mufti, learned ASC (*in C.M.A. 2188/2018*) states that salaries of 192 employees are outstanding against Bol TV from September, 2015 which are collectively worth more than rupees 35 crores. Most of them have resigned from Bol TV. Some of them have joined other channels, others are jobless. Let Mr. Sami Ibrahim, Director News Bol TV apprise this Court by tomorrow about the outstanding salaries of the employee of Bol TV. The learned Additional Attorney General

shall also apprise the Court about the appropriate forum for redressal of the grievance of such employees.

16. We, however, direct that all TV Channels and newspapers who are not represented today shall clear salaries of their employees by April 30, 2018. It may be noted that no employee of any other print or electronic media (*company/group*) has come forward to complain about non-payment of his or her salary. Therefore, we drop the proceedings against all other TV channels as well as newspapers.

17. We had taken notice of government advertisements appearing in the print media carrying pictures of public office holders, to determine if public money was being misused for self projection and personal aggrandizement. During the course of hearing of this matter various other issues cropped up. We therefore divided the main issue of media advertisements into three separate heads to be dealt with separately. These were:-

- i) *guidelines for content regulation and discouragement of personal projection and self aggrandizement of public and political figures;*
- ii) *a just, fair and equitable system of distribution of government advertisements in the print and electronic media amongst different stakeholders, including media houses and advertisement companies; and*
- iii) *putting in place a system of payment by the Government and its Departments/Corporations, etc within a reasonable time so that huge amounts of money owed by the Government to media outlets whether print or electronic do not get stuck over long periods of time causing hardships for media companies and their workers.*

18. Mr. Munir A Malik, learned Sr.ASC was directed by us to submit proposed Guidelines for Content Regulation of

Government Advertisement in Print and Electronic Media. These Guidelines have been prepared in consultation with all major stakeholders of the Electronic & Print Media and with the consent and approval of All Pakistan Newspapers Society (APNS) and Council of Pakistan Newspapers Editors (CPNE).

19. We have also heard Mr. Hussain Haroon; Sardar Khan Niazi; Mr. Faisal Hussain, ASC; Mr. Zia Shahid as well as Sardar Ahmed Nawaz Sukhera, Secretary Information and Ms. Asma Hamid, Additional Advocate General, Punjab in the matter. All concerned have in unison approved and accepted the proposed Guidelines which are being incorporated and made part of this order in *toto* as follows:-

“PROPOSED GUIDELINES FOR CONTENT REGULATION OF GOVERNMENT ADVERTISEMENTS IN PRINT AND ELECTRONIC MEDIA

1. Guiding principles for dissemination of information

1.1 Constitutional freedom of speech and right to information guaranteed under Articles 19 and 19A of the Constitution include freedom of press. The executive ought not use its discretionary authority in a manner aimed at encouraging censorship or influencing editorial policy of media outlets in favour of the political party in power.

2. Definitions of Classified Advertisement and Government Advertisement

2.1 Classified Advertisements include public notices, tenders, recruitment notices and statutory notifications etc.

2.2 Government advertisements include dissemination of information to members of the public about a government program, policy or initiative, or about any public health, safety or other matter, that is funded by or on behalf of a government, government agency or statutory body, but does not include classified advertisements.

3. Scope and Object of the Guidelines for Government Advertisements

3.1 There shall be no arbitrary use of public funds for Government advertisements aimed at projecting political

leaders, political parties, partisan agendas or governments without any attendant public purpose.

4. Purpose of Government Advertising

4.1 *The following includes categories of permissible Government Advertisements.*

- i. *To inform citizens about their rights, obligations, entitlements and responsibilities, about government policies, programmes, services or initiatives.*
- ii. *To inform citizens regarding the policies, programs, services, initiatives and decisions of the Government in compliance with the principles of parliamentary democracy and responsible governance. The public has a right to such information.*
- iii. *To encourage public involvement in government decision-making.*
- iv. *To educate and inform the public about community interests and dangers or risks to public health, safety or the environment etc.*
- v. *To use publicity to encourage behaviour that is in the public interest (for example crime prevention or road safety etc.)*
- vi. *To achieve public policy goals.*
- vii. *To provide information regarding the performance of the Government, including information regarding milestones achieved and new projects and public interest programs, thereby facilitating public accountability.*
- viii. *To ensure that institutions of the Government are visible, accessible and accountable to the public they serve.*
- ix. *To communicate and explain changes in the law that affect individuals or businesses.*
- x. *To commemorate national heroes not linked to a political party.*

5. Content Regulation

5.1 Prohibitions:

The following forms of Government Advertisements shall be prohibited:

- i. *Including material that gives prominence to the voice or image of the head of an institution or individual, including,*

inter alia, a past or incumbent Prime Minister, Chief Minister, Minister, member of Parliament or candidate for an election to Parliament or portraying or promoting the said public office holder in a manner regarded as excessive or gratuitous, except in a limited case of Government Advertisements involving a public awareness campaigns in pursuit of legitimate state purpose where such voice or image is essential to such information, message or campaign.

- ii. Seeking to influence public support for an electoral candidate for election to Parliament or a Provincial Assembly or local body.*
- iii. Including material with the name, logo or slogan of a political party.*
- iv. Including links to the websites of a political party, a candidate for election to Parliament, Provincial Assembly or local body.*
- v. Disparaging, ridiculing, attacking the opposition parties, political party leaders, state institutions or the government of a federating unit.*

6. Government Advertisement during the election period:

- 6.1** *Government Advertisements shall exclude the category of advertisements referred to in Clause 4.1(vii) above during the election period until the new government is formed after the notification of election results. For purposes of determining the election period reference is made to following provisions of the Election Act, 2017:*

“ .—(1) No political party shall run a publicity campaign in print and electronic media at the cost of public exchequer.”

“ .—No Government functionary or elected representative including a local government functionary or elected representative, shall announce any development scheme for a constituency after the announcement of the Election Programme of that constituency.”

20. Ms. Asma Hamid, learned Additional Advocate General, Punjab has pointed out that the Government of Punjab through its Information Department has discussed and deliberated upon the above proposed Guidelines and may wish to suggest some improvements and additions in the same. We are of the view that the proposed Guidelines in their present form constitute the

basic theme and foundation for content regulation of government advertisements in Print and Electronic Media considering the fact that a balance has to be struck between freedom of speech, right to information, freedom of press and discouragement of expending public funds on personal projection and aggrandizement of individuals holding public offices. However, there is bar on any of the parties against suggesting improvements and additions which may be brought to the notice of this Court through appropriate applications. If and when such applications are moved, the additions and improvements suggested therein shall be debated, deliberated upon and in case found suitable shall be added to the existing Guidelines by this Court.

21. The first issue stands addressed in the form of above proposed Guidelines which have been adopted with consent of concerned parties including the Government as well as the Media Houses. It is therefore directed that all stakeholders shall strictly and faithfully comply with, abide by and follow the said Guidelines in letter and spirit. It is also reiterated that the Government advertisements which include material that gives prominence to the holders of public offices or heads of institutions or individuals including *inter alia* “past or incumbent Prime Minister, Chief Ministers, Ministers, Members of Parliament or candidates for election to the Parliament or portraying or promoting the said public office holders in a manner regarded as excessive or gratuitous shall be strictly prohibited and shall not be carried by any newspaper, television channel, radio broadcast, etc if it is paid for by the Government and public funds are expended for the same. It is, however, clarified that there shall be no prohibition in the case of government advertisements involving public awareness, campaigns in pursuit of legitimate State purposes, classified

advertisements and government advertisements as defined and explained in the guidelines reproduced above.

22. As far as the second and third issues are concerned, the parties shall furnish their proposals and input in writing which shall be taken up at a subsequent stage. In this regard, notice shall also be issued to the Pakistan Advertisers Association for the next date of hearing, who may provide their input in the matter involving the second and third issues enumerated above. Let this matter be relisted for hearing on **07.05.2018**.

CHIEF JUSTICE


JUDGE

JUDGE

ISLAMABAD.

4th April, 2018.

Not approved for reporting

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