

The Council of Complaints (Organization and Functions) Regulations, 2002

GOVERNMENT OF PAKISTAN

PAKISTAN ELECTRONIC MEDIA REGULATORY AUTHORITY

In exercise of the powers conferred under Sub-section (4) of Section 26 of the Pakistan Electronic Media Regulatory Authority (PEMRA) Ordinance, 2002, read with Rule 30 of the PEMRA Rules, 2002, the Pakistan Electronic Media Regulatory Authority is pleased to make the following regulations:---

1. Short Title and Commencement.-(1) These regulations shall be called The Pakistan Electronic Media Regulatory Authority (Council of Complaints, Organization and Functions) Regulations, 2002.

(2) They shall come into force at once.

2. Definitions. (1) In these Regulations, unless there is anything repugnant in the subject or context,---

(a) "advertisement" means a set of visual and audio messages for the projection of a product, service, or idea with the object of propagating sale, purchase or hire of the product, service or idea for creating other related effects;

(b) "Authority" means the Pakistan Electronic Media Regulatory Authority (PEMRA) established under section 3 of the PEMRA Ordinance, 2002;

(c) "basic service" means television programmes and FM sound radio programme channels relayed by the licensee which a person is obliged to pay for in order to become a subscriber to a cable service;

(d) "broadcast media" means broadcast by radio, television including Cable television, closed circuit television, direct satellite broadcasting for radio and television or multi-channel multi point distribution systems, or such other broadcast media as the Authority, from time to time, with the approval of the Federal Government, may define;

(e) "broadcaster" means a person engaged in broadcast media;

(f) "cable television operator" means any person who, after receiving the broadcast signals from other channels of communications, rebroadcasts or provides service through a cable television system, including MMDS, or otherwise controls or is responsible for the management and operation of a cable television network;

(g) "Commissioner" means the Commissioner of the Council and also includes the Commissioner of the regional Council;

(h) "Code" means the Code of Conduct for Media Broadcasts;

(i) "Council" means the Council of Complaints and includes regional office of the Council of Complaints, established under the Ordinance;

- (j) “Federal Government” means the Ministry of Information and Media Development;
- (k) “licence” means a licence issued by the Authority for the establishment and operation of a broadcast or cable TV network station;
- (l) “licensee” means a person to whom the Authority has issued a licence;
- (m) “person” includes an individual, partnership, association, company, trust or corporation;
- (n) “programme” means any audio, visual or audio-visual live performance or presentation, or live transmission of films, features, dramas, advertisements and serials; and the expression “programming service” shall be construed accordingly;
- (o) “regulations” mean the regulations made under the Ordinance and the rules to carry out the functions under the Ordinance;
- (p) “rules” means the rules made under PEMRA Ordinance, 2002; and
- (q) “subscriber” means a person who receives the signal of a cable television system at a place indicated by him to the cable television operator without further transmitting it to any other person.

(2) Words and phrases used but not defined in these rules, unless the context otherwise requires, shall have the meanings assigned to them in the Ordinance and the rules made thereunder.

3. Establishment of the Councils of Complaints.- (1) There shall be established the Councils of Complaints at Islamabad, the Provincial capitals and at such places as may be required, for carrying out the functions under the Ordinance.

(2) The Councils shall work independently under the supervision of the Authority and their functions will be coordinated by a Coordinating Officer, stationed in Islamabad.

(3) The regional Councils shall be fully competent to take action on the complaints, as provided in the Ordinance and the rules made thereunder.

4. Composition of the Councils.- Each Council, as also the regional Councils, shall consist of a Commissioner and five Members being citizens of eminence from the general public at least one of whom shall be a woman.

5. Tenure of Commissioner and Members.- (1) The Commissioner and Members, as also the regional Commissioner and Members, unless earlier removed for misconduct or physical or mental incapacity, shall hold office for a period of two years and shall be eligible for re-appointment for a similar term as the Authority may determine:---

(2) The Commissioner or a Member may, by writing under his hand, resign his office.

6. Commissioner and Members to have honorary positions.- (1) The Commissioner and Members shall hold honorary positions. They shall participate in all meetings and shall receive such fee and expenses for each meeting, as may be determined, from time to time, by the Authority.

(2) The Commissioner shall, however, receive an additional fee for each meeting as may be determined by the Authority.

7. Status of the Council: The Councils will be recommendatory bodies and shall assist the Authority in carrying out the objectives and purposes of the PEMRA Ordinance, 2002.

8. Seat of the Council: The Councils shall have offices in Islamabad and the Provincial headquarters and such other places as the Authority may deem necessary, and to be manned by such number of staff as may be determined by the Authority.

9. Meetings of the Councils: (1) The Councils shall hold regular meetings, at least once in a month, and the intervening period between the two meetings will not be more than Forty days.

(2) The Commissioner shall convene the meeting of the respective Council,---

Provided that the Commissioner may, convene a meeting any time when in his opinion a pressing issue is to be considered and disposed of.

(3) The Authority may also direct any Council to hold a meeting and discuss a specific agenda proposed by the Authority.

(4) The Councils shall hold meetings generally in the regional offices or at such other places as may be expedient.

(5) The decisions of the Councils shall be taken by the majority of their members and a record of the proceedings of the meetings shall be maintained.

(6) The Members and all other invitees shall be given reasonable notice of the time and venue of the meeting.

(7) The Council may make Sub-Committees to process and inquire into the complaints, with such terms of reference as the Council may require, for a specific subject.

10. Functions: (1) The Councils shall receive and inquire into the complaints made by persons or organizations from the general public against any aspects of programmes broadcast or distributed by a broadcast or a cable TV network station and render opinions on such complaints.

(2) The Councils will take cognizance of complaints received by it directly from the public or those referred to it by the Authority.

(3) The Councils may recommend to the Authority appropriate action of censure, fine against a broadcast or cable TV network station or licensee for violation of the Code of Conduct for programmes and advertisements.

(3) The Councils shall monitor, at random, all aspects of broadcasts, including the programmes' content, quality of standards of the transmissions of the broadcasts or cable TV stations. It shall keep the Authority informed about the feedback and public response to the contents, quality and impact of the programmes and advertisements broadcast or distributed.

11. Conduct of Public hearings.- (1) A Council, under intimation to the Authority, may, after giving a public notice, hold public hearing on any matter that it may deem fit.

(2) The public hearing shall be conducted by the Commissioner or a Member so authorized by him.

(3) Any person having an interest in the subject matter of the hearing, may seek prior permission of the Council and participate in the hearing as a party.

(4) The conducting officer, referred to in sub-regulation (2), shall give all parties to the public hearing equitable opportunity to present their case.

(5) The Council may, however, restrict the proceedings of a public hearing within practical limits.

12. Duties of the Officers.- (1) The Authority shall appoint such number of officers and staff at the regional offices as may be expedient, to execute the purposes of the Ordinance and the rules made thereunder, and to serve as the Secretarial set up for the respective regional Councils. The officer in charge of a regional office shall be the representative of the Authority and shall perform such functions and duties as may be assigned to him, from time to time, by the headquarters. He shall also act as Secretary to the respective regional Council under the supervision of the Commissioner.

(2) The Authority shall appoint a coordinating officer at its headquarters in Islamabad to liaise with the regional offices of the Councils of Complaints.

13. Power to summon etc: (1) The Councils, or an officer so authorized, shall have powers to call any licensee and to seek his explanation on a matter regarding the operations of his broadcast or cable TV network station and the contents of the programmes or advertisements thereof.

(2) A Council, or as the case may be the authorized officer, may, wherever necessary, invite the complainant or any other person in connection with the disposal of a complaint.

(3) A Council, on receipt of a complaint, shall take immediate action and shall dispose of the matter within a period not more than thirty days.

14. Enforcement.- (1) In case of illegal operation or violation of the licence conditions by a broadcaster or cable TV operator, the Authority may direct an officer, not below the rank of an Assistant General Manager, to physically inspect the place from where illegal operation is being carried out, and on confirmation, take steps for its immediate closure. The Officer shall have the assistance of local law enforcing authorities as well as his own force.

(2) The authorized officer may also take recourse to law, on his own initiative, after seeking appropriate orders from the Authority.

(3) Subject to the prior permission of the Authority, the Officer may also take appropriate steps for the seizure of the equipment being used for illegal operation.

15. Responsibilities of the Councils: (1) The Councils shall submit monthly reports to the Authority with regard to the evaluation of the programmes, advertisements, their contents and quality vis-a-viz the provisions of the rules and the Code of Conduct for the broadcasters and cable TV operators prescribed under the rules.

(2) The monthly reports, referred to in sub-rule (1) of this rule, shall also include the number of complaints received and disposed of by the Council.

16. Budget.- (1) The Councils shall, in respect of each financial year, prepare their own budgets and submit it to the Authority four months before the commencement of every financial year for approval.

(2) The expenditure with respect to the payment of remuneration to the Commissioner, members and employees of the Councils will be met by the funding from the Authority.

17. Accounts and Audit.- The Authority shall cause to be carried out audit of the accounts of the Councils along with its own accounts as provided in section 16 of the PEMRA Ordinance, 2002.

18. Annual report.- The Councils shall compile and submit annual report on their operations and accounts for each financial year to the Authority within two months of the conclusion of the financial year.

19. Terms of procedure.- The Authority may, for the sake of convenience and the public good, amend or add to the procedure, as it may deem fit, for disposing of the complaints by the Council.