



# THE PAKISTAN ELECTRONIC MEDIA REGULATORY AUTHORITY ORDINANCE, 2002



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**THE PAKISTAN ELECTRONIC MEDIA REGULATORY AUTHORITY ORDINANCE, 2002.**

ORDINANCE NO. XIII OF 2002

[1st March, 2002]

*An Ordinance to regulate <sup>1</sup>[electronic] media in Pakistan*

**WHEREAS** it is expedient to provide for the development of <sup>1</sup>[electronic] media in order to –

- (i) improve the standards of information, education and entertainment;
- (ii) enlarge the choice available to the people of Pakistan in the media for news, current affairs, religious knowledge, art, culture, science, technology, economic development, social sector concerns, music, sports, drama and other subjects of public and national interest;
- (iii) facilitate the devolution of responsibility and power to the grass-roots by improving the access of the people to *mass media* at the local and community level; and
- (iv) ensure accountability, transparency and good governance by optimizing the free flow of information;

**AND WHEREAS** the President is satisfied that circumstances exist which render it necessary to take immediate action;

**NOW, THEREFORE**, in pursuance of Proclamation of Emergency of the fourteenth day of October, 1999 and the Provisional Constitution Order No.1 of 1999 read with the Provisional Constitution (Amendment) Order No. 9 of 1999, and in exercise of all powers enabling him in that behalf, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:—

**PRELIMINARY**

**1. Short title, extent and commencement.**—(1) This Ordinance shall be called the Pakistan Electronic Media Regulatory Authority Ordinance, 2002.

(2) It extends to the whole of <sup>2</sup>[Islamic Republic of] Pakistan.

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<sup>1</sup>Subs. by the Pakistan Electronic Media Regulatory Authority (Amdt.) Act, 2007 (II of 2007), s. 2, for “broadcast”.

<sup>2</sup>Ins. by the Pakistan Electronic Media Regulatory Authority (Amdt.) Act, 2007 (II of 2007), s. 3.

(3) It shall come into force at once.

**2. Definitions.**— In this Ordinance, 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;

<sup>1</sup>[(c) “broadcast media” means such media which originate and propagate broadcast and pre-recorded signals by terrestrial means or through satellite for radio or television and includes teleporting, provision of access to broadcast signals by channel providers and such other forms of broadcast media as the Authority may, with the approval of the Federal Government, by notification in the official Gazette, specify;]

<sup>2</sup>[(ca) “broadcast station” means physical, technical and software infrastructure for the operation of radio or television and also includes satellite uplinking from ground, repeaters and all such other accessories;]

(d) “broadcaster” means a person engaged in broadcast media <sup>3</sup>[except broadcast journalists not actively involved in the operation, ownership, management or control of the broadcast media;]

<sup>4</sup>[(da) “Cable TV” means reception of broadcast and prerecorded signals from different channels and their distribution to subscribers through a set of closed transmission paths;]

(e) “Chairman” means the Chairman of the Authority;

<sup>5</sup>[(ea) “Chairperson” means the head of a Council of Complaint;]

(f) “channel” means the set of frequencies that a broadcast station occupies for broadcasting;

<sup>6</sup>[(fa) “channel provider” means a vendor who represents local or foreign channels and provides access of their signal to a distribution service;]

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<sup>1</sup> Subs. by the Pakistan Electronic Media Regulatory Authority (Amdt.) Act, 2007 (II of 2007), s. 4.

<sup>2</sup> New clause (ca) ins. ibid.

<sup>3</sup> Ins. ibid., s. 4.

<sup>4</sup> New clause (da) ins. ibid.

<sup>5</sup> New clause (ea) ins. ibid.

<sup>6</sup> New clause (fa) ins. ibid.

- (g) “company” a company as defined in the Companies Ordinance 1984 (XLVII of 1984);
- (h) “copyright” means copyright as defined in the Copyright Ordinance 1962 (XXXIV of 1962);
- <sup>1</sup>[(ha) “distribution service” means a service which receives broadcast and pre-recorded signals from different channels and distributes them to subscribers through cable, wireless or satellite options and includes Cable TV, LMDS, MMDS, DTH and such other similar technologies;
- (hb) “DTH” means Direct to Home distribution of audiovisual signals received *via* satellite to small dish antennas across the foot-print of the satellite to subscribers;
- (hc) “electronic media” includes the broadcast media and distribution services;]
- (i) “foreign company” means a company or body corporate organized, and registered under the laws of a foreign government;
- (j) “frequency” means the frequency of the electromagnetic wave number measured in Hertz per second and used for transmission ;
- (k) “FAB” means the Frequency Allocation Board established under section 42 of the Pakistan Telecommunication (Reorganization) Act, 1996 (XVII of 1996);
- <sup>2</sup>[(ka) “illegal operation” means the broadcast or transmission or distribution of, or provision of access to, programmes or advertisements in the form of channels without having a valid licence from the Authority;
- (kb) “LMDS” means Local Multipoint Distribution Service to transmit audio-visual signals through wireless devices, on a higher frequency range for the provision of cable television service;]
- (l) “media enterprise” means an enterprise concerned with the publication of a printed newspaper or <sup>3</sup>[a broadcast media or distribution service];
- <sup>4</sup>[(la) “MMDS” means Multi-channel Multi-point Distribution service to transmit audio-visual signals through wireless devices, to multiple subscribers, after receiving such signals from other channels of communication;]

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<sup>1</sup>New clauses (ha), (hb) and (hc) ins. by the Pakistan Electronic Media Regulatory Authority (Amdt.) Act, 2007 (II of 2007), s. 4.

<sup>2</sup>New clauses (ka) and (kb) ins. *ibid.*,

<sup>3</sup>Subs. *ibid.*, for “journal a radio or television broadcast station or cinema theatre”.

<sup>4</sup>New clauses (la) ins. by the Pakistan Electronic Media Regulatory Authority (Amdt.) Act, 2007 (II of 2007), s. 4.