

SENATE OF PAKISTAN



**REPORT OF THE SENATE STANDING COMMITTEE ON
INFORMATION AND BROADCASTING
ON
THE PAKISTAN ELECTRONIC MEDIA REGULATORY AUTHORITY
(AMENDMENT) BILL 2020, INTRODUCED BY SENATOR FAISAL JAVED ON
8TH JUNE, 2020**

REPORT NO. 03 OF 2020

**PRESENTED BY:
SENATOR FAISAL JAVED
CHAIRMAN COMMITTEE**

SENATE SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON INFORMATION AND BROADCASTING ON THE PAKISTAN ELECTRONIC MEDIA REGULATORY AUTHORITY (AMENDMENT) BILL 2020

I, Senator Faisal Javed, Chairman Standing Committee on Information and Broadcasting have the honour to present, on behalf of the Committee, this report on "The Pakistan Electronic Media Regulatory Authority (Amendment) Bill 2020, introduced by Senator Faisal Javed, in the Senate sitting held on 8th June, 2020 and referred to the Committee for consideration and report.

2. The composition of the Committee is as under:

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|---|-------------------|
| 1. Senator Faisal Javed | Chairman |
| 2. Senator Sajjad Hussain Turi | Member |
| 3. Senator Anwaar ul Haq Kakar | Member |
| 4. Senator Khushbakht Shujat | Member |
| 5. Senator Syed Muhammad Sabir Shah | Member |
| 6. Senator Dr. Ghous Muhammad Khan Niazi | Member |
| 7. Senator Kamran Michael | Member |
| 8. Senator Pervaiz Rashid | Member |
| 9. Senator Moula Bux Chandio | Member |
| 10. Senator Rubina Khalid | Member |
| 11. Senator Engr. Rukhsana Zuberi | Member |
| 12. Senator Muhammad Tahir Bizenjo | Member |
| 13. Senator Atta ur Rehman | Member |
| 14. Minister for Information and Broadcasting | Ex-Officio Member |

3. The Committee considered the Bill in its two meetings held on 24th July, 2020 and 26th August, 2020. The following attended the meetings:-

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|--|----------------|
| 1. Senator Faisal Javed | Chairman/Mover |
| 2. Senator Anwaar ul Haq Kakar | Member |
| 3. Senator Khushbakht Shujat | Member |
| 4. Senator Syed Muhammad Sabir Shah | Member |
| 5. Senator Dr. Ghous Muhammad Khan Niazi | Member |
| 6. Senator Pervaiz Rashid | Member |
| 7. Senator Rubina Khalid | Member |
| 8. Senator Engr. Rukhsana Zuberi | Member |



4. The Committee had detailed discussions on the Bill. The Mover Senator Faisal Javed explained that the Bill seeks to empower PEMRA to regulate employment related issues of the electronic media industry. He was of the view that the media workers are facing serious issues in the form of lay-offs, pay cuts and deferred payments and the Bill is aimed at averting exploitation of media employees through legislative measures by empowering PEMRA to look into HR (Human Resource) matters of the electronic media outlets.

2. Senator Pervaiz Rashid opined that empowering PEMRA with such a tool should not translate into misuse of authority by the regulatory body. He added that there have been such instances in the past where PEMRA has taken actions against licensees arbitrarily. Senator Anwaar ul Haq Kakar expressed that PEMRA being the regulatory authority is the appropriate forum for addressing employment issues of the media personnel. The Committee agreed in principle that financial interests of the media workers should be protected.

3. The Committee after deliberations proposed following amendments in the Bill:

- i. **Amendment of section 2, Ordinance No. XIII of 2002:** After clause (hc), the following new clause (hd) shall be inserted, namely:-
“(hd) “Employee” means an individual who works for the licensee for part-time or full-time under a contract of employment, whether oral or written, express or implied, and has recognized rights and duties; ”
- ii. **Amendment of section 4, Ordinance No. XIII of 2002.** - In section 4, after sub-section (1), the following new sub-sections shall be inserted, namely: -
“(1A) The Authority shall also take cognizance on receipt of complaint from employee of the licensee regarding his employment grievances.”
- iii. **Amendment of section 26, Ordinance No. XIII of 2002.** - In section 26, following shall be inserted in the end of section 26(3A), namely:-
“and employment matters of the licensee”
- iv. **Amendment of section 30, Ordinance No. XIII of 2002.** - In section 30, in sub-section (1), after clause (a), the following new clauses, shall be inserted, namely:-



"(aa) the licensee has failed to maintain a valid contract and failed to ensure the compliance of the contract between channel and its employee;
(aaa) the licensee has failed to pay any employee the due remuneration at due time;"

4. With the above amendments, the Bill was put to vote, whereupon, all members present in the meeting voted in favour of the Bill with amendments.

5. The Committee recommends that "The Pakistan Electronic Media Regulatory Authority (Amendment) Bill 2020," as reported by the Committee may be passed by the Senate. The Bill as reported by the Committee is at Annex-A and the Bill as introduced in the Senate is at Annex-B.



(ADNAN IBNE ASAD)
Secretary Committee



(SENATOR FAISAL JAVED)
Chairman Committee

(As Reported by the Committee)

A

BILL

further to amend the Pakistan Electronic Media Regulatory Authority Ordinance, 2002

WHEREAS it is expedient further to amend the Pakistan Electronic Media Regulatory Authority Ordinance, 2002 (Ordinance No. XIII of 2002) for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement. - (1) This Act may be called the Pakistan Electronic Media Regulatory Authority (Amendment) Act, 2020.

(2) It shall come into force at once.

2. Amendment of section 2, Ordinance No. XIII of 2002. - In the Pakistan Electronic Media Regulatory Authority Ordinance, 2002 (Ordinance No. XIII of 2002), hereinafter referred to as the said Ordinance, in section 2,-

(i) the existing clause (ha), shall be re-numbered, as clause (haa), and before clause (haa), re-numbered as aforesaid, the following new clause (ha) shall be inserted, namely:-

“(ha) “Correspondent” means one who contributes news or commentary to a publication (such as a newspaper) or a radio or television network often from a distant place;

(ii) after clause (hc), the following new clause (hd) shall be inserted, namely:-

"(hd) "Employee" means an individual who works for the licensee for part-time or full-time under a contract of employment, whether oral or written, express or implied, and has recognized rights and duties;"

(iii) after clause (ka), the following new clause (kaa) shall be inserted, namely:-

"(kaa) "Journalist" means a person who writes news stories or articles for a newspaper or magazine or broadcasts them on radio or television;"

(iv) after clause (ta), the following new clause (taa) shall be inserted, namely:-

"(taa) "Reporter" means a person employed by a newspaper, magazine, or television company to gather and report or broadcast news;"

3. Amendment of section 4, Ordinance No. XIII of 2002. - In the said Ordinance, in section 4, after sub-section (1), the following new sub-sections shall be inserted, namely: -

"(1A) The Authority shall also take cognizance on receipt of complaint from employee of the licensee regarding his employment grievances."

(1B) The Authority shall be responsible for ensuring that the contract must include description of duties of employee and remuneration to be paid."

4. Amendment of section 26, Ordinance No. XIII of 2002. - In the said Ordinance, in section 26, in sub-section (3), after clause (A), the following shall be inserted in the end, namely:-

"and employment matters of the licensee"

5. **Amendment of section 30, Ordinance No. XIII of 2002.** - In the said Ordinance, in section 30, in sub-section (1), after clause (a), the following new clauses, shall be inserted, namely:-

“(aa) the channel / company has failed to maintain a valid contract and failed to ensure the compliance of the contract between channel and its employee;

(aaa) the channel/ company has failed to pay any employee the due remuneration at due time;”

STATEMENT OF OBJECTS AND REASONS

Although in the past few years the media industry of Pakistan has expanded but these days it is facing a slowdown. The brunt of which is faced by media employees, reporters, newscasters and correspondents etc., in the form of lay-offs, pay cuts and late or no payments of salaries. In some companies, employees have been forced to take pay cuts which they accepted without any resistance fearing the consequence of losing a job. Many news channels have discontinued primetime shows and downsized its employment. This resulted in massive unemployment and poverty.

2. Thus need is felt to comprehensively deliberate and legislate upon the exploitation of media employees by the channels and companies. The situation clamors to introduce the said bill.

3. The Bill has been designed to achieve the above said purpose.

**SENATOR FAISAL JAVED
MEMBER-IN-CHARGE**

AS
~~[TO BE INTRODUCED IN THE SENATE]~~

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BILL

*further to amend the Pakistan Electronic Media Regulatory Authority
Ordinance, 2002*

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- (iv) after clause (ta), the following new clause (taa) shall be inserted, namely:-

"(taa) "Reporter" means a person employed by a newspaper, magazine, or television company to gather and report or broadcast news;"

3. Amendment of section 4, Ordinance No. XIII of 2002. - In the said Ordinance, in section 4, after sub-section (1), the following new sub-sections shall be inserted, namely: -

"(1A) The Authority shall be responsible for ensuring of signing, renewal and execution of valid contract between a channel and Correspondent, Employee, Journalist and Reporter.

(1B) The Authority shall be responsible for ensuring that the contract must include description of duties of employee and remuneration to be paid."

4. Amendment of section 30, Ordinance No. XIII of 2002. - In the said Ordinance, in section 30, in sub-section (1), after clause (a), the following new clauses, shall be inserted, namely:-

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