

Broadcast Media, Regulation and Freedom of Expression in Pakistan

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Abstract: *Regulation is an important aspect of the freedom of expression of broadcast media. However, in Pakistan, it is purported that broadcast media is heavily regulated, and there is very little space for freedom of expression on broadcast media. This short article examines this contention of heavy regulation by analyzing the regulatory system of broadcast media in Pakistan. The doctrinal legal research method is applied in this study. The socio-legal research method is also adopted to support the doctrinal legal research method. Under socio-legal methods, the qualitative methods of in-depth interviews are adopted. This article finds, among others, that there are numerous issues annexed with the regulation of broadcast media in Pakistan. These issues have seriously affected the applicability of the principle of freedom of expression and also restricted the prospects of effective regulation of broadcast media in Pakistan. In the end, this article articulates future implications regarding the regulation of broadcast media in the country.*

Key Words: Broadcast Media, Freedom of Expression, Regulation

Introduction

Private Broadcast Media has come a long way in Pakistan since the establishment of the Pakistan Electronic Media Regulatory Authority (PEMRA) in 2002. The last decade or so has witnessed the rapid development of broadcast media resulting in licensing of more than 100 private Television and FM radio channels in the country ([Rehmat, 2021](#)). Technological advancement brought along the convergence and divergence of media, creating a rather dynamic and complicated contemporary media landscape. Broadcast Media affords this distinctive opportunity to all individuals to reach out to new people and organizations ([Hasan Gardezi, 2021](#)). Although the freedom of expression is available to each and every individual, organization, and institution, it also becomes imperiously crucial in the field of broadcasting ([Sridhar, 2007](#)). There is a strong perception that media and especially the broadcast media around the globe, can have a considerable impact on the political, economic and social policies of the countries ([Biswanathbanerjee, 2021](#)).

Respecting and ensuring freedom of broadcasting, though an imperative feature of the principle of freedom of expression, do not suggest that media will be left entirely unrestricted and

unregulated. An absolutely unrestricted and free broadcast media would be harmful to free speech and expression ([Abrar, 2016](#)). Regulation of broadcast media essentially involves the right to expression because usually, media regulations are observed as restrictions on the right of expression. In most democratic countries, independent statutory regulatory bodies are appointed for the purposes of regulation. Those regulatory bodies of broadcast media are assigned with the power and authority to draft codes for broadcasters conduct. These broadcasting codes are required to cover a variety of matters, including setting up complaints' resolution mechanisms for the public ([Smartt, 2017](#)). However, in some of the countries, broadcasters themselves draft and implement those broadcasting codes. These codes are either set on an entirely self-regulatory base or via a scheme of coregulation ([Kee, 2015](#)). While international law accepts the demand for some kinds of regulation, however, these are valid and acceptable only if implemented by independent regulators. If not, then the risks of political involvement in the broadcast sector would equipoise the gains achieved by regulation. It will also have serious implications for the principles of

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freedom of expression of broadcast media ([Genelle I. Belmas, 2017](#)).

Pakistan Electronic Media Regulatory Authority Ordinance 2002 (PEMRA Ordinance-2002) is the principal law related to broadcast media of Pakistan. This law was enacted in 2002 for the purposes of regulation of electronic media ([Ali, 2011](#)). It was later amended in 2007 and, most recently, in 2018. PEMRA Ordinance 2002 defines that electronic media includes “broadcast media and broadcasting services”. Whereas broadcast media is defined as “the media which originate and propagate broadcast and prerecorded signals by terrestrial means or through satellite for radio or television and includes teleporting”. PEMRA Ordinance-2002 created a regulatory body named “Pakistan Electronic Media Regulatory Authority Pakistan (PEMRA)” for the regulation and establishment of electronic media in the country. The other purpose of the establishment of PEMRA includes the facilitation of electronic media in Pakistan. PEMRA Ordinance- 2002 is primarily entrusted to regulate private and not the public electronic media of the country ([Abrar, 2016](#)). Prior to the enactment of PEMRA Ordinance-2002, The private sector of electronic media remained regulated by the “Pakistan Telecommunication Authority (PTA)”. The government-based media is controlled by the Ministry of Information in Pakistan.

PEMRA, as a regulatory body, have the power and authority to control the regulatory as well as enforcement process of broadcast media in the country ([Ali, 2011](#)). PEMRA, as a regulatory body, also issues and enforce a code of content that is made on the basis of Article 19 of the constitution. However, as mentioned earlier, those certain methods of broadcast regulation are only acceptable if presented by an independent and competent regulator ([Varney, 2006](#)). The conditions of independent regulators are mandatory to avoid the risk of political interference in the broadcasting industry. In Pakistan, Broadcast media faces two types of questions with regard to regulatory bodies. The first type of question involves the role of the regulatory body as an independent working body free from external interference, and the second type of question involves the broadcast media code of conduct which is adopted as restrictions on freedom of expression of broadcast media.

The present study deals with the first type of questions that involve the role of the regulatory body as an independent working body and its relationships with freedom of expression of broadcast media. It is argued that if the regulatory body is not working as a truly independent body,

then it has the tendency to control even the legitimate expression on the broadcast media. Therefore, this study explores how does PEMRA regulate broadcast media in the country, how far PEMRA is an independent working body free from interference and examine the relationship of an independent regulatory body with the freedom of expression of broadcast media in a country.

Methodology

Legal research is divided into doctrinal and non-doctrinal (Socio-Legal) research. The present study combined both doctrinal and non-doctrinal legal research. Anwarul Yaqin has detailed that generally, legal research comprises four distinct methods. Those methods include analytical, descriptive, comparative, and historical ([Yaqin, 2008](#)). In this article analytical method of legal research is applied. This method is adopted for ascertaining, describing, and analyzing the approach of Pakistan with regard to the regulation of Broadcast media.

As this study attempts to gain an in-depth analytical perspective about the regulatory framework of broadcast media in Pakistan, therefore, only the analytical method of research is not adequate to address the matter of regulation of broadcast media ([F, 2007](#)). It is supported by the non-doctrinal research method. Under non-doctrinal or socio-legal research methods, the qualitative methods of in-depth interviews are adopted ([Krauss, 2005](#)). Three legal experts were selected for the purposes of in-depth interviews. The socio-legal method of the interview was adopted to acquire detailed understandings of the methodologic issues of regulation faced by broadcast media in Pakistan.

Broadcast Media Regulation and Freedom of Expression

Regulation is an essential and vital feature of freedom of expression ([Independent Media Corporation \(Pvt.\) Limited v Pakistan Electronic Media Regulatory Authority, 2019](#)). It also becomes crucial in the field of media and especially broadcast media. Regulation consists of direct and indirect ([McKenzie, 2011](#)) influences over Broadcast media’s content as well as operations. Therefore, regulation of the media can offer distinct levels of influence. These influences ranged from media industry recommendations, public suggestions, international organizations advice and direct regulation by the relevant countries. However, in-state territories, it is the state’s governments that define and decide about the nature of broadcast media content ([Ariño, 2004](#)). So, for these purposes, the regulation is labelled as “the legally binding rules which are

applicable on the content of media industry in a country” ([Baldwin, 1999](#)).

Broadcast media have the tendency and ability to make an influence the political, social, and general life of everybody in the country. Freedom of expression mandates that media should be granted freedom to broadcast ([Ali Raza and another v Federation of Pakistan and another, 2017](#)). However, that does not mean that media should remain unregulated. A wholly unregulated media will have detrimental effects on freedom of expression as the audiovisual spectrum adopted for broadcast media is a limited and restricted resource, and the existing bands should be distributed and allocated in a fair and rational method to avert intrusion and confirm equitable and just access ([Genelle I. Belmas, 2017](#)). The matter was summarized and discussed in a case before the Supreme Court of the United States. ([National Broadcasting Co. v. the United States, 1943](#)) as,

“If 100 persons are interested in getting broadcast licenses, but available frequencies are only 10, then all of those people possess the equal right to a license to broadcast. However, if there is to be efficient and effective communication by tv or radio, only a few of person will be granted licenses. In that situation, the rest of the interested people will be denied licenses. It would be very strange if the principle for the protection of freedom of expression, aimed at defending and promoting communications, barred the Governments from making radio or FM communication possible by demanding licenses to broadcast and by restricting the number of total licenses so as not to overcrowd the broadcast spectrum.”

Additionally, regulation in the media sector is required to ensure diversity and plurality. Nevertheless, due to the commonly adopted tendency of state governments as well as businessmen to want to minimize the access of their competitors and critics to the field of broadcast media, it is imperative that all supervisory bodies having regulatory control and authority in this area are safeguarded, practically and legally, against commercial, political, and any other methods of intrusion ([Feintuck, 2004](#)). This principle receives support in international statements and decisions. “Principle no VII (1) of the Declaration of Principles on Freedom of Expression in Africa” states that any public body that has the powers and authority in the broadcast sector must work independently. It should be effectively protected against political and economic interferences ([Declaration of Principles on Freedom of Expression in Africa, 2020](#)). This need which is intended for protection against

commercial and political involvement was also addressed in the Joint Declaration of 2003, presented by “The United Nations (UN) Special Rapporteur on Freedom of Opinion and Expression the Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media and the Organization of American States (OAS) Special Rapporteur on Freedom of Expression” in the following words.

“All public authorities which exercise formal regulatory powers over the media should be protected against political and economic interference. These bodies should make sure that the appointment process for members is transparent. This process should allow public input and must not be controlled by any particular group or political party.”

Recommendation no (2000,23) of the Council of Europe is specifically devoted to this subject of functions, independence of regulatory authorities as well as bodies in the broadcast sector. The first clause of this Recommendation of 2000 states that,

“Member States should ensure the establishment and unimpeded functioning of regulatory authorities for the broadcasting sector by devising an appropriate legislative framework for this purpose. The rules and procedures governing or affecting the functioning of regulatory authorities should clearly affirm and protect their independence.”

In 2008, the Media development indicators were adopted by “UNESCO’s Intergovernmental Council of the International Program for the Development of Communication”. These indicators were adopted to provide a clear framework for assessing media developments in the world. These further provided details of the matters that should be taken into consideration while evaluating the framework for media developments. Indicator no 1.6 puts its emphasis on the independence and autonomy of the regulatory mechanism for the broadcasting sector. It furthermore sets out numerous considerations by which the independence of regulatory bodies is measured and guaranteed.

Although freedom of expression is imperative for broadcast media, regulation of broadcast media is also equally important ([Biswanathbanerjee, 2021](#)). The above-mentioned discussion indicates that the independence of governing body is mandatory for the embellishment of expression of broadcast media in the country. Diverged systems of the regulation of media are adopted by different countries. In the next section, the regulatory

approaches and issues annexed with broadcast media in Pakistan are analyzed.

Regulation of Broadcast Media in Pakistan

In Pakistan PEMRA Ordinance- 2002 is the principal law that regulates Electronic Media in the country. PEMRA Ordinance 2002 also created a regulatory body named as PEMRA Authority. The foremost obligation of the PEMRA Authority is toward control of “the establishment and operations of broadcast media as well as distribution services in Pakistan”. The PEMRA Authority additionally controls the regulation and distribution of regional as well as foreign TV and foreign radio channels in the country ([Proffitt, 2013](#)).

The PEMRA Authority, while working as a controlling and regulating body, holds executive, legislative, and judicial powers and functions. It also makes rules for the private TV industry, applies those rules, and entertains those complaints of an alleged breach of rules. The PEMRA Authority also have the power to penalize for such infringements. However, the decisions of the PEMRA authority can be reviewed by the judiciary. In addition to PEMRA Ordinance 2002, there are some other regulations that are related to broadcast media ([Alam, 2020](#)). These include the “Cable TV Regulations passed in 2002, Broadcasting Regulations passed in 2002, PEMRA (Councils of Complaints) Rules of 2010, Pakistan Electronic Media Regulatory Authority (Amendment) Act, 2007 and the Electronic Media (Programmes and Advertisements) Code of Conduct 2015”. These statutes and regulations provide rules for broadcast media, broadcast stations, cable TV operations as well as operators, cable television system, copyright rules, eligible channels for broadcast, unlawful broadcast operations, unlawful cable TV operations, licenses, and finally, programs ([Erum, 2011](#))” The regulatory procedure of the PEMRA is comprised of three gears. First is related to the issuance of a license for broadcasting companies, second provides conditions and restrictions which must be followed by the broadcasters while telecasting content on broadcast media, and third gear provides the mechanism of enforcement of those conditions and restrictions.

Section 3 of “PEMRA Ordinance 2002”, establishes a body named “PEMRA Authority” Section 4 of the PEMRA Ordinance 2002 enumerates the basic functions of the PEMRA Authority. Those functions include regulation and operations of the all-broadcast media in the country ([Ali, 2011](#)). This PEMRA Authority comprises a chairman and eight members, which are selected by the President of Pakistan. This

authority has the exclusive responsibility to receive applications and issue licenses to the broadcasting companies. Authority has the power to decide about the total number of licenses to be issued in each category. It can also charge fees for the award of a license. Upon receiving the application, the authority assesses the application as to technical competence, financial capability, economic viability, track record and credibility of the range of Pakistani shares in ownership. However, it is mandatory to issue a license within one hundred days from the date of receiving of application. Once the application of license has been approved by the PEMRA Authority, then it will be forwarded to the Frequency Allocation Board (FAB) for the purposes of frequency apportionment and grants the license after apportionment of frequency.

As suggested earlier that electronic media consists of broadcast media and broadcasting services. It is the authority of PEMRA to suspend or even revoke the license of a distribution service company or broadcast media if the licensee is not able to pay the annual renewal fee license fee or charges or any other payments, including fines. Broadcast media or cable TV (distribution services) operator who is issued a license has several obligations under the ordinance. It is the responsibility of The PEMRA Authority to confirm that every licensee follows the conditions and terms levied for the preservation of integrity, security and sovereignty of the country and the cultural, national, social, religious ethics and the rules of public policy ([McDowell, 2011](#)). The PEMRA Authority shall make sure that all programs and advertisements do not encourage or contain terrorism, violence, religious, racial, or ethnic discrimination, extremism, sectarianism, hatred, militancy, copyright violations, pornography, vulgarity, obscenity, or any other material which has the tendency to be offensive for commonly accepted standards of decency. The authority, in addition to the conditions and terms contained in the Schedule, can inflict any other conditions and terms as they seem necessary ([Rasul, 2012](#)).

The second part of PEMRA Ordinance 2002 deals with the enforcement process of decisions of PEMRA. If any broadcasting company makes violations of the terms of the license or violates any of the restrictions of freedom of expression, then the enforcement process for the violations of rules is performed by the Council of Complaints. This Complaints resolution body is responsible for receiving and deciding applications for any aspect of programs telecasted on broadcast media ([Shah, 2019](#)). Currently, there are seven Councils of Complaints working in the country. One is working

in Islamabad federal capital, and the remaining six are working at regional councils at different provincial capitals.

Council of Complaint acts as a recommendatory body that is required to assist the PEMRA Authority in fulfilling the purposes and objectives of the PEMRA Ordinance 2002. Although each of the councils is independent in its work, it is required to work under the supervision of the PEMRA Authority. A direct complaint by an individual can be lodged to the Council of Complaints. Applications can also be made against any of the broadcast media companies or the distribution service operators. It will be investigated by the Council of Complaints and then act on that will also be recommended by the council. It does not have the authority to take final action on any of these complaints. A Complaint Council makes recommendations to the PEMRA Authority several actions, including censure, fine and/or revocation of a license. On the recommendations of the Council of Complaints, the PEMRA Authority gives its decision. It is the PEMRA Authority that has the authority to take final decisions about any matter (Pemra ordinance, www.pemra.gov.pk. n.d. <http://www.pemra.gov.pk>).

The council has the power and authority to summon and ask for an explanation from the licensee against whom a written complaint has been made. Following the issuance of explanation, the council may propose to the PEMRA Authority for the temporary suspension or revocation of a license or imposition of a fine on a licensee for contravening the PEMRA Ordinance 2002 and Code of Conduct for programs and advertisements of 2015. Complaints Council consists of a total of 6 members. A chairperson heads the council of complaints, and his tenure is 2 years. The council of the complaint is entrusted with the responsibility of monitoring each and every aspect of broadcast media. It includes the content of programs, as well as standards of communications and transmissions from the broadcast stations.

It is the responsibility of the Council of Complaints to keep the PEMRA Authority informed and updated regarding public response related to the content and advertisements of the program. Furthermore, the Councils are required to submit bi-annual statements to the PEMRA Authority about the nature, and complete details along with a number of complaints received, commendations of the council and should also mention the action undertaken by the authority. Section 26 of the PEMRA Ordinance 2002 creates a council of complaints. The Council of Complaints, as suggested earlier, consists of 6

members, which include a chairperson. All members, including the chairperson, are selected by the federal government. Section 26(3) states that "Each Council of Complaints shall consist of a Chairperson and five members being citizens of eminence from the general public, at least two of whom shall be women" (Abrar, 2016).

Media and communication policies in Pakistan are framed and enforced by PEMRA. PEMRA was created in 2002 in a situation when the state's media was in its nascent stage. PEMRA as an institution has received a substantial amount of criticism in recent times. The criticism is made due to the inability of PEMRA to work independently and also not taking timely measures on complaints. PEMRA has also been criticized for the allegation of stopping the legitimate voices of the people and restricting the discussion on important issues. Although the market of broadcast media has expanded recently, the issues with it remain as usual. One of the Legal experts stated regarding the growth of broadcast media in Pakistan stated that.

"Media Commission Report of 2014 provided that more than 89 private TV channels operating in the country. 29 of those channels were licensed in the category of news. These TV channels, which are presently functioning in Pakistan, have access to over more than 15 million households or almost 75 million viewers in the country. Likewise, about 180 or more FM stations with the estimated access to more than 78 million listeners have also been working in the country. Now that list of private TV stations has crossed 100 and in the same way more FM stations are awarded licenses to carry out their transmissions in the country (1 L. E., 2020)".

However, PEMRA's robust role in growing the broadcast sector in the country has been eclipsed by its anaemic performance on numerous other fronts, especially regarding its inability to work as an independent organization in Pakistan. PEMRA Authority is the chief body responsible for the working of the PEMRA, and all actions are taken by it. Legal experts on the composition and working of PEMRA Authority stated that.

"The role of the PEMRA in broadcast media regulation is huge as it is the sole body responsible for looking after the electronic media in the country. PEMRA provides the first of its type of regulatory mechanism in South Asia. It is claimed as an independent body established for the provision of services and regulation of media in the country. However, in PEMRA authority, most of the members are appointed by the Federal government, and this indirect involvement of

government makes it difficult to work as an independent body ([L. E., 2020](#))”.

PEMRA Authority is the principal body entrusted with the responsibility of controlling the operations and regulations of the broadcast media in the country. The regulation of broadcast media has an immediate liaison with freedom of expression. Similar views were maintained by the legal experts who were interviewed as following.

“PEMRA Authority’s role in ensuring freedom of expression for broadcast media is of paramount significance. Regulation of expression and the right to freedom of expression has a direct and significant relationship with each other. Therefore, independent and responsible regulatory body is essential for ensuring freedom of expression in the field of broadcast media”([L. E., 2020](#))

The importance and significance of the PEMRA Authority were further reiterated by the legal experts who were interviewed. The viewpoints of the legal expert about the role and authority of PEMRA as a regulator of freedom of expression of broadcast media are as follows.

“PEMRA as a body is responsible for the organization and application of rules and laws for electronic media. Section 4 of the PEMRA Ordinance-2002 grants the power of regulation of electronic media to PEMRA authority. At the same time, PEMRA Authority has made several rules for the regulation of broadcast media. Those rules include 2002 regulations related to Cable TV, 2002 regulations related to Broadcasting rules of 2010 related to (Councils of Complaints) of PEMRA, and most significantly PEMRA code of conduct for Electronic Media which was passed; in 2015 ([L. E., 2020](#)).”

As suggested by the legal experts, the independence of the regulatory authority is also of paramount matter for ensuring freedom of expression and for effective regulation of broadcast media in the country. If the PEMRA Authority is not working independently or is under the control of the government, then it becomes very convenient for the government to restrict freedom of expression of broadcast media. It also affords an opportunity for the sitting government to silence the opposing voices on the electronic media. Section 6 of the PEMRA Ordinance 2002 provides that The PEMRA Authority comprises a chairperson and 8 members. All those appointments are made by the President of the country. However, He is an elected person and also representative of the government. If the appointment is made by the representative of the government, then it is a matter of concern for the

independent working of the regulatory body. Legal experts expressed similar kind of fears that.

“PEMRA Chairman and members of the PEMRA Authority are always appointed by the President of Pakistan, and he is an elected person and nominee of the federal government. It is interesting that 3 out of 8 members are direct representatives of the federal government. Whereas 4 out of the remaining 5 are the representatives of the provincial governments. Provincial governments in Pakistan are mostly fellows of the federal government. Only 1 of 8 is representative of broadcasting companies. There is no representation of journalist, legal community or civil society in PEMRA Authority.”

Similar concerns were raised by the legal experts in the following words.

“The first major issue is the involvement of the federal government in the affairs of the PEMRA in Pakistan. The expression should always be free from external fears, and the governments in all countries are afraid of criticism. Media always brings into light the wrongdoings of the governments and brings matters of public importance into a highlight. In almost all developing countries, the governments feel insecure about the media and always tries to make laws that restrict the freedom of media in the country. There are several laws in the country which are considered draconian in Pakistan and are drafted only to hinder the media from its basic responsibility of informing the public in the country. All major appointments are made by the federal government in the PEMRA, and by this way, it controls media regulatory body in the country (3 L. E., Freedom of expression and regulation of broadcast media, 2020).”

Chief Justice of Pakistan, in the famous case regarding the appointment of Chairman of PEMRA, stated that “the PEMRA as a regulatory body is not working an independent institution. He further stated that all major appointments, including chairman and members, are made by the federal government ([Bhatti, 2020](#))”. Even Justice Ijazul Ahsan questioned in the same case that “Why is the government always adamant? To keep control over the PEMRA?”. Chief justice also reiterated that if the appointment of the members of the PEMRA Authority is made in a transparent manner, then PEMRA would become an independent body ([Biswanathbanerjee, 2021](#)).

It can be gauged from the Chief Justice comments that “the independence of the regulatory body of electronic media is the beginning point for ensuring the right of expression in the country”. If the body regulating the broadcast media is not independent, then the

whole process of freedom of expression and regulation of broadcast media is at stake. Ironically as suggested earlier, PEMRA Authority is by no means an independent body as all major appointments in authority, including the chairman, are made by the President. Even the President is not provided with any choice. He is obliged to follow the nominees of federal or provincial governments. If the Regulatory body is not free from the whims of the governments, then the regulatory body will be used to silence critics of the government and its policies. Ironically the same is happening in the country nowadays. It has happened in the past and is still happening in Pakistan as the government is using PEMRA as a tool to silence the opposing voices on broadcast media..

The second most important body is the Council of Complaints which is responsible for handling complaints and all related matters. Involvement of the federal government in the matters of the council of the complaint is the biggest issue for the independence of this body. All appointments regarding members of the council of the complaint are made by the Federal government, and one of the legal experts who was interviewed explained the sad situation of members of the council of complaint that “historically being a member of a political party was enough qualification to become a member of Council of Complaint”. If members of the ruling party are made the members of the Council of Complaint, then the idea of effective and independent regulation is difficult to achieve.

If the Council of Complaints is not working independently, then it may seriously affect the freedom of expression of broadcast media in the country. This is a big hurdle in the independent working of the Council of Complaints. The same view was adopted by the legal experts in the following words.

“The big issue is the composition of the council of complaint, which is responsible for complaint handling under Section 26 of the ordinance. Section 26 of the PEMRA Ordinance 2002 authorizes the federal government to establish a Council of Complaints at national, provincial, and regional levels. Interestingly the federal governments in Pakistan have used this

authority negatively and several times adjusted its political workers in the council of complaints. Council of Complaints is the body responsible for handling cases of violations of the code of conduct in Pakistan, and if political workers, instead of professionals, are appointed there, then the regulation of media will automatically be compromised in the country(L. E., 2020)”.

It is a valid question regarding membership of the council of complaints to handle complaints. Council of Complaints under PEMRA is the principal body entrusted with the responsibility of regulation of broadcast media, and if it is made ambiguous, then all the processes and means of the regulation becomes questionable. Similarly, if the PEMRA Authority and Council of Complaints are brought into dispute, then the entire system of regulation is brought into dispute. If the PEMRA Authority, Council of Complaints or any of its organs is not independent enough to decide matters on its own, then the governments can easily utilize it to suppress the broadcast media in the country.

Conclusion

This short paper comprehended the regulatory framework of PEMRA in the country. It further elaborated the relationship between freedom of expression and independent regulatory bodies. Although PEMRA, as a regulatory body, is trying its best to effectively regulate broadcast media in Pakistan, so far, it has not been able to achieve the desired results. Similarly, the perception of heavy regulation of electronic media is entirely mistaken. PEMRA Authority and Council of Complaints are not working independently and therefore provides an opportunity to the political elite and government to intervene in the working of the PEMRA. It is the need for time as well as the requirement of international conventions to make PEMRA a truly independent and autonomous body. Unless PEMRA is not reorganized as an effective and true independent regulatory body till then, the objectives of effective regulation of broadcast media will not be achieved. PEMRA, as an independent and effective body, should and have the capacity to discover and embrace new and useful strategies for effective regulation of media in the country.

References

- Abrar, M. (2016). Mohammad Abrar, Pakistani Media Law: An International and Comparative Study. *Oxford University Press*.
- Alam, M. (2020, JUNE 22). Broadcast regulation in Pakistan: The need for an enabling regulatory.: <http://eastbound.eu/2010/alam>
- Alexander, L. (2000). Freedom of speech, Volume 1. *Ashgate*.
- Ali, Y. A. (2011). A Comparative Analysis of Media & Media Laws in Pakistan. *Sangemal Publishers Lahore*.
- Ariño, M. (2004). Digital War and Peace: Regulation and Competition in Digital Broadcasting. *European Public Law*.
- Baldwin, R. a. (1999). Understanding Regulation. *Oxford*.
- Bhatti, H. (2020). Parliament is supreme but constitution is above it: chief justice. www.dawn.com: <https://www.dawn.com/news/1390625>
- Biswanathbanerjee. (2021, april 22). *Role of Media in Our Society*. <https://eokhardahreview.wordpress.com/2015/02/13/the-pen-is-mightier-than-the-sword-2/>:<https://eokhardahreview.wordpress.com/2015/02/13/the-pen-is-mightier-than-the-sword-2/>
- Blasi, V. (1995). Milton Areopagitica and the Modern First Amendment. *Yale Law School Legal Scholarship Repository*, *Declaration of Principles on Freedom of Expression in Africa*. (2020, july 21). www.refworld.org: <https://www.refworld.org/pdfid/4753d3a40.pdf>
- Erum, S. (2011). Development of electronic media in Pakistan: A historical perspective. *MPhil Thesis*. Islamabad: *Allama Iqbal Open University*.
- F, D. I. (2007). Research Methods for Law. *Edinburgh: ELIP*.
- Feintuck, M. (2004). The 'Public Interest' in Regulation. *Oxford*.
- Genelle, I. Belmas, J. M. (2017). Major Principles of Media Law. Boston: *Cengage Learning*.
- Hasan, G. (2021, May 08). Democracy and Dictatorship in Pakistan. www.sacw.net: <http://www.sacw.net/aii/gardezi99.html>
- Independent Media Corporation (Pvt.) Limited v Pakistan Electronic Media Regulatory Authority, *PCrLJ 262* [Karachi-High-Court-Sindh 2019].
- Kee, C. P. (2015). Malaysia's contemporary broadcast media regulation through the eyes of regulators. *Journal of Asian Pacific Communication*.
- Kent, G. (1989). Free Speech Justifications. *Columbia Law Review*, 119-155.
- Krauss, S. E. (2005). Research Paradigms and Meaning Making: A Primer. *The Qualitative Report*.
- L. e. (2018, july). Regulation of ELectionic Media .
- L. E. (2018, July). Regulation of Media.
- L. E. (2020). Freedom of epression and regulation of broadcast media .
- Lingens v. Austria. (EU court of Human Rights 1986). 9815/82.
- McDowell, A. R. (2011). Regulation and media monopoly: A case study of broadcast regulation in Pakistan. *8th Asia-Pacific Regional Conference of the International Telecommunications Society :Convergence in the Digital Age"*
- McKenzie, R. (2011). Comparing Media Regulation Between France, the USA, Mexico and Ghana. *Comparative Media Law Journal*.
- Meiklejohn, A. (2001). Free Speech and Its Relation to Self-Government. New York: *Harper Brothers Publisher*.
- Miller v. California. (US supreme court 1973). 413, 413 US 15, 24.
- National Broadcasting Co. v. United States. (US Supreme Court 1943). 319 US 190. Of the committee of ministers to member states on the independence and functions of regulatory authorities for the broadcasting sector. (2020, april 22). www.ebu.ch: [https://www.ebu.ch/files/live/sites/ebu/files/Publications/Reference_Texts/CoE%20-%20Media%20Freedom%20and%20Pluralism/REF%20COE-CM-Rec\(2000\)23.pdf](https://www.ebu.ch/files/live/sites/ebu/files/Publications/Reference_Texts/CoE%20-%20Media%20Freedom%20and%20Pluralism/REF%20COE-CM-Rec(2000)23.pdf)
- On Liberty. . (2016). www.constitution.org: On Liberty. [www.constitution.org](http://www.constitution.org/jsm/liberty.htm). n.d. <http://www.constitution.org/jsm/liberty.htm> [accessed July 13, 2016]
- PBA Opposes Issuance of Licenses for Satellite Broadcast Stations. (2021, May 22). www.dawn.com: <https://www.dawn.com/news/1479743>
- Pemra ordinance, www.pemra.gov.pk. n.d. <http://www.pemra.gov.pk>. (n.d.). www.pemra.gov.pk.
- Proffitt, A. R. (2013). Diversity or Homogeny: Concentration of Ownership and Media Diversity in Pakistan. *Asian Journal of Communication*.
- Rasul, A. (2012). Consolidation in the Name of Regulation: The Pakistan Electronic Media Regulatory Authority (PEMRA) and

- the Concentration of Media Ownership in Pakistan. *Global Media Journal*.
- Raza, A. & another v Federation of Pakistan and another. (Supreme Court 2017). PLD Islamabad 64.
- Rehmat, A. (2021, April 22). WHY IS PAKISTAN'S MEDIA IN CRISIS? www.dawn.com: <https://www.dawn.com/news/1495230>
- Shah, D. S. (2019). Genesis of electronic media: understanding the national security perspective of Pakistan. *Ndu journal*.
- Smartt, U. (2017). Media and Entertainment Law. London: *Routledge*.
- Sridhar, M. (2007). The Law of Expression, An Analytical Commentary on Law for Media. *Asia Law House*.
- Sridhar, M. (2007). The Law of Expression: An Analytical Commentary on Law for Media . Hyderabad India : *Law House*.
- Ursula, S. M. E., & New York: Routledge, 2. (2017). Media Et Entertainment Law . [London: *Routledge*.
- Varney, M. F. (2006). Media Regulation, Public Interest and the Law. Edinburgh: *Edinburgh University Press*.
- Yaqin, A. (2008). Legal Research and Writing Methods. Nagpur: LexisNexis *Butterworths Wadhwa*.