

Draft Code of Programmes and Advertisements

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Part One Definitions

- (a) “advertisement” means a set of visual and audio messages for the promotion 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 efforts;
- (b) “Authority” means the Pakistan Electronic Media Regulatory Authority established under section 3 of the Pakistan Electronic Media Regulatory Authority Ordinance 2002 (No. XIII of 2002);
- (c) “broadcasting” means originating live and pre-recorded signals, whether or not encrypted, by terrestrial means or through satellite for reception by the public by means of broadcasting receiving apparatus;
- (d) “broadcasting receiving apparatus” means a device, or combination of devices, intended for or capable of being used for the reception of broadcasting;
- (e) “children” mean people who are under the age of fifteen years;
- (f) “copyright” means copyright as defined in the Copyright Ordinance 1962 (XXXIV of 1962);
- (g) “Council of Complaints” means Council of Complaints established under section 26 of the Ordinance;
- (h). “Electronic Media” includes FM Radio, Satellite Radio, Satellite TV, Cable TV, IPTV, DTH, MMDS, LMDS and other broadcasting and distribution systems;
- (i) “encrypted” means treated electronically or otherwise for the purpose of preventing intelligible reception;
- (j) “Free-to-Air” means a broadcast made available for reception (through broadcasting receiving apparatus) without payment of a subscription fee;
- (k) “Foreign Broadcasting Service” means a broadcasting service which is transmitted from outside Pakistan and received in Pakistan;
- (l) “foreign company” means a company or body corporate, organized and registered under the laws of a foreign government;
- (m) “foreign content” means a program originated, produced and written in a foreign country and whose copyrights are also registered in a foreign country;

- (n) “foreign language” means a program or advertisement in a language other than the national or regional languages of Pakistan;
- (o) “Licence” means a licence issued by the Authority to establish and operate a Satellite Television broadcast station, FM radio station, Satellite radio, DTH, MMDS, LMDS, Terrestrial TV, Satellite TV, IPTV, Cable TV and other broadcasting or distribution systems.
- (p) “Licencee” means a person to whom the Authority has issued a licence;
- (q) “lottery” means offering or undertaking to offer, in connection with any trade or business or sale of any commodity, any prize, reward or other similar consideration, by whatever name called, whether in money or kind, against any coupon, ticket, number or figure, or by any other device as an inducement or encouragement, to trade or business or to the buying of any commodity, or for the purpose of advertisement or popularising any commodity;
- (r) “local content” means a program which includes 75% or more Pakistani talent whether in performing, producing, conceptualizing, animating or providing voice talent and whose copyrights are registered in Pakistan;
- (s) “morality” includes acceptable system of ethical norms and rules of behavior established in society on the basis of traditional religious and cultural values, particularly the concepts of goodwill, honor, dignity, duty, conscience, and fairness;
- (t) “news” means information relating to nonfiction and factual events reported to the public through electronic media;
- (u) “pornography” means sexually explicit pictures, writing or other material whose primary purpose is to cause sexual arousal.
- (v) “prime time” means the duration of broadcasting time when the maximum number of audience or viewers are available to a broadcaster i.e. from 6.00PM to 10.00PM PST;
- (w) “programme” means any systematic audio, visual or audio-visual live performance or presentation, or transmission of films, features, dramas and serials broadcast or relayed by a broadcast station;

(x) “programme review” means the brief information displayed at the start of a programme regarding its content, language (if other than the National language) and the name of the Director / Producer etc;

(y) “public service announcement” means non-commercial announcements that inform the public about safety or health, community services or public affairs;

(z) “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 this document, unless the context otherwise requires, shall have the meanings assigned to them in the Ordinance and the rules made there under.

Part Two Objective of Code

The purpose of this code is to promote and encourage the role of broadcasting services in developing and reflecting a sense of Pakistani individuality, character and cultural diversity by supporting the society’s continued access to television programmes produced under Pakistani artistic control.

Part Three Electronic Media Operation

3.1 Electronic media shall be operated by companies that hold broadcasting or distribution licences issued by the Authority.

3.2 Broadcasters shall support and promote the idea of an independent and democratic country respecting diversity of opinions, internationally recognized human rights and shall serve the interests of Pakistani society.

3.3 News shall be objective, neutral, impartial, unprejudiced and authentic.

3.4 News included in the television and radio services shall be reported with due accuracy.

3.5 Appropriate degree of responsibility shall be exercised with respect to the content of religious programmes.

3.6 Foreign investments into electronic media companies shall be limited in accordance with the rules on Foreign Investments and shall be subject to regulations or restrictions imposed by the Authority in respect of each licence category.

3.7 Licencees (other than specialized subject channels) shall air a diversified mix of programmes on information, education, entertainment and other areas of public interest.

Part Four General provisions

4.1 All programs shall conform to the code of conduct issued by the Authority from time to time.

4.2 Licencee shall ensure that facts and events are reflected honestly, impartially and comprehensively in its broadcast according to universally recognized principles of ethics and journalism. Any commentary shall be accurately separated from the news and the name of the author of commentaries shall be announced.

4.3 No program shall incorporate:

- (a) undue propaganda of violence and cruelty;
- (b) pornography or obscenity;
- (c) incitement of national or racial hatred, enmity, humiliation or abasement;
- (d) incitement of war or military conflict;
- (e) incitement to subvert the state power, forcibly change the social order, destroy the country's territorial integrity or commit other crimes;

4.4 Licencee shall broadcast the public service announcements addressed to the general public, as and when required by the Authority.

4.5 Election campaigns on electronic media shall be governed by separate detailed rules which shall be formulated by the Authority in collaboration with the Election Commission of the Pakistan. However, following general guidelines shall be observed:-

- (a) Political talks shall be based on an arrangement which fairly apportions facilities and time between persons holding different points of view.
- (b) Properly balanced discussions or debates where the persons taking part express opinions and put forward arguments of a political character: and
- (c) factual and objective news coverage of events of political interest.

4.6 A licensee may use another author's programs, films, plots and other material observing the provisions of copyright and neighboring rights.

4.7 Licensees shall maintain record and log book of all programmes, commercials and promotional material broadcast for a period of not less than the past 45 days and shall produce before the Authority or the Council of Complaints as and when required.

4.8 Noncommercial TV and Radio stations must keep a list of donors supporting specific programs for a period of two years after the program has been aired.

4.9 The broadcasters shall not air content which:-

- (a) glorifies commission of capital crimes;
- (b) directly or indirectly threatens the security of individuals or the state;
- (c) inflames social, racial, parochial or national feelings or incites religious hatred, enmity or superiority;
- (d) propagates war, cruelty or violence;
- (e) debases the dignity of human identity;
- (f) violates the generally accepted norms of humanity and morality, historically developed on the foundations of the family;

Part Five Special provisions

5.1 The following proportions between Pakistani and foreign programs shall be observed by the broadcaster:

- (a) 90% shall be local content;
- (b) maximum 10% foreign content is permissible; and
- (c) one fourth of permissible time for foreign content can be consumed during the prime time.

5.2 Programme containing violence, whether physical or psychological, in visual or textual form shall be prohibited. The texts shall not contain taboo expressions, impolite utterances and reference to sexual actions.

5.3 Content which may attempt or tend to ridicule National Institutions such as Armed forces of Pakistan, Judiciary and the Religion of Islam as well as religions practiced by the minorities, shall not be broadcast.

5.4 Licencee shall not broadcast, the whole or any part of a programme if the Authority is of the view that the broadcast of:-

- (a) the whole or part of the programme is contrary to the code of conduct applicable to the licensee; or
- (b) the programme is against the public interest, public order, national harmony, or is against good taste and decency.

5.5 Broadcaster must ensure that the identity of the victims of accidents or any violent crimes must not be revealed unless the victim's kin is being informed.

5.6 Broadcaster shall neither take nor broadcast the footage or audio of people caught in emergencies, victims of accidents or those suffering a personal calamity; even it is in a public place, which results in the breach of privacy, unless the consent of the concerned person has been taken.

5.7 An individual in a state of distress shall not be persuaded to either appear in a programme or provide interviews.

5.8 Momentous mistakes in news shall be recognized and corrected on air immediately. Corrections shall be appropriately scheduled.

Part Six Children Programmes

6.1 The programmes prepared specifically for children shall not contain violence (physical or verbal) that may imitate children, causing harm to them.

6.2 The programmes prepared specifically for children shall neither portray nor contain dangerous behavior which is easily imitable to children and can cause harm to them.

6.3 The language of the programmes made primarily for children must not be offensive.

6.4 Licencees shall not distribute programmes capable of inhibiting normal physical, mental or moral development of children or raises the possibility for such damage, unless the broadcasting time is specially selected or technical protection through encryption is provided.

6.5 Prizes intended for children must be suitable for the age range of both the participants and the aimed audience.

Part Seven The programme language

7.1 Every programme shall take place in one language only. Programme fragments in other languages shall be provided with translations (subtitling, voice-over, overdubbing). However, this shall not apply to programmes for language teaching or music.

7.2 The language of the soundtrack or voice-over shall be deemed the program language. The program language shall be named in the programme review unless it is in the National language.

7.3 Films / Cartoon for children may be dubbed or carry voice-over translations into National language or English only.

7.4 TV programmes prepared in foreign languages, except live transmissions, rebroadcasting and language teaching programmes shall be provided with subtitles in national language.

7.5 The proportion of a broadcaster's foreign language programmes shall not exceed 30% of the total daily broadcast hours.

Part Eight The Content of Advertising

8.1 Advertising shall be truthful and honest. It shall not misguide, carry false information or otherwise threaten the customer's interests, health or security. It shall conform to the requirements of the laws on consumer protection and rights.

8.2 Advertising shall observe the requirements of the prevailing competition laws.

8.3 Commercials targeting children or featuring minors shall not threaten children interests and shall take into account the special sensitivity of children.

8.4 Advertising shall not promote violence.

8.5 No advertisement shall seek to promote smoking habit by portraying smoking as a sign of triumph, energy or satisfaction.

8.6 Advertising of all alcohol products shall be prohibited.

8.7 Broadcaster shall ensure that no individual programme, taken in its entirety shall promote or encourage the use of illegal drugs and narcotics or the abuse of legally available drugs.

8.8 Limitations and restrictions on commercial advertising of drugs, medicines, remedies or treatments for diseases, medical professionals, food, fertilizers, pesticides, chemicals used for agricultural purposes, as well as those for companies inviting investments, monetary deposits or issuing bills, bonds shall be governed by the relevant laws and regulations in force in Pakistan.

8.9 Promotion of any kind of lotteries or any information concerning a lottery shall be prohibited. However, lottery schemes sponsored by the government shall be exempted subject to the approval of the Authority.

8.10 A licensee shall ensure that its service is not used to advertise, provide or otherwise promote any type of fortune-telling.

Part Nine Categorization of Advertisements

9.1 Advertising shall be readily recognizable as such and kept quite separate from other parts of the programme service by optical or acoustic means. The distributed advertising shall be in the language of the broadcast or in the National, official or regional languages of Pakistan.

9.2 Distribution of advertisements during transmission of official state ceremonies shall take place exclusively by permission and shall be coordinated with the organizers of the events.

9.3 During the transmission of religious ceremonies only such advertisements shall be distributed which observe the sanctity of the particular religious ceremony.

9.4 A maximum of ten (10) minutes of commercials to an hour shall be allowed and any commercial break shall not exceed two (2) minutes, in order to avoid clustering of ads.

9.5 Advertising may take the form of subtitles, logos or sliding texts on TV on the condition that it shall not occupy more than one sixth of the screen.

9.6 Advertising in the form of subtitles, logos or sliding texts on TV shall not be present longer than 15 minutes of any hour in national subscription programmes, if the Authority has not set a lower limit for specific programmes or parts.

9.7 Broadcasters shall not act as contracting parties or agents for goods or services.

Part Ten Responsibility for Advertising

10.1 Broadcasters shall be responsible for distribution of illegal or prohibited advertisements.

10.2 Broadcaster shall be responsible for legitimate distribution of advertising over the program as per para 9.4 & 9.6 of part 9 of this code.

Part Eleven Repudiation

11.1 A person offended by a programme that has distributed false information about him or his business or family interests may demand that the broadcaster should rectify by broadcasting the correct information.

11.2 The application to distribute a refutation shall be submitted within two weeks to the broadcaster in writing with a copy to the Authority.

11.3 Refutations shall be processed within 7 days of its receipt. If the broadcaster has no sufficient proof of the distributed information, it shall be subject to immediate refutation.

11.4 Refutations shall be distributed in the broadcaster's name and in an equally favorable position in the same programme and time as that of the false information.

11.5 If the broadcaster refuses to broadcast the refutation it shall inform the applicant to that effect within 7 days. The applicant may approach the Authority in this regard within 14 days. Refutation if such is demanded by a decision of the Authority / Code, shall comply with para 11.4 of this section.

Part Twelve Right to reply

12.1 Any individual or legal entity insulted or defamed in a programme has the right of reply from the same electronic media without regard whether an application for a refutation has been submitted or not. The reply may be a broadcast of the insulted or defamed person's or his/her representative's recorded speech or a presentation of a text the latter person has prepared.

12.2 The person wishing to benefit from the right of reply shall submit an application to the Authority and the broadcaster in writing within two weeks after the airing of the defaming or insulting data / information. The applicant's reply shall be attached to the application.

12.3 The broadcaster may refuse to distribute the reply:-

- (a) if the applicant does not have any legally justifiable interest in the distribution of the reply;
- (b) is inadequately long; or
- (c) contains a culpable statement;

12.4 The refusal shall be given to the applicant in writing. If the insulted or defamed person has received a refusal, it may approach to the Authority for remedy within 14 days of receipt of such refusal.

Part Thirteen Miscellaneous

Nothing in this code shall exempt the licensee from complying with the requirements of any law, rules or regulations relating in any matter whatsoever to the provision of the licensee's service.

In case of a dispute or controversy over interpretation, purport, meaning or effect of any particular provision, the case shall be referred to the Authority and decision made by the Authority shall be final and binding on all the concerned parties.

Kindly forward your valuable comments on "Draft Code of Programmes and Advertisements" latest by September, 20th 2006 at our email address;

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