

Text of (Draft) the PAPRA Bill 2006

TO STREAMLINE REGISTRATION OF NEWSPAPERS, PERIODICALS, NEWS AND ADVERTISING AGENCIES AND AUTHENTICATION OF CIRCULATION FIGURES OF NEWSPAPERS AND PERIODICALS

Whereas it is expedient to streamline and regulate the establishment of newspapers, news agencies and authentication of circulation figures of newspapers and periodicals in the country; and whereas it is desirable to put in place a regulatory mechanism for the healthy growth of print media industry, it is therefore decided to establish "Press and Publication Regulatory Authority" (PAPRA).

Preliminary

1. Short title, extent and commencement:-

(1) This bill shall be called the Press and Publications Regulatory Authority (PAPRA) Bill, 2006.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions:- In this Bill, unless there is anything repugnant in the subject or context:-

(a) "advertisement" means a set of visual and written messages for the projection of 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 press and Publications Regulatory Authority (PAPRA) established under section 3;

(c) "akhbar market" means a market designated as such in a city for sale and distribution of newspapers and periodicals in bulk through hawkers;

(d) "appellate board" means board constituted by the Authority for entertaining appeals to be made by the management of a newspaper or periodical;

(e) "chairman" means Chairman of the Authority;

(f) "circulation certificate" means certificate issued by the Authority on the basis of audited circulation figures, authenticated and certified by the Authority;

(g) "claim proforma" means proforma prescribed by the Authority to be filled in by the management of a newspaper or periodical in support of their claim during audit;

(h) "document" means any document required to be produced at the time of circulation audit, as specified under this Bill or any other document required in that behalf;

(i) "fee" means fee charged for providing services like registration, estimating circulation or any other service;

(j) "federal government" means Ministry of Information and Broadcasting;

- (k) "news agent" means a person authorized by the management of a newspaper or periodical to receive and sell their publication;
- (l) "newspaper" means any periodical work of print media containing public news or comments on public news, and includes such other class of periodical works as the Government may, by notification in the official gazette, declare to be newspapers;
- (m) "official" means an official of the Authority;
- (n) "paper" includes document, leaflet, newspaper, new-sheet and poster other than a book;
- (o) "press registrar" means the Registrar of Newspapers for Pakistan appointed by the Federal Government under section 39 of the Press, newspapers, News Agencies and Books Registration Ordinance, 2002;
- (p) "printing press" means a press and includes all engines, machinery, types, lithographic stones, implements, utensils and other plant or materials used for the purpose of printing;
- (q) "province" includes the Islamabad Capital Territory;
- (r) "publisher" means a person who undertakes, is in control of or is responsible for the publication of any newspaper or periodical or paper, either on his own behalf or on behalf of any other person, and makes and subscribes a declaration under Section 6 of the Press Newspapers, News Agencies and Books Registration Ordinance 2002;
- (s) "registration certificate" means certificate issued by the press Registrar under section 41 of the press, Newspapers, New Agencies and Books Registration Ordinance, 2002;
- (t) "register" means the register of newspapers and periodicals maintained under section 40 of the Press, Newspapers, News Agencies and Books Registration Ordinance, 2002.

3. Establishment of the Authority;

- (1) As soon as may, after the commencement of this bill, the Federal Government shall by notification in the official gazette, establish an authority to be known as the Press and Publications Regulatory Authority (PAPRA) for carrying out the purposes of this Bill.
- (2) The Authority shall be a body corporate having perpetual succession and a common seal with powers subject to the provision of this bill to hold and dispose of property by the said name, sue and be sued.
- (3) The principal office of the Authority shall be at Islamabad and it may set up offices at such place or places in the country as it may deem appropriate.
- (4) The Directorate of Audit Bureau of Circulation, Ministry of Information and Broadcasting at Islamabad and its two Regional Offices at Lahore and Karachi shall stand to be merged into the Authority on commencement of this Bill by notification by the Federal Government.
- (5) No act or proceeding of the Authority shall be invalid by reason only of

the existence of a vacancy in, or defect in the constitution of the Authority.

4. Functions of the Authority:-

The Authority shall be responsible for:

- (1) Registration of newspapers, and news agencies as per provisions of section 40 and 41 of the Press, Newspapers News Agencies and Books Registration Ordinance, 2002.
- (2) Authentication of circulation figures of newspapers, and periodicals.
- (3) Registration of advertising agencies for release of Federal Government advertisements to print media.
- (4) Fixation of advertisement rates for print media on the basis of authenticated/audited circulation figures.
- (5) Dissemination of data about print media in Pakistan for general information of the public.

5. Members of Authority:

- (1) The Authority shall consist of a chairman and six members to be appointed by the Federal Government.
- (2) Secretary, Ministry of Information and Broadcasting shall be ex-officio chairman of the Authority.
- (3) Out of the six members, one shall be appointed by the Federal Government on full time basis from amongst BS-21 Information Group Officers to run the affairs of the Authority.
- (4) Director General Internal Publicity, Ministry of Information and Broadcasting and the principal Information Officer, press Information Department shall be ex-officio members.
- (5) Two members shall be the nominees of All Pakistan Newspapers Society (APNS) and the Pakistan Advertising Association (PAA) respectively.
- (6) One mass media educationist, to be nominated by the Higher Education Commission.
- (7) The members shall participate in all meetings and shall receive such fee and expenses for each meeting as may be prescribed.

6. Tenure of Members:-

- (1) The members, other than ex-officio members, unless earlier removed for mis-conduct or physical or mental incapability, shall hold office for a period of four years and shall be eligible for re-appointment of a similar term or as the Federal Government may determine.
- (2) The member other than ex-officio may, by writing under his hand, resign his office.

7. Meetings of the Authority etc:

- (1) The chairman or in his absence, the full time Member (To be called Executive Member) shall preside over a meeting of the Authority.

(2) One-third of the total members (excluding the chairman) shall constitute a quorum for meetings of the Authority requiring a decision by the Authority.

(3) The members shall have reasonable notice of the time and place of the meeting and the matters on which a decision by the Authority shall be taken in such a meeting.

(4) The decisions of the Authority shall be taken by the majority of its members present, and in case of a tie, the member presiding a meeting shall have casting vote.

(5) All orders, determinations and decisions of the Authority shall be taken in writing and shall identify the determination of the chairman and each member separately.

8. Officers, employees etc:- To carry out the purposes of this Bill, the Authority may, from time to time, appoint members of its staff, experts, consultants, advisors and other officers and employees on such terms and conditions as it may deem fit.

9. Officers, etc. deemed to be public servants:- Members, officers, staff and employees of the Authority shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

10. Delegation:- The Authority may, by general or special order, delegate to the Executive Member or a member or any member of its staff or other officer or employee of the Authority any of its powers, responsibilities or functions under this Bill subject to such conditions as it may by rules prescribe.

11. Financial Resources:

(1) The Federal Government shall provide grant-in-aid for meeting the establishment, administrative and operating expenses of the Authority.

(2) The Authority shall have its own budget.

(3) The Federal Government, in consultation with the Authority shall allocate appropriate funds every year in its annual budget to meet the administrative and opening expenses of the Authority.

(4) The Authority may, for the purpose of performing its functions under this Bill may charge such fees at such rates and in such manner, as may be prescribed by it from the newspapers, news and advertising agencies.

(5) Any fee payable to the Authority under sub-section (4) may be recovered as an arrear of land revenue.

12. Funds of the Authority:

(1) All sums received by the Authority as fees, grant-in-aid, donations or subscriptions shall form part of a fund which shall be managed, administered and utilized in such a manner as may be prescribed by rules.

(2) The Authority shall cause to be maintained such books of accounts and other books in such form and manner as may be prescribed by regulations.

(3) The Authority shall appoint an auditor, who is a Chartered Accountant

within the meaning of the Chartered Accountants Ordinance, 1961 (X of 1961).

The accounts of the Authority shall also be audited by the Auditor General of Pakistan.

(4) The Authority may open and operate one or more accounts in local currency in any scheduled bank.

13. Powers of the Authority:-

(1) The Authority shall be empowered to visit and inspect the premises of the printing presses, offices of the publications and news and advertising agencies.

(2) The Authority shall be empowered to check the record and books of accounts of the publication/agency/press on the spot or may require the management to produce the same before the Authority or its designated official at any of its offices.

(3) The Authority shall be empowered to inspect the Akhbar Market and check the record of newsagents and hawkers for the purpose of this Bill.

(4) The Authority shall have the power to call any person, who can help in its functions to appear in person.

(5) The Authority may recommend to the Ministry of Information and Broadcasting removal from the Central Media List of audit defaulting newspapers or periodicals.

(6) The publications making false claims shall be proceeded against.

(7) The Authority may authorise any of its officials to exercise its powers contained in sub-section (1) to (6) of this section.

14. Creating hindrance, concealment of record or document: Creating

hindrance, concealment of record or document, denial of access to premises of printing presses, offices of the newspapers or periodicals, news agencies, advertising agencies, akhbar market and public at large during inspection or verification to the officials of the Authority, shall be considered an offence and interference in the discharge of lawful duty of a public servant.

15. Cognizance of offences:-

(1) No court lower than that of a First Class Magistrate shall try an offence under this Bill.

(2) Notwithstanding anything contained in Section 32 of the Code of Criminal Procedure, 1898 (Act of 1898), it shall be lawful for any First Class Magistrate to pass any sentence authorised by this bill or under any other applicable law.

16. Offences and penalties:-

(1) Any publisher or news agency or person who violates or abets in the violation of any of the provisions of the Bill shall be guilty of an offence punishable with a fine which may extend to one million rupees.

(2) Where such publisher or news agency owner or person repeats the violation or abetment, such person shall be guilty of an offence punishable with imprisonment for a term which

may extend to three years, or with fine, or with both.

(3) Where the violation or abetment of the violation of any provision of this Bill is made by a person who does not hold registration certificate/audit certificate, such violation shall be punishable with imprisonment for a term which may extend to four years, or with fine, or with both.

17. Cases to be initiated on complaint: No court shall take cognizance of any offence under this Bill except on a complaint in writing by the Authority or any officer authorised by it.

18. Offences by companies:

(1) Where any offence under this Bill has been committed by a person who at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of the business of the company as well as the company itself shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the person guilty of an offence under this Bill, is a company, corporation or firm, every director, partner and employee of the company, corporation or firm shall, unless he proves that the offence was committed without his knowledge, or consent, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

19. Indemnity:- No suit, prosecution or other legal proceeding shall lie against the Federal Government or any Provincial Government or local authority or any other person exercising any power or performing any function under this Bill or for anything which is done in good faith or purporting or intended to be done under this Bill or any rule made thereunder.

20. Power to make rules:-

(1) The Authority may, with the approval of the Federal Government, by notification in the official Gazette, make rules to carry out the purposes of this Bill.

(2) In particular, and without prejudice to the generality of the fore-going power, such rules may be provided for all or any of the following matters, namely:-

a. to prescribe the forms for the registration of newspapers, news and advertising agencies;

b. to prescribe the terms and conditions of the audit certificate, including fee to be charge din connection with the issuance of circulation certificate and related matters.

21. Removal of difficulties:- If any difficulty arises in giving effect to the provisions of this Bill, the Authority may make such order, not inconsistent with provisions of this Bill, as may appear to it to be necessary for the purpose of removing the difficulty.

STATEMENT OF OBJECTS AND REASONS

Audit Bureau of Circulation, Ministry of Information and Broadcasting has been entrusted with carrying out

audit of circulation of newspapers and periodicals. On the basis of audit certificate the advertisement rates are fixed as well newspapers and periodicals become eligible for placement in the central Media List of the Press Information Department for release of public sector advertisements to them.

2. There has been tremendous growth of Print Media during the last two decades owing to liberal policies of the successive governments. The average growth rate is around 12% per annum. Introduction of latest technologies and state-of-the art techniques in Print Media Industry have necessitated the restructuring of Audit Bureau of Circulation whose scope and ambit remained the same as it was thirty years back.

3. The Federal Government has created an office of the Press Registrar through Press, Newspapers, News Agencies and Book Registration Ordinance, 2002, for maintaining updated record of all the newspapers and periodicals being published throughout the country.

4. There was a need to synthesis the registration of newspapers, periodicals and news agencies work with the audit of circulation of newspapers and periodicals. It has been proposed that a separate autonomous body with the name of Press and Publications Regulatory Authority (PAPRA) be established to carry out registration of newspapers/periodicals and news agencies as envisaged in the Press, Newspapers, News Agencies and Books Registration Ordinance 2002. The Authority will also register advertising agencies for release of public sector advertisements to print media and undertake audit of circulation of newspapers and periodicals. The new set up will certainly help the Federal Government to have updated data on print media and bring efficiency credibility, transparency, and accuracy in the audit of circulation of newspapers and periodicals.