

[Published in the Gazette of Pakistan, Extraordinary, Part-I,
dated the 7th June, 2018]

ORDINANCE NO. IX OF 2018

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ORDINANCE

*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 (XIII of 2002);

AND WHEREAS the Senate and the National Assembly are not in session and the President of the Islamic Republic of Pakistan is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 89 of the Constitution of the Islamic Republic of Pakistan, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:—

1. **Short title and commencement.**—(1) This Ordinance may be called the Pakistan Electronic Media Regulatory Authority (Amendment) Ordinance, 2018.

(2) It shall come into force at once.

2. **Substitution of section 5, Ordinance XIII of 2002.**—In the Pakistan Electronic Media Regulatory Authority Ordinance, 2002 (XIII of 2002), hereinafter referred to as “the Ordinance”, for section 5, the following shall be substituted, namely:—

“5. **Power of the Federal Government to issue directives.**—(1) The Federal Government may, from time to time, issue directives to the Authority, in writing, on a matter of policy.

(2) The directives under sub-section (1) may be issued with regard to the matters relating to Article 19 of the Constitution of the Islamic Republic of Pakistan.

(3) If a question arises whether any matter is a matter of policy or not, the decision of the Federal Government thereon shall be final”.

3. **Substitution of section 6, Ordinance XIII of 2002.**—In the Ordinance, for section 6, the following shall be substituted, namely:—

- “6. **Chairman and members of the Authority.**—(1) The Authority shall consist of a Chairman and eight members.
- (2) The Chairman and members shall be appointed by the Federal Government and shall be persons who are well-known for their integrity, competence, expertise and experience in the field of media, business, management, finance, economics or law. The Chairman and members shall be required to hold at least masters or professional degree or equivalent qualification from an institute recognized by the Higher Education Commission and shall have at least twenty years of experience in the relevant field.
- (3) The following shall be the members of the Authority, namely:—
- (a) a member to be appointed by the Federal Government who shall be the permanent member of the Authority and shall work on full time basis;
 - (b) an officer of BS-22 of the Federal Government;
 - (c) the Chairman, Pakistan Telecommunication Authority;
 - (d) a member to be nominated by the Pakistan Broadcasters Association; and
 - (e) four members to be nominated by each Provincial Government from general public out of which not more than two members shall be women to be nominated by the Provincial Government on rotation basis.
- (4) The Authority shall have only two *ex-officio* members as mentioned in clauses (b) and (c) of sub-section (1).
- (5) The members shall receive such fee and expenses for each meeting as may be prescribed.
- (6) A member, other than an *ex-officio* member, shall be deemed to have vacated his office if he remains absent for three consecutive meetings of the authority without the leave of the authority.”
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STATEMENT OF OBJECTS AND REASONS

The proposed Bill is intended to make PEMRA an independent body in terms of issuance of government's directives meant to facilitate PEMRA in the performance of its functions and also to reconstitute the PEMRA Authority.

2. Whereas, in compliance with the directions of the Honourable Supreme Court, this Division has initiated the process of aligning section 5 and 6 of the PMERA Ordinance, 2002 amended as the PEMRA (Amendment) Act, 2007 with the provisions of Article 19 & 19-A of the Constitution of Pakistan.

3. Therefore, in pursuance of the aforesaid objectives, this Bill is being introduced to make PEMRA's functioning independent and in line with constitutional provisions.

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