

Media Law Bulletin



Quarterly media round-up

Issue 1 Vol 1
Oct-Dec 2003

CONTENTS

1. *'There will be no traditional red tape at PEMRA'*
2. *Should Indian channels be banned in Pakistan?*
3. *Internews Media Law Department: Introduction*
4. *Article Request*
5. *'There must be a level-playing field for radio sector to flourish'*
6. *Free media depends on laws, institutions and cultures*
7. *Eight rules of a good media law*
8. *Is media cross-ownership good for Pakistan?*
9. *Pitfalls of defamation and contempt of court*
10. *Quotable quotations*
11. *Frequency Watch*
12. *Broadcasters stress need for good standards and practices*

CONTACT INFO

We can be reached for queries or suggestions at:

Internews Pakistan

Media Law Department

P.O. Box No. 541

Islamabad, Pakistan

Tel: 051-2877984-85

Fax: 051-2870969

Email: mediapk@internews.org

Supporting a Budding Broadcast Sector

Something exciting is happening in Pakistan. While privately owned print media is well established, a new broadcast media (radio and television) sector is shaping up. The Pakistan Electronic Media Regulatory Authority has the responsibility of ensuring that the broadcast sector thrives in an enabling environment. It has already taken steps towards this overarching goal by issuing a set of licenses for private radios and is getting ready to issue terrestrial television licenses. Like elsewhere in the world, more private sector radio and television stations there are in Pakistan, the greater will be the independent and reliable sources of information, education and entertainment. Plurality and diversity of a country's media symbolizes an informed citizenry and a tolerant and empowered society. Pakistan's recent decision hence to open up the broadcast media sector for private ownership and enlarge the realm of freedom and independence of media is a cause for celebration. However, with freedom comes responsibility. The level of freedom and independence of the media depends on three factors: 1) Regulation, 2) Presence of able managers and ability to be economically viable, and 3) The degree to which professionalism and responsibility are exercised. These are also serious challenges for Pakistan's private broadcast media. Radio and television broadcasting have technical requirements. The potential number of radio and television channels is limited by the size of the frequency spectrum. Someone must therefore decide who may broadcast over which frequency. The result is a degree of regulation. Hence we have PEMRA. Although regulation is required, such control should be limited to support free communication. Broadcasting works best when it promotes, rather than inhibits, the independence of public and private broadcasters. For local broadcasters the problems of independence are greater than the print media, and the political impact of broadcasting is likely to be even more important. There will be degrees of freedom in producing and broadcasting programs over which the regulator and the broadcaster are going to differ. What required is participatory decision making. Legal challenges arising from content and compliance issues will come back to haunt both sides again and again if an enabling environment is not created and a variety of voices and opinions not encouraged. Award of licenses to FM radio licenses is a step forward and it is hoped that the licensees will also be allocated frequencies soon. To address the growing broadcast sector's issues, from legal to technical and from rights and responsibilities to professional standards, Internews Pakistan will be engaging all stakeholders in a variety of ways: providing journalism, technical and managerial trainings as well as legal and informational resources to them. To support and promote the broadcast sector we will also be bringing out a quarterly publication, the Media Law Bulletin of which this is the inaugural edition. It aims to provide a platform for a focused discourse on the issues and challenges impacting the broadcast sector. Internews Pakistan is a non-commercial, non-partisan organization and is wholly dedicated to supporting and promoting the broadcast sector in the country within the bounds of the law of the land. ■

Adnan Rehmat, Country Director, Internews Pakistan

'There will be no traditional red tape at PEMRA'

An interview with Pakistan Electronic Media Regulatory Authority Chairman

Matiullah Jan

The law provides that the chairman of the Pakistan Electronic Media Regulatory Authority (PEMRA), appointed by the president of Pakistan, "shall be an eminent professional of known integrity and competence, having substantial experience in media, business, management, finance, economic or law." Mian Muhammad Javed, a former head of the Pakistan Telecommunication Corporation Limited (PTCL) as well as the former chairman of the Pakistan Telecommunication Authority (PTA) was picked as the inaugural chairman of PEMRA. In addition to his duties at PEMRA, Chairman Javed is also an elected member of the radio regulation board of the Swiss-based International Telecommunication Union.

Chairman PEMRA is the person whose vision is supposed to determine the direction of the new electronic media sector in Pakistan. Having decided to liberalize the media, PEMRA was established in March 2002 with the exclusive authority to regulate private broadcast radio and television, cable television, and satellite television. PEMRA is part of Pakistan's desire to liberalize various industries, and for the media, according to Chairman Javed, PEMRA aims to "provide to the private sector a transparent and level legal infrastructure without the traditional red-tapism."

The media law department of Internews Pakistan interviewed Chairman Javed about numerous issues that have emerged from the nascent Pakistani broadcast industry.

How independent is PEMRA?

"[The] regulatory body is a fine example of governance, wherein there is no say of the government and therefore no political interference," states Chairman Javed. The decision to accept a License application is taken by a majority vote and, he maintains, that even the

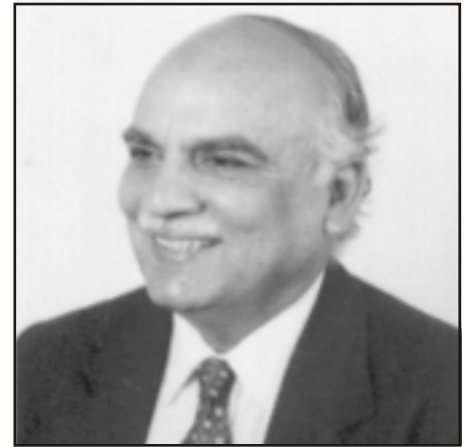
chairman of PEMRA cannot on his own grant a license to anyone. The ten-person board of PEMRA includes six people from the private sector including two female representatives. Mian Javed states that, "[t]he licenses are granted after public hearing sessions to elicit views from the general public about the interest of the public relating to establishment of a radio station in a particular area. We also make it public as to who could not be given a license and that party is given a chance to be heard by the PEMRA."

Chairman PEMRA appreciates the government for creating a legal infrastructure that places the authority in the hands of the private sector. There is also the Council of Complaints that is entirely comprised of representatives from the private sector. The Council of Complaints investigates into and takes cognizance of complaints against the licenses and recommends to the authority necessary action to be taken. "The governments in the past have been accused of bias and victimization in [how they] disposed of such complaints, but now in the Council of Complaints, everybody will freely express his views," says Chairman Javed.

What has PEMRA accomplished thus far?

PEMRA exclusively regulates the vast industries of broadcast radio, broadcast television, satellite television, and having taken over for the PTA, cable television (CTV) as well. Currently, there are almost 1000 licensed CTV operators in addition to the hundreds of illegal CTV operators PEMRA is responsible for shutting down.

PEMRA thus far, has issued FM broadcast radio licenses to 28 operators. Four broadcast radio licensees, from the first phase conducted last spring, are currently on the air, according to the Chairman. These include: FM 105 in Gujrat, FM 99 in Islamabad, FM 107 in Karachi,



and FM 104 in Sialkot. In the second phase the bidding of another 30 licenses has been completed but the licenses are yet to be granted and frequencies allocated.

PEMRA awarded two satellite licenses to Virtual University and the other to a Lahore-based international marketing company. Chairman Javed says that three of the foreign-based Pakistani satellite television stations, ARY, Indus, and Prime have been offered licenses to operate from within Pakistan.

According to PEMRA the process of securing licenses is not burdensome, as it has to be completed.

Within the 100 days of the application. The Chairman PEMRA says that the Authority is eliminating the typical bureaucratic "red-tapism." He says that PEMRA has written rules to explain various parts of sections of the Ordinance. He additionally points out that the licensing process has been explained through the publication of booklets and on the PEMRA website, www.pemra.gov.pk.

However, receiving a new FM broadcast radio license from PEMRA does not equal the receipt of a frequency, hence only four out of almost 28 licensee are on the air. It has been noted on numerous occasions that the process of liberalization is going much slower than expected. However according to the authority by September 19, 2003 nine more frequencies have been provisionally allocated to the license holders for fulfill their requirement

for import of equipment. PEMRA chairman believes that it is the station owners who are responsible for the delays. "It is all up to the private party. It is the party, which has to get the capital, arrange for the [station's] location, recruit people, train them, and import [broadcasting] equipment from abroad. It is a technical job, the job of professionals. We just send the [licensee] to the Frequency Allocation Board (FAB). And [FAB] is a one-window operation," argues the Chairman.

The issue of restricting programming content

The issue of programming content restrictions has been much debated this summer in the press as PEMRA is currently banning the transmission of Indian-based satellite channels and Indian content on the radio.

Additionally, PEMRA is prohibiting the new radio stations from airing national and international news and current affairs. "International news gathering is a whole new department which requires lot of investment and these are small stations," the Chairman argues. National and international news can be broadcast on one condition, that the news comes from the state-run television or radio stations.

"We have introduced a Code of Ethics and Conduct, the implementation of which is left to the broadcaster," says Chairman Javed. Be aware though that the same provisions listed in the Code are also listed in the Ordinance, Rules, and / or Regulations, all of which are not optional. According to the Chairman, the Code will help create a very responsible broadcasting sector that takes into account the needs and values of society by producing such reflective programming.

PEMRA's Code of Ethics and Conduct leave much room for interpretation. For instance Section 10(a) of the Code bars any broadcast, which might, amongst other things, "incite violence or contain anything against the maintenance of law and order, or promote anti-national or anti-state attitudes." With this in mind, Chairman Javed maintains that the new radio stations should air a

PEMRA thus far, has issued FM broadcast radio licenses to 28 operators. Four broadcast radio licensees, from the first phase conducted last spring, are currently on the air, according to the Chairman. These include: FM 105 in Gujrat, FM 99 in Islamabad, FM 107 in Karachi, and FM 104 in Sialkot

"local mix" of programming, such as local news, sports, family issues, and entertainment.

But to what extent can PEMRA enforce the content restrictions against, say, the satellite television stations? According to the Chairman, "the satellite television stations are international stations, which we cannot bound. However they themselves can [choose to self] enforce the code of conduct."

The discrepancy between which service is restricted and which is not involves "no issue of censorship," states the Chairman. He continued that "[w]e have a code of ethics, which is liberal like those in [the] western countries like Canada. But having said that, Pakistan is Pakistan. The people have their own social values which cannot be violated." He is of the opinion that restricting content helps the moral upbringing of Pakistan's younger generations. "This is a responsibility which should be shouldered not just by PEMRA, but by the broadcasting stations because they are also part of the society. We should feel the responsibility," he states.

The Chairman continued to defend the ban in that cable operators have been given a list of eligible stations that can be transmitted to cable television subscribers. According to Chairman Javed, such a system works in other parts of the world and PEMRA chose to follow Canada's

lead. "In that list," says the PEMRA chairman, "we have not included Indian channels because they do not come up to the standards of our code of ethics. Like some of the Indian channels run such vulgar programs that even the western countries channels are left behind. The Indian channels code, if any, is far more liberal than that of Pakistan's." He maintains that PEMRA is not opposed to the transmitting of "real cultures" of other countries. "We respect their traditions and culture, but the culture being depicted in the Indian movies is extremely violative of our code of ethics," Chairman Javed argues.

But what about permitting Indian satellite news channels to be aired in Pakistan? A liberal media is one that is not controlled by the government and does not become a mouthpiece of the government but Chairman Javed that the Indian news channels do not live up to this role. The Chairman believes that from a regulatory point of view it is "abnormal" for Pakistan to broadcast news that contains anti-Pakistani sentiments, is not professional, nor objective. The Indian news "is to put Pakistan in a bad light. This does not come under [what is considered a] normal broadcast. When there is a normal broadcast, then the decision will be taken," he maintains.

Fostering a competitive media marketplace amongst the monopolies

Section 12 of PEMRA's Charter requires that it "foster healthy competition among various licensees and stakeholders." But is fair competition possible when the state-run radio and television do not fall under PEMRA's purview. Radio Pakistan is actively setting up new FM radio stations and as explained, the Chairman believes it is Radio Pakistan's right to do so. Also, large private media companies are set to enter the television sector whether media cross-ownership prohibitions are lifted.

In respect to PTV and Radio Pakistan, Chairman Javed defends the monopolies of national broadcasters

by arguing that PTV and Radio Pakistan already have large financial investments in equipment, personnel, salaries, and pensions. Unlike PTV and Radio Pakistan, which are not fiscally responsible “the private sector is very wise, they know how to save money. They are good at marketing as well. They manage resources through different means unlike the state-run radio and TV,” argues Mian Javed. However the PTV and PBC do not even come within the purview of the PEMRA law.

Additionally, the Chairman believes that the state-run media provide a unique public service role that is not required of the private sector. “Like the programs with government's points of view, the need to publicize the external and internal policies and those underdeveloped areas where there is no financial return for the private sector,” he points out. Providing public service programming, Chairman Javed says, is a huge responsibility and if the state-run broadcasters are to come under PEMRA, then the private sector must also share such responsibilities. PEMRA “is ensuring competition by granting more and more licenses to the private sector.” The Chairman continued that, [i]t is just the beginning of the private sector and we want to encourage the licensees to air local issues, debates and social issues. In the absence of a national broadcasting institution, the [newly established] private sector cannot handle all this.” On the issue of competition being inhibited due to the elimination of the media cross-ownership prohibitions the Chairman acknowledged that

There have been arguments made that competition will flourish if the government can give the new broadcasters some concessions, say, on the importation duty on broadcasting equipment which is not available for purchase in Pakistan. PEMRA Chairman says that he has not been approached by the industry for concessions

allowing media cross-ownership would pose a challenge to the smaller broadcast industry investors. Chairman Javed said that the smaller investors would have to seek licenses in the smaller cities, as the competition for the larger metropolitan licenses would be fierce and thus, expensive. The Chairman stated that money dictates who gets a license through the bidding process due to the reason that bidding is open and transparent “so that no one blames the government of favoritism.”

There have been arguments made that competition will flourish if the government can give the new broadcasters some concessions, say, on the importation duty on broadcasting equipment which is not available for purchase in Pakistan. PEMRA Chairman says that he has not been approached by the industry for concessions. “We have asked the

industry to let us know what facilities they want we will take it up with the concerned departments,” he says, however pointing out that the government is already in the process of reducing the duties. He said that thus far the private broadcast industry has not brought to his attention any such issues, but if they did, PEMRA would support their concerns.

Views on the future of PEMRA and private media

PEMRA is looking to the future by keeping pace with technology. PEMRA plans to maintain international standards and evolve by incorporating the new technological mediums into the regulatory framework. For example, PEMRA is currently in the process of issuing about 30 licenses for Multi-channel Multi-Point Distribution Services (MMDS), which is basically wireless [by satellite or other wireless telecommunication service] cable television. According to the Chairman, the MMDS licenses are awaiting frequency allocation from FAB. Chairman Javed concluded by looking forward by explaining PEMRA's forthcoming study, conducted by Gallup Pakistan, on the state of media in Pakistan. “The Gallup assessment is the first ever report about electronic media industry, which includes basic facts about the level of people's access to different types of media and the future potential for Media to guide us in issuing numbers of license,” says the Chairman. ■

Advocate, Media Law Department

Should Indian channels be banned in Pakistan?

The controversy surrounding ban on Indian entertainment channels imposed by the government

Aftab Bhatti

The proscription of Pakistani satellite channels in India was one of the major steps taken by India in addition to suspension of road, rail and air connections with Pakistan after an alleged terrorism attack on *Lok Sabha* (Indian Parliament) in December 2001. In response to the Indian action, the government of Pakistan, on January 1, 2001, decided to ban the transmission of Indian-based satellite channels

(referred to as Indian channels) in Pakistan. To give force to this decision, the Pakistan Telecommunication Authority (PTA),

The government's cry that they are protecting decency and morality is speculative when numerous English-language channels are also invading Pakistan culture

then responsible for granting licenses and regulating the affairs of the cable television (CTV) sector in Pakistan, banned the transmission of Indian channels, e.g. ZeeTV, MTV India, B4U, etc... In March 2002, with the promulgation of the Pakistan Electronic Media Regulatory Authority (PEMRA) Ordinance, the regulation of broadcast media and CTV shifted to PEMRA. After its establishment, PEMRA continued the proscription of Indian channels in Pakistan.

Emergence of the controversy

After a period of almost seventeen months of escalating tensions between India and Pakistan, India unilaterally announced the resumption of relations with Pakistan on April 18, 2003.

India also decided to resume road, rail and air connections with Pakistan and lifted the ban on the transmission of Pakistani-based satellite channels into India. The authorities in Pakistan welcomed the move and resumption of relations.

Though PEMRA did not allow the CTV operators to broadcast Indian channels in Pakistan, many of the CTV operators assumed that the ban had been lifted and started to transmit Indian channels on their systems. PEMRA took notice and reiterated to the CTV operators that they were strictly prohibited from transmitting Indian-based satellite channels. PEMRA also informed the CTV operators that failure to comply with the prohibition could result in the cancellation of their licenses as well as the imposition of heavy monetary penalties. This threat resulted in a serious controversy between the CTV operators and PEMRA, which led to an extensive national debate regarding the transmission of Indian channels in Pakistan.

Cable television operators' strike

The CTV operators showed their clear resentment towards the decision of PEMRA regarding the ban on Indian channels. The Cable Operators Association of Pakistan (COAP) requested both the President and the Prime Minister of Pakistan to resolve the issue and save the CTV industry. The CTV operators argued that the ban upset the citizens that enjoyed watching the popular Indian channels. They also stated that the continuation of the ban would directly affect the livelihoods of over 200,000 people employed by the CTV industry, in addition to the loss of over \$200 million already invested in the industry. On August 24, 2003, after failing to receive any response from the government, CAOP decided to go on a nation-wide strike by refusing to transmit ARY Digital, Indus Network, Geo, Uni Plus, BBC World, CNN International, Sky News, DW, Fox

News, Star Plus in addition to the Indian channels.

PEMRA's response

PEMRA, working under the directions of the Federal Government, refused to lift the ban on the Indian channels despite the CTV operators' move suspension of some national and international channels throughout Pakistan. The CTV operators were given a list of PEMRA authorized" channels supposedly compiled after incorporating the opinion of the public, as to what they could transmit. PEMRA also warned the CTV operators that they would strictly prosecute any CTV operators who failed to comply with the prohibition as implemented under section 20 of PEMRA Ordinance. PEMRA emphasized repeatedly to both the angry public and CTV operators that the ban was a policy issue, meaning a decision made at the government level.

PEMRA ordinance & rules

Section 20 of the PEMRA Ordinance (2002) prescribes the terms and conditions that licensees must comply with in order to legally broadcast or retransmit any channel. Section 20 requires that the licensees, in both the station's behavior and their programming, to respect the sovereignty, security, and integrity of Pakistan in addition to the national, cultural, social, and religious values and principles of public policy stated

In a liberalized market system, supply determines the market's needs and requirements. If state-run organization and the nascent Pakistani private media sector are desirous to be successful in today's marketplace, it is imperative upon them to improve the standards of their programming and services

in the Constitution. Section 20 also requires the licensees to comply with the "rules and codes of programmes and advertisements approved by the Authority" and must broadcast or distribute programmes in the public interest.

Rule 19(1) of the PEMRA Rules (2002) allows PEMRA to ban any foreign channel that it finds to be unacceptable. Section 19 (2) of the Rules sets out the criteria for determining an unacceptable foreign channel, namely any matter that "prejudices the security and sovereignty of Pakistan, the public Interest or order or national harmony or is against good taste or decency or morality."

Should Indian channels be banned in Pakistan?

The opinions have varied as to whether Indian channels should be banned.

The government and its supporters held the view that the programming content of the Indian channels was hampering Pakistan's national spirit and diluting Pakistan's national identity by polluting the minds of the public. The view is based on the premise that Indian culture is inherently more permissive and liberal as compared to the more conservative Pakistani social norms and mores. Additionally, the argument assumes that the programming is Indian biased and that is harmful in and of itself. Thus, the government will simply not permit the concerted Indian cultural invasion to succeed. The ban on the Indian channels was a policy issue according to the government and these policies were implemented keeping in mind various factors including the interests of various Pakistan stakeholders. Conversely, much of the public opposes the ban despite the government's insistence that it is protecting Pakistani national identity and the public's morality. The opposition has lodged the following arguments in favor of repealing the ban. First, the government's cry that they are protecting decency and morality is speculative at best when the numerous English-language

channels are also invading Pakistani culture much faster than the Indian channels. The opposition cites this as selective enforcement, either, enforce the law equally and ban all the “unacceptable” cable channels or let them all be transmitted.

Second, facing the increased use of modern technology to transmit and with the liberalization of the media sector, such a ban is considered a futile and unrealistic exercise in what is mostly, a governmental dispute. For true competition to succeed, a level playing field is required so the market participants can supply whatever the demand may be. The government's other insistence that the ban was placed to help the new Pakistani satellite stations by allowing them to compete is considered faulty at best. The ban existed long before any of the new private channels existed. Additionally, this favoritism form of competition is illusory at best because the Indian channels are in heavy demand in Pakistan. Eliminating the Indian channels creates a false market, one in which true competition will not be able to flourish as the local Pakistani channels will not have any incentive to create better programming when the indigenous competition is PTV. Third, it is naïve to enforce a ban that inhibits the free flow of information. It is commonly accepted that

receiving both sides to a story is beneficial in making the appropriate decisions. In today's world, the public wants to be informed about the rapidly changing geo-strategic and socio-economic situations at home and around the world. Television is the definitive medium providing such instantaneous information. The banning of certain television channels eliminates access to such news and information. Such prohibitions negate the very essence of the public's right to freedom of information, a necessary ingredient expressing oneself freely.

Conclusion

Ultimately, irrespective of whether the justification is patriotism or economic, the proscription of the Indian channels is unrealistic. Though PEMRA is empowered to ban any foreign broadcasting service for virtually any reason, the ban has the appearance of being a pawn in a larger political game. Many say that the content of the Indian channels is no worse than some of the English-language stations that are currently available to CTV subscribers. If it wanted to follow the law, PEMRA should also ban those channels as well, resulting in killing the private television market.

In a competitive and liberalized market, programming should be

determined according to demand. Given the Indian channels popularity in Pakistan and the ensuing public outcry, the Indian channels are obviously catering to a demand. The Indian channels should not be hidden away from the public and the local Pakistani television stations, rather the Indian channels should be used as an impetus to create better programming in Pakistan. That is the essence of successful competition. In a liberalized market system, supply determines the markets needs and requirements. If state-run organizations and the nascent Pakistani private media sector are desirous to be successful in today's marketplace, it is imperative upon them to improve the standards of their programming and services. Excellent local stations are inherently patriotic as it is not necessary to rely on foreign sources and instead support television within the country. Excellent local stations are also a means to ensure a country's strong national identity by celebrating it through varied quality programming. Banning channels under faulty assumptions and in direct contradiction to the public's desires in a liberalized market ultimately injures everyone involved. The ban should be lifted. ■

Attorney, Media Law Department

Internews Media Law Department: An Introduction

Supporting and strengthening regulatory reforms

Tipu Riaz

Internews' legal team is Pakistan's foremost media law specialists, knowledgeable in areas as policy formulation, advocacy, broadcast and cable television licensing and regulatory schemes etc

A strong and effective legal system is integral to the proper functioning of the media. Governing bodies must implement fair and effective laws that are properly enforced. Likewise, a strong and vibrant independent media must understand and conform to these laws in which they work. With concerns in mind, Internews Pakistan has established a media law

department that shall offer legal support to Pakistan's burgeoning independent media sector so that it may succeed in the goal of achieving a free and open media. The media law department will support the media sector through the following means:

Media law attorney & advocate

Internews Pakistan has hired one attorney and one advocate who are empowered to shape and run the media law department. This legal team intends to become Pakistan's foremost media law specialists, knowledgeable in such areas as policy formulation and advocacy, broadcast

and cable television licensing and regulatory schemes, and broadcasters' and journalists' defense issues. Through practical work in addition to intensive media law training by a variety of international media law consultants, the media law attorneys shall be able to assist both the government and independent broadcasters on a variety of legal issues relating to the media. The legal team will utilize the most modern research techniques to stay current with the advancements in the Pakistani and international media arenas. In addition, the law department will subscribe to topical academic journals, newsletters, and

websites pertaining to media law.

Building relationships & empowerment

The media law department will establish contact with the relevant government agencies responsible for media legislation. The legal team intends to provide whatever support they can to encourage the government's efforts to liberalize the media, such as providing information about how other developing countries have utilized media liberalization to foster economic growth.

The legal team will establish a network of contacts throughout the government agencies responsible for preparation, consideration, and implementation of the media laws so that the legal team can act as an intermediary between government and its policies and the private media sector and its concerns. In addition, a strong relationship with the government agencies will allow the legal team to find out what new media laws are being implemented and can inform broadcast stations about how to prepare for forthcoming measures. The legal team will also establish contact and forge relationships with all of the owners and directors of the private radio and television stations in Pakistan to assist them with the legal obligations of operating a broadcasting station. The legal team will instruct the stations on the importance of complying with the laws that regulate their activity via the publication of various media law related handbooks. The legal team will hold period training sessions, conducted in the federal capital and in each of the provinces, covering various issues facing the broadcast

All media (private, governmental, domestic, and foreign) should operate under the same rules, with no tax breaks, no preferential treatment in the license-giving process, and, ideally, a limit on how much advertising income government-subsidized media can siphon off from the private sector

license holders from regulatory concerns, programming concerns, defense issues, to journalist's rights. The media law department will also encourage strong relationships between the private radio broadcasters to ensure a unified and strong voice in representing their interests. Additionally, the legal team will work with already existing local media and journalistic associations to help them increase their ability to represent their interests.

Media Resource Center

The media law department has established a media law resource center that will contain the most comprehensive collection of media law related materials in Pakistan. The resource center will be headed by the media law department attorney and advocate, but will be staffed with one full-time resource center person who will be responsible for compiling all incoming data as well as assisting visitors to the center as it is open to the public.

The resource center is collecting

copies of all of the Pakistani media-related laws, in both Urdu and English, for access to the public. The resource center is compiling copies of all relevant application forms and requirements in order to facilitate correct government application filings. The resource center is archiving all newspaper articles and public commentary that relates to the media. The resource center is compiling an extensive collection of media policy papers written by the foremost authorities on the media, in addition to explanatory papers and articles relating to all aspects of the media. The resource center also has the latest media-focused dictionaries, glossaries, and historical books and essays available to the public. In the future, the resource center intends to post significant amounts of the above material on Internews Pakistan's forthcoming website for simpler access.

The media law department will publish a series of handbooks, in both Urdu and English, eventually covering all aspects of the new media environment in Pakistan. The first handbook will serve as an introduction to the new electronic media sector. It will explain what the Pakistan Electronic Media Regulatory Authority is, how one goes about getting a broadcasting license, and once licensed, how to comply with all the regulations as a television or radio broadcaster.

The law department will also publish, in both Urdu and English, a quarterly media law bulletin detailing all recent legislative developments and issues relating to private and independent media. ■

Media Law Consultant

Article Request

Do you have an opinion, concern, or issue relating to the new private media sector in Pakistan? Email, fax, or mail us an article of not more than 1000 words and we may include it in the coming editions of the Media Law Bulletin. Please include your name, address, and phone number. We reserve the right to edit the article for clarity or space constraints. Articles printed in this bulletin may be reproduced provided Media Law Bulletin is credited. Thank you
Aman Azhar, Media Resource Manager, Internews Pakistan.

Email submissions to: amanazhar@internews.org

Fax submissions to: 051-2870969

Mail submissions to: Internews Media Law Department - P.O. Box 541, Islamabad, Pakistan

'There must be a level-playing field for radio sector to flourish'

An interview with Najib Ahmed of POWER 99 FM

Matiullah Jan

As of publication, The Pakistan Electronic Media Regulation Authority (PEMRA) has granted almost 30 broadcast radio licenses. But so far, only four FM radio stations have gone on the air. POWER 99 FM is a new aural experience for the capital dwellers. Finally getting on the air was also quite an experience for Najib Ahmed, one of the owners of POWER 99. Najib sat down with the Media Law Bulletin to answer all of our questions about what exactly it takes to start a radio station in Pakistan?

Step 1: The application

Section 10 of the PEMRA Rules lays down the licensing criteria, which includes amongst other things, the economic viability of the applicant, the technical competence of the applicant, and the applicant's financial capability. "We are professionals and therefore, we fulfilled all [of PEMRA's] requirements," says Najib, who quit his job after 15 years as a program producer for the state-run Radio Pakistan to enter the private radio sector with partners who also have many years of experience in news and entertainment media. Section 8 of the PEMRA Rules requires that all license applications be submitted using the prescribed forms, which are available from PEMRA. "As we were technically more aware, we were quick in addressing the various queries made and issues raised by PEMRA," says Najib who acknowledges that a lot of paper work was involved. "We had to submit a lot of documents, twenty sets of each, too many papers."

Step 2: The bidding process

Having considered over 100 applications for the licenses available in Islamabad, PEMRA subsequently short-listed eight parties based upon on their professional backgrounds and financial positions. In the license auction, Najib and his partners secured the third position; a feat that he admits was financially challenging. The momentum slowed because it took some time for PEMRA to decide

about the transmitter power. PEMRA, says Najib, was apparently not clear in the beginning about the specific power of the transmitters. For Najib, the costs kept adding as licensing "is a lengthy and very costly process as we had to first form and get registered as a private limited company, The Communicators Pvt. Ltd." Fully appreciating his license from PEMRA, Najib nevertheless argues that the bidding process should be more concerned with the applicant's professionalism. "But it was the money that mattered," he points out. Najib, initially bid Rs800,000 for his license, but due to the auction rules was required to match the highest bid received for another Islamabad / Rawalpindi radio license. Najib ultimately paid Rs2.5 million for the license. Under the PERMA Rules, a person or entity can be a multiple licensee as long as there is no undue concentration of media ownership. Najib and his partners have secured two additional broadcast radio licenses for Vehari and Abbottabad. The terms and conditions Najib is subject to require a radio station to be on the air within one year of the license's issuance. But due to various factors that include very high start-up costs, Najib plans to formally seek from PEMRA an extension of time to begin operation of the other radio stations.

Step 3: Setting up the radio station

POWER 99 is capable of transmitting its programs up to the maximum allowed distance of 50 kilometers

POWER 99 FM is a new aural experience for the capital dwellers. Getting on the air was also quite an experience for Najib Ahmed - one of the POWER 99 owners who sat down with the Media Law Bulletin to answer all of our questions about what exactly it takes to start a radio station in Pakistan



around Islamabad. Once licensed in March 2003 however, it took some effort on the part of POWER 99 to actually make the station work. "Getting a license does not automatically mean you go on air immediately," says Najib. Despite having a license, it took him more than a month to get a frequency from the Frequency Allocation Board (FAB). This partly explains why only five out of nearly 60 broadcast radio licensees have gone on the air so far. But Najib does acknowledge efforts on the part of FAB in this regard. Najib says that too many people are involved in the whole process. He does admit though that PEMRA was the only organization that he had to deal with. Officially, FAB never approached directly, but according to Najib, in determining the frequency to allocate, FAB made numerous informal technical queries. "I think there should be a one window operation with a clear understanding between PEMRA and FAB about the availability of the exact frequencies," he maintains.

Currently, there are no duty concessions on the importation of broadcast equipment most of which must be imported as the industry is just beginning. For example, according to Najib POWER 99's transmitter cost over Rs3million. Najib firmly believes that a break on importation duties would assist in the development of the new community radio stations.

Additional fees were required in getting the requisite approval of the prescribed equipment. For instance, the optimum "desired signal," according to Najib, is 50 kilometers. "The antenna & transmitters have to

be as per specification,” say Najib. A licensee must also deposit some money for the “Type-approved” Certificate before installation of the broadcasting equipment.

Step 4: We are now on the air

These days, PEMRA is restricting the programming content of the radio stations. As Section 18 of the PEMRA Rules state:

“The Authority, or an officer so authorized by the Authority, may, giving reasons in writing, prohibit any broadcaster from broadcasting or re-broadcasting any program ... likely to create hatred among the people or is prejudicial to the maintenance of law and order or is likely to disturb peace and tranquility or endangers national security or is violative of the terms and conditions of the license.”

The new radio stations are permitted to play music, in addition to airing local community news, sports, family issues and foreign programs on issues like science, sports, and health. The stations are not permitted to air national or international news and current affairs.

Under these circumstances, POWER 99 is facing a challenging task of promoting itself in Islamabad a city where people rarely tune in to their radio other than for a cricket match or while driving. Obviously, there is not much room for true competition when the radio stations can only play mostly music says Najib. “We have to have better content on serious issues like politics, health, and poverty,” he argues.

“We are interested in [airing] news, but there is an obligation on us that we can't air news and current affairs program other than those aired by the state-run Radio Pakistan and Pakistan Television,” says Najib. POWER 99 is relieved that PEMRA is allowing the airing of local community news. “For us in Islamabad, the local news includes [news about] parliament, the president and the prime minister,” he argues, but he is unsure if PEMRA would agree with his interpretation of the prohibition.

There are restrictions on what music is aired. As was widely reported this summer, Indian cable television channels have been banned in Pakistan. This ban also applies to

POWER 99 is facing the challenging task of promoting itself in Islamabad, a city where people rarely tune in to their radio other than for a cricket match or while driving

radio stations from airing popular Indian music. “PEMRA was quick to send us a letter on the day we aired an Indian song even [though] it was sung by a Pakistani singer,” Najib recalls. He believes that the airing of Indian songs will be permitted “once relations between India and Pakistan get better.” He pointed out that Pakistani singers, such as Mehdi Hassan and Adnan Sami Khan, are equally popular in both countries. But even with limited programming, Najib wants to diversify POWER 99's audience. “It is not going to be just the young audience but more than that,” he explains. He emphasized that in the busy city of Islamabad when time is scarce, television watching is a Sunday activity, but radio is easily accessible all the time at the office or in the car.

Step 5: Surviving the competition

POWER 99 is currently the only PEMRA licensed private radio station operating in Islamabad. However, FM 100 and FM 101 are the two other local channels in the area that were on the air prior to PEMRA. However, for Najib these radio stations do not help to promote a competitive marketplace.

FM 101 is owned by Radio Pakistan and FM 100 is a privately run station. These stations also have considerable music programming. Najib is concerned that these stations have an unfair advantage in the radio sector because they are on the air without having participated in the lengthy and costly license auction process.

He claims that FM 101 is no longer being run by Radio Pakistan, but is rather gradually being privatized with a leading Urdu newspaper taking over day to day control of the station. Thus, this group was able to get on the air without applying and bidding for a license. “They are getting advertisements at lower costs and [still] making money,” says Najib. In a private radio sector, the majority

of revenue comes from advertisements. POWER 99 is happy with the advertising generated by local sponsors. Najib says that POWER 99 is trying to reach local companies for advertising revenue, instead of the multi-nationals. Such advertising will address the daily concerns of Islamabad's residents. Additionally, though POWER 99's advertising income is growing, Najib has rejected advertising he believes is misleading to the consuming public. Najib has also fought for POWER 99's equal place on the radio-dial by bringing lawsuit to ensure fair competition. POWER 99 initiated and won a lawsuit brought against another local channel that existed prior to POWER 99, but was not operational. POWER 99 went to court to block the channel's attempt to secure the rights to air the South Asian Federation Games. The games subsequently were cancelled for political reasons.

Step 6: Looking to the future

Getting a license does not automatically mean you go on air immediately

Undoubtedly, POWER 99 is a pioneer in the new private media sector having suffered many bumps and bruises because they were the first and the only. Despite this, Najib is highly optimistic about the future of POWER 99 and of private broadcast radio. He feels that as new radio stations go on the air, all the stations would benefit from a collective voice to represent their concerns as a new industry. Unfortunately, he believes there will be ultimately two groups of radio owners, “one representing the bigger parties and the other, the smaller companies.” As the spirit and mandate of PEMRA require, Najib too hopes that the industry grows in a fair and equal manner in which true competition is encouraged and those who work hard and have innovative programming will survive. Not one to rest on what he has, Najib is already looking forward to POWER 99 evolving into a digital satellite channel.

- *Media Law Advocate*

Free media depends on laws, institutions and cultures

Awareness, Acknowledgment and action are keys to free media

Monroe E. Price

What enabling legal environment supports the development of free and independent media? This problem can be approached in four ways. The question is sometimes defined as involving the formal sets of laws necessary before free and independent media can develop. In other discussions, the necessity of a particular set of laws, leading to substantive outcomes, is recommended. A third approach emphasizes that institutional infrastructure is necessary before a rule of law concerning media can be realized. Finally, the problem can be posed in terms of what social circumstances --- independent of law, perhaps --- precede the development of independent media.

Laws alone

The first approach predominated in the early 1990s when cross-national media law advising became relevant in post-communist countries.

Following this approach there are legal modules that promote the existence of a constructive media sphere. Such a legal system might include a defamation and libel law, a broadcasting law, a press law, and a law to protect journalists. It would also include a law governing the licensing of radio and television stations, which could be part of a broadcasting law.

Sets of laws leading to substantive outcomes

It is an easy step, then, to suggest a second approach: a free and independent press is only possible given a particular set of such laws leading to certain outcomes.

Obviously, a set of laws that protects publishers and broadcasters from government interference is a good example of a prerequisite for an independent media sector. A defamation and libel law that protects the press from liability for criticism of public figures is another example. Some might consider it essential for a

broadcasting and press law to encourage local voices, national production, or diverse ownership. Avoiding a concentration of power might be the goal. For some, it is legitimate for an independent press to be legally required to give equal time to qualified political candidates. Other people interpret independence to imply immunity from such regulation. There is a wide range of opinions regarding whether a free and independent media sector must be one that is wholly private, if it can be a healthy mix of private and public service broadcasting, and if the non-private component should be "public" in terms of independence of its governing association (or, for that matter, permissibly "statist" if linked with a thriving private component). In the classic, now antiquated BBC model, media freedom might be consistent with a "non-private" broadcasting structure insulated from government interference.

Beyond legal modules to institutional infrastructure

Over the last few years, aside from the concentration on the legal environment, a third approach has led to increased focus on institutions and the institutional infrastructure that makes the rule of law possible. Formal rules, the mere existence of laws, even formal prohibitions on state intervention, make little difference without the machinery of enforcement that gives integrity to law.

An example is the court system. For the rule of law to be effective, especially in an area as contentious and political as the media, many agree that judicial review of government actions is essential. But it is also

Formal rules, the mere existence of laws, even formal prohibitions on state intervention, make little difference without the machinery of enforcement that gives integrity to law

important to have judges who are themselves sufficiently independent to review government actions, which opens another discourse: the environment necessary to assure a reliable and effective judiciary. The U.S. perspective tends to link the rule of law and judicial review. In France and the United Kingdom, legal and political traditions vest more authority in commissions, review boards, and specialized tribunals, usually without much opportunity for resort to courts. The rise in importance of European human rights law, and the upcoming incorporation of free speech principles in British domestic law may blur these distinctions. Courts in Hungary, Bulgaria, and elsewhere in the transitional societies have already had an important impact on legislative and administrative practice affecting the growth of free and independent media.

Given the critical role of administrative bodies in the media field, it is noteworthy how important the selection, confirmation, and removal power of their personnel can be. A rich history of legal debate over such questions has taken place in Poland, Hungary, and almost every post-Soviet society, very much like the development of doctrine in the United States. The U.S. Congress had to determine such questions as whether the Federal Communications Commission (FCC) should represent political parties, the role of the President and Senate in the nomination and confirmation of FCC board members, and the shape of employment or lobbying restrictions on former officials.

Governing bodies

One of the most important topics in considering the legal environment for media independence is the nature of governing boards. In Russia, for example, members of the provisional broadcast radio and television licensing board have sometimes read in the morning press about presidential decisions regarding what entities should get licenses. In Russia,

as well, there have been important federalism questions, including how licenses are allocated at the regional or local level. In Poland, much of the political debate over governmental structure in the last five years has been mirrored in disputes over membership on the supervisory boards for radio and television stations.

An additional issue is the “transparency” of laws and regulations. It is commonly held that fundamental rules must be outlined by the legislative branch providing adequate guidance (about standards to be applied in granting licenses or disciplining violations) to the bureaucracy and to the operators of radio and TV stations. To the extent that third parties --- such as political candidates --- are affected by such rules, the standards must be both available and clear to them as well.

Ownership issues

Some societies consider domestic ownership to be an important element of free and independent media. The United States, for example, requires American citizen control of television and radio licenses. Transitional societies seem especially sensitive to this question, and ownership restrictions are a frequent characteristic of new regulations. The notion seems to be that the growth of indigenous democratic institutions can be undermined by foreign control of instruments so important to public debate.

Similarly, a transitional society might reflect concerns about strengthening democracy by examining the ratio of foreign to domestic programming. An abundance of foreign, uncontrolled news programming may be perceived as a favorable aspect of developing free and independent media, but the decline of domestic news reporting may be perceived as a setback. Some states have sought to explore, through law, whether domestic sources can be encouraged. At times, this is in the interest of democratic values; at times, it can be a form of censorship.

Political context

The larger political context plays a role in determining whether a free and independent media exists. It has been suggested that only if there is a viable

It is commonly held that fundamental rules must be outlined by the legislative branch providing adequate guidance (about standards to be applied in granting licenses or disciplining violations) to the bureaucracy and to the operators of radio and TV stations

opposition party can there be a truly independent media. Independence can be measured as the capacity of an opposition to provide a useful critique of the government in power. This raises the question of whether an independent media can exist in a state which has a dominant political party, and what particular guarantees or structure might be necessary in that situation.

Social circumstances: Media and civil society

Another way to think about the larger structural question is to turn to the literature on civil society. A free and independent media might be characteristic of a society that has a large civil society, and an abundance of opportunities for citizens to function in ways not tied to the government. If so, then a possible alternative goal is to assist in the development of civil society with the assumption that, even absent law or legal protection, an independent media will follow. Put differently, the goal of encouraging independent media is reached by achieving other elements of a democratic society.

Still, in some transitional societies, specific steps are necessary to provide media the room to begin to function. For example, there is the question of newsprint, the lifeblood of a free press. If market forces alone determined availability of newsprint in post-Soviet Russia, the beginnings of a dynamic and free press would have been virtually impossible. A transition away from the government monopoly on newsprint was necessary. Special exemptions from customs duties on newsprint were obtained as a way of lowering costs and therefore encouraging a fragile press to stay in

business. At vital moments in transition, actual subsidies to the press seemed tolerable even though this approach (and the favoritism subsidies often yield) might be questionable in the long run.

Distribution systems (including the status of monopolies for the distribution of newspapers) need to be reviewed if such monopolies exist. Tariffs on computers, cameras, and other production equipment need to be examined to see if they create unfair barriers to the development of new entrants into the media field.

Advertising laws can be discriminatory, favoring state media over private competitors, thus discouraging the development of a free and independent media.

In some post-Soviet societies, Critics argue that a media controlled by large enterprises (e.g., banks or energy companies), with a vested interest in the outcome of public debate, can manipulate the public sphere. These observers have a model of a pluralistic, citizen-Involved civil society in mind, one where the right to receive and impart information is controlled neither by the state nor by major economic interests. Enacting model laws, even having an ideal infrastructure, does not guarantee an accessible media industry without barriers to entry. The tradition of the dispassionate publisher, committed to objective and fair reporting, is not the automatic outcome of any particular legal system. In Russia, an environment of seemingly open entry produced a result in which close ties existed between government and economic power. Elsewhere, an enabling environment designed to encourage free and independent media might yield a deregulated press that avoids news and public information and depoliticizes rather than enriches public debate.

Independent media gain support from the long-range contribution of institutions like law schools, journalism schools, associations of journalists, and other entities engaged in developing a strong democratic culture. A robust and boisterous press, suitably checking governmental power, is more likely to exist in a society where judges and legislators are steeped in a free press tradition

and where publishers, editors, and journalists are honored for practices that further democratic values.

suitably checking governmental power, is more likely to exist in a society where judges and legislators are steeped in a free press tradition and where publishers, editors, and journalists are honored for practices that further democratic values.

Generations of Media Development

Examining the post-Soviet period provides a useful illustration of three stages in the political and technological development of free and independent media. Stage one addresses the tradition of censorship. It involves the very question of whether private media should exist. The first

stage usually continues the close ties between government and the news through formal relationships and contacts. In the second stage, government moves to the establishment of licensing commissions to render less arbitrary the assignment of licenses. First efforts are made to privatize the central state media, though ambivalence over losing control often makes this privatization effort partial.

Newspapers tend to be freer than electronic media, but this varies from country to country. Emerging private stations seek foreign capital or the means to network and reach larger audiences. Content becomes increasingly similar to programming seen around the world.

The third stage concerns marketplace economies. The issues include how the government retains its voice, or a measure of control, in an environment of new owners, whether there should be restrictions on ownership, and whether defamation laws should be modified to protect media institutions. The third stage also opens questions of media globalization and new technology, for example, whether rules should be established concerning the Internet and direct broadcast satellites. The rule of law implies a society in which legal principles are followed. If the goal is to develop free and independent media, the rule of law is a must. ■

*International Comparative Media
Law Expert*

Eight rules of a good media law

A 'good' media law that can't be enforced can't be good!

Eric Johnson

There may not be a definitive media law, perfect for all countries but there are legislative principles which affect media, and these principles characterize every good media law. Of course, making sure laws are enforced is as important as passing them.

1. Level playing field

All media (private, governmental, domestic, and foreign) should operate under the same rules, with no tax breaks, no preferential treatment in the license-giving process, and, ideally, a limit on how much advertising income government-subsidized media can siphon-off from the private sector. For example, in the Czech Republic, no more than 5 percent of state TV's income can come from advertising. If government-owned transmitting stations and printing presses are monopolies, they should be subject to tariff regulation and should charge the same rates to all customers whether private or governmental. Ownership of media by anyone in the close family of a high government official should be held in a blind trust.

2. Registration

The best media registration is none at all. But if media must be registered, registration should be done for monitoring purposes only, with no "application" which could be turned down, and no conditions for registration---just fill out a form and hand it in. If a media outlet breaks the law, it is responsible for its actions as any other legal entity is, but registration is irrelevant. Punitive sanctions against a lawbreaker in media should be the same as for any other legal entity: fines and jail.

3. Libel

A media outlet should be able to provide any information that it, in good faith, believes to be true and has confirmed to its best ability. If an outlet is taken to court for libel, the burden of proof is on the plaintiff. Claims by public figures (in particular government officials) are held to a higher standard of scrutiny because those figures assent to attention by entering government.

4. Content

Everything is allowable which is not forbidden. Any definition of what is forbidden must be limited to the most egregious violations of dominant cultural standards, and must be tightly defined. Other than the law narrowly

defining what is forbidden (presumably pornography, incitement to violence, perhaps some kinds of advertising, and information which would seriously impact national security if published), no one except an outlet's owner should have any say about content.

5. Intellectual property

The internationally recognized owner of intellectual property rights should be the sole determinant of how that intellectual property can be used, and if said property is used in violation of the owner's desire, the owner should have the legal right to force the violator to cease violation and to pay damages (compensatory as well as a fine).

6. Licensing

Frequencies are owned by the public, and media shall be licensed to use them by an autonomous commission which has no connection with the ministry of communications or any media. The criteria for deciding who gets a license should be clearly laid out and based on maximizing diversity. The commission's decision-making process should be public and subject to appeal. If there is a financial charge for a license, it should be determined by administrative cost or by an auction.

All existing media that were broadcasting when the commission was formed should be granted a license automatically for the frequency they were using and the region to which they were broadcasting. Any request to increase broadcast region, or to extend a license, should be approved automatically unless the change would interfere with existing

transmissions.

7. Access to information

Government agencies must respond fully and in a timely manner to requests for information from the media.

8. Ownership and taxation

Ownership and tax issues are more open to debate about what is “good.”

In a number of NIS countries, tax breaks for media have been proposed, and in some cases, implemented. These usually consist of exemption from value added tax (VAT), and corporate income tax, in order to encourage the growth of private media which is essential to a thriving market and democracy. ■

Executive Director, Internews International

Is media cross-ownership good for Pakistan?

Once an entrenched media sector takes hold it is a difficult beast to control

Tipu Riaz

As soon as the Pakistan Electronic Regulatory Media Authority (“PEMRA”) was established back in March of 2002, discussions were under way to relax the media cross-ownership prohibitions. Such relaxation would allow, for example, a newspaper to own a radio or television station. These discussions gained considerable momentum when on July 12, 2003, the Minister of Information, Sheikh Rashid Ahmed, presented to the Cabinet just such a proposal. The Cabinet gave its assent that the rule under the PEMRA Ordinance blocking media cross-ownership should be amended. Of course, Parliament must pass the proposal by a simple majority vote. Once passed, the President must sign it for the amendment to become law. Despite being a proposal at this moment, that has not prevented the interested media firms from jockeying for positions in what appears to become a cross-owned media environment. The Cabinet has already agreed in principle to award the first ten broadcast television licenses to the first ten applicants, a group that includes all major newspaper groups, such as Jang, Nawa-I-Waqt, Khabrain, Business Recorder, and the Daily Times. It seems almost certain that cross-owned media is going to be permitted. However, the analysis is far from over as there are many issues left unresolved. First, what exactly does the PEMRA Ordinance prohibit? Second, why does the original PEMRA Ordinance prohibit media

cross-ownership, meaning why is cross-owned media bad? Lastly, what are the potential benefits of cross-owned media for the budding private media sector in Pakistan?

What is media cross-ownership and what is the law [that is being repealed]?

The PEMRA Ordinance authorizes the creation of further regulations as the agency sees fit for the liberalization of the media. Feeling the subject deserved serious attention PEMRA authorized the Media Ownership and Control Regulations (2002) complementing the PEMRA Ordinance and respective broadcast television and radio rules. The Regulations define media cross-ownership as “ownership by one person or associated persons or associated undertakings of more than one of any of the following, namely print media, advertising agency, television broadcast station, or radio broadcast station.”

The Regulations prohibit cross-ownership of media when it would result in an “undue concentration of media ownership.” Under the Regulations, an undue concentration

The Regulations define media cross-ownership as “ownership by one person or associated persons or associated undertaking of more than one of any of the following, namely print media, advertising agency, television broadcast station, or radio broadcast station”

of (and therefore prohibited) cross-owned media occurs when one controls (1) both a newspaper and radio broadcast station; (2) both a newspaper and a television broadcast station; (3) both a radio broadcast station and a television broadcast station; (4) an advertising agency and a television broadcast station; or (5) an advertising agency and a radio broadcast station. The amendment would eliminate the prohibition on the five combinations.

Why prohibited, i.e. why is cross-ownership of media bad?

Cross-ownership of media was prohibited under the Ordinance to ensure “open and fair competition” by preventing any single firm from having an undue concentration of media ownership. One of the fears was that if PEMRA allowed cross-ownership of media the liberalization process would result in a few large firms controlling the majority of information Pakistanis receive. Put another way, there would be too many “barriers to entry” for smaller media outlets, such as upstarts, non-profit, or non-commercial community media outlets, to compete with these large established media firms.

There is a high chance that severe concentration of media outlets will happen faster in Pakistan than elsewhere due to Pakistan's smaller broadcast markets and geography. Media cross-ownership deregulation occurring, for example in the United States, is quite different as the United States already has an extensive and heavily developed media industry. Pakistan currently is at the other end of the spectrum, meaning Pakistan is

just beginning to liberalize its media sector. Allowing media cross-ownership in Pakistan's relatively small media market may truly result in a single or a few media firms controlling the majority of information we see, hear, and read. With a media oligopoly, true competition does not exist as it is in the large firms interests to divide the market to guarantee a profitable return and to ensure that upstart entrants are unable to enter the field. Such is the nature of an oligopoly for each member to protect the other. This is clearly evidenced by how the media cross-ownership prohibitions came to be relaxed. The newspapers' owners viewed relaxation of the rules as a great victory that they had aggressively lobbied for since PEMRA was established. As written in the July 13, 2003 Internet Edition of The News, the Information "Minister said the amendment to the PEMRA Ordinance was approved and with this decision his commitment to the newspapers' owners has been fulfilled..." Where is the devolution of responsibility and power much less the rise of an informed grassroots when the powerful are able to change the laws to suit self-interests? Obviously, nothing is given for free. Having gotten what they wanted, are the newspapers really in the position to act as an independent monitor of the government? Instead, the viewer and listener will be left with poor programming, overwhelmingly similar in view to that of the sibling newspapers. As the concentration of the largest media owners grow, the desire to commercialize the content to the greatest extent possible increases, and if necessary to protect their political interests resulting in the media owners denigrating any notion of public service, as outlined in the Ordinance, that might interfere with profit or the good will of the government. A decrease in the number Of information sources if cross-owned media is permitted runs the risk that the whole broadcast spectrum may be "Captured" by a few media giants. With only a few sources disseminating information, the

There is a high chance that severe concentration of Media outlets will happen faster in Pakistan than elsewhere due to Pakistan's smaller broadcast markets and geography

government's ability to influence the media by manipulating Public opinion through misinformation or simply by silencing the few media outlets from reporting on a particular issue greatly increases. Given the historical and contemporary realities of how state agencies and ministries operate in Pakistan in relation to media freedom and access to information, there is a great possibility that encouraging cross-media ownership would result in similar unpleasant consequences. The point is that the more media outlets there are, owned by as many people or entities, the chances for promoting greater diversity of opinion and information free from government influence increases greatly. Is the content put out by the current news organizations that good that the viewer must ingest it in all forms of media? Would not it be better to have new programming and fresh views instead of the same decades old views of the newspapers now coming over the airwaves to the public's radios and televisions? More outlets ensure a chance for originality in the reporting hopefully being more provocative and opinionated because in order to survive in a market economy, one must stand out from the rest. The true goal of PEMRA is to develop and support truly different voices, not just many voices saying the same thing. If that is the case, then Pakistan's attempt at media liberalization will be an abject failure. Before allowing larger voices to dominate the airwaves, Pakistan needs a strong public policy to effectively structure the media such that it has a significant and viable nonprofit and noncommercial component in contradistinction to the for-profit media outlets. The liberalization process is so new that

the current laws have not even had a chance to be tested for their efficacy before they are to be amended. The law can always be changed if it is shown later that the liberalization process is being hindered due to media outlets being prohibited from cross-ownership of media.

Why is cross-ownership of media good for Pakistan: The benefits

The depth of available information sources. Though out of vogue since the technology economy bubble burst in the late 1990's, the overwhelming sense is that media "convergence" is inevitable. Video, image, sound, and text are being inextricably linked due to technological advances. Prohibiting cross-ownership of media unfairly prevents some companies from advancing into the future simply because they print on paper. From a practical perspective, it is felt that the larger media organizations are more economically sound and financially flexible when it comes to establishing and maintaining expensive broadcast stations. Such agility allows for established and multi-sectoral media organizations to be more likely to introduce advanced media management strategies, experiment with new initiatives, and more readily adapt to and adopt inevitable technological innovations. With larger and more stable media organizations in place, the government would find it less expedient to exploit its discretionary advertisement quota strategy. This is a powerful influencing tool when it comes to smaller independent newspapers etc that tend to rely mainly on state-sourced advertisements and would find it difficult to survive without this revenue. Having the combined resources of print and electronic journalism and technical media expertise available to an organization, the assumption is that it would surely reflect in the quality of the original reporting. For example the Dubai based, but Pakistani owned popular GEO Television network is an offshoot of the media conglomerate The Jang Group. The fact that GEO is relying on the Jang Group's extensive print journalism data and

newsgathering services, GEO is considered to be providing a uniquely distinctive depth of access to information.

Conclusion

It appears that cross-ownership of the media will be permitted paving the

way for newspapers to own and operate television and radio stations. The liberalization process is just beginning so it is impossible to predict what effect cross-owned media will have on the media sector. Hopefully those in power who are interested in repealing the law have

spent some time analyzing the issue as once an entrenched media sector takes hold, it is a difficult beast to control and one that is reluctant to change.■

Media Law Consultant

Pitfalls of defamation and contempt of court

With freedom comes responsibility

Tipu Riaz

On August 18, 2003, Internews Pakistan's media law department conducted an information seminar on the laws of defamation and contempt of court. The seminar was held in conjunction with the Uks Foundation, which is dedicated to the betterment of the female image in the media. The participants included a group of groundbreaking female radio-journalists that Uks and Internews Pakistan are currently training. Ust 18, 2003, Internews Pakistan's media law department conducted an information seminar on the laws of defamation and contempt of court. The seminar was held in conjunction with the Uks Foundation, which is dedicated to the betterment of the female image in the media. The participants included a group of groundbreaking female radio-journalists that Uks and Internews Pakistan are currently training. The seminar was designed to introduce the radio-journalists to some of the legal responsibilities and pitfalls of journalism. The defamation and the contempt of court laws have been implemented recently in Pakistan are considered by many as dangerous to the cause of a free and open media. To prevent the radio-journalists from violating the laws, the media law department explained the great responsibility that journalists possess, the need to take that responsibility seriously, and to be aware that sometimes mistakes can happen and when mistakes do occur, how best to protect oneself.

Defamation

In many countries, including

Pakistan, the press is considered integral in monitoring and recording the acts and decisions of public servants and those in the private sector who affect the lives of the public. Journalists are held to a very high ethical standard while performing their duties. In effect, the press serves a watchdog function to protect the public by providing the truth. Professional journalism seeks to establish the facts, i.e. seeks to establish the truth whether it is pleasant or not for the persons involved and the public. The power of the press can be as helpful as it is harmful. Sometimes, the press goes beyond appropriate standards, either by mistake or intentionally, and can make statements that have the potential to damage others. When this occurs, the journalist has defamed the person, institution, or government. Defamation law seeks to address reputational injury, i.e. statements made that are false and injurious to the reputation of another, exposes a person to hatred, ridicule, or contempt, or subjects a person to a loss of goodwill and confidence in which he is held by others. Thus, for a statement to be defamatory it must

To prevent radio journalists from violating the laws, the Media Law Department explained the great responsibility that journalists possess, the need to take the responsibility seriously, and to be aware that sometimes mistakes can happen and when mistakes do occur, how best to protect oneself

“published” meaning the statement was communicated to at least one other third party, if not to the public. In general, any defamation law will reflect the values of the community at that time.

Defamation is traditionally divided into two distinct categories depending on the media. Libel is written defamation as in a defamatory statement printed in a newspaper, book, magazine, or website. Slander is transient or spoken defamation, such as defamatory statements made during a radio or television broadcast. Under Pakistani law, a journalist, if sued for defamation, can rely on any or all of the following eight defenses. Truth is always an absolute defense, so the journalist can prove that what the journalist wrote or said was true. The journalist can prove that the statement is fair and in the public interest and is an expression of the journalist's opinion which was published in good faith and was not an assertion of fact by the journalist. The journalist can prove that he was not the writer of the alleged defamatory statement. The journalist can prove that the plaintiff (the party suing for defamation) gave the journalist permission to write the alleged defamatory statement. The journalist can prove that he offered to apologize and publish the apology, but the defamed party rejected the offer. The journalist can prove that he offered to print a correction in the same manner as the original defamatory statement, but defamed party rejected the offer. The journalist can prove that the statement complained of was a privileged communication. The journalist can prove that the statement was covered by an absolute or qualified privilege.

The journalist is protected by an absolute privilege when the statement in question is one that the government ordered to be published, meaning if the journalist republishes the statement, say in a newspaper or on a news-radio broadcast, the journalist will not be liable for defamation. The journalist is also protected by a qualified privilege when the journalist fairly and accurately reported parliamentary or judicial proceedings that were open to the public. If a journalist is found to have violated the defamation law, the journalist may be subject to any, all, or a combination of the following penalties. The journalist may have to issue an apology. The journalist may have to publish the same, meaning publish a retraction of the story in the same manner as the defamatory statement. The journalist may have to pay a monetary fine of minimum Rs.

50,000. The journalist may be imprisoned for up to three months. Finally, the court may order any other “special damages” as it sees fit.

Contempt of court

Pakistan has implemented a similarly denounced contempt of court law. Whereas defamation tends to involve only those with access to the media, contempt of court is a very broad law that anybody could be guilty of violating. There are three forms of contempt all of which could involve journalistic conduct. Criminal contempt involves obstructing the course of justice, such as a journalist's failure to reveal sources during a trial. Judicial contempt of court involves the scandalizing of a court and the personal criticism of a judge. Civil contempt of court involves the failure to follow an order issued by a court,

such as a journalist failing to respect a court issued gag order.

As with defamation, contempt of court has a few defenses available to the accused. The journalist gave an accurate account of what transpired in court. The journalist gave a fair criticism of a judge made in good faith to a higher court or provisional government. The journalist gave an academic critique of a judgment. The journalist reported a discussion of parliament involving a matter of public importance and without any criticism of the judge.

If a person is found in contempt of court, the penalty is one or both of the following. The guilty party may be imprisoned for up to six months and / or the guilty party may be fined up to Rs100,000. ■

Media Law Consultant

Quotable Quotations

Quotable Quotations

“Every citizen shall have the right to freedom of speech and expression, and there shall be freedom of the press, subject to any reasonable restrictions imposed by law in the interest of the glory of Islam or the integrity, security, or defence of Pakistan or any part thereof, friendly relations with foreign states, public order, decency, or morality, or in relation to contempt of court or commission of or incitement to an offence.”

Article XIX Constitution of Islamic Republic of Pakistan, 1973

“Everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive, and impart information and

ideas through any media and regardless of frontiers.”

Article XIX Universal Declaration of Human Rights, 1948

“We must remember the fact that only a free press is a responsible press, not responsible to the government or any political party or group, but responsible and accountable to society.”

Zamir Niazi, Media Rights Advocate

From *The Press Under Siege*

“Whereas it is expedient to provide for the development of broadcast media in order to

- (1) improve the standards of information, education, and entertainment;
- (2) enlarge the choice available to the people of Pakistan in the

media for news, current affairs, religious knowledge, art, culture, science, technology, economic development, social sector concerns, music, sports, drama, and other subjects of public and national interest;

- (3) facilitate the devolution of responsibility and power to the grass-roots by improving the access of the people to mass media at the local and community level;
- (4) ensure accountability, transparency, and good governance by optimizing the free flow of information.”

Pakistan Electronic Media
Regulatory Authority Ordinance
(2002) ■

Frequency Watch

On-The-Air Watch

The Media Law Department at Internews Pakistan strives to provide the most accurate and up to date information regarding the new and growing media sector in Pakistan. In each publication of the Media Law Bulletin we will detail who has gone on the air in addition to those who are in the licensing and frequency process. So, be sure to check here for updates. The following information is correct until end of September 2003.

Radio Stations on the Air

1.POWER 99 FM, Islamabad The Communicators, Pvt., Ltd

2.APNA, FM 107, Karachi Syndicate Entertainment

3.FM 104, Sialkot Interactive Communications

4.FM 107, Gujrat Future Tech Islamabad

City	Not Yet On-The-Air
1 Islamabad	International Islamic University Educational license
2 Lahore	Punjab University Educational license
3 Abbotabad	The Communicators, Islamabad
4 Ahmedpur East	Asian Broadcasting Pvt. Ltd. Bahawalpur (Mr. Tariq Mahmood Hashmi, CEO)
5 Attock	LOCAL Pvt. Ltd. Islamabad (Mr. Ibrar Khan, Director)
6 Bahawalpur	KATS Comn. Multan
7 Chakwal	Gul Enterprises Pvt. Ltd. Islamabad (Mr. Gul Mohammad, CEO)
8 Changla Gali	SALLAR Engg., Islamabad
9 Chiniot	Tele Film Pvt. Ltd. Islamabad (Mr. Zaheer-ud-Deen Ahmed, CEO)
10 D.G.Khan	Thal International Airwaves Pvt. Ltd. Lahore (Mr. Mohammad Pervaiz, CEO)
11 Faisalabad	Kohinoor Airwaves, Lahore
12 Faisalabad	Tradeserve International, Islamabad
13 Gujranwala	Future Tech Engineering and Systems Pvt. Ltd. Islamabad (Mr. Mirza Mohammad Naseem, CEO)
14 Gujranwala	Tele Film Pvt. Ltd. Islamabad (Mr. Zaheer-ud-Deen Ahmed, CEO)
15 Gujrat	Future Tech Engg. Islamabad
16 Gwadar	SALLAR Engg., Islamabad
17 Hasanabdal	Biz Broadcasting Pvt. Ltd. Islamabad (Mr. Hamid Zaheer, CEO)
18 Hub Chowki	SALLAR Engg., Islamabad
19 Hyderabad	Sachal Satellite Communications Pvt. Ltd. Islamabad (Mr. Abdul Karim Qureshi, CEO)
20 Islamabad/ Rawalpindi	Kohinoor Airwaves, Lahore

City	Not Yet On-The-Air
21 Islamabad/ Rawalpindi	Shamal Media Services, Karachi
22 Islamabad/ Rawalpindi	The Communicators, Islamabad
23 Jahelum	Biz Broadcasting Pvt. Ltd. Islamabad (Mr. Hamid Zaheer, CEO)
24 Kalar Kahar	Gul Eneterprises Pvt. Ltd. Islamabad (Mr. Gul Mohammad, CEO)
25 Karachi	Kohinoor Airwaves, Lahore
26 Karachi	Shamal Media Services, Karachi
27 Karachi	Syndicate Entertainment, Karachi
28 Karachi	Tradeserve International, Islamabad
29 Karachi	Vectracom, Karachi
30 Khairpur	SOUNDWAVE Pvt. Ltd., Karachi (Mr. Khwaja Sohail., CEO)
31 Khanewal	Asian Broadcasting Pvt. Ltd. Bahawalpur (Mr. Tariq Mahmood Hashmi, CEO)
32 Lahore	Kohinoor Airwaves, Lahore
33 Lahore	Shamal Media Services, Karachi
34 Lahore	Tradeserve International, Islamabad
35 Larkana	Sachal Satellite Communications Pvt. Ltd., Islamabad (Mr. Abdul Karim Qureshi, CEO)
36 Layyah	Thal International Airwaves Pvt. Ltd. Lahore (Mr. Mohammad Pervaiz, CEO)
37 Lodhran	Asian Broadcasting Pvt. Ltd. Bahawalpur (Mr. Tariq Mahmood Hashmi, CEO)
38 Mangla	Tele Film Pvt. Ltd. Islamabad (Mr. Zaheer-ud-Deen Ahmed, CEO)
39 Mardan	Interactive Communications Pvt. Ltd. Islamabad (Maj. (R) Kamil Khan, G.M)
40 Multan	Tradeserve International, Islamabad
41 Muridke	SALLAR Engg., Islamabad
42 Muzaffargarh	Thal International Airwaves Pvt. Ltd. Lahore (Mr. Mohammad Pervaiz, CEO)
43 Nawabshah	Sachal Satellite Communications Pvt. Ltd. Islamabad (Mr. Abdul Karim Qureshi, CEO)
44 Nawabshah	Sachal Satellite Communications Pvt. Ltd., Islamabad (Mr. Abdul Karim Qureshi, CEO)
45 Nooribad	SOUNDWAVE Pvt. Ltd., Karachi (Mr. Khwaja Sohail., CEO)
46 Peshawar	Interactive Communications, Islamabad
47 Rahim Yar Khan	Asian Broadcasting Pvt. Ltd. Bahawalpur (Mr. Tariq Mahmood Hashmi, CEO)
48 Sahiwal	Biz Broadcasting Pvt. Ltd. Islamabad (Mr. Hamid Zaheer, CEO)
49 Sarai Naurang	SAIF International Combined, Islamabad
50 Sargodha	Biz Broadcasting Pvt. Ltd. Islamabad (Mr. Hamid Zaheer, CEO)
51 Sheikhpura	Future Tech Engineering and Systems Pvt. Ltd. Islamabad (Mr. Mirza Mohammad Naseem, CEO)
52 Sialkot	Interactive Communications, Islamabad
53 Sukkur	Shamal Media Services, Karachi
54 Tando Adam	SOUNDWAVE Pvt. Ltd., Karachi (Mr. Khwaja Sohail., CEO)
55 Ubaro	SOUNDWAVE Pvt. Ltd., Karachi (Mr. Khwaja Sohail., CEO)
56 Vehari	The Communicators, Islamabad
57 Wazirabad	LOCAL Pvt. Ltd. Islamabad (Mr. Ibrar Khan, Director)

	City	MMDS Licensee
1	Attock	BizTel Pvt. Ltd. Rawalpindi (Mr. Faisal Saleem, Chief Technology Officer)
2	Bahawalpur	Sachal Satellite Communications Pvt. Ltd., Islamabad (Mr. Abdul Karim Qureshi, CEO)
3	Chakwal	Western Services Pvt. Ltd., Islamabad (Mr. Ehtashamul Haq)
4	Faisalabad	Husnain Construction Company Pvt. Ltd., Lahore (Mr. Asif H. Bokhari, E.D.)
5	Faisalabad	Sachal Satellite Communications Pvt. Ltd., Islamabad (Mr. Abdul Karim Qureshi, CEO)
6	Gujranwala	Shaheen Pay TV Pvt. Ltd., Islamabad (Mr. Amjad Awan)
7	Gujranwala	Western Services Pvt. Ltd., Islamabad (Mr. Ehtashamul Haq)
8	Hasanabdal	MJK Stellite Communications Pvt. Ltd., Islamabad (Mr. Mumtaz Anwar Abbasi)
9	Hyderabad	Sachal Satellite Communications Pvt. Ltd., Islamabad (Mr. Abdul Karim Qureshi, CEO)
10	Jaranwala	Pak Communication and Media Services, Islamabad (Mr. Mumtaz Ahmed)
11	Larkana	Sachal Satellite Communications Pvt. Ltd. Islamabad (Mr. Abdul Karim Qureshi, CEO)
12	Multan	Citywide Communication Pvt. Ltd., Multan (Mr. Malik Gul Sher)
13	Multan	Show Time Pvt. Ltd., Karachi (Mr. Jawad Saleem Khan)
14	Nankana Sahib	Pak Communication and Media Services, Islamabad (Mr. Mumtaz Ahmed)
15	Okara	Raa Enterprises Pvt. Ltd., Lahore (Ch. Omar Nazir M.D)
16	Rahim Yar Khan	MJK Stellite Communications Pvt. Ltd., Islamabad (Mr. Mumtaz Anwar Abbasi)
17	Sahiwal	Ranja Enterprises Pvt. Ltd., Lahore (Ch. Omar Nazir M.D)
18	Sahiwal	Satellite Communication Pvt. Ltd., Sahiwal (Mr. Mansoor Hussain)
19	Sargodha	Solar Communication Pvt. Ltd., Multan (Mr. M. Laique Khan)
20	Sheikhupura	Multi Fold Information Distribution Services (MINDS), Karachi (Mr. Muhammad Ahsan, CEO)
21	Sialkot	Shaheen Pay TV Pvt. Ltd., Islamabad (Mr. Amjad Awan)
22	Sukkur	Sachal Satellite Communications Pvt. Ltd., Islamabad (Mr. Abdul Karim Qureshi, CEO)
23	Vehari	Satellite Communication Pvt. Ltd., Sahiwal (Mr. Mansoor Hussain)
24	Wazirabad	Multi Fold Information Distribution Services (MINDS), Karachi (Mr. Muammad Ahsan, CEO)

(The contents of media law bulletin do not necessary express the views of Internews Pakistan. This bulletin is for private circulation only).

Broadcasters stress need for good standards and practices

Radio broadcasters air their concerns at a discussion on 'Challenges facing radio stations'

Internews Pakistan's media law and training departments in September organized a consultation meeting on "Broadcast Media: Challenges & Opportunities". Representatives of FM99 (Islamabad), FM107 (Karachi), FM102 (Bahawalpur), FM88 (Lakki Marwat) and International Islamic University attended the session. Also present during the consultation was Internews staff.

The meeting was, according to the participants, the first ever group gathering of FM radio station operators in Pakistan, who showed keen interest in exploring the potentials of the broadcast sector together. They expressed an interest in the ongoing training and consultancy projects of Internews Pakistan and looked forward to future collaboration with it.

The participants focused on identifying important issues facing the private broadcast industry during the discussion. Concern was shown on lack of information among broadcasters about copyright laws and Pakistan's international commitment under the World Trade Organization (WTO) agreements on the issue. The FM stations play music and other entertainment programs without prior authorization from the copyright owners, who too are normally disinterested or contented with what they think is free publicity of their work. The participants also expressed apprehensions over the proposed legislation to allow cross-media ownership. None of the participants owned any other media organization. They also argued that by allowing the state-controlled broadcast station to operate outside the jurisdiction of PEMRA and to run FM stations go against the maxim of fair and free competition.

There were some complaints about the process of bidding in the award of license, which the participants argued was doubtful and prone to manipulation. The highest bidder would determine the final cost of the first two or three "successful bidders" but only to go missing or fail to operate within stipulated time period. This also includes the issue of lack of criteria in

issuing a particular number of licenses to be issued in an area. The PEMRA-FAB [Frequency Allocation Board] coordination was another issue brought up by the participants. They thought that the two organizations could do more to improve their coordination in issuing licenses. The officials needed greater training in the field so that they quickly remove what seem to be the procedural roadblocks in frequency allocation.

Some participants apprehended that having paid a hefty price for licenses to operate commercial FM stations, PEMRA might force them to put in too much of community service programming, which they said was the job of community radio stations. Similarly, representatives from a community radio station said they would ultimately be relying on commercials as well for the sustainability of their operation. There was a general consensus among the participants that NGOs with good reputations should also be allowed to run FM stations to raise awareness about their social welfare work. Concern was also shown by some participants on alleged discriminatory enforcement of content laws and referred to some private TV channels, who were getting away with content that was not allowed on FM stations.

There was also consensus that local news is not too distinguishable from national or international news while acknowledging that there can be a local perspective to national or international news. The participants pointed out that

The broadcasters floated the idea of having a common forum for the FM station operators on the pattern of other media industry forums like the All Pakistan Newspaper Society (APNS)

the proceedings of parliament or the federal government might be national for radios outside Islamabad, but for radio stations within the capital city it was local news. The participants said the transmitter power in a rural or mountainous area is different than in a plain urban area and it should therefore be allowed accordingly. Some participants expressed apprehension about what they said was a possible alliance of advertisers to artificially reduce the advertisement prices for radio air time. There was a general agreement among the participants to act in unanimity in this regard to counter this trend.

Concern was shown for the lack of availability of entertainment software for FM stations, thereby creating a situation whereby many stations may end up broadcasting the same stuff songs simultaneously, leaving little choice for the listeners. The participants stressed the need for periodical containing news and events relating to the private broadcast industry. Some of the broadcasters floated the idea of having a common forum for the FM station operators on the pattern of other media industry forums like the All Pakistan Newspaper Society (APNS).

There was also support for a need for an independent survey of FM station audience, accessibility and service as well as the need for a voluntary new code of conduct for the broadcast sector to set good standards of ethics. The participants also discussed the process and criteria of distributing and pricing of government advertisements and it was suggested that this should be standardized and centralized in order to remove likelihood of undue favors to certain radio stations. The participants stressed on the need for an institutional educational campaign about copyrights. Some said the official licensing policy needs to be clarified including the question of how many licenses in a particular city or area can be awarded so that the process is rationalized.

Internews Report