

IN THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

Present:

Mr. Justice Mushir Alam
Mr. Justice Qazi Faez Isa

SUO MOTO CASE NO.7 of 2017

(Suo Moto Action Regarding Islamabad -Rawalpindi Sit-in (Dharna))

And

C.M.Appeal.33 of 2018 in C.M.A.Nil of 2018 in S.M.C.7 of 2017

(Against the orders of Registrar of this Court returning the impleadment application being not entertainable.)

Appellant: Raja Khalid Mehmood, in person
(in C.M.Appeal.33/2018)

For Federation: Mr.Sohail Mehmood, DAG
Col. Falak Naz, Director (Legal), MOD
Mr.Tahir Akbar Awan, SO, MOI

For I.C.T.: Tariq Mehmood Jehangiri, AG, Islamabad.
Sheikh Zubair, SP, I-9
Syed Azhar Hussain Shah, DPS

For PEMRA: Hafiz S. A Rehman, Sr.ASC
Ch.Akhtar Ali, AOR
Mr.Muhammad Zahir, GM, (Operation)

Voluntarily appeared: Rana Masood ul Hassan

Date of Hearing: 25.04.2018

ORDER

C.M.A.3196/2018 places on record the report filed by the PEMRA regarding the action taken by the council of complaints shows that merely advice has been issued and one channel has been censured for going beyond the area cordoned for the law enforcement agencies. We have noted with dismay the lack of action taken by PEMRA on the complaints against various channels where serious breach and violation of law has been raised. No action against any other channel is shown to have been taken and action taken against one channel seems to be merely cosmetic and not serious.

2. On the last date of hearing specific directions were issued for the learned Attorney General to assist the Court; learned DAG informed the Court that learned Attorney General is out of Pakistan for one week.

3. Col. Falak Naz, Director, Ministry of Defence is in attendance but is not in a position to answer the queries raised by the Court. Therefore, it is directed that on the next date of hearing the Secretary, Ministry of Defense to appear before the Court flanked by the learned Attorney General.

4. During the course of the proceeding representative of Geo News and Dawn TV complained that in certain areas at the behest of some forces their channels are interrupted and not allowed to be aired and their publications are also restricted in such areas. Hafiz S. A Rehman, Sr.ASC for PEMRA is in attendance and after inquiring from the PEMRA officers confirms such statement and states that certain reports have been received on this count. Apparently no action has been taken. Learned DAG to ensure that fundamental rights of the people including the right of information (Article 19A of the Constitution) is strictly enforced and all newspapers and media channels are freely made available to the citizens of Pakistan.

5. We have been informed that the office of the Chairman PEMRA is still vacant. Learned DAG informed that process to appoint the Chairman is underway. It may be observed that on 19.03.2018 this Court had already directed that Chairman PEMRA to be appointed within four weeks. The impediment in the way of appointment of the Chairman of PEMRA has not been mentioned. Let the report of the Search Committee which we are told has been delegated the task to choose an appropriate candidate be placed on record. Learned DAG to ensure that

the order of the Court calling for the appointment of the Chairman is complied with otherwise action against those responsible may be taken.

6. In paragraph 7 of the order dated 16.02.2018 it was noted that the report of the Inter-Services Intelligence was insufficient. Let a comprehensive report be submitted which should attend to the queries that have raised.

7. Since the learned Attorney General is out of Pakistan matter is being adjourned to a date immediately after ten days. Needless to say that none of the parties is in attendance may put forward excuses that they were not aware of the fixation of the case and the directions passed herein as the order was dictated in their presence.

Judge

Judge

ISLAMABAD, THE
25th of April, 2018
Syed Farhan Ali