

PEMRA (TV/Radio Broadcast Operations) Regulations, 2002.

GOVERNMENT OF PAKISTAN
PAKISTAN ELECTRONIC MEDIA REGULATORY AUTHORITY

HEADQUARTERS, ISLAMABAD

BROADCASTING REGULATIONS, 2002

Islamabad, the 24th August, 2002 .

NOTIFICATION

SRO. PEMRA-1(1)/2002-BC/Reg. In exercise of the powers conferred under Pakistan Electronic Media Regulatory Authority Ordinance, 2002, and rule 30 of the PEMRA Rules, 2002, the Pakistan Electronic Media Regulatory Authority is pleased to make the following Regulations:

1. Short Title and Commencement. – (1) These regulations shall be called PEMRA (TV/Radio Broadcast Operations) Regulations, 2002.
- (2) They shall come into force at once.
- (3) These regulations shall apply to Radio and Television Broadcast stations in Pakistan.

PART – I

2. Definitions. -

- (a) "advertisement" means a set of visual and audio messages for the projection of a product, service, or idea with the object of propagating sale, purchase or hire of the product, service or idea for creating other related effects;
- (b) "applicable licence fee" means the licence fee determined through bidding and to be paid by a successful applicant at the time of issuance of the licence;
- (c) "Authority" means the Pakistan Electronic Media Regulatory Authority (PEMRA);
- (d) "broadcast media" means radio, television, closed circuit television, direct satellite broadcasting for radio and television, cable television, Multi-channel Multi-point Distribution System or such other broadcast media as the Authority, from time to time, with the approval of the Federal Government, may define;
- (e) "broadcaster" means a person engaged in broadcast media;
- (f) "broadcast station" means the place from where radio or television programmes are relayed or distributed;

- (g) "Chairman" means the Chairman of the Authority;
- (h) "channel" means the set of frequencies used for transmission of programmes by a broadcast station;
- (i) "company" means a company as defined in the Companies Ordinance 1984 (XLVII of 1984);
- (j) "copyright" means copyright as defined in the Copyright Ordinance 1962 (XXXIV of 1962);
- (k) "Council" means Council of Complaints established under section 26 of the Ordinance;
- (l) "foreign company" means a company or body corporate organized, and registered under the laws of a foreign government;
- (m) "frequency" means the frequency of the electromagnetic wave number measured in Hertz per second and used for transmission;
- (n) "FAB" means the Frequency Allocation Board established under section 42 of the Pakistan Telecommunication (Reorganization) Act, 1996 (XVII of 1996);
- (o) "gross revenue" means the total revenue receipts calculated before realizing the liabilities etc.
- (p) "illegal broadcast operation" means the relaying programmes without having a valid licence from the Authority;
- (q) "media enterprise" means an enterprise concerned with the publication of a printed newspaper or journal, a radio or television broadcast station or a cinema or a theatre;
- (r) "licence" means a licence issued by the Authority;
- (s) "licensee" means a person to whom the Authority has issued a licence;
- (t) "Member" means a member of the Authority;
- (u) "national broadcaster" means the Pakistan Broadcasting Corporation, the Pakistan Television Corporation and the Shalimar Recording and Broadcasting Company;
- (v) "PTA" means the Pakistan Telecommunication Authority established under the Pakistan Telecommunication (Reorganization) Act, 1996 (XVII of 1996);
- (w) "person" includes an individual, partnership, association, company, trust or corporation;
- (x) "potential applicant" means the applicant whose application, after having been processed under the prescribed criteria, is found in an order;
- (y) "prescribed" means prescribed by the rules and regulations made under the Ordinance;

(z) "programme" means any systematic audio, visual or audio-visual live performance or presentation, or live transmission of films, features, dramas, advertisements and serials broadcast or relayed by a broadcast station;

(aa) "regulations" mean the regulations made under the Ordinance and the rules; and

(bb) "rules" means the rules made under this Ordinance; and

(cc) "Schedule" means the schedule annexed to the PEMRA Rules, 2002

(2) Words and phrases used but not defined in this document, unless the context otherwise requires, shall have the meanings assigned to them in the Ordinance and the rules made thereunder.

PART II

LICENSING CRITERIA

3. Licence to operate.- (1) No person shall engage in media broadcasting operation without obtaining a licence issued under the Ordinance;

(2) Subject to the Ordinance, the Authority shall have the exclusive right to issue licences for the establishment and operation of all broadcast stations;

(3) Every licence shall be subject to such term and conditions as provided in the Ordinance, the rules and these regulations.

(4) The Authority shall have the powers to charge fees as specified in the Schedule. The Authority may revise and update the fees and tariff rates, from time to time, as it may deem fit.

4. Particulars of application for grant of a licence to establish and operate a broadcast station.-

(1) The Authority may invite, by advertising through media, the expression of interest or Applications from the prospective Pakistani applicants, interested in establishing and operating broadcasting stations in Pakistan;

(2) The Authority will determine the number of licences to be issued in each category.

(3) The application for grant of a licence to establish and operate a broadcast station shall be made on the prescribed Application Form.

(4) The applicant shall indicate the desired category of licence, in terms of the area of coverage and the capability of the equipment to be installed, from amongst the categories provided in section 18 of the Ordinance;

(5) Every application for grant of licence shall be accompanied by the application fee(non-refundable), as prescribed in the Rules and set out in the Table contained in the Schedule.

(6) The Authority may forward the application to the Frequency Allocation Board (FAB) to ascertain whether the frequency proposed to be utilized by the applicant is:

- i. available;
- ii. suitable for the system; and
- iii. the application, prima facie, conforms to the criteria for allocation of frequency.

(7) The application may be processed simultaneously; however, the licence shall be issued only after the frequency is allocated by the FAB.

5. Criteria for evaluating licence application. – (1) Applications for the grant of a licence shall, in the first instance, be short listed by using the following criteria; namely:

- i. economic viability;
- ii. technical competence;
- iii. financial capability;
- iv. credibility and track record;
- v. extent of Pakistani share in ownership;
- vi. features or market concepts;
- vii. contribution to other social and economic development objectives; and
- viii. market advancement, such as improved service

6. Issuance of licence.- (1) The Authority shall process each application and on being satisfied that the applicant(s) fulfils the conditions and the criteria, and resorting, as much as possible, to the principles of fairness and equity in respect of all potential applicants, shall take decision on the applications, through an open, transparent bidding process.

Provided that the bidding process shall be resorted to in case the number of applications is higher than the number of licences to be issued in a particular category or the area of coverage;

(2) The Authority, on receipt of the bidding licence fee and the prescribed Security deposit, contained in the Schedule, from the successful bidders, shall issued the licence

Provided that the prescribed licence fee for different categories of licences, given in the Schedule, shall be considered as the base fee for the licence where the bidding process is resorted to;

Provided further that the prescribed licence fee shall be considered as the actual payable licence fee where the number of potential applicants is less than the number of licences to be issued;

(3) In addition to General Terms and Conditions contained in the Schedule, the Authority may impose on the licensee such other terms and conditions as appear to it necessary;

(4) The Authority will consult the Government of the Province, with regard to proposed location of the broadcast station and the possible area of coverage, through the Chief Secretary of the Province or an officer so authorized by him.

(5) The Authority, if satisfied that the issue of the licence to a particular person is not in the public interest, may, for reasons to be recorded in writing and after giving the applicant an opportunity of being heard, refuse to grant a licence.

(6) The Authority shall take decision on the application for a licence within one hundred days from receipt of the application;

7. Fees and security deposits. – (1) The fees payable pursuant to these regulations has been set out in the Tables contained in the Schedule;

(2) Each successful applicant shall, before the issue of the licence, deposit the Applicable Licence Fee and make a Security deposit, set out in the Schedule, as a pre-requisite for the issuance of the licence to establish a broadcast station. The security deposit shall be refundable after the expiry of one year of operation of the station to the satisfaction of the Authority.

(3) The Authority shall have the power to revise and update, from time to time, the application fee and the fee for the grant, renewal or extension of a licence by substituting the Tables contained in the Schedule.

8. Ineligibility for a Licence.- Subject to the section 25 of the Ordinance and Rule 17 of PEMRA Rules, no licence shall be issued to:

- i. a person who is not a citizen of Pakistan or resident in Pakistan;
- ii. a foreign company organized under the laws of any foreign government;
- iii. a firm or company the majority of whose shares are owned or controlled by foreign nationals or whose management control is vested in foreign nationals or companies;
- iv. a person whose licence under the Ordinance has previously been cancelled because of contravention of the provisions of the Ordinance; or
- v. a person who already owns or operates, as sole or joint shareholder, any other broadcast station, printed newspaper or magazine or an advertising agency.

9. Licence conditions.- (1) The licences shall be issued to the eligible applicants through an open bidding process if the number of applications exceeds the number of licences to be issued for a particular category.

(2) The license shall be valid only for the area of coverage as specified in the application form and the terms of the licence.

(3) The successful bidders shall pay such Licence Fee, Security Deposit and later such Annual Fee as prescribed in the Schedule, or referred to in regulation 7 of these regulations.

(4) The license shall be valid for a period as prescribed in the Schedule and may be renewed subject to satisfactory performance.

(5) Late payment of the licence or renewal fee shall incur a surcharge of 5% of the fee per month upto a maximum of 15%, failing which the licence would be deemed to have been cancelled.

(6) The licensee shall maintain a record and register of the programmes and the advertisements aired or broadcast, on audio or as the case may be on the video tapes, for a period not less than thirty days.

(7) The licensee shall pay to the Authority 5 % of the gross revenue receipts for airing or broadcasting the advertisements on his system.

(8) The licence shall be deemed to have been withdrawn and cancelled, if the licensee fails to put into operation the broadcast station within a period of one year from the date of its issuance.

10. Extension of the licence term.- (1) The licensee may, at least six months before the expiry of the original term, referred to in rule 7 sub-rule (1), apply to the Authority, for the extension of the licence for such term, and the Authority shall extend the licence subject to:

- i. satisfactory past performance of the licensee. The Authority may seek opinion in this regard from the Council of Complaints;
- ii. payment of the extension fee as determined by the Authority at that time;
- iii. all other terms and conditions as prescribed in the rules and including any new terms and conditions which the Authority may deem fit to impose having regard to all relevant factors including without limitation, changes in technology and prevalent market conditions.

(2) The Authority may decide not to extend a licence beyond the expiry date of the on-going term; provided that the Authority shall convey such decision to the licensee, not later than the expiry of the third quarter of the on-going term.

11. Sharing of facilities.- The Authority may issue guidelines about sharing of facilities by the licensees.

12. Mergers and transfers.- (1) A licensee shall not merge or amalgamate with any other person without the prior approval of the Authority.

(2) A person who is the shareholder of, or owns an interest in, a company which is a licensee, shall not transfer or dispose of his shares or the interest, without the prior approval of the Authority,

Provided that in the case of a listed company, the shares, representing not more than two percent of the issued and paid up share capital, may be transferred without such approval.

13. Maintenance of accounts.-The licensee shall maintain proper accounts, as required by the applicable laws, and shall cause to be carried out the audit of his accounts by one or more auditors who are chartered accountants within the meaning of Chartered accountants Ordinance, 1961 (X of 1961) and shall submit the audited financial statement to the Authority not later than three months after the closing date of its financial year.

14. Provision for live broadcasting of certain events.- (1) For the purpose of ensuring the widest availability of viewing in Pakistan of a national or international event of general public interest, the Federal Government, or the Authority, may notify the same well in advance.

(2) The national or international event of general public interest, notified under sub-regulation (1), shall have to be carried on networks of public service national broadcasters and free to air channels as well.

15. Copyright.- (1) The licensee shall be responsible for ensuring that copyright obligations with respect to the programmes being relayed over the system are fulfilled.

(2) Neither the Authority nor any employee of the Authority shall be liable for any offence, damage or other injury which anyone may suffer because of the negligence or violation of any law or code of conduct by the licensee or ensuing from any other source.

16. Monitoring.- (1) Without prejudice to any provision of the Ordinance and the rules and regulations made thereunder, the licensed system shall be monitored with respect to quality of transmitted signal, content of the broadcast, compliance with installation standards and complaints of consumers.

(2) Quality of signal will be determined by transmission level, noise, modulation, frequency drift, and voltage levels.

(3) In case installation of improper or sub-standard equipment is detected, the broadcaster shall rectify the same within one week of detecting or being informed of the problem.

(3) The licensee shall prominently display the licence at the business premises.

(4) The Councils of Complaints as established under the Ordinance, as also the authorized officers of the Authority, shall monitor the broadcast operations with a view to ensuring ethical standards, programming contents, Code of Conduct and quality standards of the broadcast operations.

(5) The licensee shall facilitate the authorized representatives of the Authority, or as the case may be, the Council, to visit his premises for the purpose of inspection.

(6) A licensee who contravenes provisions of these Regulations or who incurs frequent complaints from the general public regarding his service or programming content may be called by the Council or the authorized officer of the Authority to explain reasons thereof.

(7) Where a licensee contravenes any provision of the regulations, or any condition of the licence, the Authority may, by written notice require the licensee to show cause within fifteen days, without prejudice to any other action under section 30 of the Ordinance, as to why his licence should not be cancelled.

(8) If the Authority on considering the explanation of the licensee is of the opinion that the licensee has contravened any provision of the Ordinance or the rules or the regulations or condition of licence, it may suspend or cancel the licence or impose fine, to the tune as it may deem appropriate, on the licensee.

PART – III

COUNCILS OF COMPLAINTS

17. Establishment of the Councils of Complaints.- (1) There shall be established the Councils of Complaints at Islamabad, the Provincial capitals and at such places as may be required, for carrying out the functions under the Ordinance.

(2) The regional Councils shall work independently under the supervision of the Authority and their functions will be coordinated by a Coordinating Officer, stationed in Islamabad.

(3) The regional Councils shall be fully competent to take action on the complaints, as provided in the Ordinance and the rules made thereunder.

18. Functions of the Councils.- (1) The Councils shall receive and inquire into the complaints made by persons or organizations from the general public against any aspects of programmes broadcast by a broadcast station and render opinions on such complaints.

(2) The Councils shall take cognizance of complaints received by them directly from the public or those referred to them by the Authority.

(3) The Councils may recommend to the Authority appropriate action including suspension or revocation of a licence or censure or imposition of fine upon a licensee for violation of the Code of Conduct for programmes and advertisements.

(4) The Councils shall monitor, at random, all aspects of broadcasts, including the programmes' content, quality of standards of the transmissions of the broadcast stations. It shall keep the Authority informed about the feedback and public response to the contents, quality and impact of the programmes and advertisements broadcast.

PART – IV

OFFENCES, PENALTIES AND ENFORCEMENT

19. Events Initiating Investigations by the Authority for Failure to Perform.- The Authority is empowered by law to commence an investigation concerning the licensee's performance when one of the following events occurs:

- i. Failure to comply with the service provision and regulatory and technical standards requirements;
- ii. Failure to comply with any of the performance obligations set forth in the licence;
- iii. Partial or total interruption of the service for a continuous period of 240 hours in the service area;
- iv. Failure of the licensee to comply with the quality requirements of the licence;
- v. Repeated complaints in writing by people of integrity about the inadequate quality standards of the service provided by the licensee;
- vi. Modification of or tampering with the frequencies, which have been allotted to him by the FAB, or use of frequencies not authorised to it;

- vii. Provision of the telecommunications services which are not authorised by the licence;
- viii. Failure of the licensee to provide information to the Authority as required by the laws of Pakistan and licence conditions;
- ix. Refusing permission or impeding inspections undertaken by the Authority or its authorised officers, as specified by the Authority or permitted by the laws of Pakistan as they exist or come into force from time to time;
- x. Failure of the licensee to maintain proper accounting systems and separate clear records of account for its business;
- xi. Any violation of the laws of Pakistan as they exist or come into force from time to time;
- xii. Violation of the terms and conditions of the licence by the licensee.

20. Censure and sanctions for breach of licence conditions.- (1) If the Authority is satisfied that the licensee has failed to comply with any condition of the licence or with any direction given by the Authority under the Licence after giving him a reasonable opportunity of making representations to it about the matters complained of, it may direct the licensee to tender unconditional apology through the system or in the manner as the Authority may determine;

(2) In case he fails to tender the apology, the Authority may serve on the licensee a notice requiring him to pay to the Authority, within a specified period, a specified financial penalty.

Provided that the amount of any financial penalty so imposed shall not exceed three per cent of the licensee's gross revenue for his last complete accounting period if such a penalty has not previously been imposed on the licensee during any period for which the licence has been operative; and in any other case, not exceed five per cent of the licensee's qualifying revenue for his last complete accounting period.

(3) Where any such penalty is imposed when the licensee's first complete accounting period falling within the relevant period has not yet ended, such financial penalty shall not exceed three, or as the case may be, five per cent of the amount which the Authority estimates to be the licensee's qualifying revenue for that accounting period.

(4) If the Authority is satisfied that the Licensee has failed to comply with any condition of the Ordinance, rules and or the licence or with any direction given to him hereunder and it has given him a reasonable opportunity of making representations to it about the matters complained of, it may serve on the licensee a notice reducing the licence period by a specified period not exceeding two years.

(5) Where the licence is due to expire on a particular date by virtue of a notice served on the licensee, the Authority, may, on the application of the licensee, by a further notice served on him at any time before that date revoke that notice if it is satisfied that such revocation is justified by virtue of the conduct of the licensee in relation to the operation of the licensed service since the date of the earlier notice.

(6) Any exercise by the Authority of its powers, under the foregoing conditions, shall be without prejudice to the Authority's powers conferred upon it by the Ordinance and the rules and regulations made thereunder.

21. Inspection and Enforcement.- (1) In case of illegal operation or violation of the licence conditions by a broadcaster, the Authority may direct an officer, not below the rank of an Assistant General Manager, to physically inspect the place from where illegal operation is being carried out, and on confirmation, take steps for its immediate closure. The Officer shall have the assistance of local law enforcing authorities as well as his own force.

(2) The authorized officer may also take recourse to law, on his own initiative, after seeking appropriate orders from the Authority.

(3) Subject to the prior permission of the Authority, the Officer may also take appropriate steps for the seizure of the equipment being used for illegal operation.

(4) The Authority, may request the Federal or a Provincial Government to detail such number of officers as may be required, for the enforcement and implementation of the orders of the Authority passed under the Ordinance and the rules and regulations made thereunder.

22.- Offences and Penalties.- (1) Any broadcaster or person who violates or abets the violation of any of the provisions of the Ordinance shall be guilty of an offence punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one million rupees, or with both.

(2) Where such broadcaster or person repeats the violation or abetment, such person shall be guilty of an offence punishable with imprisonment for a term which may extend to three years, or with fine which may extend to two million rupees, or with both.

(3) Where the violation, or abetment of the violation of any provision of this Ordinance is made by a person who does not hold a licence, such violation shall be punishable with imprisonment for a term which may extend to four years, or with fine, or with both, in addition to the confiscation of the equipment.

23. Offences by companies.- Where any offence under this Ordinance has been committed by a person who at the time the offence was committed was incharge of, and was responsible to the company for the conduct of the business of the company as well as the company itself shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

24. Prohibition of broadcasts.- (1) The Authority, or an officer so authorized by the Authority, may, giving reasons in writing, prohibit any broadcaster from broadcasting or re-broadcasting any programme, if the Authority, or as the case may be the officer, is of the opinion that such particular programme is 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 against the Ideology of Pakistan or contains pornographic material or is violative of the terms and conditions of the licence.

(2) Subject to sub-rule (1) of this rule, the officer, after making such an order, shall inform the Authority in writing within 24 hours, with his reasons for passing the orders and all relevant supporting material. The Chairman shall decide whether the matter requires the convening of

an emergent meeting and if in his opinion it does not, the matter shall be put before the Authority in its next regular meeting.

25. Proscription of a foreign broadcasting service.- (1) If the Authority, on having brought to its notice, considers that the content of any foreign broadcasting service is unacceptable, it shall order proscription of that service;

(2) The Authority shall not consider a foreign broadcasting service to be unacceptable, for the purpose, unless it is satisfied that the content of that service included any matter which prejudices the security and sovereignty of Pakistan, the public interest or order or national harmony or is against good taste or decency.

26. Suspension of the licence.- The Authority may suspend the licence of a broadcaster, for a period not exceeding three weeks, on one or more of the following grounds, namely:-

- i. the licensee has failed to pay the annual licence renewal fee;
- ii. the licensee has contravened any provision of the Ordinance or Rules or Regulations made thereunder;
- iii. the licensee has failed to comply with any condition of the licence;
- iv. if the shareholders of the licensee, being a company, have transferred, whether in one or more or a series of transactions, the majority of their shares.

Provided that no licence shall be suspended or cancelled unless the licensee has been given reasonable notice to show cause and personal hearing.

27. Cancellation of licence.- (1) Where a licensee contravenes any provision of the Ordinance or the rules or the regulations made thereunder, or any condition of the licence, the Authority, on its own accord or on the recommendation of the Council of Complaints, established under section 26 of the Ordinance, may, by written notice require the licensee to show cause within fifteen days, as to why his licence should not be cancelled.

(2) If the Authority, on considering the explanation of the licensee, is of the opinion that the licensee has contravened any provision of the Ordinance or the rules or conditions of the licence, it may cancel the licence.

28. Seizure of broadcasting or distributing equipment.- (1) The Authority may order the seizure of the broadcast or distribution system equipment or any other equipment which is used to provide, assist or help to operate or broadcast a programme, which has been suspended or terminated by the Authority or which is in use for illegal broadcast operation.

(2) The authorized officer may also take steps for closure of the premises where the illegal operation is being carried out.

Provided that the equipment so seized may be returned to the licensee after imposing on him such punishment as the Authority may determine.

Provided further that the equipment seized for being used for illegal operation or without having a valid licence shall not be returned unless the concerned party files a formal application for

grant of licence, gives an undertaking to abide by the provisions of the Ordinance, Rules and Regulations, and also pays such fines as may be imposed by the Authority.

29. Power to impose fine.- (1) The Authority shall have the power to impose fine upto five hundred thousand rupees on a broadcaster who contravenes the provisions of the Ordinance, Rules or Regulations, code of conduct, any term of the licence or such other instructions issued by the Authority from time to time.

(2) The fine so imposed shall be recoverable as arrears of land revenue.

30. State agencies to assist Authority in enforcement.- All the field officers of local administration, police, civil armed forces and all officers involved in collection of land revenue shall assist the designated officers of the Authority in the discharge of their functions, relating to the enforcement, under the provisions of the Ordinance and the rules and regulations made thereunder.

31. Appeals.- (1) A person, aggrieved by an order of an officer of the Authority, acting under the delegated powers of the Authority, may, within thirty days of issuance of the order, appeal to the Authority and the Authority shall decide the matter within forty five days of the submission of the appeal.

(2) A person aggrieved by any decision or order of the Authority on the ground that it is contrary to the provisions of the Ordinance, Rules or Regulations, may within thirty days of the receipt of such decision or order, appeal to the High Court in the manner prescribed by the High Court, for filing the first appeal before the Court against an interlocutory order of a Civil Court.

Provided that no decision or order of the Authority shall be suspended or revoked, unless the Authority is given an opportunity of being heard”

32. Exemption and limitation on licensee's obligations.- The Licensee shall not be in any way responsible for any failure to provide the licensed service, directly or indirectly caused by or arising from any circumstances beyond the control of the licensee including (without limitation) accident or breakdown of any equipment or apparatus (caused otherwise than by the wrongful act, neglect or default of the licensee, its servants or agents), force majeure, war damage by the enemies of the State, riot, rebellion, civil commotion, interference by strike, lockout, sit-in, picket or other industrial dispute or action.

PART – V

QUALITY STANDARDS OF PROGRAMMES AND EQUIPMENT

33. General standards for transmission programmes.- (1) The licensee shall endeavour to provide a suitable proportion of programmes of indigenous origin;

(2) The licensee shall broadcast a diversified mixture of programmes on information, education, entertainment, culture, religion, public service and such other areas of public interest. The Authority may issue guidelines, from time to time, on the proportionate programme mix to be aired by the licensee.

(3) The licensee shall broadcast programmes in the public interest specified by the Federal Government or the Authority in the manner indicated by the Government or, as the case may be, the Authority, provided that the duration of such mandatory broadcast programmes shall not exceed ten per cent of the total duration of broadcast by a station in twenty-four hours except if, by his own volition, a licensee chooses to broadcast such content for a longer duration;

(4) The licensee shall ensure that nothing is contained in any programme, or an advertisement, which is prejudicial to the interests of the sovereignty and integrity of Pakistan, Ideology of Pakistan, security, friendly relations with foreign states, public order or which may constitute contempt of court, defamation or incitement to an offence;

(5) The licensee shall ensure emphasis on promotion of national dignity and character, values of national integration, religious, sectarian and communal harmony and a visible deference to the social, cultural, moral and traditional values of the Pakistani society, in relaying the programmes;

(6) The licensee shall show sensitivity and respect to all ethnic groups and minorities.

(7) The licensee shall not alter or delete a programme in the course of its distribution except as required or authorized under a condition of its license or these Regulations and for the purpose of complying with the provisions concerning indecent and pornographic contents.

(8) Time-sensitive broadcasts such as news etc., if allowed, shall be broadcast in real-time.

(9) The licensee shall not broadcast, transmit, retransmit or relay the pornographic or obscene contents of any type.

(10) The licensee shall abide by the terms and conditions of the licence, comply with the code of conduct for the licensees in respect of contents of the programmes and advertisements broadcast or relayed by him;

(11) The programmes and advertisements shall conform to the provisions of the laws relating to the Motion Pictures, pornography, intellectual property, censorship and any other laws in force in Pakistan and the Ordinance and the rules, regulations and code of conduct framed thereunder.

(12) The advertisements must not be very noisy or out of proportionately strident;

(13) The duration of the advertising break shall be of reasonable duration and there must be regular programme of reasonable duration between successive advertisement breaks;

(14) The licensee shall maintain a record and register of the programmes being broadcast by him and shall preserve the programmes aired or distributed, on audio or as the case may be on the video tapes, at least for a period not less than thirty days.

(15) The Authority may issue guidelines regarding minimum Pakistani content in the programmes, to be broadcast by a licensee.

34. General conditions and quality standards applicable to the Broadcasting equipment.- (1) The licensed system shall be fully compatible with the equipment normally in use of the general public in terms of the capability of quality transmission of the signals;

(2) The licensee shall ensure that the installed system meets the criteria for the broadcast systems as laid down by the relevant local and international standards bodies with respect to the terrestrial, satellite, networks, terminations, transmitters, receivers, transmitted signals and other equipment.

(3) The system will be designed to cater for the quality service to the population and the area specified by the licensee in his application and other terms and conditions of the licence and will ensure an acceptable level of transmission service.

(4) The licensee shall respond promptly to complaints from subscribers.

(5) The licensee shall not cease or suspend broadcasting except on account of force majeure or with the prior approval of the Authority. In case the licensee wishes to wind up the business, he shall seek approval in writing from the Authority not less than 180 days prior to such action.

(6) Licensee is not authorized to uplink or downlink the services for which it is not licensed.

(7) Licensee is not authorized to uplink or downlink services from unlicensed satellite operators.

(8) The licensee shall abide by the provisions of the Ordinance and the rules and regulations made thereunder, the Code and the terms of the licence and all such other directions given by the Authority from time to time.

35. Safety standards.- (1) The licensee shall ensure that the system does not cause interference with the transmission of any other broadcast station.

(2) The licensee shall obtain necessary permits from the municipal authorities and the utility companies, as required in order to establish the system equipment and receive services to run the establishment.

(3) The licensee shall abide by the specifications and criteria as laid down by the Civil Defence Authorities, air traffic control system and the Armed Forces requirements while constructing, erecting and installing the transmission antennas for the broadcast stations.

(4) The licensee shall ensure such security arrangements as may be required to protect the broadcasting station, the on-line cameras, the microphones and the transmitters against unauthorized access or control.

(5) In case of a national emergency or internal strife, the licensee shall immediately notify the situation to the Authority and comply with all such instructions a may be given by the authorized officer of the Authority or the Government, including linking the transmitters with the national broadcaster.

(6) The licensee shall make appropriate arrangements to receive emergency related messages from the Authority or the Government.

36. Miscellaneous Provisions of the licence.- (1) The Authority and the licensee shall undertake to carry out the terms and provisions of the licence in accordance with the principles of mutual goodwill and good faith.

(2) The terms, undertakings and conditions of the licence shall inure to the benefit of and be binding upon the parties hereto and their respective successors and the permitted assigns.

(3) Save where the context otherwise requires, the singular includes the plural, the masculine includes the feminine and vice versa;

37. Interpretation.- If there is a conflict in any of the term and conditions of the licence, the provisions of the Ordinance and the rules and regulations shall prevail.