



All Pakistan Newspapers Society

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Ref: APNS/2018/31

March 28, 2018

To: All Member Publications

Dear Sirs,

We are in receipt of a letter No.6(6)/2012-P-I (Pt) dated March 07, 2018 from the Ministry of Information, Broadcasting, National History and Literary Heritage, Govt. of Pakistan, Islamabad alongwith copy of Court Orders regarding “ Constitution Petition No.105 of 2012 ETC”.

We enclose herewith copy of the above letter and Court Orders for your information and compliance.

Thanking you,

Yours faithfully,

-s/d-

(Dr. Tanvir A. Tahir)
Executive Director
APNS

ال پاکستان نیوز پیپر سوسائٹی

GOVERNMENT OF PAKISTAN
MINISTRY OF INFORMATION, BROADCASTING, NATIONAL HISTORY
AND LITERARY HERITAGE

No. 6(6)/2012-P-I (Pt)

Islamabad, 7th March, 2018

Subject: **CONSTITUTION PETITION No.105 OF 2012 ETC**

Please refer to the subject noted above.

2. The Honourable Supreme Court of Pakistan has directed the Chief Executives of all Media Companies/Outlets (Print and Electronic) for compliance and submission of reports with regard to details of number of Reporters/Workers hired by them and amount of outstanding salaries/dues of their employees (copy of Court Orders enclosed).

3. You are requested to convey above orders of the court to all Media Companies/Outlets (Print and Electronic) for compliance and submission of the requisite report immediately.

Encl: As above



(Tahir Khushnood)
Director General (IP)

✓
President, APNS,
Karachi

Chairman, PBA,
Karachi

PIO, PID,
Islamabad

Mr. Nasir Ayub,
Secretary to the Authority, PEMRA,
Islamabad

Ph. 9220581

MOST IMMEDIATE
Const. P. No.105/2012 etc-SCJ
Supreme Court of Pakistan.
Islamabad, the 28th February, 2018.

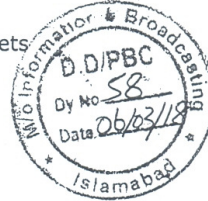
From

The Registrar,
Supreme Court of Pakistan,
Islamabad.

To

The Chief Executives of all Media Companies/Outlets
(Print & Electronic)
through

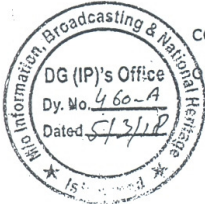
The Secretary,
Ministry of Information, Government of Pakistan,
Islamabad.



Subject:- **CONSTITUTION PETITION NO. 105 OF 2012 etc.**
(Regarding disclosure of the charges of bribery, gratification, provision of plots to media personnel and obscene and other objectionable material carried in the media).

DIRECTOR-IP-I-OFFICE
Dy. No. 252
Dated. 05/3

Take notice that the above cited Constitution Petition along with connected cases came up for hearing before the Court on **20.2.2018** and an order was passed, relevant portion of which is reproduced as under:-



"...5. On 7.2.2018, we passed the following orders:-

"9. At this juncture, Mr. Tayyab Baloch, President, Press Association of Supreme Court, has put in appearance. He has complained that the Reporters/ Workers of Print and Electronic Media are not being paid their salaries in time. Large amounts of salaries are outstanding and they are constantly being deprived of fruits of their labour without lawful cause. He submits that right to life is a fundamental right which needs to be implemented by this Court. In order to examine this issue, let notices be issued to all Media Companies/outlets (Print & Electronic) to furnish details to this Court showing number of Reporters/Workers hired by them, amount of outstanding dues/salaries payable to the Workers/Reporters till date and in case salaries have not been paid the reason for non payment. It is, however, clarified that if outstanding dues are paid/cleared within a period of 10 days from today, such act shall be appreciated by this Court and appropriate orders in this regard will be passed."



Di/media
5/3/18
MSB
02/03/2018
6/3
D.D/PBC

Pursuant to the above order no information, particulars or other data has been provided by the concerned media houses. As far as the outstanding salaries/dues of their employees is concerned, no information has been furnished."

You are, therefore, required to communicate above order of this Court (copy enclosed) to the Chief Executives of all Media Companies/Outlets (Print & Electronic) for compliance and submission of reports, failing which the matter will be brought to the notice of the Court at the time of hearing of these cases.

Encl: As above


(AMIRULLAH KHAN KHATTAK)
ASSISTANT REGISTRAR (CIVIL-II)
FOR REGISTRAR

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT: MR. JUSTICE MIAN SAQIB NISAR, HCJ
MR. JUSTICE UMAR ATA BANDIAL
MR. JUSTICE IJAZ UL AHSAN

C.M.A.NO.4047/2013 IN CONST.P.NO.105/2012, CONST.P.NO.53/2012,
CONST.P.NO.105/2012, C.M.As.NO.3795 & 3798/2012 AND 2250 &
2761/2013, CONST.P.NO.117/2012, H.R.C.NO.23957-S/2012,
C.M.A.NO.2376/2013 IN CONST.P.NO.105/2012, C.M.As.NO.5285, 5739 &
5741/2013 IN C.R.Ps.NO.NIL/2013 IN C.M.A.NO.3741/2013 IN
CONST.P.NO.105/2012, C.M.A.NO.3805/2014 IN CONST.P.NO.105/2012,
CONST.P.NO.104/2014, C.M.As.No.547 & 1109/2018

C.M.A.4047/2013: Report of the Media Commission

Const.P.53/2012: Independent Media Corporation (Pvt.) Ltd. (GEO TV Network), etc Vs. Federation of Pakistan and another

Const.P.105/2012: Hamid Mir and another Vs. Federation of Pakistan and others

Const.P.117/2012: Sheikh Ahsan-ud-Din, Advocate and another Vs. Federation of Pakistan and others

H.R.C.23957-S/2012: Application by Syed Adil Gillani

C.M.A.2376/2013: Application for impleadment

C.M.A.5285/2013: FTCL Vs. Hamid Mir & others

C.M.A.5739/2013: NADRA through its Chairman Vs. Hamid Mir & others

C.M.A.5741/2013: Federation of Pakistan through Secretary M/o Information Vs. Hamid Mir & others

C.M.A.3805/2014: Application of impleadment

Const.P.104/2014: Pakistan Broadcasters Association v. Federation of Pakistan & others

C.M.A.847/2018: Application for impleadment

C.M.A.1109/2018: Application for impleadment

In attendance:

ATTESTED


Court Associate
Supreme Court of Pakistan
Islamabad

Mr. Hamid Mir, petitioner in person
Mr. Asad Kharal, Journalist
(In Const.P.105/2015)

Mr. Gohar Ali Khan, ASC
(For petitioner in Const.P.104/2014)

Mr. Babar Sattar, ASC
(For petitioners in Const.P.53/2012)

Mr. M. Yasin Azad, Sr. ASC
Raja Muqsit Nawaz Khan, ASC
(For Midas Pvt. Ltd.)

Mr. M. Bilal, Sr. ASC
(In C.M.A.4263/2013)

Raja M. Ibrahim Satti, Sr. ASC
(For PEMRA)

Dr. Babar Awan, Sr. ASC

(For Inaam Akbar and Broadcasters Association)
Mr. Babar Bilal, ASC
(For Air Waves Media Co.)
Mr. Shaukat Rauf Siddiqui, ASC
(For LEO Communication)
Mr. Afnan Karim Kundi, ASC
(For Apna TV Channel, Dhoom TV Channel, Kashish TV
Channel and NADRA)
Nemo
(In C.M.A.5258/2013 in C.R.P.NH/2013)
Mr. Faisal Farid Hussain, ASC
(For HM Media/Capital TV)
Mr. Shahid Mahmood Khokhar, ASC
(For PTV)
Sh. Ahsan-ud-Din, ASC
(For petitioners in Const.P.117/2012)
Mr. Naseem Siddiqui, Bureau Chief Ab Tak TV
Mr. Azhar Javed, Waqt News
Mr. Ibrahim Raja & Mr. M. Adil, Dunya News
Mr. Nazir Leghari, Bol TV
Mr. Afzal Butt, President PFUJ
Mr. Tayyab Baloch, President, PASC
Mr. Ibrahim Sami, Bol TV
Mr. Mujahid Ali Khan, Law Officer NADRA
(In C.M.A.5739/2013 in C.R.P.NH/2013)

Date of hearing: 20.2.2018

ORDER

Pursuant to our order dated 7.2.2018 regarding independence of PEMRA and to implement the recommendations of the Media Commission, the Secretary Information wishes to file certain reports/documents. Let him do so within this week. In addition he shall seek instructions from the Ministry of Information and also the Prime Minister whether the recommendations of the Media Commission which were agreed to by the Ministry of Information will be implemented in toto, or whether the Ministry of Information has now a different point of view. He shall also inform us whether the Federal Government and the concerned Ministry intend to make PEMRA a totally independent body in terms not only of appointments but also regarding issuance of directives meant to facilitate PEMRA in the performance of its functions independently.

ATTESTED


Court Associate
Supreme Court of Pakistan
Islamabad

2. **Const.P.No.53/2012**: Mr. Babar Sattar, learned ASC states that his matter is clubbed with Const.P.No.105/2015. Therefore, the order

passed therein may be read as an order passed in this matter also. Let this matter be fixed along with the connected matters.

3. C.M.A.No.1362/2018: Mr. Absar Alam Haider has moved this application stating that he was a co-petitioner in the main petition. On account of non-receipt of the notice from this Court he could not appear on the last date of hearing. His name was therefore deleted from the array of petitioners. Submits that he may be allowed to continue as a co-petitioner in this matter. Nobody has any objection. The application is accordingly allowed.

4. C.M.As.No.847, 1236, 1327 & 1361/2018: For the reasons stated in the applications, the same are allowed. The applicants are impleaded as parties.

5. On 7.2.2018, we passed the following order:-

"9. At this juncture, Mr. Tayyab Baloch, President, Press Association of Supreme Court, has put in appearance. He has complained that the Reporters/Workers of Print and Electronic Media are not being paid their salaries in time. Large amounts of salaries are outstanding and they are constantly being deprived of fruits of their labour without lawful cause. He submits that right to life is a fundamental right which needs to be implemented by this Court. In order to examine this issue, let notices be issued to all Media Companies/Outlets (Print & Electronic) to furnish details to this Court showing number of Reporters/Workers hired by them, amount of outstanding dues/salaries payable to the Workers/Reporters till date and in case salaries have not been paid the reason for non payment. It is, however, clarified that if outstanding dues are paid/cleared within a period of 10 days from today, such act shall be appreciated by this Court and appropriate orders in this regard will be passed."

ATTESTED



Court Associate
Supreme Court of Pakistan
Islamabad

Pursuant to the above order no information, particulars or other data has been provided by the concerned media houses. As far as the outstanding salaries/dues of their employees is concerned, no information has been furnished.

6. We find it expedient that this matter be separated and a separate file be prepared. C.M.A. No.1398/2018 has been filed giving details of some media houses. It is claimed that substantial sums of outstanding dues are payable by these media houses to their employees. Let notices be issued to the persons/organizations named in C.M.A. No.1398/2018 to seek details about dues payable to their employees of all categories. The applicants are required to provide the complete postal addresses of these organizations (mentioned in the noted CMA) and also the particulars of the persons through whom service must be effected within a period of one week. The question whether this Court will proceed in the matter in exercise of its jurisdiction under Article 184(3) of the Constitution shall be decided after hearing all concerned parties.

7. We had also passed the following order in H.R.C.No.2338/2018 on the said date:-

"6. At this stage, a large number of Journalists/ Anchor Persons/Workers of Bol TV Channel, which is statedly owned by the AXACT Private Limited, have come forward to complain that they have not been paid their salaries for years. Mr. Mazhar Iqbal, President, Rawalpindi/Islamabad Union of Journalists, has also submitted an application before this Court in this regard. Let the office number this application and issue notice to Mr. Shoaib Sheikh for his reply."


8. We have asked Mr. Shoaib Sheikh who claims to be the Chief Executive of AXACT (Pvt.) Ltd if the complaints are correct. He denies any liability and seeks time to file his reply. Let him do so before the next date of hearing.

Re-list.



Certified to be True Copy

Sd/- Mian Saqib Nisar, CJ
Sd/-Umar Ata Bandial, J
Sd/-Ijaz ul Ahsan, J


Court Associate
Supreme Court of Pakistan
Islamabad