

Regulation of Broadcast media in Pakistan, UK, and Malaysia; A Comparative analysis

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ABSTRACT

Regulation of broadcast media is an important and vital aspect of freedom of expression of broadcast media. However, in Pakistan it is asserted that broadcast media is heavily controlled as well as regulated and there is very little or no space for media freedom in the country. This article examines this contention of heavy regulations by making a comparison of regulatory systems of UK, Malaysia, and Pakistan. Doctrinal Comparative legal research method is adopted in this short study. Socio-legal research approach is also applied to further support comparative legal research method. Under socio-legal research method three experts were interviewed. This study discovers that Pakistan lacks in several key areas of regulation of broadcast media as compared to the UK and Malaysia. This study further concluded that assertion of heavy regulation is completely misconstrued. These issues have seriously affected the prospects of effective regulation of broadcast media in the country. At the end this article articulated future implications of broadcast media regulation.

Keywords: Freedom of Expression, Broad Cast Media, Regulation, Comparison.

INTRODUCTION

Freedom of speech along-with expression is one of the most debated and protected human rights (Blasi, 1995). Constitutions all around the world have protected it as fundamental rights. This fundamental freedom is even protected in those countries which don't have a settled constitutional system or have a weak constitutional mechanism (Meiklejohn, 2001). Jurists have pointed out that freedom of expression performs and promotes several functions and objectives in the society. Those objectives include personnel autonomy, democracy promotion and progression of truth in society (On Liberty. , 2016). Protection and promotion of democracy is one of the basic functions and purpose of freedom of expression (Kent, 1989). Democracy grant power to people to rule their countries and also makes them sovereign. Right to expression and speech is also indispensable to commune views, thoughts, philosophy, activities, and ideas of public in the country (Alexander, 2000). In recent time with the evolution of technologies, the method of dissemination of

information have also evolved. Now the media and especially broadcast media and social media are the main tools of dissemination of information. These kinds of media provide opportunities to the public to reach out to other individuals and express their views (Lingens v. Austria, 1986). Therefore, right to express one's view and disseminate information becomes peremptorily essential in the field of media (Sridhar, 2007).

It is also strongly believed in the world that new media and especially broadcast media can have a strong and significant affect on political, social, and economic policies of the countries while keeping in view the presumed impact of broadcast media, it is required to regulate broadcast media. regulation is required to keep a constant watch on broadcast media and also to keep it within the boundaries prescribed by the laws of the countries. different countries have adopted different methods of regulation of media. some countries have adopted method of heavy regulation, and some have even opted for self regulation of broadcast media. In Pakistan broadcast media is regulated and controlled by Pakistan Electronic Media Regulatory Authority (PEMRA) which was created under PEMRA Ordinance 2002. Several criticisms are leveled against PEMRA regarding regulation of broadcast media in country.

some believes that broadcast media is heavily regulated and PEMRA is used to silence the critical voices on broadcast media. some other believe that broadcast media in Pakistan is uncontrollable and it violates the principles of freedom of expression as enunciated under the constitution. this study makes a critical analysis of assertion of heavy regulation and also the matter of uncontrollability of broadcast media in country as suggested by some. in order to better understand the situation this study also makes a comparison of regulatory systems of Pakistan with UK and Malaysia. These countries provide an opportunity to look into other countries experiences with regards to regulation of broadcast media. These three countries also present a great variety of approaches about regulation broadcast media. This short paper is divided into parts. first part presents an introduction to the topic, second part presents research methodology, third part presents the method of regulation of broadcast media in Pakistan, UK, and Malaysia. Lastly a comparison is made between different models of regulations of broadcast media.

RESEARCH METHODOLOGY

Doctrinal and non-doctrinal research are two categories of legal research (Malhotra,2021). Doctrinal legal research is also named as "Black letter" research. It focuses of the theoretical aspects of law. It does not discuss the law in action. Under doctrinal legal research method researcher adopts an analytical approach to discuss and analyze legal rules presented in primary sources (Yaqin, 2008). Primary sources for doctrinal legal research include statutes, court decisions, law articles including books and commentaries of legal texts. Doctrinal legal research is split into descriptive, analytical, historical, and comparative legal research methods (Kharel, 2018).Under current study comparative legal research method is applied to ascertain, describe, and analyze the attitude of UK, Malaysia, and Pakistan towards the method of regulation of broadcast media. As this study comprehends and analyze the situation of regulation of broadcast media and that's deals with law in action. Meaning thereby that doctrinal legal research alone is not sufficient to deal with law in action. Therefore, this short research also adopted socio-legal research. Under socio-legal research qualitative method of in-depth interviews is adopted. Three legal experts

having a background of media laws are interviewed for the purposes of in-depth insights on the subject of broadcast media regulation in these three countries.

Regulation Of Broadcast Media

Regulation of Broadcast Media is an important facet of freedom of expression (Sharma, 2018). Broadcast media has the propensity to influence the public, civic and overall life of every person in the country. Regulation “comprises of influences over electronic media operations and content. That influence can be internal and external” (McKenzie, 2011). Hence, the regulation of broadcast media can present various points of influences, starting with recommendations from media industry, suggestions and proposals by general public, to advice and opinions from international organizations and to immediate regulation by state (Islam, 2021). However, within a state, it is the government that determine and decide about the nature of media content. So for this purpose of this regulation is defined “as the legally binding rules which are applicable on the content of media industry in a country”

Regulation Of Broadcast Media In Pakistan

Pakistan's primary broadcast media law is Pakistan Electronic Media Regulatory Authority Ordinance 2002 (Pemra ordinance, www.pemra.gov.pk. n.d. <http://www.pemra.gov.pk>) since the enactment in 2002, this law has been amended in 2007 and recently in 2018 under PEMRA Ordinance, a regulatory body or authority was established and named as PEMRA Authority. This PEMRA Authority encompasses a chairman and eight members appointed by Pakistan's President. This body was created with the purpose of regulation and development of electronic media in the country. Furthermore, accessibility of electronic media was another object of PEMRA Authority. Private electronic media is controlled and managed by PEMRA (Abrar, 2016), and govt-controlled media is regulated by PTA. PTA works under the direct control of Ministry of Information.

In addition to above mentioned objectives, the prime responsibility of the PEMRA is to supervise "the establishment and operations of all broadcast media and distribution services in Pakistan" while supervising operations of the broadcast media, authority also looks into the matters of distribution of licenses to local as well as foreign radio and private TV channels in the country (Ali, 2011). Executive, legislative, and judicial responsibilities are also vested with this Authority. Legislative functions include the enactments of private broadcast media rules and laws. while executive functions include investigating of complaints of alleged infractions. The judicial functions of the PEMRA authority grants the power to penalize in cases of alleged rules infractions. Any pronouncements including executive, legislative and judicial decisions can be challenged in the competent court of law. In addition to the PEMRA Ordinance of 2002, several other regulations and rules have been formulated by the PEMRA."

Regulations of broadcast media is divided into three phases under PEMRA. Issuance of broadcasting license is the first phase. Enactment of rules and imposition of limitations on the broadcasters while broadcasting is the second phase of regulations of broadcast media. Broadcasters are required to follow those rules and restrictions while telecasting material on broadcast media. The third and final phase is the implementation phase. Under this the method of enforcement of rules and restrictions imposed under second phase of regulation process.

Section 3 of the “Ordinance” creates the "PEMRA Authority." The PEMRA Authority's primary functions are listed in Section 4 of the PEMRA Ordinance 2002 (Pemra ordinance, www.pemra.gov.pk. n.d. <http://www.pemra.gov.pk>). Among these responsibilities is regulating and operating all broadcast media in the country. This agency is solely responsible for receiving applications and issuing licenses to broadcasting firms. Among the categories of licenses, the authority is responsible for determining the total number issued.

Issuance of license is the first phase of regulation of media. Under this phase, after receiving the application, the PEMRA Authority examines the application based on technical proficiency, financial capacities, financial viability, track record, reliability, and the proportion of Pakistani ownership. However, the license must be issued within one hundred days of receiving the bid. After the PEMRA Authority has accepted the license application, it will be transferred to the Frequency Allocation Board (FAB) for frequency allocation. The license will be issued after the frequency apportionment. Similarly, the PEMRA Ordinance 2002 also elucidates that the principles for refusing to give the permit are also prescribed. The law has also provided specific grounds for denying a license. A non-citizen or non-resident of Pakistan's application, a foreign business created under foreign law, or a majority of shares controlled or held by foreigners are all reasons for refusal. If the application is made or sponsored by a foreigner, a foreign organization, or a foreign government, it will be denied. The Authority can also decline a license application if it is in the public interest. However, "public interest" is not defined in the Ordinance.

The PEMRA Authority is responsible for ensuring that all licensee complies with the conditions and requirements imposed to protect Pakistan's security, sovereignty, and integrity and cultural, national, social, and religious conscience and civic policy regulations. Extremism, viciousness, religious, ethnic, or indigenous discrimination, extremism, sectarianism, hatred, pugnaciousness, pornography, copyright defilements, obscenity, decency, or other measurable things that has the potential to offend generally acknowledged standards of morality are prohibited in all programs and advertisements. PEMRA Authority have the permission and power to impose any additional conditions and terms it deems appropriate.

The subsequent or third phase of regulatory framework is enforcement of decisions of PEMRA. Council of complaints is entrusted with responsibility of enforcement. In Pakistan currently 7 council of complaints are working. These councils are operating in provincial as well as federal capital under the PEMRA laws. Whenever any broadcasting firm or company violates any of the provisions of PEMRA, then council of complaints can be approached. Upon receiving complaints under the PEMRA laws, the council of complaints after hearing both parties make a recommendation. Council of complaints is a recommendatory body and any recommendation made by it will be sent to PEMRA Authority. PEMRA Authority is the main body entrusted with power of making judgments on the basis of recommendations made by council of complaints.

Others functions of the Council of complaints includes, overseeing broadcasting content, quality, broadcast transmission requirements, keeping Authority in loop on all matters, sending biannual reports to the PEMRA Authority, total numbers of complaints received, and the actions taken by council on them.

Council of complaints is composed of 6 members including a chairman. Persons of eminence from public including at least two females members is the eligibility criteria for council of complaints membership. these all appointments in the council of complaints is made by the Federal govt of time. historically members of political parties have been appointed as the members of the council of complaint under PEMRA law. these members have been appointed to safeguard their interests and provided preferential favors to governments and silenced opposition voices on broadcast media. ironically all appointments are made by the federal govt and there is no representation of Provincial administrations, journalists, civic society, the legal community, and the broadcasting community. PEMRA Authority does not have the mandate to designate council members; only the federal government may do so. If the Council of Complaints does not function individualistically, it may significantly impact broadcast media's freedom of expression in the country. This is a significant impediment to the Council of Complaint's autonomous operation.

Regulation Of Broadcast Media In England

Presently in the UK, two different bodies are regulating the broadcast media. Those bodies include BBC and OFCOM. BBC is responsible for handling all BBC content, whether radio, online, or transmitted over the TV. Whereas the OFCOM is entrusted with responsibility of regulation of commercial radio and TV in UK.

The British Broadcasting Corporation (Bbc)

The BBC, or British Broadcasting Corporation, was established by Royal Charter as a joint stock corporation.” That Royal Charter was created on 20 December 1926. Since then, several Charters have been issued to the BBC to conserve its position as a corporation. On 19 September 2006, the present Royal Charter was issued. The incorporation of the BBC by a Royal Charter allows the state to decide about the BBC's duties and remit without the requirement to enact any statute (Clementi, 2016).

A Royal Charter as a constitutional document provides BBC'S objects and governance model. Charter provides the BBC's main actions and activities to promote its general objectives by providing radio, television, online services, and other relevant services. It educates, entertain, and inform the public of the state. Royal Charter also guarantees the BBC'S independence regarding its management and content. An Agreement of Deed continuously accompanies a Royal Charter. That agreement was made between "the Secretary of State for Sport, Culture, and Media and the BBC. The current Agreement (the Framework Agreement)" was created in July 2006 by the Parliament. It confirms the BBC's independence as set forth in the Royal Charter and explains the BBC's responsibility, function, and rights as a UK public broadcaster.

The Framework Agreement and the current Royal Charter both list functions that the BBC must fulfill. The BBC Trust and the Executive Board are responsible for carrying out these functions. BBC Trust is an autonomous and sovereign body under the BBC and is required to see the executive board's work and set the strategic direction of the BBC. Whereas the executive board is required to deliver BBC'S services according to the priorities of the BBC. Although there is a close relationship between these two bodies of BBC but the independence of both the bodies must be maintained for the better working of the BBC as an institution (Cave, 2004).

The Office Of Communications (Ofcom)

The (Ofcom) or Office of Communications, introduced in December 2003, is England's super-regulator of electronic media. It was created under the "Communication Act 2003". It was created to supervise all communication sectors and media regulations. Ofcom is a "super-regulator" for the UK communications industry covering telecommunications, postal, wireless communications, radio, and television services. Ofcom has been entrusted for regulating television channels transmitted over the Internet and notifying "On demand program services (ODPS)" in the UK since the introduction of the 2009 Audiovisual Media Services Regulations. Ofcom's powers include the imposition of a fine on media organizations for contravening regulations and concluding illegal "pirate" broadcasters and commercial broadcasters where needed.

Ofcom has broad regulatory responsibilities that were previously exerted by five agencies (Powell & Cooper, 2011). Those agencies were responsible for telecommunications regulations and other elements of the media. Those bodies included "The Independent Television Commission (ITC), Radio Authority, Oftel, the Broadcasting Standards Commission, and the Radiocommunications Agency."

The UK tradition of broadcasting regulation is respected around the globe. Regarding the regulation and restrictions on the broadcast content, the Ofcom has well-defined the room of the rules within three ways.

- Related to destructive content regulations across all television and radio broadcasters in England.
- Additionally, the organization is affiliated with the BBC and deals with quantitative issues such as rates for independent TV production, local production, and original EU/UK productions.

Channels 3, 4, and 5 are responsible for public service broadcasting. Regulation of radio formats is also involved here. BBC Tiers principles are not regulated by Ofcom because they are a matter of responsibility for the BBC governors. Ofcom creation has drastically transformed the situation of television regulation in England.

The Ofcom took into consideration the Human Rights Act and European Convention of Human Rights while drafting the Code of Content. Ofcom, while drafting the code, in addition to freedom of expression principles, also considered Article 9 and Article 14 of the Convention. The Human Rights Act and European Convention of Human Rights both promise the right of audiences to receive and create information under freedom of expression. It also includes the presentation of thoughts and ideas without interference. However, all rights as mentioned above are subject to restrictions approved and presented by law and are essential in a democratic and independent society

When Ofcom has reached on a decision about breach of code, it will publish a finding. In these findings, the reason for the violation of the code by the broadcasters will be mentioned. Ofcom may impose statutory sanctions in the event of deliberate, serious, or repeated breaches of the code by a broadcaster (Smartt, 2014). Broadcasters are inevitably very wary of substantial fines or

losing the license to broadcast. When applying the code and its breach, the "material broadcasted" remains key factor.

Duty is on the program maker (by virtue of his contract) and broadcasters (by statute) to conform with the Ofcom Broadcasting Code. The broadcasters have compliance officers to review content. Ofcom is prepared to offer guidance on the interpretation of the code, but broadcasters must seek their legal assistance on any compliance issues arising. Ofcom only gives informal guidance. It is not a censor and does not scrutinize programs before they broadcast. UK broadcasting regulator Ofcom provides the codes for media in the country. "The Ofcom Broadcasting Code," the most recent publication that covers all programs broadcast after April 3, 2017, lays forth laws and requirements that broadcast media must follow or risk fines from their owners. All broadcast journalists are required to undertake political unbiased content under the Ofcom Code, but this does not imply that they are politically unbiased themselves.

Regulation Of Broadcast Media In Malaysia

In the last two preceding decades, Malaysia have witnessed enormous expansion of Information and Telecommunication hereinafter referred to as ICT. Including bandwagon effect, several aspects have contributed to this. In the mid of last decade of 20th century, the "Ministry of Energy, Communications and Multimedia (renamed to the Ministry of Water, Communications and Multimedia)" was setup to exhibit the commitment of the government in Malaysia to enable the convergence of the Media and ICT growth. An Act namely "the Communications and Multimedia Act, 1998" was promulgated in 1998 to regulate the framework and to provide potential convergence in order to drive the growth of communications and multimedia industry (Hussein, 2000).

"The Communication and Multimedia Act, 1998" regulates private electronic media under the hawk-eye of Ministry of Water, Communications and Multimedia. For this very purpose, a body namely "Malaysian Communications and Multimedia Commission (MCMC)" was formed under the provisions of the Malaysian Communications and Multimedia Act, 1998. This commission works as a regulatory agency for private electronic media. Whereas government owned electronic media is controlled by Ministry of Information in Malaysia (Dziyauddin, 2006).

The Malaysian Communications and Multimedia Commission created a self-regulatory forum of "the Communications and Multimedia Content Forum (CMCF)" for the communication and multimedia industry in the country (Jalli, 2017). CMCF an independent body and registered with "the registrar of Societies of Malaysia". Self-regulation and media content management is the aim and purpose of CMCF. This "Communication and Multimedia Content Forum" comprises of 13 members who are elected for a term of two years unless resign or removed earlier. Six amongst these 13 members, are elected from supply chain or industry category and six of them are elected from civic group category. Whereas 13th member is elected from either of the category just mentioned hereinbefore. Chairman of the Content Forum is elected on a rotational basis. The 13 members of the CMCF are the broadcasters, civic group from higher public institutes, advertisers, audio-text host service providers, content creators including distributors and internet access service providers.

The Complaints Bureau

For the settlement of disputes in relation to electronic media, the CMCF provides a forum namely Complaints Bureau. This “Complaints Bureau” is authorized to receive, consider, mediate, and adjudicate if so required and pass orders on matters such as complaints and grievance relating to alleged breaches. The Complaints Bureau have 6 members and a chairman. The chairman of the forum must be a retired judge or senior judicial officer and each member should represent each of the six affiliations (Kee, 2015).

Responsibilities Of Complaints Bureau

Amongst responsibilities and powers of the Complaints Bureau are as follows:

- To consider and deal with complaints relating to content as provided for in the Code
- To initiate a *sou sponte* investigation for any content which seems to be a breach of the code
- To decide intra-member disputes and the disputes between members and non-members
- To create the Content Code which governs the standard practice of communications and multimedia industry in the country
- To interpret the provisions of the code when the need arises or when a request is made for this purpose
- In case of breach of the Code, the Bureau may impose fines and penalties permitted by the Code

The Content Code

A Content Code has been created by the CMCF which complies with the Communications and Multimedia Act 1998 (Daud & Zuhuda, 2020). This Content Code consists of ten parts. First part is the introduction of the Code which mentions preamble, general principles, objectives, definition, and rules of interpretation of the code. The second part is about guidelines on the content code. These guidelines have to be observed while broadcasting. The 3rd part of the code presents the rules for advertisements. The fourth part enunciates rules for specific broadcastings or broadcasting which are not covered in the 2nd part. The 6th part provides with guidelines for online broadcasters. The remaining parts elaborate specific rules on audio text hosting service, specific limited content, public education, and consumer protection.

The general code of content and code for specific broadcasting are linked mostly with the broadcasting material. This code specifically provides guidelines of what is right and what is wrong and the practices which are acceptable in media, and which are not acceptable in media. These both content codes provide the rules which should be followed and considered as standard of content. The standards of the content as given by the code must be complied by the service providers in the communication and multimedia industry. The regulation of broadcast and broad rules thereof is presented in these two parts of the content code. These very parts present rules on the content in relation to religion, indecency, obscenity, violence, menacing, bad language, falsity, children, pornography, family values and persons with special needs.

Comparison between Pakistan Malaysia and English Regulatory Systems

Communication and media policies in Pakistan are created and implemented by “Pakistan Electronic Media Regulatory Authority (PEMRA)”. PEMRA came into presence in 2002 at the time when private media in Pakistan was in its early times. PEMRA has been under the severe criticism in recent times for its inability to work independently and often not acting timely on different complaints regarding media in Pakistan. PEMRA is always in a rush to curtail the freedom of expression and stop the legitimate voices of people. Despite the fact that market of broadcast media has expanded continuously but the issues with this remains as usual.

However, PEMRA's robust role in growing the broadcast sector has been eclipsed by its weak performance on various other fronts, particularly regarding its inability to work as an independent organization in Pakistan. Pakistan Electronic Media Regulatory Authority is the only body responsible for working of it and all of its members are selected by the government of the time. It seriously affects the independence of regulatory authority. Similar issue is with the Council of Complaints which is responsible to handle the complaints regarding media and communication and all the matters related thereto. All the members of Council of complaints are employed by Federal government and as suggested earlier that historically political workers have been appointed members of Council of complaints.

United Kingdom is a liberal and progressive society with democracy having immense importance of freedom of speech and freedom of expression (Mondal, 2018). In United Kingdom, the commercial sector of media is regulated by the office of Communications popularly known as Ofcom which was established in December 2003. The body which is responsible to deal with the complaints of content is Content Board. Even in the appointing of members of the Content Boards, there is no involvement of the government or any department thereof. Legal experts while commenting on his comparison state that.

“Ofcom carries on all its functions independently and without the involvement of the government. However, in Pakistan the situation is totally opposite. Although it is claimed that PEMRA is independent body, but all of its major appointments are made by the government”

Regarding system of broadcast media control in Malaysia the legal expert states that, “the Communications and Multimedia Content Forum of Malaysia (CMCF) is authorized to look after the affairs of communications and multimedia industry in Malaysia. This CMCF is authorized to do it under the Communications and Multimedia Act 1998. CMCF has provided a detailed code of content for the industry in Malaysia. The basic idea in country is self-regulation and only in case of dispute, the CMCF is called upon to intervene” (Ramanathan, 2006).

CMCF runs all the functions. It is accompanied with the help of Complaint Bureau. CMCF is self-governing and independently working body and member thereof are appointed from within the diverse fields. The members of the CMCF are from amongst the broadcasters, civic groups from public institutions, advertisers, audio text host service providers, content creators including distributors and internet access service providers.

These members of CMCF represents their different respective fields. Whereas all these aforesaid fields have a direct relationship with media. However, for the appointments of these members, this is not the case in Pakistan where Federal Government is the sole authority for the appointment of the members and only category included is Broadcasters Association, which is prejudice to the diversity that can be seen in English and Malaysian system. The same is the issue with complaints bureau. CMCF sets the pre-qualification, to be the chairman of Complaint, must be a retired judge or senior judicial officer and each member should represent each of six affiliations. However, appointments of the members of Council of Complaint under PEMRA Ordinance, 2002 are made solely at the direction of the federal government and there are no such criteria of any specific field in relation to the restrictions or regulation of the conduct of broadcasting media.

The Codes of Ofcom in comparison to that of PEMRA are much more comprehensive. The Communication Act, 2003 have provided the basic rules of business and Ofcom code is presented thereon. The Ofcom Content Code has also given explanation of each part of the code for regulation of Broadcast Media in UK, meanwhile, provides only the Code which lacks several aspects. It is a misconception that electronic media is well regulated in Pakistan. By drawing a comparison of similarities and discrepancies about the restrictions and code of conduct, we can conclude easily that Ofcom Code is by and far comprehensive, more detailed, easy to understand and implement and covers primary as well as ancillary matters thereto. But such comprehension certificate cannot be granted to PEMRA.

Ofcom Code has developed nine categories of regulations of broadcast media. PEMRA tried to comp and follow the regulations of Ofcom but resulted in failure. PEMRA have adopted summary method regulation rather adopting the comprehensive approach to explain and present detailed regulations. The method of Ofcom is explanatory and elaborative for each concept of regulation of Broadcast Media whereas PEMRA Ordinance 2002 and the content thereof is opposite in nature. Though, PEMRA code discusses all the major concepts but leaves a room for vagueness and misinterpretation as it is not explained in detail. This lack of interpretation was also highlighted in the previous part as it amounts to an opportunity for PEMRA and fir the government to use such vacuums and misinterpretation to curb the legitimate voice of electronic media and freedom to information and freedom of expression. Another discrepancy is about the approach regarding the provisions of finance by the government. Ofcom gets funds from the government beforehand however PEMRA needs to create its own resources submit budget reports thereof to the government of time.

Malaysian system of regulation provides minimum level of government influence and involvement in regulation of Broadcast Media rather it adopts self-regulation approach (Kee, 2015). Comprehensive code of conduct for media and communication industry in Malaysia is provided by CMCF. It deals with all the matters and explains in detail each aspect thereof. However, matter of implementation is left to the parties itself and approach of self-regulation is in use. CMCF is involved in content code only when a dispute rises. PEMRA approach is quite different where PEMRA is itself responsible for implementation. Even though PEMRA have provided code of conduct, but it is not exhaustive and elaborative as it is in Malaysian System.

CONCLUSION

Freedom of expression read out with freedom of information is enormously an important subject and one of the most intense and alienated fundamental right. this fundamental right has been under threat of abuse by the state and other non-state actors. In Pakistan, PEMRA is entrusted with the responsibility for regulation and to look into matters relating to Freedom of Expression of broadcast media in the country. As regulatory authority, if, PEMRA is not independent then the freedom of expression gets curbed and compromised as a consequence. Whenever we say freedom expression, it means not only freedom to say but it also includes the right of viewers to receive information from broadcast media. If the media content is hurdled to be reached to the viewers then it amounts to restricting the freedom of expression of broadcast media. It is necessary to make a cross-reference that PEMRA Authority did enact the code of conduct for broadcast media after advice of Supreme Court in Hamid Mir Case. Nevertheless, Code of Conduct and PEMRA Ordinance, 2002 is of restrictive nature and number of its provisions are used to suppress the dissenting voices. Nevertheless, regulatory bodies in Malaysia and UK are much more comprehensive and to large extent more autonomous than that of Pakistan. Even the code of conduct provided by UK and Malaysian system are inclusive and comprehensive. Out-and-out nature of code provide less room for misinterpretation by the regulatory authorities and shall ipso facto safeguard freedom of expression of media and freedom of information of viewers in these jurisdictions.

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