

PROVINCIAL ASSEMBLY OF SINDH
NOTIFICATION
KARACHI, THE 04" AUGUST, 2021

NO.PAS/LEGIS-B-14/2021-The Sindh Protection of Journalists and Other Media Practitioners Bill, 2021, having been passed by the Provincial Assembly of Sindh on 28" June, 2021 and assented to by the Governor of Sindh on 28" July, 2021 is hereby published as an Act of the Legislature of Sindh.

THE SINDH PROTECTION OF JOURNALISTS AND
OTHER MEDIA PRACTITIONERS ACT, 2021.

SINDH ACT NO.XX OF 2021

AN
ACT

to promote, protect and effectively ensure the independence, impartiality, safety, and freedom of expression of journalists and other media practitioners.

WHEREAS it is the responsibility of the State to safeguard the right to freedom of expression, as contained in Article 19 of the Constitution of Pakistan, 1973;

AND WHEREAS it is the requirement of any democratic society to instill a strong culture of safety and independence of journalists, taking into consideration specific attacks on journalists and other media practitioners;

AND WHEREAS it is expedient to establish a legal and institutional framework for the protection and promotion of the rights of journalists and other media practitioners;

It is hereby enacted as follows: -

PART-I
PRELIMINARY

1. (1) This Act may be called the Sindh Protection of Journalists and Other Media Short title, Practitioners Act, 2021. extent and commencement.

(2) It shall extend to the whole of the Province of Sindh.

(3) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context — Definitions.

(a) "Commission" means the Sindh Commission for the Protection of Journalists and Media Practitioners established under section 8;

(b) "Chairperson" means the Chairperson of the Commission;

(c) "Constitution" means the Constitution of the Islamic Republic of Pakistan, 1973;

(d) "Employer" means an individual, organization, media house or news agency which employs the Journalist or Media practitioner and such other person who collects and disseminates to consumers, news, features, comments, photographs, and graphics through any means of communications;

(e) "Government" means the Government of Sindh;

(f) "harassment" means the harassment of journalists and media practitioners extends to the issuance of threats, actions, or communication whether verbal or written, explicit or implied as a way of censoring, threatening, or coercing a media practitioner;

(g) "Journalist" means any person who is engaged by a newspaper, magazine, news website or other news broadcast medium (radio and television, whether terrestrial, satellite, cable, online or offline), or any person working on a freelance basis for any newspaper, magazine, news website or other news broadcast medium;

(h) "journalism" means publication of news and information packages, pictures, recording, writing, modification, reporting, analysis of news or information regarding local, national or international events, and of matters of public interest;

(i) "Media practitioner" includes any other person engaged in the collection, processing and dissemination of information to the public via any means of mass communication, including cameraperson and photographers, technical supporting staff, drivers and interpreters, editors, translators, publishers, broadcasters, printers, and distributors;

(j) "Member" means the Member of the Commission;

(k) "protection" means all those protective measures which Government may adopt for the protection of Journalists, Media practitioners and such other persons engaged with Employer guaranteed by the Constitution or any other law, for the time being in force;

(1) "Schedule" means a Schedule to this Act;

(m) "sexual harassment" shall have the same meaning as assigned to it under clause (h) of section 2 of the Protection against Harassment of Women at the Workplace Act, 2010 (Act No.IV of 2010); and

(n) "sources" mean any person or organization that provides information forming the substance or subject of work undertaken by any journalist or media practitioner.

PART II

RIGHTS OF LIFE, SAFETY AND SECURITY OF JOURNALISTS AND OTHER MEDIA PRACTITIONERS

3. (1) Government shall — Right to life,

(i) take effective steps to ensure that every journalist and media safety, and practitioner's right to life, safety and security as provided under Article 9 Security. of the Constitution are safeguarded;

(ii) ensure that effective measures are taken to protect journalists and other media practitioners from acts of violence, including but not limited to those listed in the Schedule;

(iii) take steps to ensure that counter terrorism or security laws are not utilized arbitrarily to hinder the work of journalists and other media practitioners;

(iv) ensure that journalists and media practitioners can conduct their journalism work in conflict-affected areas without threats, intimidation, harassment, or fear of prosecution.

(2) No person or institution, whether private or public, shall engage in any act that violates or threatens the right to life and security of any journalist or media practitioner.

4. (1) Every journalist and other media practitioner shall have protection against disclosure of professional sources of information, communications, and correspondence.

(2) The protected information gathered by journalists and other media practitioners includes, but is not limited to, information gathered in the field through interviews or personal observations, telephone conversations, and information gathered online or through digital platforms.

(3) No government official, agency or institution will force, induce, compel, coerce, or threaten any journalist or other media practitioner to disclose the identity of the professional sources of information.

5. No journalist or other media practitioner shall be subjected to any unlawful or arbitrary restrictions on their ability to perform their work independently, and without undue interference.

6. Government shall take necessary steps to protect journalists and media practitioners from harassment, violence, and threats of violence by any person or groups of persons or public or private institution or authority in both physical as well as online and digital spaces.

7. (1) No act of harassment and violence committed against journalists or other media practitioners shall be exempt from immediate and effective investigation and prosecution.

(2) Threats of violence or harassment against journalists or other media practitioners shall be considered as actual acts of violence or harassment for the purpose of this Act.

(3) Government shall develop and implement effective strategies for combating impunity for crimes against media that will include, but not limited to —

Protection against
disclosure of
professional
sources of
information.

Independence in
the performance
of duties.

Protection from
harassment,
violence, and
threats of violence.

Combating
impunity.

(i) monitoring and conducting investigations into cases reported by journalists and other media practitioners, their families, unions, media associations or civil society organizations working on the protection of life, safety and security of journalists and other media practitioners;

(ii) coordinating policy and action between relevant government authorities at local, provincial, and federal level;

(iii) coordinate with relevant stakeholders including civil society organizations, unions, employers, and media industry associations as well as government departments to implement best practices provided for in the United Nations Plan of Action on Safety of Journalists and the Issue of Impunity.

PART III

ESTABLISHMENT OF THE COMMISSION

8. (1) Government shall, by notification in the official gazette, establish a Commission to be known as the Commission for the Protection of Journalist and other Media Practitioners (CPJMP) to exercise the powers and perform the functions under this Act.

(2) The Commission shall consist of -

(i) a Chairperson appointed under section 9;

(ii) Ex-Officio members from the following Departments of Government :-

(a) Secretary, Information Department;

(b) Secretary, Home Department;

(c) Secretary, Law Department; and

(d) Secretary, Human Rights Department

(iii) Non-official members shall comprise upon the following:-

(a) Nominee of Pakistan Federal Union of Journalists (PFUJ);

(b) Nominee of All Pakistan Newspaper Society (APNS);

(c) Nominee of Council of Pakistan Newspaper Editors (CPNE);

(d) Nominee of Pakistan Broadcasters Association (PBA);

(e) Nominee of Sindh Bar Council;

(f) Nominee of Human Rights Commission of Pakistan (HRCP);

(g) Two members of Provincial Assembly to be nominated by the Speaker; and

(h) Nominee of APNES;

(3) Members of the Commission shall serve as nominees of the organizations that nominated them and not in their personal capacities. The organizations listed in section 8(iii)) shall renew the term of their nominees on an annual basis.

(4) The Commission may co-opt any person that has demonstrable knowledge of, or practical experience in, the matters relating to journalism as an observer to participate in one or more meetings.

Establishment
of Commission.

(5) Except for the Chairperson, all members of the Commission, as well as Observers, shall work on voluntary basis.

(6) The Commission shall have its own secretariat for which adequate budget will be provided by Government in the form of annual grants, to enable the Commission to fulfill the responsibilities assigned to it under this Act.

9. (1) Government shall appoint a Chairperson who is or has been judge of the High Court or a retired Civil Servant of BPS-20 or above and has a demonstrable knowledge of, or practical experience in, the matters relating to law, justice, public administration and human rights.

10. (1) A person appointed as Chairperson shall hold office for a term of three years from the date on which he assumes the responsibilities of the office of the Chairperson.

(2) The term of the office may be extended for one more term only, on the recommendations of the Commission.

(3) The Chairperson may resign from his or her office in writing addressed to the Chief Minister and on acceptance of the resignation, such vacancy shall be filled within thirty days as per section 9.

11. The Chairperson may only be removed from office on the grounds of allegations of gross misconduct, inefficiency, corruption, violation of budgetary provisions, moral turpitude, maladministration and mismanagement.

12. (1) The salaries and allowances payable to, and terms and conditions of service of the Chairperson shall be such as may be determined by the Government; provided that neither the salary and allowances nor the terms and conditions of service of the Chairperson shall be varied to their disadvantage after the appointment.

13. (1) The Commission shall be an autonomous body and shall have powers to regulate its own procedures and to formulate its own rules and regulations.

(2) The Commission may also raise money from other sources subject to its procedures, rules, and regulations.

(3) The Commission will have authority and autonomy to staff and manage the secretariat.

(4) The Chairperson may call the meeting of the Commission at his own or on the requisition submitted by at least fifty percent of the members of the Commission. A notice of fourteen days shall be required for calling a meeting of the Commission.

(5) The quorum for a meeting of the Commission shall be one-third of the total membership of the Commission.

Appointment of
Chairperson.

Term of office
of the

Chairperson.

Removal of the
Chairperson.

Terms and

conditions of
service of the
Chairperson.

Procedure of the
Commission.

(6) In case of absence of non-availability of the Chairperson, a member may be nominated as the Presiding Officer to preside over the session by simple majority of the members present.

(7) All

decisions, directions and orders of the Commission shall be duly

authenticated by the Chairperson or the Presiding Officer or by any other member of the Commission duly authorized by the Chairperson.

PARTIV

FUNCTIONS OF THE COMMISSION

14. (1) The Commission shall perform all or any of the following functions,

namely: -

(a)

to look into the complaints to be filed before it in respect of act of harassment, sexual harassment, violence, and threats of violence is committed as per section 3, against a journalist or media practitioner, whether perpetrated by any person or groups of persons or public or private institution or authority on the complaint of the aggrieved journalist.

Provided that the Commission shall decide the same within a period of thirty days of its filing.

(b)

(c)

(d)

(e)

(f)

(g)

to take Suo Moto notice of any attack on a journalists or media practitioner;

to report to the Government within fourteen days, if the Commission finds that any person or groups of persons or public or private institution or authority is, directly or indirectly, involved in violating, or attempting to violate, the rights to life and safety as defined in section, and recommend to Government an appropriate course of action against the perpetrators of these violations;

to direct immediate and expeditious investigation of the attack and to ensure speedy trial of the incident in the relevant courts or Model

Courts with a view to receiving the court verdict within ninety days; and may also direct to take appropriate measures provide protection to the concerned journalist or other media practitioner in the manner prescribed under this Act;

to follow up and monitor the investigation and prosecution of all acts of harassment, sexual harassment, violence, and threats of violence against journalists or media practitioners;

to summon relevant records and the individuals, authorities and government departments and agencies, including police, intelligence, and law enforcement agencies.

provide legal assistance to journalists and media practitioners from the Government of Sindh.

(2) The Commission shall be deemed to be a civil court to the extent that is described in sections 175, 178, 179, 180 and 228 of the Pakistan Penal Code, 1860 (Act XLV of 1860).

Functions of the Commission.

(3) The Commission shall monitor the progress by government in implementing the United Nations Plan of Action on Safety of Journalists and the Issue of Impunity.

(4) The Commission shall create a website to enable online registration of complaints, and to provide updates and the status of the cases reported to the Commission.

(5) The Commission shall produce annual reports on the State of Safety and Security of Journalists and Media Practitioners in the Province of Sindh and submit them to the Government through Information Department for submitting the same to the Provincial Assembly.

PART V

TRAINING AND INSURANCE

15. (1) The Employers shall be responsible for providing adequate insurance and training for journalists and other media practitioners, who may be at risk of being attacked, injured, or killed because of their work.

(2) Government will coordinate with PFUJ, APNS, CPNE, APNES and PBA to ensure provision of adequate insurance of and training journalists and other media practitioners who may be at risk of being attacked, injured, or killed because of their work.

(3) Government will coordinate with stakeholders including but not limited to, PFUJ, APNS, CPNE, APNES and PBA and civil society organizations to develop safety policies and protocols for journalists and media practitioners and to institute effective safety programs catering to different categories of journalists and other media professionals such as reporters, photojournalists, video camera persons and district correspondents.

PART VI

MISCELLANEOUS

16. The provisions of this Act shall be complied with and implemented equally in times of armed conflict, internal conflict and during peacetime.

17. The Commission may set up such administrative, financial and technical committees for the efficient performance of its functions as may be necessary and entrust to the committees such functions as it may consider necessary.

18. (1) The Commission may, for efficient performance of its functions, appoint such officers, advisers, consultants, experts and other staff possessing requisite professional, technical, ministerial or secretarial qualifications and experience on such terms and conditions as may be prescribed by rules and until such rules are made by transfer from the offices of Government.

(2) The officers, advisers, consultants and other staff shall be liable to such disciplinary action and in such manner as may be prescribed by rules.

Training and
insurance.

Application of

this Act.

Committees.

Appointment of

officers and
staff.

19. The Commission may, by general or special order, delegate any of its powers, functions and duties, to the Chairperson, member or any officer of the Commission.

20. Every employee of the Commission including officers, advisors, consultants and every person acting or purporting to act under this Act, rules and regulations shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code, 1860.

21. No act done or proceedings taken or order passed under this Act shall be rendered invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of the Commission.

22. No suit, prosecution, or other legal proceedings shall lie against the Commission, the Chairperson or any member, officer, servants, advisors or consultants of the Commission in respect of anything in good faith done or intended to be done under this Act or the rules and regulations made thereunder.

23. This Act shall have overriding effect notwithstanding anything contrary contained in any law for the time being in force.

24. Government may, by notification in the official gazette, make rules for carrying out the purpose of this Act.

25. The Commission with the approval of the Government may by notification in the official gazette make regulations not inconsistent with the provisions of this Act and rules made thereunder.

26. The provisions of the Code of Criminal Procedure (Act V of 1898) in respect of the proceedings in the Court shall apply.

27. If any difficulty arises in giving effect to any of the provisions of this Act, the Government may make such order, not inconsistent with the provisions of this Act, as may appear to be necessary, for the purpose of removing the difficulty.

BY ORDER OF THE SPEAKER

Delegation of
powers.

Public Servant.

Validity of
proceedings.

Indemnity.

Overriding effect.

Powers to make
rules.

Power to make
regulations.

Application of
the Code of
Criminal
Procedure.

Removal of
difficulties.

PROVINCIAL ASSEMBLY OF SINDH

G.M.UMAR FAROOQ
SECRETARY

PROVINCIAL ASSEMBLY OF SINDH

SCHEDULE

(See section 3 (ii))

Acts of harassment, violence, and threats of violence covered under Sindh Protection of Journalists and Media Practitioners Act, 2021 as defined in The Pakistan Penal Code 1860.

Qatl-i-amd (PPC 300)

Qatl shibh-i-amd (PPC 319)

Hurt (PPC 332)

Wrongful restraint (PPC 339) Wrongful confinement (PPC 340) Force (PPC 349)

Criminal force (PPC 350)

Assault (PPC 351) Kidnapping (PPC 359)

Kidnapping from Pakistan (PPC 360)

Abduction (PPC 362)

Kidnapping or abducting in order to murder (PPC 364)

Wrongfully concealing or keeping in confinement, kidnapped or abducted person (PPC 368)

Sexual abuse (PPC 377) Criminal trespass (PPC 441) House trespass (PPC 442)

Criminal intimidation (PPC 503)