

**IN THE HIGH COURT OF SINDH,  
AT KARACHI**

**C.P No. D-6545 of 2020**

**Present:**

Ahmed Ali M. Shaikh, CJ  
and Yousuf Ali Sayeed, J

Petitioner : Faisal, through Usman Farooq,  
Advocate.

Respondent No.1 : Federation of Pakistan, through  
Khaleeq Ahmed, DAG.

Respondent No.2 : PEMRA, through Imran Ali  
Mithani, Advocate.

Respondent Nos.3 & 4 : ARY TV Network and Iqrar Ul  
Hassan, through Zeeshan Bashir  
and Muhammad Ali Talpur,  
Advocates.

Date of Hearing : 08.10.2021

**ORDER**

**YOUSUF ALI SAYEED, J** - The Petitioner has invoked the jurisdiction of this Court under Article 199 of the Constitution, espousing a grievance against a television program titled “Sar-e-Aam” (the “**Program**”), hosted by the Respondent No.4 and broadcast by ARY News (the “**Channel**”), owned and operated by the Respondent No.3.

2. As can best be discerned from a reading of the Petition, such grievance centers on a particular episode during which the host/anchor of the Program allegedly implemented a sting operation against a university professor so as to capture him in an objectionable and compromising position with a pair of planted provocatrices.

3. Per the Petitioner, such content, being scandalous, indecent and contrary to Islamic social and cultural values, is unfit for family viewing, yet has been deliberately created and aired as a cheap means to enhance the viewership and ratings of the Program, nonetheless a complaint apparently made against the Channel in this regard to the Respondent No. 2, the Pakistan Electronic Media Regulatory Authority (“**PEMRA**”) has only resulted in certain recommendations being made to the Channel by the Council of Complaints to review future content, but failed to bear the desired result of a ban on the Program.

4. The relevant paragraphs of the Petition (i.e. 5, 7 and 14) whereby the Petitioner has articulated his grievance and stated his grounds of challenge read as follows:

“5. That the Respondent No.4 the Host / Anchor prepared / planted the respectable women of their own organization / or needy women of society for record of indecent / unaccepted and vulgar videos to expose the peoples in different cases like that in matter / Scandal of the professor of “GOMAL UNIVERSITY” the respondent No.4 prepared and planted two women of his own organization to expose the Professor namely Dr. Salah Uddin, in which it was clearly seen that how they captured the Professor in his own web and how much they have been brain washed. That such kind of brain washing / miss use of women’s for doing of illegal and un-ethical acts is unlawful and un-ethical and against the Islamic rules as well as well civilized state.”

7. That all such kinds of programs must have to be banned because they are doing so for rating and they misuse the innocent and illiterate ladies for their own goal / point scoring, that such these all programs raises many questions in well-mannered civilized society as well as in such state which came into being in the name of Islam and called as “Islamic Republic”

14. That these programmes are not only defying the sanctity and pious atmosphere of Islamic civilized society but are contemptuous to Islamic values and infact hurting and injuring the sentiments of majority of Muslim population which is infact violation of the basic rights as well as these fall within the meaning of criminal law enacted under

section 295 of PPC. Islamic Scholars and political & religious organizations are continuously raising voice / Fatwas against these programs but it seems that the Respondent No.1 has deliberately allowed the Respondent No.3 as well as other TV Channels to defy and injure the sanctity of Islamic civilized society and Islamic values.”

[Sic]

5. From the record, it is manifest that the complaint made by the Petitioner to PEMRA was attended to through the competent forum, being the Council of Complaints, with the action deemed appropriate under the given circumstances being taken in the matter. Furthermore, no assertion has even been made by the Petitioner as to a violation of any of his fundamental rights through the airing of the Program or as a consequence of PEMRA’s decision, and his grievance hinges purely on a personal conception of morality and of what are termed by him as Islamic social and cultural values. Be that as it may, on that basis, the Petitioner has nonetheless advanced certain prayers in general and sweeping terms, seeking:

- “i) Direction to the Respondent No.1 and 2 to ensure that no TV Channels especially Respondent No.3 should broadcast any program against Islamic value ridiculing organs of the state insulting academic institutions as well as respectable personalities.
- ii) Issue directions to the Respondent No.2 to immediately stop broadcasting the program based on cheating and fraud and misuse of innocent and needy women’s for their rating in the name of “SAR E AAM
- iii) Issue directions to the Respondents No. 1 and 2 to take actions against Respondent No.3 as well as other TV Channels broadcasting programs based on just for their rating and completely against the social values / ethics.”

6. Proceeding with his submissions, learned counsel for the Petitioner merely reiterated the grievance in the same terms as set out in the Memo of Petition but, on query posed, could not articulate any plausible argument as to what fundamental right of the Petitioner’s had been

violated, whether by the Program or the decision of PEMRA, or demonstrate how the Petitioner was personally aggrieved in the matter. Furthermore, when called upon to demonstrate how this Court could even otherwise issue general directions in terms of the prayers advanced, learned counsel was again found wanting.

7. Under the given circumstances, it is apparent that the Petition is devoid of force, with stands dismissed accordingly along with pending miscellaneous applications.

JUDGE

CHIEF JUSTICE

Karachi.  
Dated: