

INTRODUCED ON 14-02-2022

[AS INTRODUCED IN THE SENATE]

A

Bill

to ensure access of media to the deaf and dumb persons in all matters of public importance through sign language

WHEREAS it is expedient to access the information in all matters of public importance of the deaf and dumb persons through sign language broadcast media as guaranteed by the Constitution of the Islamic Republic of Pakistan and for matters connected therewith and incidental thereto;

It is hereby enacted as follows:-

1. Short title, extent and commencement.- (1) This Act shall be called the Access to the Media (Deaf and Dumb) Persons Act, 2022.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions.- (1) In this Act, unless there is anything repugnant in the subject or context,-

- (a) "Authority" means the Pakistan Electronic Media Regulatory Authority established under section 3 of the Pakistan Electronic Media Regulatory Authority Ordinance, 2002;
- (b) "Board" means the National Policy Board established under section 5;
- (c) "broadcast media" means such media which originate and propagate broadcast and prerecorded signals by terrestrial means or through satellite for television and includes teleporting, provision of access to broadcast signals by channel providers and such other forms of broadcast media as the Authority may, with the approval of the Government, by notification in the official Gazette, specify;
- (d) "Cable TV" means reception of broadcast and prerecorded signals from different channels and their distribution to subscribers through a set of closed transmission;

- (e) "channel" means the set of frequencies that a broadcast station occupies for broadcasting;
- (f) "Division concerned" means the Division to which the business of this Act shall stand allocated;
- (g) "electronic media" includes the broadcast media and distribution services;
- (h) "Government" means the Federal Government;
- (i) "media" means communication used regularly for broadcasting of information and expression of views and opinions through electronic media including state sponsored and private television channels for the purpose of this Act;
- (j) "member" means a member of the Board and includes the Chairperson;
- (k) "national broadcaster" means the Pakistan Broadcasting Corporation, the Pakistan Television Corporation and the Shalimar Recording and Broadcasting Company;
- (l) "prescribed" means prescribed by the rules or regulations made under this Act;
- (m) "regulations" means the regulations made under this Act; and
- (n) "rules" means the rules made under this Act.

(2) The words and expressions used herein and not defined but defined in the Pakistan Electronic Media Regulatory Authority Ordinance, 2002 (XIII of 2002) or in any other law for the time being enforced shall have the same meanings as assigned to them in the respective laws and rules made thereunder.

3. Responsibility of the Authority.- (1) After six months of the commencement of this Act, the Government shall not allow to broadcast any news bulletin on the national broadcaster, state or private run electronic media, private television channels, Cable TV or any other broadcast media without sign language interpreters.

(2) After one year of the commencement of this Act, the Government shall not allow to broadcast any program, entertainment, advertisement, talk show, drama, film or any other pictorial segment on the national broadcaster, media, private television channels, Cable TV or any other broadcast media without sign language interpreters.

4. Appointment of the sign language interpreters.- The Government and private owned media houses, within six months, shall appoint sign language interpreters for carrying out the purposes of this Act.

5. Establishment of National Policy Board.- (1) The Government, after the commencement of this Act, within three months, shall constitute a Board to be known as the National Policy Board for the purposes of the access of media through sign language to the deaf and dumb persons.

(2) The Board shall consist of-

(a)	Minister-in-Charge;	Chairperson
(b)	Secretary of the Division concerned;	Member
(c)	two members from the Senate, one each from government and opposition;	Member
(d)	two members from the National Assembly, one each from government and opposition;	Member
(e)	Chief Executive or head of National Institute of Rehabilitation Medicine (NIRM)	Member
(f)	one representative from Division concerned not below the rank of Joint Secretary;	Member
(g)	Chairman of the Pakistan Electronic Media Regulatory Authority;	Member
(h)	one representative from Ministry of Federal Education and Professional Training not below the rank of Joint Secretary;	Member
(i)	one representative of the Division concerned not below the rank of Joint Secretary (BPS-20).	Member

(3) The member as clause (i) shall act as secretary of the Board as well.

(4) The Board shall co-opt any person as member.

(5) The Secretariat of the Board shall be at main office of the Authority.

6. Procedure for transaction of business.- (1) The Board shall meet regularly at such time as the Chairperson thinks fit, but at least once in every six months.

(2) All decisions at a meeting shall be taken by majority:

Provided that in the case of equality of votes, the Chairperson or in his absence the person presiding shall have and can exercise a second or casting vote.

(3) If for any reason, the Chairperson is unable to attend a meeting of the Board, any member chosen by the members present from amongst themselves at the meeting shall preside.

(4) Quorum of the meeting shall not be less than fifty percent of its total membership at the time of such meeting.

(5) In the event of a requisition signed and presented by one-fourth of the members, the Chairperson shall call a meeting of the Board within seven days of such requisition, presented to the Chairperson.

7. Officers and other employees of the Board.- (1) The Authority after approval of the Government shall appoint officers and other employees of the Board on such terms and conditions as may be prescribed.

(2) The Secretary shall be responsible for proper administration of affairs of the Board and its day-to-day management and shall exercise and discharge such other-powers and perform such other functions as may be prescribed.

8. Function of the Board.- The Board shall have the responsibility to achieve and implement objectives of this Act and to assist the government on all matters for the access of media to the deaf and dumb persons.

9. Procedure of the Board.- (1) The Board shall regulate its own procedure.

(2) All orders and decisions of the Board shall be authenticated by the Secretary or any other officer of the Board duly authorized by the Chairperson in this behalf.

(3) The quorum for a meeting of the Board shall not be less than one-half of the total membership of the Board.

(4) The decision of the Board shall be taken by the majority of its members present and, in case of a tie, the member presiding the meeting shall have a casting vote.

10. Annual reports of the Board.- (1) The Board shall prepare an annual report on the Access of Media to the deaf and dumb persons and shall lay the report before each House of Majlis-e-Shoora (Parliament).

(2) The Board may at any time submit special report, before each House of Majlis-e-Shoora, on any matter which, in its opinion, is of such urgency or importance that it should not be deferred till submission of the annual report.

(3) The Board shall assist the Government in preparation of its periodic report in accordance with international declarations, conventions, treaties, covenants and agreements relating to the access of media to the deaf and dumb persons.

11. Funds of the Board.- (1) There shall be established by the Government a fund to be known as the access of media to the deaf and dumb persons fund, which shall vest in the Board and shall be used by the Board to meet charges in connection with its functions under this Act.

(2) The sources of the Fund, amongst other moneys, may be the following, namely:-

- (a) such fund as the Government shall allocate each year as a non-lapsable grant in annual budget of the fund;
- (b) such voluntary donations, contributions or subscriptions as be made by Provincial Governments;
- (c) donations, if any, made by private individuals, national and international natural and juristic persons;
- (d) income from investment by the Board as may be prescribed; and
- (e) all other sums or properties or assets which may in any manner become payable to or vest in the Board in respect of any matter.

(3) The Board shall, while performing its functions and exercising its powers under this Act, ensure highest sense of prudence in respect of expenditures incurred from the Fund.

(4) The Fund shall be expended for the purposes of access of media to the deaf and dumb persons and for such other activities which fall within purview of the Board.

(5) The Board may invest money from the Fund in accordance with instructions of the Government.

12. Accounts and audit of Board.- (1) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Government.

(2) The Secretary of the Board shall be the Principal Accounting Officer of the Board and the accounts of the Board shall be audited by the Auditor General at such intervals as may be specified by him.

(3) The accounts of the Board, as certified by the Auditor-General or any other person appointed in his behalf, together with the audit report thereon shall be forwarded annually to the Government by the Board and the Government shall cause the audit report to be laid, as soon as may be after it is received, before each House of the Parliament.

13. Power of the Government to issue directives.- The Government may, as and when it considers necessary, issue directives to the Board on matters of policy and such directives shall be binding on the Board and if a question arises as to whether any matter is a matter of policy or not, the decision of the Government thereon shall be final.

14. Returns or information.- The Board shall furnish to the Government such returns or other information with respect to its activities as the Government may, from time to time, require.

15. Offences.- Any broadcast media house, person, national broadcaster, media, state, private run media, private television channels, Cable TV or any other broadcast media violates or abets to violate any of the provision of this Act shall be guilty of an offence under this Act and shall be punished with fine which may extend to twenty thousand rupees per day but shall not be below three thousand rupees per day.

(2) In case of continuous violation of more than six months, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine which shall not be below one hundred thousand rupees per month or both.

16. Power to make rules.- Within two months of the commencement of this Act, the Government shall, in consultation with the Authority and by notification in the official Gazette, make rules to carry out purposes of this Act.

17. Power to make regulation.- The Authority with the approval of the Board, may by notification in the official Gazette make regulations for carrying out the purposes of this Act.

18. Power to remove difficulties and doubts.- If any difficulty or doubt arises in giving effect to the provisions of this Act, the Government may, by order in writing published in the official Gazette, make such provision as may appear to it to be necessary for removing the difficulty or doubt:

Provided that no order shall be made under this section after expiry of a period of three years from commencement of this Act.

19. Act to override other laws.- The provisions of this Act shall have overriding effect notwithstanding anything contained in any other law for the time being in force.

STATEMENT OF OBJECTS AND REASONS

In 2006, the UN General Assembly adopted the Convention on Rights of Persons with Disabilities (CRPD) which recommended sign language interpreters to be included in all television newscasts for the purposes of the access of media to the deaf and dumb persons.

2. Under Article 19A of the Constitution of the Islamic Republic of Pakistan, it is responsibility of the state to take measures for the access of media to the deaf and dumb persons.

3. Deaf and dumb people of country have historically faced, and continue to face, discrimination with regard to the access of information of all public importance matters. This includes barriers to natural language access as well as frequently confronting situations of not having equal and real-time access to information and communication in their daily lives. This is particularly acute in educational settings, and the COVID-19 pandemic has illustrated the critical need to continue working to secure this right in emergency situations and during humanitarian disasters.

4. The World Federation of the Deaf considers the lack of access to the information through media is a violation of deaf peoples' fundamental rights. The WFD's 2020-2030 Strategic Direction call for further promotion of the legal recognition of the fundamental right of the deaf and dumb persons.
5. This Bill will protect the fundamental right of the deaf and dumb persons.

SENATOR SALEEM MANDVIWALLA
MEMBER-IN-CHARGE