

**ACCOUNTABILITY REGIME OF PAKISTAN ELECTRONIC MEDIA
REGULATORY AUTHORITY: A PROPOSED CONCEPTUAL
FRAMEWORK**

Mahnoor Farooq

Lecturer

Department of Public Administration

Lahore College for Women University

Mahnoor.farooq@lcwu.edu.pk

Prof. (R) Dr. Nasira Jabeen

Institute of Administrative Sciences

University of the Punjab

Nasira.ias@pu.edu.pk

Abstract

The focus of this study is to assess accountability of electronic media authorities in Pakistan by analyzing the case of Pakistan Electronic Media Regulatory Authority (PEMRA). This research aims to investigate the emergence and rationale behind creation of independent regulatory authorities, why they need to be held accountable and what framework can be used for their accountability in the specific context of Pakistan. Extensive exploration of existing literature is used to explain the phenomena and as a result a holistic conceptual framework is proposed consisting of accountability regime of PEMRA which includes vertical, horizontal, diagonal and downward accountability forums. The proposed framework of this study contributes to the existing literature on the accountability of independent regulatory authorities and can also be explored in different sectors where regulatory authorities are operating.

Keywords: *Accountability regime; regulatory governance; regulatory authorities; PEMRA*

1. Introduction

In the last century, there was a recurring debate about the lesser role of state in order to manage the affairs of the government. It was based on the assumption that the inefficiency, corruption and self-interest of civil servants apparently leads to inefficient government (Farooq et al., 2017). The régimes in developing countries and in developed world including United Kingdom, United States of America, New Zealand were considered as non-responsive to the needs of the public (Osborne & Gaebler, 1992).

As a result, the size, scope, activities and methods of governments were highly criticized demanding the government's role to be reduced through the implementation of private sector's practices in the public sector. This gave rise to a new paradigm named as New Public Management (NPM) in which government was supposed to 'steer rather than row, 'empower rather than serve' and 'leverage the change through market' under which the world experienced a wave of public management reforms (MacDonald, 1995). After becoming fashionable institutional recipe in developed countries according to Christensen (2006), NPM practices started to spread out in developing countries during and after 1990's either under forces of institutionalism or as part of conditionalities set by international development agencies and lenders.

Explaining the recent changes in literature regarding public sector reforms, Salman (2020) describes that new developments have rejected the reforms related to NPM in the developed world but it still is prevalent in the developing countries' public management reform arena. Furthermore, implementation of NPM reforms by administrative elite of developing countries under the pressure of financial donors needs to change its orientation towards public service delivery from a transactional approach as described by some researchers who reject NPM reforms as a failed approach (Osborne et al., 2015). In this regard, the bringing back the role of state has been discussed in the literature by elaborating the purpose of decisions made by the government should be to safeguard transparency, ownership, and fairness (Stiglitz, 2007).

With the passage of time public management reforms lead to the establishment of independent regulatory authorities and nowadays they have become a necessary form of regulatory governance characterized by transparency, performance and most importantly accountability (Irion & Radu, 2013). In this regard, different paradigm shifts in the past contributed to these reforms to enhance the idea and practice of development including exploration of a development paradigm in which the primary focus was on human well-being (Haq, 1999). This human development approach with its values and vision was deemed to contribute in the world through integration of development focused on transforming human capital centered on the well-being concept (Gasper, 2011). These development paradigms which later paved the way for reforms have various political explanations depending on the context of the country in which they are established. One aspect of these reforms led to the creation of independent regulatory agencies which were established in different sectors including financial, economic and telecommunication sector (Jacobzone, 2005).

Media is considered to be the fourth pillar of state and nowadays independent media is considered to be an essential part of a democratic state. As far as electronic media as popular forms of Television, Radio and Internet is concerned (Waqar, 2015), in order to control partisan interference from politicians and executive branches of government; a need was felt to create independent regulatory authorities in developed countries (Irion & Radu, 2013). This trend was also followed by developing countries.

In contrast to the developed countries where regulatory reforms are a result of post-privatization phase, in developing countries privatization process was an incomplete, faulty and the regulatory reforms induced post-privatization were inconsistent, poorly coordinated and understood. Furthermore it is to be understood that literature in regulatory governance highlights the importance of context of the environment in which reforms were being induced because context explains the success or failure of the reforms (Minogue & Carino, 2006). Since context differs from country to country so different regulatory states and reform initiatives should be studied in view of their specific context.

As a result of these reforms the structure and role of state changed from a dominant and intrusive to a regulatory and smaller role by delegating its functions to other sectors (Haque, 2002). International donors like the World Bank and International Monetary Fund (IMF) prescribed governments around the globe for these reforms including Pakistan where diverse modes of agencification have been adopted in the major sectors such as telecommunication, energy, manufacturing and services sector in the form of independent regulatory authorities (IRAs) (Haque, 2002). These donor institutions prescribed generic reform initiatives to loan receiving countries without considering the local context which is not same across the globe (Jabeen & Iqbal, 2009). It has been discussed above how IRAs were established worldwide under public management reforms shifting nature of state towards regulatory from interventionist.

With the passage of time, it was felt that these agencies were outside the sphere of democratic control (Majone, 1997) and concerns were raised for them to be held accountable through various mechanisms. Different accountability forums and mechanisms are used for IRAs by different countries depending on the context (Jakubowicz, 2013) and accordingly it is important to investigate IRAs and their accountability practices in different countries in order to know the contextual differences, similarities and to contribute in the existing literature on the subject.

Therefore, this research aims to investigate the context of emergence of electronic media regulatory authorities and why they need to be held accountable? What framework may be used for their accountability at present for effective governance in Pakistan by proposing a holistic framework in this direction.

2. Significance of the study

Accountability is considered as a hallmark of good governance without which satisfactory level of public service delivery cannot be expected in public sector. Since the advent of new forms of regulatory governance, concept of accountability has become more popular because regulatory agencies have spread all over the globe. Purpose of creation of such independent regulatory authorities was to increase efficiency and performance.

Accountability and its mechanisms through which such authorities are being held answerable and their effectiveness differ keeping in view the difference in contexts. Therefore, it is needed to investigate various accountability regimes in order to contribute to the current body of literature and strengthen the existing regulatory governance practices. Thus, the academic enrichment of this research can be clearly understood. This study would furnish the purpose of literature review for further research.

This study explores accountability question posed on electronic media regulatory authority in Pakistan and will help public administrators to reflect on the proposed conceptual framework in order to improve regulatory governance framework for increasing transparency and performance. Furthermore, since this study focuses on accountability of media regulatory authorities by discussing single existing electronic media authority i.e., PEMRA with

extensive exploration of the accountability phenomena, hence, it would also serve the subsequent researchers to use it as secondary data for further research.

3. Research Objective and Question

This research is carried out to investigate accountability of electronic media regulatory authorities in general and Pakistan Electronic Media Regulatory Authority (PEMRA) in particular. In this regard the following research question is addressed in this study:

1. *What is the overall accountability regime¹ of Pakistan Electronic Media Regulatory Authority (PEMRA)?*

4. Literature Review

As discussed earlier the paper, towards its quest for developing a conceptual model for understanding regulatory reforms, presents the contextual analysis of regulatory authorities specifically electronic media regulatory authorities (IRAs) and their accountability mechanisms. It addresses the questions of why IRAs need to be held accountable and what are the current practices in this regard.

For this purpose, first part of the literature review is focused on research studies based on public management reforms under regulatory governance resulting in the establishment of Independent Regulatory Agencies (IRAs) in developed and developing countries. Second part of the review discusses the regulatory agencies of electronic media in regulatory governance. In the third part, concept of accountability related with reform initiatives and its types is discussed. Fourth part sheds light on research studies explaining why accountability of regulatory authorities is necessary, followed by research work previously done on accountability of media regulatory authorities. Fifth part focuses on regulatory reforms in Pakistan leading to the creation of PEMRA. Last part of the literature review focuses on why and how Pakistan Electronic Media Regulatory Authority (PEMRA) should be held accountable as a regulatory authority and proposes the conceptual framework for understanding the accountability mechanism of IRAs in Pakistan.

4.1 Regulatory Governance and its Characteristics

In this century, regulatory governance has been accepted as a vital part of related literature regarding regulation, privatization and post-privatization regulatory reforms as mentioned by Minogue and Carino (2006). Characterized by transparency, accountability, efficiency, adaptability and coherence (OECD, 2002), Scott (2000) describes the main features of regulatory governance that include separation of policy making from operations, a shift from discretion to rules and lastly creation of regulatory institutions. Some characteristics of regulatory state are described by Majone (1999) as the extent to which the decision making can be delegated to some independent institution, governance structures determining the independent institution's autonomy, autonomy of financial resources etc. In this regard, state capacity, institutional rearrangements and effective judicial system play a vital role for developing regulatory capacity as mentioned by Philips (2006). Relevant literature indicates emergence of regulatory states as part of a paradigm shift from interventionist state towards a new type of public management while growth of network-

¹ As described in the literature review above, '*Accountability regime*', which was first used in the context of international relations, is a term which according to Biela and Papadopoulos (2010) is a complex network of accountability in which there are a set of actors, institutions, norms and rules that can demand information from a regulatory body and impose consequences on it.

based government through IRAs is a major part of the shift towards regulatory state (Majone, 1997).

4.2 Independent Regulatory Authorities in a Regulatory State

The agencies entrusted with regulatory powers are known as regulators (Jacobzone, 2005). They are designed in a way to be independent in their decision making to a certain level. They have a system of checks and balances to match the authority of ministries. Independent Regulatory Authority (IRA) is explained as a body having power and responsibility backed by public law, working independently from ministries and it is neither managed by elected officials nor directly elected by them (Thatcher, 2002). Jacobzone (2005) explained that the root cause for the creation of these agencies was the concept of regulatory state in which regulation is distinct from the functions of policy making and ownership. This transition from Owner State to Regulatory State involved setting up independent regulators in utility sector, financial services, telecommunication, broadcast, environment as well as in social arena. Two important aspects of regulatory governance are delegation of regulatory competencies to a separate body for the sake of effectiveness and that body needs to be independent (Nicolaidis, 2005).

The concept and institution of an independent regulatory authority is today seen as the default choice for regulatory governance (Jakubowicz, 2013). Independent regulatory authorities are a main feature of regulatory governance by being a part of a regulatory state in which there is clear distinction between policy making and regulation (Jacobzone, 2005). The rationale behind establishment of such agencies is to ensure the decision making to be free from political deliberations and private interests. These institutions are considered alternative to centralized bureaucracy and according to Irion and Radu (2013) they play an important role in network-based sectors in a regulatory state.

Concept of regulatory state is linked with network governance which focuses on the process of working and interaction of complex networks of public, private and societal networks. Theoretically these networks aim for increased performance and efficiency but in reality attempts are made by governments to influence these network actors (Klijn & Koppenjan, 2016). These networks are marked with institutional complexity dealing with complex problems, policies and multiple actors from different backgrounds making the decision processes more complex as every actor involved have different interests which can lead to clashes among them (March & Olsen, 1989).

4.3 Regulatory Agencies of Electronic Media

Nowadays competition and commercialization has made electronic media change the nature of news reporting highlighting conflicts and making news dramatic (Patterson, 2000). The propagation of mass media in Pakistan has been amplified due to the war on terror after 9/11, unpredictability in political scenario and social chaos in the country while on the other side it is also a cause for panic among the masses due to the unconfirmed news in an overstated and dramatic form by the national and global media (Paracha et al., 2013).

In Europe there was a perceived need to balance media pluralism, content diversity with content regulation and preventing media to become a sensitizing tool (Irion & Radu, 2013). Need for regulation arose for this sector as well and paved the way for the establishment of regulatory authorities to regulate the activities of media which slowly spread worldwide. Emphasis of regulatory agencies in most countries of Organization for Economic Cooperation and Development (OECD) has frequently been in three sectors including telecommunications and broadcasting, energy, financial services (Jacobzone, 2005)

Regulatory agencies for broadcast sector in Europe were a result of an ideological change from social democratic systems in Western parts of Europe, from communist ideology in Eastern and Central Europe towards a laissez-faire system based on social arrangements stemming from neoliberal ideology involving deregulation of economy and society (Jakubowicz, 2013). Irion and Radu (2013) state that nowadays independent regulatory authorities (IRAs) are almost similar to a natural and institutional form of regulatory governance. Having economic and political roots, this trend along with other arguments for creation of IRAs has been discussed in international literature. A World Bank study by Buckley, Duerm, Mendel and Siochru (2008) explains that an independent regulatory authority having legal basis and powers stated in the law should regulate the media. In Europe IRAs in media seems to be natural as they are considered to be best practice worldwide for issuing license as well as to regulate the telecommunication sector (Irion and Radu, 2013).

4.4 Accountability Regime of Independent Regulatory Authorities

Accountability is a complicated concept (Bovens, 2010). One aspect of this concept deals with those mechanisms with which public administrators can be held accountable. It is also conceptualized as a communicative interactive process between accountor and accountee (Schillemans, 2011). It is also described as an actor-forum relationship (Bovens, 2006).

'*Accountability regime*', is a complex network of accountability in which there are a set of actors, institutions, norms and rules that can demand information from a regulatory body and impose consequences on it. Accountability regime can study any aspect of the actor's performance which includes financial, procedural and aspects related to final product (Biela & Papadopoulos, 2010). In case of IRAs these are the major objectives and mandate of the authority. Accountability regime can take a holistic account of the actor's conduct covering all of the aspects mentioned above.

However, emerging trends in accountability led towards more forms of accountability based on the nature of obligation such as vertical, horizontal and diagonal accountability (Scott 2000; Bovens 2008; Schillemans 2008; Hart 2008). *Vertical accountability* according to Bovens (2006) and '*upwards accountability*' according to Scott (2000) refers to a hierarchical principal-agent relation where the forum can formally account the actor. This can be understood by taking example of an organization accountable to relevant Ministry and Parliament.

In '*horizontal accountability*' a hierarchical relationship is lacking and is based on a voluntary moral obligation by IRAs to be held accountable by various stakeholders (Bovens, 2006). According to Schillemans (2008; 2011) it includes peers, equivalents or stakeholders such as boards or commissions which officially lie outside the formal hierarchical accountability relationship.

Diagonal accountability according to Bovens (2007) is an intermediary accountability relationship in which an intermediary forum is assigned by Parliament or relevant minister to account the actor's conduct. Examples of Ombudsmen, chamber of Audit and Supervisory Authorities can be taken that were established to help principals control the actor but they gradually attained own legitimacy now acting as independent accountability forums (Bovens, 2007).

Downward accountability described by Scott (2000) is the ability of consumers, general public, citizens and regulated companies to account the actor. It is prescribed that these stakeholders of IRAs should be made directly accountable to these forums as well.

Importance of regulatory agencies in today's public administration cannot be denied but with the passage of time the researchers began to discuss some concerns about the regulatory reforms and agencies expressing concerns about the delegation of policy making powers to new non-majoritarian institutions known as regulatory bodies that these institutions can gradually become independent not only from political process and control but also from public accountability (Majone, 1999).

Regulatory agencies are becoming more relevant in various sectors and accountability is generally considered as the major feature to guarantee agency's legitimacy (Biela, 2014). Regulation in many cases has been delegated to agencies that are independent from the hierarchical and democratic control (Biela & Papadopoulos, 2010). Accountability is given a limited attention so that it should not interfere with agency's independent role which is considered a main feature of regulatory agencies' institutional design. It is, however, doubted that democratic institutions actually have the power to hold regulatory agencies accountable (Biela, 2014).

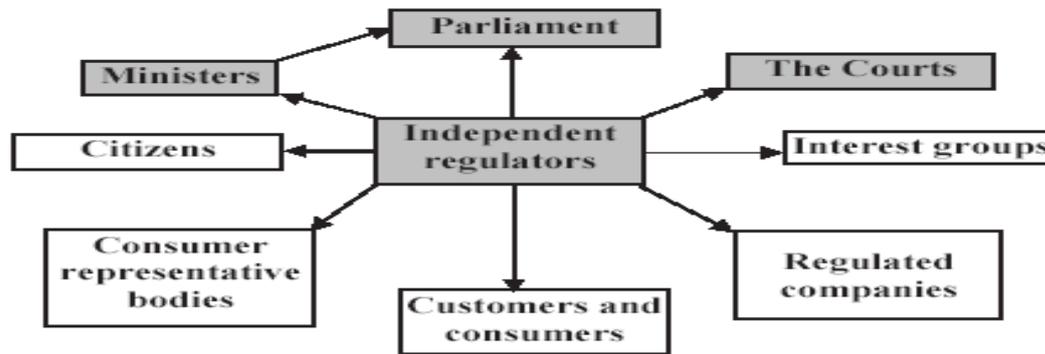
Considering the tensions related to their existence and rapid changes taking place, policy makers would need to reconsider their rationale for existence. Creation of regulatory authorities and their role can be viewed in different ways. These authorities are hanging unsteadily at the point of collision with many centers of power and societal forces. Efforts should be made to make them work in a democratic setup by protecting the freedom of media as well as being able to implement the law in a professional manner by fulfilling their objectives for which they were created rather than becoming mere tools for blame game and political scoring (Klimkiewicz, 2013).

Question arises here is how it can be made possible? Researchers answer by proposing accountability of these authorities and a need to refocus from IRAs' autonomy to transparency and accountability indicating that future research should focus on accountability of IRAs as political interference and political appointments are becoming a common feature in them (Irion & Radu, 2013).

4.5 Accountability Difficulties of Independent Regulatory Authorities

Various countries' comparison sheds light on how different factors like history, cultural and political arena have their impact on regulatory authorities (Jakubowicz, 2013). A study carried out by Sosay (2009) in Turkey sheds light on the relationship of accountability and autonomy of regulatory agencies. 'The 360° view of accountability' (Figure 1) which was developed by the British House of Lords (2004) clearly shows the multiple actors which are included in the accountability of regulatory authorities. The shaded boxes include the bodies that exercise power directly in relation to the regulators while citizens, consumer and regulated bodies somehow lack the power to hold the regulators accountable (Sosay, 2009). Since 'horizontal and downward accountability' discussed by Scott (2000) and Bovens (2006) indicates that these stakeholders should also be included in the 'accountability regime' of IRAs; this shows there exists certain accountability gaps in the accountability framework of IRAs. Figure 1 presents an all-encompassing overview of accountability named as 360° view of accountability.

Figure 1: 'The 360° view of accountability'



Source: House of Lords (2004, p. 20)

Researchers like Bovens, Goodin, and Schillemans (2014) discussed the challenge of preventing accountability and its mechanism from being used for blame game, shrinking responsibilities and political scoring because in a complex network of multiple actors from different conflicting backgrounds these situations are more likely to take place. More challenges of accountability in governance networks include too many number of accounters and accountees by various groups of public, narrowly focusing of accountability mechanisms on goals of specific organizations and not holding them accountable as a whole, lack of transparent decision making, lack of accountability standards and turning accountability into blame games and politicization (Klijn & Koppenjan, 2016).

4.6 Complexities in Accountability of Electronic Media Regulatory Authorities

The complexity of accountability in governance networks in a state prone towards regulatory governance may lead to intervention and blame games of different actors involved in the accountability process of IRAs (Klijn & Koppenjan, 2016). 'Guardian' institutions or regulatory authorities are actually non-democratic which exist outside of active democratic control. Not only they are not linked with democratic accountability but are also not acceptable to public for the decisions they make (Schmitter & Trechsel, 2004)

Literature discussing the European context propose possible research on the acceptability of political appointments in media regulatory authorities by having contemporary understanding of how media should be governed. Future research should explore whether independence of media should be replaced with governance mechanisms encouraging accountability in functioning of media regulatory agencies (Irion & Radu, 2013)

An empirical study in Poland by Klimkiewicz (2013) explains the restraints of autonomy under which both media regulatory authorities as well as public service media operate in the country's political, cultural and geographical context. Technical dimensions studied in this regard were appointment procedures, finance mechanisms, performance and accountability. Since focus of this study is accountability of regulatory agencies so results only concerning accountability are being shared which shows high political dependency which ensures the agency's political accountability that is not proportionate with other forms of accountability including administrative, social and legal accountability studied in Poland. Another interesting point raised is that regulatory agencies can be free, democratic and

accountable at the same time only if the societies in which they operate carry the same characteristics. This emphasizes the need for research in different contexts to explore the difference in accountability of media regulatory authorities in different national contexts (Klimkiewicz, 2013).

5. Regulatory Reforms in Pakistan

In Pakistan significant regulatory reforms were implemented over the decades in financial, telecommunication and energy sectors. Pakistan pursued the liberalization policy and followed public sector reform agenda but military and civil regimes as well as bureaucracy exert influence in governmental policy making and implementation (Salman, 2020). Privatization and deregulation experience in developed countries have improved services but in developing countries including Pakistan experience has not been very desirable as claimed efficiency didn't increase because of monopolist practices of private sector and that's why in many countries regulatory practices didn't bear fruit as intended (Kemal, 2002).

As a consequence of this globalization of NPM model, structure and role of state changed from a central to a regulatory and lesser in nature by delegation of its functions to other autonomous entities (Haque, 2002). Often these reforms, their historical underpinnings and ultimate objectives are not understood by tracing their history or in a larger context; which is the most significant aspect to comprehend their effects and aftermaths (Farooq et al., 2017).

After 1980s, Pakistan has gone through public management reforms including creation of autonomous bodies influenced by the notion of NPM and since then the number of autonomous bodies and regulatory agencies have raised. The existing agencies are also going through restructuring (Rizwan & Jadoon, 2010). These public sector reforms were advocated to developing world including Pakistan by international organizations like United Nations Development Program (UNDP), World Bank, International Monetary Fund (IMF) and local stakeholders from the country like politicians and bureaucrats also played their part in reforming the public sector (Zia & Khan, 2013). With an influx of financial assistance in Pakistan because of being an international ally post 9/11, last two decades of public management reforms shows various governance tools to enhance accountability mechanisms by making regulatory agencies (Salman, 2020).

The basic purpose behind creation of these autonomous bodies was to follow the international patterns to overcome the problems of inefficiency by giving them autonomy to enhance efficiency and increase performance in the public sector of Pakistan. Other than that, various reasons including corruption, regulation and service delivery provided basis for this trend. Adding further, it reveals that agencification including regulatory agencies is a part of reform initiatives funded and directed by donor entities such as the World Bank and thus may follow the prescriptions of the founders (Rizwan & Jadoon, 2010). It should be noted that the autonomous bodies were established in a political system which had weak administrative institutions and deeply-rooted bureaucracy having colonial mindset which preferred centralization of authority and decision-making (Farooq et al., 2018). Hence, autonomous bodies and regulatory agencies would be resisted by the bureaucrats or it would be made to fit in a path-dependent way in order to keep status quo intact.

The regulatory institutions must have proper accountability system to keep check on their performance (Kemal, 2002). Accountability aspect of study by Rizwan and Jadoon (2010) explains that there is no proper system of agency's evaluation. It should be noticed that international entities and actors when they fund and direct some reform initiative have personal and institutional interests to follow. Similarly, same can be said about the leadership

of any country having a specific context in which these reforms are initiated. As indicated by Christensen et al., (2007) these reforms can also be a source to gain legitimacy, used in any context or country by leadership and institutions by selecting what is considered popular or fashionable at the time from the mix of organizational recipes available to gain political mileage and legitimacy in international arena.

6. Accountability of Pakistan Electronic Media Regulatory Authority

Established under an ordinance in 2002, PEMRA is a regulatory authority. PEMRA from its establishment issued licenses to diverse media groups. The major portion among the given licenses consisted of news channels while nature of other channels was entertainment, sports, and religious. In order to regulate the affairs of electronic media, Pakistan Electronic Media Regulatory Authority (PEMRA) was promulgated on March 01, 2002. The major aim of the organization was to assist and regulate the establishment as well as working of all broadcast media and its distribution in Pakistan (Iqbal, 2012).

Television, radio and nowadays social media are the strongest mediums of advertisement and it can impact not only on the individual's attitude, life style, experience and even the culture of the country but unfortunately often the needs and issues of the society are not the real priority of the media. Under the Article 19 and Article 19A of Fundamental Rights in the Constitution of Pakistan, every citizen has the freedom of speech and right to information subject to any restriction by law to maintain decency and morality of public (Constitution of the Islamic Republic of Pakistan, 1973). Yusuf and Schoemaker (2013) discussed that PEMRA was ordered by supreme court in 2012 to describe 'obscenity' which was taken by media personnel as exerting pressure because most of them earn large amount of revenue by broadcasting foreign especially Indian content containing provocative material directly in contrast with Pakistani values as discussed by Abbasi (2012).

Electronic media is an agent of change in Pakistani society but the direction of change depends on intent of media. It has been observed that scandalous and unrealistic media reporting tends to be biased having vested interests and political motives for monetary gains which affects its credibility (Ali, 2016). In light of article 19 and 19A of the Constitution of Pakistan (1973) PEMRA ordinance (2002) gives mandate to the regulatory authority to improve the standard of information and entertainment, to expand the choice of media forums available to public in pursuit of all kind of information for the sake of national interest, to facilitate the access of mass media to general public at the local level and lastly to ensure the elements of good governance including *accountability* and transparency in order to enhance the flow of information for the general public (Constitution of the Islamic Republic of Pakistan, 1973). Thus, the rationale behind creation of this agency was to perform the regulatory function on electronic media specifically private electronic media, improvement of entertainment standards by playing a facilitator role for broadcast media and to monitor its distribution services (PEMRA, 2002).

According to the report of International Media Support (2009), PEMRA was supported by the government, normatively, as a reform in an open media policy with an important regulatory function. Keeping the rosy depiction aside it is to be kept in mind that partisan pressure on media is often exerted indirectly. One tool normally used by the government is that it cuts off the critical media from getting the government advertisements. Now the regimes have stopped banning or formally silencing television channels which are popular in the masses. In this regard, PEMRA is used by either suspending the channel's

license or by intimidating to do so. Those journalists who report scams of government officials are commonly issued contempt notices by the authority (Klasra, 2016).

Common view among media experts is that PEMRA only acts as a license issuing authority implementing regulatory barriers for broadcasters (International Media Support, 2009). Another similar opinion is that PEMRA is being used to force cable operators to censor content of private channels and they selectively block that channel's broadcast. Also the prohibitive entry cost charged by PEMRA as a form of license fee has soared in recent years for both TV channels and FM radio (Yusuf & Schoemaker, 2013). Studies present that PEMRA is not fulfilling its mandate and political interference is one of main reasons in this regard (Waqar, 2015).

The governments used PEMRA's laws to keep media in its control. By following this approach, under the authority's board in the past that was composed of ex-police officers and bureaucrats, some channels were shut down or stressed. Media activists were not happy with the composition of the board and they emphasized the need of a better representation from the media which is a major stakeholder of PEMRA. Although the former chairman PEMRA was a journalist but instead of decreasing criticism on the authority, it raised with the increase of show-cause notices issued on daily basis to diverse channels and anchors (International Media Support, 2009).

7. Proposed Conceptual Model of Accountability Regime of PEMRA

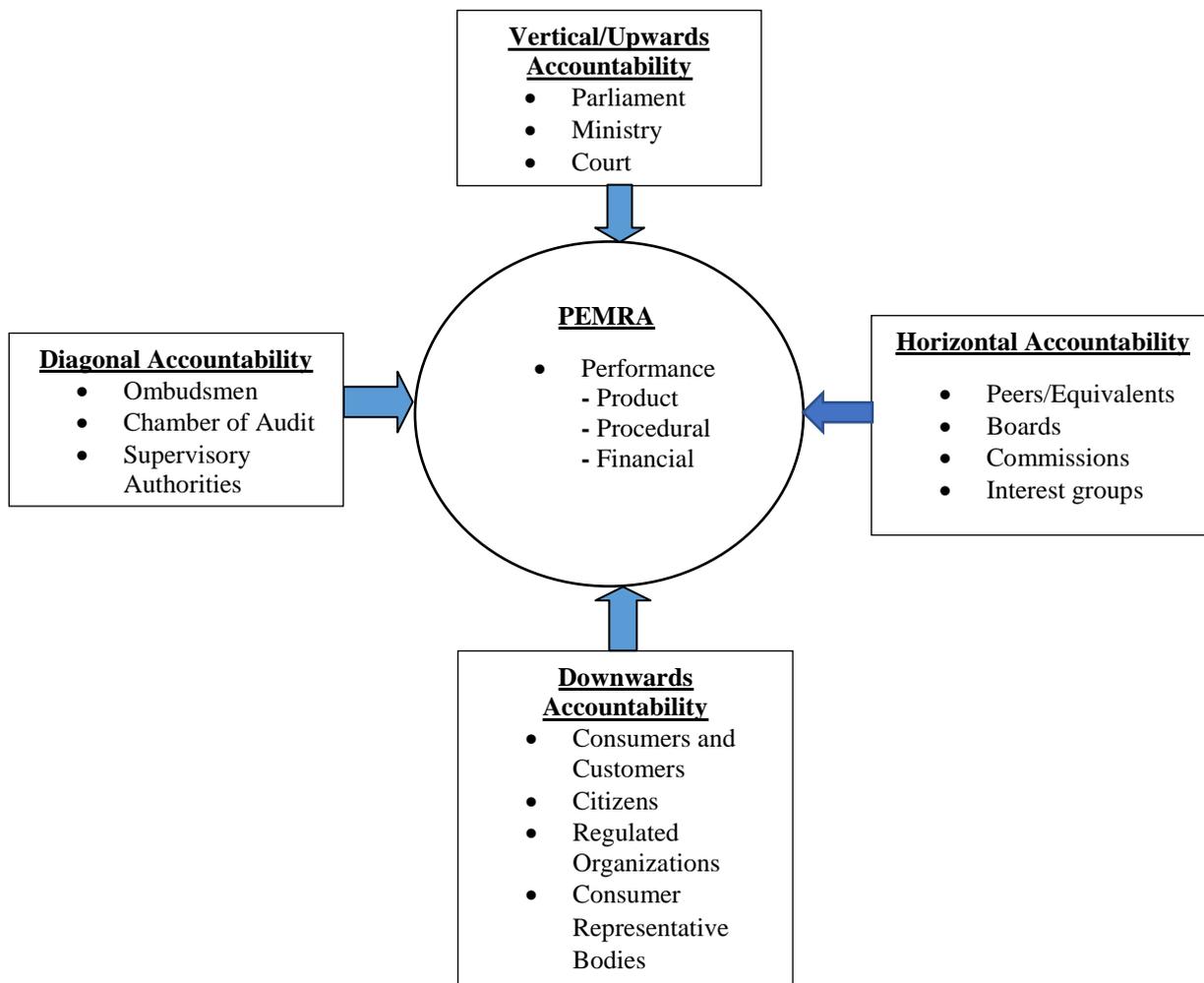
After discussing the accountability phenomenon of regulatory authorities in detail, a comprehensive framework is proposed to study the practical implications in this regard. The framework has been developed by merging the accountability models, discussed in detail in the literature review, presented by Scott (2000), Bovens (2006; 2007; 2008; 2010), Schillemans (2008, 2011) and 'The 360° view of accountability' developed by the British House of Lords (2004). Objective of the model is to explain the 'accountability regime' of IRAs and to analyze it in contextual view of Pakistan. It aims at presenting the accountability arrangements of IRAs and identifying gaps in case the theoretical forms of accountability are not being implemented in case of PEMRA.

As shown in the model, PEMRA is accountable for different aspects of its performance, depending on the nature of its conduct to various forums including vertical/upwards, horizontal, diagonal and downwards accountability. Examples of such forums have been included in the model based on the work of authors mentioned in the source. The actors which couldn't hold an actor accountable in the '360° view of accountability' discussed by Sosay (2009) are also included in this model as the review of the literature suggested that ideally, they should be included in the accountability regime of IRAs.

8. Conclusion

This discussion based conceptual paper aimed to unearth the accountability phenomena of independent regulatory authorities by extensively exploring the international context which paved the way for public management reforms in developed and developing countries. For this purpose, thorough investigation of the current literature shows some interesting insights which are helpful to understand the global and local emergence of a regulatory framework in which accountability and transparency are considered to be a hallmark.

Figure 2: Accountability Regime of Pakistan Electronic Media Regulatory Authority



Source: Adapted from Scott (2000, p. 43), Bovens (2006, p. 22), Schillemans (2011, p. 391) and House of Lords (2004, p. 20).

Since media regulatory authorities have a multifaced background and importance of media regulation cannot be denied therefore, single existing electronic media regulatory authority in Pakistan was chosen for this research. Discussion of accountability phenomena under regulatory governance with the help of existing literature made it possible to come up with a conceptual model for a holistic accountability for the regulatory authorities by identifying the gaps in the current literature.

To conclude, the paper based on comprehensive analysis of accountability regime of IRAs in general and PEMRA in particular, proposed a holistic model for accountability to be

applicable in the context of Pakistan. It undertakes the case of PEMRA to highlight the local perspective of holding media regulatory authorities accountable for their mandate and objectives. The model significantly contributes to the existing literature with respect to developing accountability regime of regulatory authorities and identifying the complex nature of the issue.

Future research in this regard may be conducted to unearth the differences in different sectors by applying this model. Cross sector comparison can also be studied in global and local context with the help of this conceptual model explaining the accountability phenomena in general.

References

- Abbasi, A. (2012). PEMRA regulations ignore Islam, Pakistan ideology, defense, *Dawn news*.
- Ali, Z. (2016). Role of electronic media in changing value system in Pakistan. *The International Asian Research Journal*, 1(1).
- Biela, J. (2014). *What deficit? Legitimacy and Accountability of Regulatory Agencies*. Conference on Administrative Organization and the Welfare State: Wicked Issues and the Challenges of Accountability, Legitimacy and Coordination: Salamanca.
- Biela, J., & Papadopoulos, Y. (2010). *Strategies for Assessing and Measuring Agency Accountability*. EGPA Annual Conference: Toulouse.
- Bovens, M. (2006). *Analysing and Assessing Public Accountability: A Conceptual Framework*. Paper presented at the European Governance Papers.
- Bovens, M. (2007). New forms of accountability and EU-governance. *Comparative European Politics*, 5(1), 104-120.
- Bovens, M. (2010). Two Concepts of Accountability: Accountability as a Virtue and as a Mechanism. *West European Politics*, 33(5), 946-967.
- Bovens, M., Goodin, R., & Schillemans, T. (2014). *The Oxford Handbook of Public Accountability*. Oxford: Oxford University Press.
- Bovens, M., Schillemans, T., & Hart, P. (2008). Does public accountability work? An assessment tool. *Public Administration*, 86(1), 225-242.
- Buckley, S., Raboy, M., Mendel, T., Duer, K., Price, M., & Siochrú, S. (2008). *Broadcasting, voice, and accountability: A public interest approach to policy, law, and regulation*: University of Michigan Press.
- Christensen, T., Lægreid, P., Roness, G., Røvik, A. (2007). *Organization theory and the public sector: Instrument, culture and myth*. New York: Routledge.
- Constitution of the Islamic Republic of Pakistan*. (1973). Retrieved from <http://www.refworld.org/docid/47558c422.html>.
- Farooq, M., Jabeen, N., Rizwan, A., & Salman, Y. (2018). Autonomy of HR Practices in Pakistan: A Study of Provincial Autonomous Bodies. *Journal of the Research Society of Pakistan*, 55(1), 115-129.
- Farooq, M., Saeed, A., Ahmad, K., Ata, G., & Sami, A. (2017). Making Sense of Electronic Media Regulatory Agencies: A Case of PEMRA. *Journal of Managerial Sciences*, 11(3), 437-456.
- Gaspar, D. (2011). Pioneering the human development revolution: Analysing the trajectory of Mahbub ul Haq. *Journal of Human Development and Capabilities*, 12(3), 433-456.
- Haq, M. (1999). *Reflections on human development*. Oxford university Press.
- Haque, M. (2002). Globalization, new political economy, and governance: A third world viewpoint. *Administrative Theory & Praxis*, 24(1), 103-124.

- House of Lords (2004). *The Regulatory State: Ensuring Its Accountability*, 6th Report of Session 2003-04, Vol. 3: London: Stationery Office.
- Iqbal, Z. (2012). Media and Musharraf: A marriage of convenience. *European Scientific Journal*, 8(3).
- Irion, K., & Radu, R. (2013). Delegation to independent regulatory authorities in the media sector: a paradigm shift through the lens of regulatory theory. *The Independence of the Media and Its Regulatory Agencies: Shedding New Light on Formal and Actual Independence Against the National Context*, Bristol: Intellect.
- Jabeen, N. & Iqbal, M. (2009). Good Enough Governance: A possible Governance framework for South Asia. *Asian Profile*, 37(3).
- Jacobzone, S. (2005). Independent regulatory authorities in OECD countries: An overview. *Organization for Economic Cooperation and Development: United Kingdom*.
- Jakubowicz, K. (2013). Broadcasting regulatory authorities: work in progress. *The Independence of the Media and Its Regulatory Agencies: Shedding New Light on Formal and Actual Independence Against the National Context*, Bristol: Intellect.
- Kemal, A. R. (2002). Regulatory framework in Pakistan. *The Pakistan Development Review*, 41(4), 319-332.
- Klasra, R. (2016). Aik Adalat main Paishi, *Daily Dunya*.
- Klimkiewicz, B. (2013). Independence or balance of dependencies Critical remarks on studying conditions of media regulators and public service media in Poland. *The Independence of the Media and Its Regulatory Agencies: Shedding New Light on Formal and Actual Independence Against the National Context*, Bristol: Intellect.
- MacDonald, M. (1995). Reinventing Government: How Entrepreneurial Spirit is Transforming the Public Sector, by David Osborne and Ted Gaebler. *Canadian Review of Social Policy/Revue canadienne de politique sociale*(35).
- Majone, G. (1997). From the positive to the regulatory state: Causes and consequences of changes in the mode of governance. *Journal of Public Policy*, 17(02), 139-167.
- Majone, G. (1999). The regulatory state and its legitimacy problems. *West European Politics*, 22(1), 1-24.
- March, J., & Olsen, J. (1989). *Rediscovering Institutions: The organizational basis of politics*. New York: Free Press.
- Minogue, M., & Carino, L. (2006) *Regulatory Governance in developing countries*. Cheltenham: Edward Elgar Publishing, Inc.
- Nicolaides, P. (2005). Regulation of Liberalised Markets: A New Role for the State. In D. Geradin, R. Munoz & N. Petit (Eds.), *Regulation through Agencies in the EU- A New Paradigm of European Governance* (pp. 23-42). Cheltenham: Edward Elgar Publishing.
- Osborne, D., & Gaebler, T. (1992). *Reinventing Government: How the entrepreneurial spirit is transforming the public sector*. New York: Penguin Books.
- Osborne, S. P., Radnor, Z., Kinder, T., & Vidal, I. (2015). The SERVICE framework: A public-service-dominant approach to sustainable public services. *British Journal of Management*, 26(3), 424-438.
- Pakistan Electronic Media Regulatory Authority Ordinance 2002*. (2002). Government of Pakistan.
- Paracha, S. A., Shahzad, M., Ali, S., & Nazir, J. (2013). To Analyze the News Contents of Electronic and Print Media in Pakistan, Whether Media is Terrorizing or Informing

- the Community. *International Journal of Academic Research in Business and Social Sciences*, 3(3), 59-67.
- Patterson, T. (2000). *Doing well and doing good: How soft news and critical journalism are skrinking the news audience and weakening democracy-and what news outlets can do about it*. Cambridge, MA: Kennedy School of Government, Harvard University.
- Phillips, N. (2006). States and modes of regulation in the global political economy. *Regulatory governance in developing countries*, 17-38.
- Regulatory policies in OECD countries: From interventionism to Regulatory Governance*. (2002). Paris: OECD.
- Rizwan, A., & Jadoon, M. (2010). *Agencification in Pakistan: A comparative study of regulatory and service delivery agencies*. Paper presented at the Paper for the EGPA Conference, soc. kuleuven.
- Salman, Y. (2020). Public management reforms in Pakistan. *Public Management Review*, 22(11), 1-11. doi:10.1080/14719037.2020.1850084.
- Schillemans, T. (2011). Does Horizontal Accountability Work? : Evaluating Potential Remedies for the Accountability Deficit of Agencies. *Administration & Society*, 13(4), 387-416.
- Schmitter, P., & Trechsel, A. (2004). The future of democracy in Europe. *Trends, Analysis and Reforms. A green Paper for the Council of Europe*. Straßburg.
- Scott, C. (2000). Accountability in the regulatory state. *Journal of Law and Society*, 27(1), 38-60.
- Sosay, G. (2009). Delegation and accountability: Independent regulatory agencies in Turkey. *Turkish Studies*, 10(3), 341-363.
- Stiglitz, J. (2007). *What is the Role of the State?*, in M. Humphreys, J. Sachs and J. Stiglitz (eds) *Escaping the Resource Curse*, pp. 23–52. New York: Columbia University Press.
- Thatcher, M. (2002). Delegation to independent regulatory agencies: Pressures, functions and contextual mediation. *West European Politics*, 25(1), 125-147.
- Waqar, I. (2015). *Electronic media gone haywire: A case study of the recent political crisis in Pakistan*: Center for Pakistan and Gulf Studies.
- Yusuf, H., & Schoemaker, E. (2013). The media of Pakistan. *BBC Media Action*.
- Zia, Y. A., & Khan, M. Z. (2013). Drivers of public sector reforms in Pakistan: A comparison of NPM with alternative reform drivers. *Dialogue*, 8(4), 453-459.