

# THE PAKISTAN BROADCASTING CORPORATION ACT, 1973.

<sup>1</sup>ACT No. XXXII OF 1973

[9th February, 1973]

## An Act to establish a Pakistan Broadcasting Corporation.

WHEREAS it is expedient to provide for the establishment of a broadcasting Corporation to ensure effective operation and growth of broadcasting as a function-oriented public service medium, general improvement in the quality of programmes, speedy, implementation of projects and better utilisation of talent, and for matters connected therewith;

It is hereby enacted as follows:—

### CHAPTER I

#### PRELIMINARY

**1. Short title, extent and commencement.**—(1) This Act may be called the Pakistan Broadcasting Corporation Act, 1973.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once and shall be deemed to have taken effect on the twentieth day of December, 1972.

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

- (a) "Board" means the Board of Directors of the Corporation;
- (b) "Chairman" means the Chairman of the Board;
- (c) "Corporation" means the Pakistan Broadcasting Corporation established under section 3;
- <sup>2</sup>[(d) "Member" means a Member of the Board;]
- (e) "regulation" means a regulation made under this Act;
- (f) "rule" means a rule made under this Act;
- (g) "station" means any production, receiving, or transmitting unit, fixed or mobile.

### CHAPTER II

#### ESTABLISHMENT AND INCORPORATION OF THE CORPORATION

**3. Establishment of the Corporation.**—(1) As from the commencement of this Act, there shall be established a Corporation to be called the Pakistan Broadcasting Corporation.

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<sup>1</sup>For Statement of Objects and Reasons, see Gaz. of P., 1973 Ext., Pt. III, p. 420.

<sup>2</sup>Subs. by Ord. 94 of 02, ss. 2-3.

(2) The Corporation shall be a body corporate by the name of the Pakistan Broadcasting Corporation, having perpetual succession and a common seal, with power to hold and dispose of property, and shall by the said name sue and be sued.

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### CHAPTER III MANAGEMENT

<sup>1</sup>[**4. Board.**-(1) The general direction and the administration of Corporation shall vest in a Board, to be constituted in accordance with the provisions of sub-section (2).

(2) The Board shall consist of the following :-

(i)	Secretary to the Government of Pakistan, Ministry of Information and Media Development.	Chairman
(ii to v)	One eminent person each from the four provinces relating to media and management to be appointed by the Federal Government.	Members
(vi)	Additional Foreign Secretary.	Member
(vii)	Additional Secretary Finance.	Member
(viii)	Director General, ISPR.	Member
(ix)	Managing Director, PTVC.	Member
(x)	Director General, PBC.	Member
(xi)	A representative of the Interior Division.	Member

(3) The Chairman and Members mentioned at clauses (vi) to (xi) of sub-section (2) shall be *ex-officio* Members of the Board.

(4) The Members appointed under clauses (ii) to (v) of sub-section (2) shall hold office for a term of three years and shall be eligible for re-appointment but in no case for more than two consecutive terms. They may, by giving in writing to the Federal Government a notice of not less than one month, resign their offices:

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<sup>1</sup>Subs. by Ord. 94 of 02, ss. 2-3.

Provided that the resignation shall not take effect until it has been accepted by the Federal Government.

(5) In particular and without prejudice to the generality of the provisions of subsection (1) the Board shall have full powers with regard to-

- (a) the preparation of the annual revenue budget of the Corporation and approval of the budget and expenditure not included in its annual budget for capital and development expenditure;
- (b) the formulating and implementing of all programmes and policies; and
- (c) the making of plans for infrastructural and technological development within the country and for promotion of the Corporation's interest abroad.”]

<sup>1</sup>\* \* \* \* \*

**6. Removal of Directors.** The Federal Government may, by notification in the official Gazette, remove a <sup>1</sup>[Member] if—

- (a) he refuses or fails to discharge, or becomes, in the opinion of the Federal Government, incapable of discharging his responsibilities as a <sup>1</sup>[Member]
- (b) he is adjudged an insolvent by a competent court; or
- (c) he is declared to be disqualified for employment in, or has been dismissed from, the service of Pakistan; or
- (d) he is convicted of an offence involving moral turpitude.

**7. Meetings of the Board.**-(1) Meetings of the Board. The Board shall meet at such time and such place as may be prescribed by regulations:

Provided that not less than one meeting of the Board shall be <sup>1</sup>[at least once in a quarter]

(2) To constitute a quorum at a meeting of the Board, the Chairman, Or in his absence a <sup>1</sup>[Member] authorised by him, and two other <sup>1</sup>[Members] shall be present.

(3) The Chairman, or in his absence a <sup>1</sup>[Member] authorised by him, shall preside at the meetings of the Board.

**8. Director General.**—(1) There shall be a Director-General of the Corporation who shall be appointed by the Federal Government on such salary and terms and conditions as the Federal Government may determine and shall be the chief executive of the Corporation.

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<sup>1</sup>Omitted and Subs. by Ord. 94 of 02, ss. 5-7.

(2) The Director-General shall hold office during the pleasure of the Federal Government.

**9. Delegation of powers.** The Board may, from time to time, delegate any of its powers to the Director-General or any other officer of the Corporation.

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## CHAPTER IV

### FUNCTIONS OF THE CORPORATION

**10.—**(1) The functions of the Corporation shall be—

- (a) to provide broadcasting services for general reception in all parts of Pakistan and the territorial waters thereof and on board ships and aircrafts (such services being hereafter referred to as Home Services) and in other countries and places (such services being hereafter referred to as External Services) for the purposes of disseminating information, education and entertainment through programmes which maintain a proper balance in their subject-matter and a high general standard of quality and morality;
- (b) to broadcast such programmes as may promote Islamic Ideology, national unity and principles of democracy, freedom, equality, tolerance and social justice as enunciated by Islam, discourage parochial, racial, tribal, sectarian, linguistic and provincial prejudices and reflect the urges and aspirations of the people of Pakistan;
- (c) to broadcast in the Home Services such special programmes as the <sup>1</sup>[Board] may, from time to time, direct;
- (d) to broadcast programmes in the External Services to such countries and in such languages and at such times as the <sup>1</sup>[Board] at may, from time to time, direct;
- (e) to bring to public awareness the whole range of significant activity and to present news or events in as factual, accurate and impartial a manner as possible;
- (f) to carry out instructions of the Federal Government with regard to general pattern or policies in respect, of programmes, announcements and news to be put out on the air from time to time;
- (g) to hold the existing, and to construct or acquire and establish or install additional, stations and apparatus;
- (h) to hold the existing, and to construct or acquire additional, equipment and apparatus for telephony in Pakistan for purposes of broadcasting;

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<sup>1</sup>Subs. by Ord. 94 of 02, S. 8.

- (i) to compile, prepare, print, publish issue, circulate and distribute, with or without charge, such papers, magazines, periodicals, books, circulars and other such matter as may be conducive to any of the functions of the Corporation; and
- (j) to collect news and information in any part of the world in any manner that may be deemed fit.

(2) In the discharge of its functions the Corporation shall be guided on questions of policy by the instructions, if any, given to it from time to time by the Federal Government which shall be the sole judge as to whether a question is a question of policy.

## CHAPTER V

### ESTABLISHMENT

**11. Employment of officers and staff.** The Board may, from time to time, employ such persons as it may consider necessary for the performance of its functions on such terms and conditions as it may prescribe by regulations.

**12. Transfer of Radio Pakistan servants to the Corporation.—**(1) Notwithstanding anything to the contrary in any contract or agreement or in the conditions of service, the Federal Government may, subject to the provisions of sub-section (2) and (3), transfer persons in the service of Pakistan and serving in connection with the affairs of the department of the Government of Pakistan headed by the Director-General, Radio Pakistan, hereinafter referred to as Radio Pakistan, immediately before the commencement of this Act, including persons on deputation to other organisations in Pakistan or abroad, to the Corporation on the same terms and conditions to which they were entitled' immediately before such commencement.

<sup>1</sup>[(1A) The persons transferred to the Corporation under subsection (1) shall cease to be civil servants in the service of Pakistan and become employees of the corporation from the date of its establishment under section 3, on the same terms and conditions to which they were entitled immediately before such transfer.

(1B) Notwithstanding any judgement of any Court or tribunal, including the Supreme Court, any law, contract, agreement or the conditions of service, all actions taken, powers exercised, orders or instructions issued, by the Corporation in respect of terms and conditions of employees referred to in sub-section (1A) after their transfer to the Corporation till the coming into force of the Pakistan Broadcasting Corporation (Amendment) Act, 1996 (IV of 1996), shall be deemed to have been validly taken, exercised or issued by the Corporation.]

(2) Notwithstanding anything in sub-section (1), only such members of the Information Service of Pakistan serving Radio Pakistan immediately before the commencement of this Act shall be transferred to the Corporation as opt for service in the Corporation.

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<sup>1</sup>Ins. and shall be deemed always to have been so inserted by the Pakistan Broadcasting Corporation (Amdt.) Act 1996, (4 of 1996) s. 2.

(3) The persons transferred to the Corporation under subsection (2) shall, on such transfer, cease to be members of the Information Service of Pakistan.

(4) The terms and conditions of service of the members of the Information Service of Pakistan transferred to the Corporation under sub-section (2) shall not be altered by the Corporation to their disadvantage.

(5) No person in the service of Pakistan who is transferred to the Corporation under sub-section (1) shall, notwithstanding anything contained in any law for the time being in force, be entitled to any compensation because of such transfer.

**13. Source of income.** The sources of income to the Corporation shall be—

- (a) grants-in-aid made by the Federal Government for approved projects of the Corporation;
- (b) moneys paid by the Federal Government for the expenditure incurred by the Corporation on the External Services and other services performed by the Corporation at the instance and on behalf of that Government;
- (c) such annual subsidy as the Federal Government may grant;
- (d) licence fee as the Federal Government may fix in respect of licences issued under section 4 of the Wireless Telegraphy Act, 1933 (XVII of 1933), to possess wireless telegraphy apparatus;
- (e) income derived from sale of programmes and broadcast time for advertisement; and
- (f) income from other sources.

**14. Budget for capital and development expenditure.** Before the commencement of each financial year, the Corporation shall submit to the Federal Government for its approval a budget for the capital and development expenditure proposed to be incurred by the Corporation during the financial year and shall not incur any expenditure of the nature of capital and development expenditure which is not provided for in the budget as approved by the Federal Government.

**15. Borrowing power.** The Corporation may, with the previous sanction of the Federal Government, and on such terms and conditions as may be approved by the Government, borrow in Pakistan currency or foreign currency.

**16. Audit and accounts.**—(1) The accounts of the Corporation shall be maintained in such manner as may be prescribed by rules and shall be audited every year, in such manner as may be so prescribed, by an auditor appointed by the corporation who is a chartered accountant within the meaning of the Chartered Accountants Ordinance, 1961 (X of 1961), and, if the Federal Government so directs, by the Auditor-General of Pakistan.

(2) Copies of the audit report shall be sent to the Board and the report shall also be available for public inspection.

(3) The statement of audited accounts of the Corporation together with a report of the Board thereon shall be furnished to the Federal Government by the Corporation within six months of the close of every financial year.

(4) The Federal Government may at any time issue directions to the Corporation to rectify any audit objection and the Corporation shall comply with every such direction.

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**18. Reports.**—(1) The Corporation shall submit to the Federal Government at such time, after the end of every financial year, in such form and in such manner as may be prescribed by rules, a report on the conduct of its affairs for that year.

(2) The Federal Government shall cause the report to be laid before the National Assembly.

**19. Transfer of assets and liabilities of Radio Pakistan.** All assets and liabilities of the Federal Government in relation to Radio Pakistan subsisting immediately before the commencement of this Act shall, unless the Federal Government, by notification in the official Gazette, otherwise directs, vest in the Corporation, as from such commencement.

**20. Liquidation of Corporation.** No provision of law relating to the winding up of companies shall apply to the Corporation and the Corporation shall not be wound up save by an order of the Federal Government and in such manner as the Federal Government may direct.

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## CHAPTER VII

### RULES AND REGULATIONS

**21. Power to make rules.** The Federal Government may make rules for carrying out the purposes of this Act.

**22. Power to make regulations.**—<sup>1</sup>[(1)] The Board may, with the previous sanction of the Federal Government, make regulations to provide for all matters not required to be provided for by rules and for which provision is necessary or expedient for carrying out the purposes of this Act.

<sup>2</sup>[(2) The regulations made under this section on the first occasion, other than those having financial implications may be made so as to have effect from the date of the establishment of the Corporation.]

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<sup>1</sup>Omitted by Act 4 of 1999, S. 23.

<sup>2</sup>Re-numbered and added by the Pakistan Broadcasting (Amdt.) Ordinance, 1979 (33 of 1979), s. 2.

<sup>3</sup>Omitted by Ord. XXVII of 1981, s. 3 Sch II.