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ORDINANCE NO. II OF 2023

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ORDINANCE

further to amend the Pakistan Broadcasting Corporation Act, 1973

WHEREAS, it is expedient further to amend the Pakistan Broadcasting Corporation Act, 1973 (XXXII of 1973);

AND WHEREAS, the National Assembly stands dissolved and the Senate is not in session and the President of the Islamic Republic of Pakistan is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 89 of the Constitution of the Islamic Republic of Pakistan, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance: —

1. **Short title and commencement.**—(1) This Ordinance shall be called the Pakistan Broadcasting Corporation (Amendment) Ordinance, 2023.

(2) It shall come into force at once.

2. **Insertion of section 3A, Act XXXII of 1973.**—In the Pakistan Broadcasting Corporation Act, 1973 (XXXII of 1973), hereinafter called as the said Act, after section 3, the following new section shall be inserted, namely:—

“3A. **Application of Act VII of 2023.**—(1) The provisions of the State-owned Enterprises (Governance and Operations) Act, 2023 (VII of 2023) shall apply to the Pakistan Broadcasting Corporation which shall be deemed to be a state-owned Enterprise for the purposes of the said Act.

(2) Where any inconsistency arises in a provision of the said Act and a provision of this Act for the purpose of governance of the corporation as a state-owned enterprise, the provisions of the said Act shall prevail.”

3. **Substitution of section 4, Act XXXII of 1973.**—In the said Act, for section 4, the following shall be substituted, namely:—

“4. **Board.**—(1) The general direction and the administration of the Corporation shall vest in a Board consisting of —

S.No.	Membership	Status
(1)	(2)	(3)
1.	Secretary of the division to which business of the Corporation stands allocated	<i>Chairman</i>
2.	Additional Foreign Secretary	<i>Member</i>
3.	Additional Secretary Finance	<i>Member</i>
4.	Director General, Inter-Services Public Relations (ISPR)	<i>Member</i>
5.	Managing Director, Pakistan Television Corporation	<i>Member</i>
6.	Director General	<i>Member-cum-Secretary</i>
7.	A representative of the Interior Division	<i>Member</i>
8.	Nine eminent persons, as Independent Directors, to be appointed by the Federal Government, including at least one from each province,	<i>Member</i>

S.No.	Membership	Status
	Islamabad Capital Territory, Gilgit-Baltistan and Azad Jammu and Kashmir	

(2) The members, other than ex-officio members, 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 and they may, by writing under their hand addressed to the Federal Government by giving a notice of not less than one month, resign their offices:

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

(3) In particular and without prejudice to the generality of the provisions of sub-section (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 formulation and implementation of all programs and policies; and
- (c) the making of plans for infrastructural and technological development within the country and for promotion of the Corporation's interests abroad."

4. **Amendment of section 7, Act XXXII of 1973.**—In the said Act, in section 7, for sub-section 2, the following shall be substituted, namely:—

(2) The quorum for a meeting of the Board shall be one-third of its total membership”.

5. **Substitution of section 8, Act XXXII of 1973.**—In the said Act, for section 8, the following shall be substituted, namely:

“8. **Director General.**—(1) There shall be a Director General of the Corporation to be appointed by the Federal Government on recommendation of the Board in such manner and on such terms and conditions as may be prescribed.

(2) The Director General shall be the chief executive officer of the Corporation and—

- (a) be responsible for the management of the Corporation and for its procedures in financial and other matters under delegation from the Board and subject to the oversight and directions of the Board;
- (b) ensure the proper implementation of strategies and policies approved by the Board: and
- (c) put in place appropriate arrangements to ensure that funds and resources are properly safeguarded and are used economically, efficiently and effectively and in accordance with the state-owned enterprise business plan, the primary objective and all statutory obligations.”.

6. **Insertion of new section 22 A, Act XXXII of 1973.**—In the said Act, for section 22, the following shall be inserted, namely:—

“22A. **Removal of difficulties.**—If any difficulty arises in giving effect to any of the provisions of this Ordinance, the Federal Government may make such order, not inconsistent with the provisions of this Ordinance, as may appear to be necessary for the purpose of removing the difficulty.”.

STATEMENT OF OBJECTS AND REASONS

Recently, under IMF structural benchmark and performance criteria, State-owned Enterprises (Governance and Operations) Act, 2023 (SOE Act, 2023) has come into force to improve the governance and operations of State-owned enterprises including Pakistan Broadcasting Corporation (PBC).

2. In order to fulfill the conditions of IMF, there was a need to bring PBC Act, 1973 in conformity with the provisions of SOE Act, 2023. Therefore, any provision in the PBC Act, which is in conflict with any provision of SOE Act, shall be overridden by the relevant provision of the SOE Act.

3. As the SOE Act requires that the independent Directors/ private members should be greater in number than the ex-officio members in the Board of a State-owned enterprise, the constitution of the PBC Board has been changed by increasing the independent Directors/ private members from four (04) to nine (09), giving them majority over ex-officio members.

4. Previously, only four Independent Directors/ private members, representing each province, were included in the Board. By increasing the number of Independent Directors/ private members, representation has been given to Islamabad Capital Territory, Gilgit-Baltistan and Azad Jammu and Kashmir besides four provinces.

5. The role of the PBC Board has been made decisive in the appointment of Director General, PBC. The Federal Government shall appoint Director General on the recommendation of the Board.



(Attaullah Tarar)

Minister for Information & Broadcasting