



ASSOCIATED PRESS OF PAKISTAN CORPORATION ORDINANCE, 2002



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THE PAKISTAN CODE

ASSOCIATED PRESS OF PAKISTAN CORPORATION
ORDINANCE, 2002
ORDINANCE LXXX OF 2002

[19th October, 2002]

An Ordinance to provide for reconstitution of the Associated Press of Pakistan

WHEREAS it is expedient to ensure effective operation and to streamline, improve, and enlarge Associated Press of Pakistan as a public information medium;

AND WHEREAS it is expedient to take steps for adding greater professionalism to the Associated Press of Pakistan and make its management more broad based allowing its professionalism independence autonomy with a view to enabling it to obtain from international news agencies services and create greater trust of its secrecy and credibility amongst people, and for matters connected thereto or incidental thereof;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of Emergency of the Fourteenth day of October, 1999, the Provisional Constitution Order No. 1 of 1999, read with the Provisional Constitution (Amendment) Order No. 9 of 1999, and in exercise of all powers enabling him in that behalf 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 may be called the Associated Press of Pakistan Corporation Ordinance, 2002;

(2) It shall come into force at once.

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

- (a) “Board” means the Board of Directors of the Corporation;
- (b) “Bureau” means any news receiving or transmitting unit so designated by the corporation;
- (c) “Chairman” means the Chairman of the Board;
- (d) “Corporation” means the Associated Press of Pakistan Corporation established under section 3;
- (e) “Federal Government” means the Ministry of Information and Media Development;
- (f) “Managing Director” means the Managing Director of the Corporation;

- (g) “member” means member of the Board;
- (h) “prescribed” means prescribed by rules or regulations made under this Ordinance;
- (i) “regulations” means regulations made under this Ordinance;
- (j) “rules” means rules made under this Ordinance; and
- (k) “subscriber” means a person or body whether private or public receiving services from the Corporation;

3. Establishment of the Corporation.— The Associated Press of Pakistan as reconstituted in accordance with the provisions of this Ordinance shall be a corporation to be called the Associated Press of Pakistan Corporation which shall be a body corporate having perpetual succession and a common seal with powers to acquire, hold and dispose of property both movable and immovable and shall by the said name sue and be sued.

4. Headquarters of the Corporation.— The headquarters of the corporation shall be at Islamabad and the corporation may establish its Bureaus or constitute its Stations at such places, both within and abroad as the Board may, with the approval of the Federal Government, decide.

5. Functions of the Corporation.— The functions of the Corporation shall be to—

- (a) undertake the work of a news agency or news agencies in any part of the world and in particular to collect, transmit, circulate in Pakistan and abroad such news, features, photographs, videos or any such material, for distribution to such person or corporations, newspapers or organizations desirous of obtaining such news and material or any part thereof on such terms and conditions as the Board may, from time to time determine;
- (b) carry on all or any of the activities which help in news gathering and its dissemination through print, cyber-net, audio, video, still and any other methods of photography required for this purpose;
- (c) enter into any arrangements and to take all necessary or proper step, with Governments or with other authorities, persons, bodies, of organizations, international, national, local, municipal or otherwise of any place in which the Corporation may have interests and to carry on any negotiations or operations for the purpose of directly or indirectly carrying out its objects affecting any modification in its functioning;
- (d) advance, deposit or lend money, acquire securities and property or receive loans, grants-in-aid, subsidy, subscription fee, assistance or deposits from the Government and other authorities or bodies or organizations;
- (e) invest any moneys of the corporation not for the time being required for any of the purposes of the Corporation in such investments (other than shares or stock) as may be in the interest of the Corporation;

- (f) establish, provide, maintain and conduct research and training activities for the training, education and instruction of employees, students and others who may desire to avail themselves of the same;
- (g) compile, prepare, produce, 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;
- (h) carry out instructions of the Federal Government with regard to general pattern of policies in respect of announcements, news and views to be disseminated from time to time;
- (i) sign agreements with international news agencies, national news agencies of other countries for securing and disseminating the same to end-users in and outside Pakistan; and
- (j) sell news, features, photos, audios and videos to mass media, news agencies and any other organization within and outside Pakistan.

6. Management of the Corporation.—(1) The General directions and administration of the affairs of the corporation shall vest in the Board which may exercise all powers and do all acts and things which may be exercised or done by the Corporation.

(2) In discharge of its functions the Corporation shall be bound by such directives and order, if any, as may be given to it on any question of policy by the Federal Government which shall be the sole Judge as to whether a question is a question of policy.

7. Constitution of the Board.—(1) The Board shall consist of eleven members including the Chairman, consisting of—

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| (a) | Secretary, Ministry of Information and Media Development. | Chairman |
| (b) | Managing Director; Associated Press of Pakistan Corporation. | Member <i>ex-officio</i> |
| (c) | Managing Director P.T. V. Corporation | Member <i>ex-officio</i> |
| (d) | Director General, Pakistan Broadcasting Corporation | Member <i>ex-officio</i> |
| (e) | Principal Information Officer, Press Information Department, Government of Pakistan | Member <i>ex-officio</i> |
| (f) | the President, Council of Pakistan Newspaper's Editors (CPNE). | Member <i>ex-officio</i> |
| (g) | the Financial Adviser, Ministry of Information and Media Development | Member <i>ex-officio</i> |

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| (h) | the Chairman, Department of Mass Communication, Karachi University, Punjab ; and | Member <i>ex-officio</i> |
| (i) | the Chairman, Department of Mass Communication, University of Karachi, and | Member <i>ex-officio</i> |
| (j) | two renowned media persons from private sector to be Members nominated by the Federal Government | Members |

(2) A member, other than the Financial Adviser, shall be a person with adequate experience in the field of information and mass communication.

8. Terms or office or the Chairman and members.—(1) Save as otherwise provided a member shall hold office during the pleasure of the President.

(2). An *ex-officio* member shall hold office as member till such time he holds the office by virtue of which he is a member and upon his transfer therefrom or retirement, resignation or removal from office, the person appointed in such member's place shall be the member.

(3). The Chairman, and other *ex-officio* members shall serve on the Board in honorary capacity but shall be entitled to travelling allowance and other such expenses when engaged on business of the Board as may be prescribed.

(4). The members from the private sector shall be entitled to such terms and condition as the Federal Government may determine.

9. Meeting of the Board.—(1) The Board shall meet at such time and such place as the Chairman may decide:

Provided that not less than three meetings of the Board shall be held in a year including one mandatory meeting to be held in the month of December each year.

(2) To constitute a quorum at the meeting of the Board not less than six members including the Chairman shall be present.

(3) The Chairman and in his absence, any member so authorized by him, shall preside at the meeting of the Board.

(4) All matters or agenda to be taken up at the meeting of the Board shall be decided by the Chairman subject to the condition that any matter not borne on the agenda of a meeting may be taken up if the majority of the members present in the meeting so decide.

(5) All questions at the meeting of the Board shall be decided by majority vote and in case of equality of votes the person presiding shall have a casting vote.

10. Managing Director.— There shall be a Managing Director of the Corporation who shall be appointed by the Federal Government on such terms and conditions as the Federal Government may determine.

11. Recruitment of officers etc.— (1) The Corporation may, from time to time, appoint such officers and servants as it may consider necessary for performance of its functions.

(2) The Corporation shall prescribe by regulations the procedure for appointment of its officers and employees and the terms and conditions of their service.

12. Members, officers etc. to be public servants.— The Chairman, Members, the Managing Director and other officers and servants of the Corporation shall, when acting or purporting to act in pursuance of any of the provisions of this Ordinance or the rules or regulations made thereunder, be deemed to be public servant within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

13. Transfer of officers, servants etc., to the Corporation—(1) Notwithstanding anything contained in any law, contract or agreement or in the conditions of service, every officer, servant or employee of the Associated Press of Pakistan existing immediately before the establishment of the Corporation shall, on such establishment, stand transferred to, and become an employee of the Corporation on such terms and conditions as may be prescribed by regulations:

Provided that the pay and allowances to which an officer and servant of the Corporation shall be entitled shall not be less favorable than those to which he was entitled immediately before such transfer.

(2) No person who stands transferred to, the Corporation by virtue of sub-section (1) shall, notwithstanding anything contained in any law, contract or agreement, be entitled to any compensation because of such transfer.

14. Budget.— The Corporation shall, in respect of each financial year, submit for the approval of the Federal Government by such date and in such form as may be specified by the Federal Government a statement showing the estimated receipts for current and development expenditure and the sums which are likely to be required from the Federal Government during the next financial year.

15. Maintenance of Accounts.— The accounts of the Corporation shall be maintained in such form and manner as the Federal Government may, in consultation with the Controller-General of Accounts, determine.

16. Audit.—(1) The accounts of the Corporation shall be audited by an Auditor appointed by the Corporation who is a Chartered Accountant within the meanings of the Chartered Accountants Ordinance, 1961 (X of 1961) to be appointed by the Board with the prior approval of the Federal Government:

Provided that the Auditor-General of Pakistan shall have the power to audit or cause to be audited the accounts of the Corporation.

(2) Copies of the audit report shall be placed before the Board for approval and the report shall be made available for public inspection.

(3) Copies of the audit report, together with the report of the Board thereon shall be submitted to the Federal Government within six months of the close of every financial year by the Corporation.

17. Associated Press of Pakistan Corporation Fund.— (1) There shall be a fund to be known as the “Associated Press of Pakistan Corporation Fund” which shall vest in the Corporation and shall be utilized by the Corporation to meet charges in connection with its functions under this Ordinance including payment of salaries and other remuneration to the Managing Director, non-official Members, officers and employees of the Corporation.

(2) The Associated Press of Pakistan Corporation Fund shall consist of:—

- (a) grants made by the Federal Government;
- (b) loans obtained from the banks and other financial institutions as may be approved by the Federal Government;
- (c) subscription fee from the subscribers of the Associated Press of Pakistan;
- (d) sale proceeds, royalties of the newspapers items, features, photos, cyber-nets, audios, videos etc.;
- (e) gifts, endowment, grants and other contributions from philanthropists, agencies, foundations or organizations; and
- (f) other sums received from other sources approved by the Board.

18. Delegation of powers.— The Board may, from time to time, by general or special order, delegate to the Managing Director or any other Member or an officer of the Corporation any of its powers, duties or functions under this Ordinance, subject to such conditions as it may think fit to impose.

19. Indemnity.— No suit or other legal proceedings shall be against the Corporation, the Managing Director, or any Member, officer or employee of the Corporation in respect of anything done or intended to be done in good faith under this Ordinance.

20. Winding up of the Corporation.—No provision of law relating to winding up of bodies corporate shall apply to the Corporation and the Corporation shall not be wound up except by the order of the Federal Government in such manner as the Federal Government may determine.

21. Power to make rules.— The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

22. Power to make regulations.— The Corporation may, by notification in the official Gazette, make regulation not inconsistent with this Ordinance and the rules made thereunder to provide for all matters for which provision is necessary or expedient for carrying out the purposes of this Ordinance.

23. Repeal and savings.—(1) The Associated Press of Pakistan (Taking over) Ordinance, 1961 (XX of 1961) is hereby repealed.

(2) Upon the commencement of this Ordinance—

- (a) all funds, properties, rights and interests of whatsoever kind issued and used, enjoyed possessed, owned or vested in the Associated Press of Pakistan in existence immediately before such commencement and all liabilities, legally subsisting against the said APP shall pass to the Corporation as established under this Ordinance;
- (b) everything done, action taken, obligation or liabilities incurred, rights and assets acquired, persons appointed, or authorised jurisdiction or power conferred, endowment, bequests, funds or trust created, donations or grants made or issued under any provision of the repealed Ordinance, rule or regulations, applicable to the said APP shall remain in force and be continued and, be deemed to have been respectively done, taken, incurred, appointed, authorized, conferred, created, made, or issued under this Ordinance and reference to any document to any provision of the said Ordinance or rules or regulations made thereunder shall, so far as may be deemed to be reference to the corresponding provisions of this Ordinance or the rules or regulations made or deemed to have been made thereunder;
- (c) any rule or regulation made under the repealed Ordinance shall, in so far as they are not inconsistent with the provisions of this Ordinance or the rules or regulations made thereunder having recourse to the various matter which by this Ordinance have to be regulated or prescribe by rules or regulations respectively shall continue be in force until they are repealed, replaced, rescinded or modified in accordance with the provision of this Ordinance; and
- (d) all contracts and working arrangements made and incurred by the APP before the establishment of the Corporation and having effect accordingly.

24. Removal of difficulty. If any difficulty arises in giving effect to any provision of this Ordinance the Federal Government may make such order, not inconsistent with the express provision of this Ordinance as may appear to it to be necessary for the purpose of removing the difficulty.

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