

**PAKISTAN BROADCASTING
CORPORATION EMPLOYEES**

**(EFFICIENCY & DISCIPLINE)
REGULATIONS
1979**

IMMEDIATE

No. 12(1)/76-G(Vol.III)
Ministry of Information and Broadcasting

Islamabad November 4, 1979

From: S.M.A. Zaidi,
Deputy Secretary.

To: The Director-General,
Pakistan Broadcasting Corporation,
Islamabad.

Subject: Regulations made under Section 22 of the PBC Act, 1973 - - Approval of Federal Government, of

Dear Sir,

I am directed to refer to the correspondence resting with U.O. No. ROM-3/77(II) dated the 18th July, 1979 from the Pakistan Broadcasting Corporation, on the subject indicated above, and to convey the approval of the Government of Pakistan to the following regulations made by the Board of Directors of the Pakistan Broadcasting Corporation, as required under Section 22 of the Pakistan Broadcasting Corporation Act, 1973 (XXXII of 1973):—

- (i) Pakistan Broadcasting Corporation Employees (Conduct) Regulations, 1979, and
- (ii) Pakistan Broadcasting Corporation Employees (Efficiency & Discipline) Regulations, 1979.

2. A copy each of the approved Regulations of which each page has been initialled is enclosed. These shall have effect from the date of establishment of the Corporation, in terms of Section 22 of the Pakistan Broadcasting Corporation Act, 1973 as amended by the Pakistan Broadcasting Corporation (Amendment) Ordinance, 1979.

3. Receipt of this communication and the enclosures may please be acknowledged.

Yours faithfully,
Sd/- (S.M.A.Zaidi)
Deputy Secretary

PAKISTAN BROADCASTING CORPORATION
HEADQUARTERS ISLAMABAD

No. ROM-3/77(VIII)

Dated 14 November, 1979

Copy alongwith one copy each of the above-mentioned Regulations is forwarded to:—

- (1) All Heads of Unit.
- (2) All Officers at PBC Headquarters.
- (3) All Personnel Branches.

2. It may please be ensured that in the cases in which proceedings are taken under the Pakistan Broadcasting Corporation Employees (Efficiency & Discipline) Regulations, 1979, the prescribed procedure is strictly followed.

Sd/-(Zahur Ahmad Khan)
Assistant Controller (Personnel-II)
for Director-General

In exercise of the powers conferred by section 22 of the Pakistan Broadcasting Corporation Act, 1973 (XXXII of 1973), the Board of Directors of the Pakistan Broadcasting Corporation, with the previous sanction of the Federal Government, is pleased to make the following regulations, namely:—

1. Short title, commencement and application.— (1) These regulations may be called the Pakistan Broadcasting Corporation Employees (Efficiency and Discipline) Regulations, 1979.

(2) They shall come into force at once and shall be deemed to have taken effect from the date of the establishment of the Corporation.

(3) They shall apply to every employee of the Corporation.

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

- (a) “accused” means an employee of the Corporation against whom action is taken under these regulations;
- (b) “authority” means the Director-General or an officer or authority designated by him to exercise the powers of the authority under these regulations;
- (c) “authorised officer” means an officer authorised by the authority to perform the functions of an authorised officer under these regulations, or, if no officer is so authorised, the authority;
- (d) “employee” means an employee of the Corporation other than a person employed on deputation from the Federal Government or a Provincial Government;
- (e) “misconduct” means conduct prejudicial to good order or service discipline or contrary to the Pakistan Broadcasting Corporation Employees (Conduct) Regulations, 1979, or unbecoming of an officer and a gentleman, and includes any act on the part of an employee to bring or attempt to bring political or other outside influence directly or indirectly to bear on the Corporation or on any officer of the Corporation in respect of any matter relating to the appointment, promotion, transfer, punishment, retirement or other conditions of service of an employee; and

(f) "penalty" means a penalty which may be imposed under these regulations.

3. Grounds of penalty.— Where an employee, in the opinion of the authority:—

(a) is inefficient or has ceased to be efficient; or

(b) is guilty of misconduct; or

(c) is corrupt, or may reasonably be considered corrupt because:—

(i) he is, or any of his dependents or any other person through him or on his behalf is, in possession (for which he cannot reasonably account) of pecuniary resources or of property disproportionate to his known sources of income; or

(ii) he has assumed a style of living beyond his ostensible means; or

(iii) he has a persistent reputation of being corrupt; or

(d) is engaged, or is reasonably suspected of being engaged, in subversive activities, or is reasonably suspected of being associated with other engaged in subversive activities or is guilty of disclosure of official secrets to any unauthorised person, and his retention in service is, therefore, prejudicial to national security, the authority may impose on him one or more penalties.

4. Penalties.— (1) The following are the minor and major penalties, namely:—

(a) Minor Penalties

(i) censure;

(ii) withholding, for a specific period, promotion or increment, otherwise than for unfitness for promotion or financial advancement in accordance with the regulations or orders pertaining to the service or post;

(iii) stoppage, for a specific period, at an efficiency bar in the time-scale, otherwise than for unfitness to cross such bar; and

(iv) recovery from pay of the whole or any part of any pecuniary loss caused to the Corporation by negligence or breach of orders.

(b) Major Penalties

- (i) reduction to a lower post or time-scale, or to a lower stage in a time scale;
- (ii) compulsory retirement;
- (iii) removal from service; and
- (iv) dismissal from service.

(2) Removal from service does not, but dismissal from service does, disqualify for future employment.

(3) In this regulation, removal or dismissal from service does not include the discharge of a person:—

- (a) appointed on probation, during the period of probation, or in accordance with the probation or training procedure applicable to him; or
- (b) appointed, otherwise than under a contract, to hold a temporary appointment, on the expiration of the period of appointment; or
- (c) engaged under a contract in accordance with the terms of contract.

5. Inquiry procedure.— The following procedure shall be observed when an employee is proceeded against under these regulations:—

- (a) In case where an employee is accused of subversion, corruption or misconduct, the authorised officer may require him to proceed on leave or, with the approval of the authority, suspend him;

Provided that any continuation of such leave or suspension shall require approval of the authority after every three months.

- (b) The authorised officer shall decide whether in the light of facts of the case or in the interest of justice an inquiry should be conducted through an Inquiry Officer or Inquiry Committee, and if he so decides, the procedure indicated in regulation 6 shall apply.

(c) If the authorised officer decides that it is not necessary to have an inquiry conducted through an Inquiry Officer or Inquiry Committee, he shall:—

(i) by order in writing, inform the accused of the action proposed to be taken in regard to him and the grounds of the action; and

(ii) give him a reasonable opportunity of showing cause against that action.

Provided that no such opportunity shall be given where the authority is satisfied that in the interest of the security of Pakistan, or any part thereof it is not expedient to give such opportunity.

(d) On receipt of the report of the Inquiry Officer or Inquiry Committee or, where no such officer or Committee is appointed, on receipt of the explanation of the accused, if any, the authorised officer shall determine whether the charge has been proved. If it is proposed to impose a minor penalty, he shall pass orders accordingly. If it is proposed to impose a major penalty, he shall forward the case to the authority alongwith the charge and statement of allegations served on the accused, the explanation of the accused, the findings of the Inquiry Officer or Inquiry Committee, if appointed, and his own recommendations regarding the penalty to be imposed. The authority shall pass such orders as it may deem proper.

6. Procedure to be observed by the Inquiry Officer and Inquiry Committee.— Where an Inquiry Officer or Inquiry Committee is appointed, the authorised officer shall:—

(a) frame a charge and communicate it to the accused together with statement of the allegations explaining the charge and of any other relevant circumstances which are proposed to be taken into consideration;

(b) require the accused within a reasonable time, which shall not be less than seven days or more than fourteen days from the day the charge has been communicated to him, to put in a written defence and to state at the same time whether he desires to be heard in person;

(c) the Inquiry Officer of the Committee, as the case may be, shall enquire into the charge and may examine such oral

or documentary evidence in support of the charge or in defence of the accused as may be considered necessary and the accused shall be entitled to cross-examine the witnesses against him;

- (d) the Inquiry Officer or the Committee, as the case may be, shall hear the case from day to day and no adjournment shall be given except for reasons to be recorded in writing, but every adjournment, with reasons therefore, shall be reported forthwith to the authorised officer, and normally no adjournment shall be for more than a week;
- (e) where the Inquiry Officer or the Committee, as the case may be, is satisfied that the accused is hampering, or attempting to hamper, the progress of the enquiry, he or it shall administer a warning, and if thereafter he or it is satisfied that the accused is acting in disregard of the warning, he or it shall record a finding to that effect and proceed to complete the inquiry in such manner as he or it thinks best suited to do substantial justice; and
- (f) the Inquiry Officer or the Committee, as the case may be, shall within ten days of the conclusion of the proceedings or such longer period as may be allowed by the authorised officer, submit his or its findings and the grounds thereof to the authorised officer.

7. Revision.— The authority may call for the record of any case pending before or disposed of by the authorised officer and pass such order in relation thereto as it may deem fit.

8. Power of Inquiry Officer and Inquiry Committee.— (1) For the purposes of an inquiry under these regulations, the Inquiry Officer and the Inquiry Committee shall have the powers of a civil court trying a suit under the code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavits; and
- (d) issuing commissions for the examination of witnesses or documents.

(2) The proceedings under these regulations shall be deemed

to be judicial proceeding within the meaning of sections 193 and 228 of the Pakistan Penal Code (Act XLV of 1860).

9. Regulation 5 not to apply in certain cases.— Nothing in regulation 5 shall apply to a case:—

(1) where the accused is dismissed or removed from service or reduced in rank, on the ground of conduct which had led to a sentence of fine or of imprisonment; or

(2) where the authority competent to dismiss or remove a person from service, or to reduce a person in rank, is satisfied that, for reasons to be recorded in writing by that authority, it is not reasonably practicable to give the accused an opportunity of showing cause.

10. Action in respect of employees required to proceed on leave.— If an employee proceeding on leave in pursuance of an order under clause (a) of regulation 5 is not dismissed, removed from service, reduced in rank or compulsorily retired, he shall be required to rejoin duty and the period of such leave shall be treated as duty on full pay.

11. Appeal.— An employee in the pay scale shown in column (1) of the table below on whom a penalty is imposed may prefer an appeal to the authority specified in column (2) of that table.

TABLE

(1)	(2)
(a) Employees in pay scales 1 to 3 and posted at Units or Stations.	Director of Administration and Public Affairs.
(b) Employees in pay scales 1 to 4(A) at Headquarters.	Director-General.
(c) Employees in pay scales 4 and 4(A) at Units.	Director-General.
(d) Employees in pay scales 5 to 9.	Chairman.
(e) Employees in pay scale 10.	Board of Directors.

12. Appearance of counsel.— No party to any proceeding under these regulations before the authority, the authorised officer, an Inquiry Officer or an Inquiry Committee shall be represented by an advocate.