

**THE PAKISTAN TELEVISION CORPORATION
(TAKING OVER), ORDER, 1972**

PRESIDENTS ORDER NO. 115 OF 1972

[15th September, 1972]

WHEREAS in the public interest it is expedient that the Government should take over the undertaking of the Pakistan Television Corporation Limited in Bangladesh to ensure better operation of television services;

NOW, THEREFORE, in pursuance of the Proclamation of Independence of Bangladesh, read with the Provisional Constitution of Bangladesh Order, 1972, and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order:-

1. (1) This Order may be called the Pakistan Television Corporation (Taking Over) Order, 1972.

(2) It shall come into force at once.

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

(a) “Government” means the Government of the People’s Republic of Bangladesh;

(b) “Television Corporation” means the Pakistan Television Corporation Limited.

3. The provisions of this Order shall have effect notwithstanding anything inconsistent therewith contained in any other law for time being in force or in any memorandum or articles of association or in any contract, deed or other instrument.

4. On the commencement of this Order, the entire undertaking of the Television Corporation in Bangladesh shall, stand transferred to, and vested in, the Government.

5. (1) The undertaking of the Television Corporation in Bangladesh shall be deemed to include all assets, rights, powers, authorities and privileges and all properties, movable and immovable, including lands, buildings, projects, stores, instruments, machinery, automobiles and other vehicles, cash balances, bank deposits, reserve funds, investments and all other rights and interest in, or arising out of, such property as were immediately before the commencement of this Order in the ownership, possession, power or control of the Television Corporation in relation to its undertaking in Bangladesh and all books of account, registers, records and all other documents of whatever nature relating thereto and shall, unless the Government otherwise directs, also be deemed to include all borrowings, liabilities and obligations of whatever kind then subsisting of the Television Corporation in relation to such undertaking.

(2) Unless the Government otherwise directs, all contracts, deeds, bonds, agreements and other instruments of whatever nature subsisting or having effect immediately before the commencement of this Order and to which the Television Corporation is a party or which are in favour of the Television Corporation shall, in so far as they relate to the undertaking of the Television Corporation in Bangladesh, be of as full force and effect against or in favour of the Government, and may be enforced or acted upon as fully and effectually as if in the place of the Television Corporation the Government had been a party thereto or as if they had been issued in favour of the Government.

(3) Unless the Government otherwise directs, all suits, appeals and other proceedings of whatever nature instituted, before the commencement of this Order, by or against the Television Corporation in relation to its undertakings in Bangladesh shall, on such commencement, be deemed to have been instituted by or against the Government and may be continued or proceeded with accordingly.

6. (1) Every officer or other employee of the Television Corporation in Bangladesh shall, on the commencement of this Order become an officer or other employee, as the case may be, of the Government and shall hold his office or service in the Government on such terms and conditions as may be determined by the Government or, until so determined, on the same terms and conditions as were applicable to him immediately before the commencement of this Order:

Provided that an officer or other employee may, within such time as may be specified by the Government, exercise his option, not to continue in the service of the Government.

(2) The transfer of service of any officer or other employee of the Television Corporation to the Government under clause (1) shall not entitle any such officer or other employee to any compensation and no such claim shall be entertained by any Court, tribunal or other authority.

7. (1) Where any property has vested in the Government under Article 4, every person, in whose possession or custody or under whose control the property may be, shall deliver the property to the Government forthwith.

(2) Any person who, on the commencement of this Order, has in his possession or custody or under his control any books, documents or other papers relating to the undertaking which has vested in the Government under Article 4 shall deliver them to the Government or to such person as the Government may direct.

(3) The Government may take all necessary steps for securing possessions of all properties which have vested in the Government under Article 4.

8. The Government shall give compensation to the Television Corporation for such of its undertaking transferred to the Government under Article 4 as has not already vested in the Government by or under any law, and such compensation shall be determined and distributed among the shareholders of the Television Corporation in such manner as may be prescribed:

Provided that the total compensation payable to the Television Corporation under this Article shall not exceed the total paid up value of the shares held by the shareholders among whom such compensation is to be distributed.

9. The Government shall manage and administer the affairs of the undertaking vested in it under Article 4 in such manner as it deems fit.

10. If any person wilfully withholds or fails to deliver to the Government as required by Article 6, any property or any book, document or other paper which may be in his possession or unlawfully retains in his possession any property of the Television Corporation which has vested in the Government under Article 4, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

11. No suit, prosecution or other legal proceeding shall lie against the Government or an officer or other employee serving in connection with the affairs of the undertaking vested in the Government under Article 4 for anything which is in good faith done or intended to be done under this Order.

12. The Government may, by notification in the *official Gazette*, make rules for carrying out the purposes of this Order.
