



30th November, 2023

TL2023/1130/IA

Mr. Anwaar-ul-Haq Kakar,
Caretaker Prime Minister,
Prime Minister's House,
Islamabad.

Subject: Allegations of Violation of Supreme Court of Pakistan Orders 2018 and Cabinet Secretariat (Establishment Division) Management Position Scales, 2020/2021 in Recruitment of Anchors for 03 Programmes on Monthly Consolidated Emoluments of Rs. 750,000/- (Seven Hundred & Fifty Thousand Only) each on Contract Basis for a period of (03) Years, With Effect from 11.09.2023

Dear Sir,

This is with reference to Transparency International Pakistan's letter to Managing Director, PTVC, dated 20th October, 2023 (**Annex-A**) and MD, Pakistan Television Corporation's reply, dated 24th November, 2023 (**Annex-B**).

Following facts have been admitted by Pakistan Television Corporation:

That;

1. PTV has hired three Anchors for three different programmes on monthly consolidated Emoluments of Rs. 750,000/- (Seven Hundred & Fifty Thousand Only) each on a Contract Basis for a period of three Years, without any advertisement and open competition.
2. The hiring for the above mentioned positions on salary Rs. 750,000/- each is done on favoritism as it is against the Cabinet Secretariat (Establishment Division) Management Position Scales, 2020/2021 Rules.
3. PTV will be paying a total of Rs. 81 million to the three anchors during the three years which is a huge loss to the national exchequer as the recruitment procedure is devoid of any rules and regulations.
4. According to Supreme Court Judgment in Ata ul Haq Qasmi Human Rights Case No. 3654 of 2018 dated 8.11.2018 the PTVC is contempt of Court as it has violated the following conditions, as per *para 10* of the judgment;

(In the matter regarding appointment of Managing Director, Pakistan Television Corporation)

10. An pertinent question that must be answered is what is the manner in which such nomination is to be made? Paragraph 5 of the summary of the judgment of 2016 regarding the terms and conditions of Mr. Qasmi's appointment as the Chairman of PTV states that "*the appointment against the said position did not warrant open advertisement in terms of Civil Establishment Code – 2007 (Volume – I: Chapter – 2 : Sl. No. 141 : sub para – iii : a & b : Page – 216 - 217) – as the appointment has been made under Section – 183 (b) of the Companies Ordinance – 1984, read with, PTVC's Memorandum and Articles of Association (Article – 95).*" At this juncture it is necessary to examine Sl. No. 141 of the Civil Establishment Code (*Esta Code*) which contains the Policy Guidelines for Contract Appointments for posts in Autonomous/Semi-Autonomous Bodies, Corporations, Public Sector Companies etc. owned and managed by the Federal Government:-

In order to regulate contract appointments in Autonomous/Semi-Autonomous Bodies, Corporations, Public Sector Companies etc., owned and managed by the Federal Government, the Chief Executive has been pleased to lay down the following policy guidelines:-



(i) In the case of tenure posts, appointment to which is regulated by specific provisions of a law, rule and policy instructions, contract appointments may be made in the manner prescribed in the applicable law, rules and policy guidelines/directions issued by the Federal Government.

(ii) For projects which have a limited life...

(iii) For posts other than those mentioned at (i) and (ii) above contract appointments should be made only subject to fulfillment and observance of the following conditions:

(a) Where the nature of a particular job/vacant position

requires contract appointment for a specific period, standing instructions should be issued by the administrative Ministry/Division concerned, after consultation with the Chairman of the Board of Directors/Board of Governors, specifying such posts and the parameters governing appointment on contract basis against such posts.

(b) Vacancies should be advertised in the leading national and regional newspapers.

(c) Selection should be made through regularly constituted Selection Committees/Boards.

**[(v) The contract appointment, where justified, may be made for a period of two years initially, on standard terms including termination clause of one month's notice or one month's pay in lieu thereof. Extension may be made on two yearly basis].*

Caretaker Prime Minister is requested to examine the alleged illegal hiring of the three anchors for three years at the salary of Rs. 750,000/- which appears to be undue favor, and if found correct, action may be taken against the officers and three beneficiaries for violating Government Rules as stated in the Supreme Court Judgment in Ata ul Haq Qasmi Human Rights Case No. 3654 of 2018 dated 8.11.2018 the PTVC is contempt of Court as it has violated the following conditions, as per para 10 of the judgment.

Transparency International Pakistan is striving for across the board application of Rule of Law, which is the only way to stop corruption, and achieve against Zero tolerance against corruption

Regards

Advocate Daniyal Muzaffar,
Trustee/Legal Advisor
Transparency International Pakistan

Copies forwarded for information with request to take action under their mandate:

1. Secretary, M/o Information & Broadcasting, Islamabad.
2. Chairman, Prime Minister Inspection Commission, PMIC, Islamabad.
3. Managing Director, Pakistan Television Corporation PTVC, TV Centre, Lahore.
4. Chairman, NAB, Islamabad.
5. The Auditor General of Pakistan, Islamabad.
6. Managing Director, PPRA, Islamabad.
7. Registrar, Supreme Court of Pakistan, Islamabad.

Note:

This is to clarify that Transparency International Pakistan is not a complainant, it acts as a whistleblower and operate under Article 19-A, of the Constitution of Pakistan which gives the right to public to know how government is being run by public officers. Article 19-A makes the right to access of information pertaining to a public authority a fundamental right, and a three member bench in case of Mukhtar Ahmad Ali vs the Registrar, Supreme Court of Pakistan, Islamabad, headed by Chief Justice Qazi Faez Isa in the landmark judgment on 16 October 2023, in CP No. 3532/2023, has declared that

“What previously may have been on a need-to-know basis Article 19A of the Constitution has transformed it to a right-to-know, and the Access to information is no longer a discretion granted through occasional benevolence, but is now a fundamental right available with every Pakistani which right may be invoked under Article 19A of the Constitution”



TRANSPARENCY INTERNATIONAL - PAKISTAN

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Website: www.transparency.org.pk

20th October, 2023

TL2023/1020/1A

Managing Director,
Pakistan Television Corporation PTVC,
TV Centre,
Lahore.

Subject: Allegations of Violation of Supreme Court of Pakistan Orders 2018 and Cabinet Secretariat (Establishment Division) Management Position Scales, 2020/2021 in Recruitment of Anchors for 03 Programmes on Monthly Consolidated Emoluments of Rs. 750,000/- (Seven Hundred & Fifty Thousand Only) each on Contract Basis for a period of (03) Years, With Effect from 11.09.2023

Dear Sir,

Transparency International Pakistan has received a complaint on the allegation of violation of Supreme Court of Pakistan Orders 2018 and Cabinet Secretariat (Establishment Division) Management Position Scales, 2020/2021 in Recruitment of Anchors for 03 Programmes on Monthly Consolidated Emoluments of Rs. 750,000/- (Seven Hundred & Fifty Thousand Only) each on Contract Basis for a period of (03) Years, With Effect from 11.09.2023. (Annex-A)

The complainant has made the following allegations;

That;

1. PTV has hired 03 Anchors for 03 different programmes on monthly consolidated Emoluments of Rs. 750,000/- (Seven Hundred & Fifty Thousand Only) each on a Contract Basis for a period of (03) Years, without any advertisement and open competition.
2. The hiring for the above mentioned positions on salary Rs. 750,000/- each is done on favoritism as it is against the Cabinet Secretariat (Establishment Division) Management Position Scales, 2020/2021 Rules.
3. PTV will be paying a total of 81 million to the three anchors during the three years which is a huge loss to the national exchequer as the recruitment procedure is devoid of any rules and regulations.

Transparency International Pakistan Comments

Transparency International Pakistan has reviewed the allegations of the complainant, prima facie allegations seem correct. Following are TI Pakistan comments:

1. PTV is a government entity and as per the appointment rules, all appointments are to be made in accordance with the transparent procedures by advertising vacancies in newspapers, which must include qualifications, experience, age limit, salary etc.
2. The Supreme Court of Pakistan in Human Rights Case No. 3654 of 2018 declared the appointment and monetary benefits bestowed upon the former chairperson and managing director of Pakistan Television (PTV), as illegal and ordered to make recovery, quoted below:

"Taking into account the lapses and illegal actions committed by Mr. Qasmi as a Director and the Chairman of PTV, Mr. Pervaiz Rashid, Minister for Information, Mr. Ishaq Dar, Finance Minister and Mr. Favad Hasan Favad, Secretary to the PM, we hereby direct that the amount of Rs.197,867,491/- be recovered from them in the ratio stated in paragraph No.35 of this opinion; and..." (8.11.2018) (Annex-B)



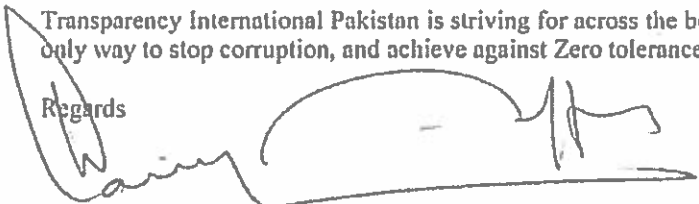
3. The Cabinet Secretariat (Establishment Division) Management Position Scales, 2020/2021 determines the procedure for the appointment for posts in autonomous/semi-autonomous bodies, corporations public sector companies, etc owned and managed by the federal government (Annex-C).
4. The recruitment at the salary of Rs. 750,000 per month falls under the scale MP-I, MP-II, MP-III and must be done in line with the Management Position Scales Policy 2020/2021 for Contractual Appointments issued by Cabinet Secretariat (Establishment Division) dated 12th January 2021 (Annex-D).
5. The monthly remuneration is Rs. 750, 000/- whereas the scale is also not identified.

Transparency International Pakistan Recommendations

Transparency International Pakistan requests the Managing Director, PTV to examine the allegations and if found correct, issue directives for the cancellation of the recruitment order and ensure compliance with the Supreme Court of Pakistan orders and the Cabinet Secretariat (Establishment Division) latest office memorandum Management Position Scales Policy, 2020/2021 for Contract Appointment for Posts in Autonomous/ Semi-Autonomous Bodies, Corporations, Public Sector Companies etc, Owned and Managed by the Federal Government for appointment of Anchors by publicly advertising the positions and ensuring competitive procedure.

Transparency International Pakistan is striving for across the board application of Rule of Law, which is the only way to stop corruption, and achieve against Zero tolerance against corruption

Regards


Advocate Daniyal Muzaffar,
Trustee/Legal Advisor
Transparency International Pakistan

Copies forwarded for information with request to take action under their mandate:

1. Principal Secretary to Caretaker PM, PM House, Islamabad.
2. Secretary, M/o Information & Broadcasting, Islamabad.
3. Chairman, Prime Minister Inspection Commission, PMIC, Islamabad.
4. Chairman, NAB, Islamabad.
5. Managing Director, PPRA, Islamabad.
6. Registrar, Supreme Court of Pakistan, Islamabad.

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Try again

(A)

PAKISTAN TELEVISION CORPORATION LIMITED

Federal TV Complex
Constitution Avenue
F-5/1, Islamabad
September 20, 2015

Ref No. 11/107/152 D/571

Syed Inam Shafiq
House No. 06, Gali No. 18,
Mohalla Gulshan Park, Mughalpur
Lahore Cantt, District
Lahore

The Management is pleased to engage you as an honor for Current Affairs (on contract) and Current Affairs (on monthly consolidated emoluments of Rs. 150,000/- (Seventy thousand only) for a period of (03) year, with effect from 11.09.2015 on the following terms and conditions:

- i) You will not be entitled to any other facility or benefits at office or residence except the above mentioned at consolidated emoluments.
- ii) Your engagement with PTV is such on temporary basis and shall be terminable on one month notice on either side.
- iii) You will not engage yourself in any work, practice in any other assignment direct or indirect for any other agency/organization in any capacity, failing which your contract shall be terminable without any notice.
- iv) You shall be subject to all rules and regulations of the Corporation prevailing for the time being and coming into force from time to time.
- v) This contract will not entitle you to any claim for regular appointment at a subsequent date.
- vi) You will promote your programmes on Social Media posts of PTV.
- vii) You will promote the Social Media posts of PTV in addition to your stipulated job.
- viii) You will perform the Programmes as and when required by the PTV.
- ix) Your employment is subject to the verification of your educational documents and security clearance. In case of any discrepancy in the aforesaid requirements are not fulfilled, the contract of employment and you will be liable to resignation.

If the above terms and conditions are accepted, please return the copy of this order as a token of your acceptance and acknowledgment for duplicate.

- 02. This Supercedes office order No. 11/107/152 D/571 dated 11.09.2015.
- 03. This issues with the approval of the Management.

- 1. General Manager, PTV
- 2. Executive Manager (A & D)
- 3. Executive Manager (HR)
- 4. Personal File
- 5. Office Copy

Signature
Date

37. To recapitulate:-

- i. Mr. Qasmi's appointment as a Director and the Chairman of PTV is declared to be illegal and without any lawful effect;
- ii. The payment of salary and the benefits/allowances to Mr. Qasmi was unlawful and unauthorized. He was not entitled to such payments and cannot retain the same;
- iii. On account of lack of fiduciary behavior, Mr. Qasmi is declared to be ineligible to be appointed as a Director of any company from the date of this judgment onwards;
- iv. The administrative actions taken by Mr. Qasmi are beyond the scope of duties of a Chairman, therefore all such orders passed by him during his tenure are declared to be illegal and void *ab initio*;
- v. Taking into account the lapses and illegal actions committed by Mr. Qasmi as a Director and the Chairman of PTV, Mr. Pervaiz Rashid, Minister for Information, Mr. Ishaq Dar, Finance Minister and Mr. Fawad Hasan Fawad, Secretary to the PM, we hereby direct that the amount of Rs.197,867,491/- be recovered from them in the ratio stated in paragraph No.35 of this opinion; and
- vi. The Federal Government is directed to appoint a full-time MD of PTV (*if the position is still vacant*) after fulfilling all legal, procedural and codal formalities, strictly in accordance with law.

This matter is disposed of in the aforementioned terms.

CHIEF JUSTICE

JUDGE

JUDGE

Announced in open Court
on 8.11.2018 at Islamabad
Approved for Reporting
M. Ashar Malik

Annex- C

GOVERNMENT OF PAKISTAN
CABINET SECRETARIAT
ESTABLISHMENT DIVISION

318)

No. 1/3/2020-E-6

Islamabad, the 12th January, 2021

OFFICE MEMORANDUM

Subject: MANAGEMENT POSITION SCALES POLICY, 2020-Amendment

The undersigned is directed to refer to this Division's O.M. No. 1/3/2020/E-6 dated 16.09.2020 and state that with the approval of the Prime Minister, following amendments have been made to the Management Positions Scales Policy-2020 issued vide the O.M. referred above,

- i. The existing sub-para "(xiv)" in para 6 has been renumbered as "(xiv)-A"; and,
- ii. After renumbering of sub-para (xiv) as aforesaid, the following new sub-para (xiv)-B, has been inserted:
"(xiv)-B Prior to submission of the case for orders of the Prime Minister, in terms of sub-para (xiv)-A above, the Division concerned shall send the case to Establishment Division for consideration and recommendations by the Committee consisting of the following:
 - a) Secretary, Establishment Division (Convener)
 - b) Secretary, Cabinet Division
 - c) Secretary, Finance Division
 - d) Deputy Chairman Planning Commission
 - e) Secretary, Law and Justice Division
 - f) Any member to be co-opted by the Committee"

2. The said amendments along with updated policy (enclosed) are circulated for information and necessary action.

(Zain Aziz)
Section Officer (E-8)
Tele: 9102460

The Secretaries/Additional Secretaries In-charge,
All Ministries/Divisions,
Government of Pakistan,
ISLAMABAD/RAWALPINDI

5.	Leave	The incumbent shall earn leave on full pay @ 3 days per month on annual basis and the leaves earned shall be availed during the currency of the year. Title of Leave will neither be carried over to the next year in case of non-availing nor will it be encashed.	The incumbent shall earn leave on full pay @ 3 days per month on annual basis and the leaves earned shall be availed during the currency of the year. Title of Leave will neither be carried over to the next year in case of non-availing nor will it be encashed.	The incumbent shall earn leave on full pay @ 3 days per month on annual basis and the leaves earned shall be availed during the currency of the year. Title of Leave will neither be carried over to the next year in case of non-availing nor will it be encashed.
6.	Discipline	As applicable in case of contract employees.	As applicable in case of contract employees.	As applicable in case of contract employees.
7.	Appointing Authority	Prime Minister on the recommendations of the Selection Committee. Annual extension in contract will also be given by Prime Minister on recommendations of Performance Evaluation Committee.	Prime Minister on the recommendations of the Selection Committee. Annual extension in contract will also be given by Prime Minister on recommendations of Performance Evaluation Committee.	Prime Minister on the recommendations of the Selection Committee. Annual extension in contract will also be given by Prime Minister on recommendations of Performance Evaluation Committee.

6. Miscellaneous:

- i). Unless any other law/ rules, for the time being in force, provide otherwise, regular Civil Servant / Government Servants shall not be substantively posted against MP Scale Positions.
- ii). Civil Servants / Government Servants may, however, subject to eligibility, apply for these positions, through proper channel.
- iii). Subject to provisions of (i) above, in case a Civil Servant/ Government Servant is selected through competitive process against any such position, he/she shall either resign from Government Service or seek early retirement, severing his / her connection / lien with their parent cadre / Ministry /Division / organization, etc., before joining the MP Scale Position.
- iv). The persons being employed under MP Scales shall submit to the government an affidavit declaring their non-involvement in any other relevant business /job which may tantamount to conflict of interest.
- v). The persons already employed on MP Scale positions and are holding the MP Scale position on the date of commencement of this policy, shall henceforth be governed under the MP Scales Policy, 2020 in all matters including but not limited to tenure, performance evaluation and contract extension, etc. as the case may be. The tenure of the incumbents in all such cases shall be reckoned from the date of their initial appointment on MP Scale whether made through competitive process or otherwise {:

Provided that the tenure of appointment, as contained in the terms and conditions of the incumbent(s) determined at the time of their initial appointment, shall in no case be construed to be automatically extended to three (03) years from the date of initial appointment of such incumbents:

NOV 24
2023



FROM

ANNEX - B

Managing Director, Pakistan
Television Corporation (PTVC)

STATUS

Closed - Relief granted

REMARKS

تبصرہ

Dear Citizen,

This is to inform that PTV Board of Directors is the rules framing authority of the Corporation and the BOD in its 184th meeting held 23.04.2009 approved the recruitment procedure for fresh and experienced professionals. Wherein, it was also decided that hiring of anchor persons/reporters will be finalized by Director News/Director Current Affairs/ Director Admin & Personnel and the Managing Director from the open market based on the need of the organization. Further, being a State Media Organization in the competitive media industry, it requires professionals in various fields specially Anchor Persons to compete with private media to highlight on screen development steps being taken

authority of the Corporation and the BOD in its 184th meeting held 23.04.2009 approved the recruitment procedure for fresh and experienced professionals. Wherein, it was also decided that hiring of anchor persons/reporters will be finalized by Director News/Director Current Affairs/Director Admin & Personnel and the Managing Director from the open market based on the need of the organization. Further, being a State Media Organization in the competitive media industry, it requires professionals in various fields specially Anchor Persons to compete with private media to highlight on screen development steps being taken by the Government of Pakistan. Further as per PTV Service Rules clause-6.13, the Managing Director is authorized to constitute a selection board to assess the suitability of the candidate(s). As such, the engagements of these Anchor Persons were made in line with PTV Service Rules/Policy.

Regards
