

[ AS PASSED BY THE NATIONAL ASSEMBLY ]

A

BILL

*to establish the Pakistan Academy of Letters*

WHEREAS it is expedient to establish the Pakistan Academy of Letters to provide for promotion of Pakistani language, literature and for welfare of writers' community throughout Pakistan and to provide for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:—

1. **Short title, extent and commencement.**— (1) This Bill may be called the Pakistan Academy of Letters' Act, 2012.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

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

(a) "Academy" means the Pakistan Academy of Letters;

(b) "Board" means the Board of Governors of the Academy;

(c) "Chairman of the Board" means Chairman of the Board;

(d) "Chairman of the Academy" means the Chairman of the Academy who shall be its chief executive;

(e) "Director-General" means the Director-General of the Academy;

(f) "employees" means an employee in the whole time employment of the Academy;

(g) "Member" means a member of the Board;

(h) "prescribed" means prescribed by rules;

(i) "rules" means the rules made under this Act; and

(j) "regulations" means the regulations made under this Act.

3. **Establishment of the Academy.**— (1) The Pakistan Academy of Letters as reconstituted in accordance with the provisions of this Act shall be a body corporate having perpetual succession and common seal and power to acquire, hold and dispose of property.

(2) the Academy shall be an autonomous body.

(3) The main office of the Academy shall be at Islamabad and the Academy may set-up its regional offices at such place or places as it may deem appropriate.

4. **Board of Governors.**— (1) The Federal Government shall, by notification in the official Gazette, constitute a Board of Governors of the Academy consisting the following, namely:-

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|-----|--|---------------------------|
| (a) | Chairman, Pakistan Academy of Letters, Islamabad.  | Chairman                  |
| (b) | Joint Educational Advisor of the concerned Wing of the Ministry concerned.   | <i>Ex-Officio</i> Member  |
| (c) | One representative, not below the rank of Joint Secretary, of Ministry of Finance.   | <i>Ex-Officio</i> Member  |
| (d) | representative of Higher Education Commission (HEC) (not below the rank of a BS-20 officer).   | Member                    |
| (e) | one representative of each of the provinces (to be nominated by the Provincial Government concerned).  | <i>Ex-Officio</i> Members |
| (f) | two representatives of the areas not forming part of any Province (to be nominated by name by the Minister) concerned (one from Islamabad Capital Territory and one from FATA, FANA, NA by rotation) | <i>Ex-Officio</i> Members |
| (g) | a man of letters of English language to be nominated by the Minister concerned.  | Member                    |
| (h) | a man of letters of Urdu language to be nominated by the Minister concerned.   | Member                    |
| (i) | one man of letters of each of at least six regional languages to be nominated by the Minister concerned.   | Members                   |
| (j) | Director-General, Pakistan Academy of Letters.   | Member                    |

(2) The Director-General shall also act as Secretary of the Board.



(3) The term of Members of Board of Governors except *ex-officio* Members, shall be three years and the Members shall be eligible for reappointment for such term, or terms as the Government may determine but shall cease to hold office on attaining the age of sixty-five years or the expiry of the term, whichever is earlier.

(5) **Functions and powers of the Board.**— (1) The Board shall be responsible for setting of objectives and policy guidelines of the Academy with the powers and functions provided in section 12.

(2) The general direction and administration of the Academy and its affairs shall vest in the Board which shall exercise all powers, perform all functions and do all acts and things which may be exercised, performed or done by the Academy under this Act.

(3) In particular and without prejudice to the generality of the foregoing powers, the Board shall, —

- (a) promote a modern system for the promotion of Pakistani languages, literature and welfare of the writers' community in the country;
- (b) approve policies, plans and programmes of the Academy; and
- (c) formulate procedures and necessary framework for utilization of funds generated or acquired through services, donations or grants, etc.

6. **Delegation of powers.**— The Board may, by general or special orders in writing subject to such limitations, restrictions or conditions, delegate all or any of its powers and functions to the Chairman of the Academy or Director-General of the Academy.

7. **Meeting of the Board.**— (1) Save as hereinafter provided, the Board shall regulate the procedure for its meetings.

(2) The meetings of the Board shall be convened by and under the directions of the Chairman of the Board:

Provided that the Federal Government may direct convening of a meeting of the Board at any time on any matter requiring a decision by the Board.

(3) The meeting of the Board shall be held at least twice a year.

(4) A simple majority of the total membership shall constitute the quorum for a meeting of the Board.

(5) The decision of the Board shall be made by simple majority of the members present and voting.

8. **Chairman of the Academy.**— (1) The Chairman of the Academy shall be an eminent professional of known integrity, reputation, competence and expertise in the field of Pakistani languages and literature.

(2) The Chairman of the Academy shall be appointed by the Federal Government on such terms and conditions as it may be deemed appropriate and shall hold the office for a period of three years.

(3) The Chairman of the Academy shall be the chief executive of the Academy. He shall directly oversee the Director-General in the performance of his duties and responsibilities under this Act, shall guide and direct him, as deemed necessary and shall liaise and consult with the Government, on behalf of the Board, for carrying out the purposes of this Act.

(4) The Chairman of the Academy may resign his office by writing under his hand addressed to the Federal Government.

9. **Privileges and perquisites of the Chairman of the Academy.**— The Chairman of the Academy shall be entitled to such privileges and perquisites as may be prescribed by rules.

10. **Director-General of the Academy.**— (1) There shall be a Director-General who shall be appointed by the Federal Government on such terms and conditions as may be prescribed.

(2) The Director-General shall comply with such directions that the Federal Government or the Board may give from time to time.

(3) The Director-General shall be entitled to such remuneration and privileges as may be prescribed.

11. **Committees of the Academy.**— (1) The Academy may, for carrying out its functions, constitute such committees as may be considered appropriate.

(2) The membership of a committee and conduct of business thereof shall be such as may be prescribed by regulations.

12. **Powers and functions of the Academy.**— The powers and functions of the Academy shall be to,—

- (a) administer and coordinate all government systems for the promotion of Pakistani languages, literature and welfare of writer's community in the country under provisions of this Act and the rules and regulations made there under;
- (b) advise the Federal Government on policy relating to promotion of Pakistani languages, literature and welfare of writers' community in the country;



- (c) determine research priorities in the field of language or literature and to undertake research projects;
- (d) evaluate the performance of the various learned bodies and institutions dealing with literature and literary activities and to scrutinize and assess their new projects and to release grants to them;
- (e) set up a bureau of translation for the translation of selected works from and into national and the regional languages with a view to promote great cohesion and intellectual understanding among the people of different regions of the country;
- (f) promote and supervise the production of standard works of reference *e.g.* dictionaries, encyclopedias etc., in the national and regional languages;
- (g) establish a language laboratory, a language library and a documentation centre to facilitate work on the national and regional languages in consonance with the ideology of Pakistan;
- (h) undertake or recommend suitable measures for the promotion of creative writing in the national and regional languages in consonance with the ideology of Pakistan;
- (i) undertake or recommend suitable measures for the introduction of Pakistani literature to the foreign readers;
- (j) produce literary periodicals in Urdu, English and other Pakistani languages;
- (k) provide an authoritative body of consultants for all matters relating to language, literature and letters;
- (l) nominate or recommend recipients for various literary awards and distinctions;
- (m) represent or advise the Federal Government on international gatherings relating to language, literature and letters;
- (n) extend national recognition to eminent personalities for their services to Pakistani languages, literature and letters and to undertake publication of research work of national importance done by them;
- (o) render monetary assistance to indigent writers and to safeguard the interests of writers;

- (p) provide for the printing and publication of literary works;
- (q) recommend measures for the promotion of printing and publishing industry in the country;
- (r) create various posts and appoint persons thereto on such terms and conditions as may be prescribed under regulations;
- (s) govern and regulate the finances, accounts and investments of the Academy;
- (t) liaise and interact with counterpart organizations in other countries for capacity building and exchange of information;
- (u) engage in human resource development of its officers and staff;
- (v) carry-out such works or activities as may be deemed necessary with a view to making the best use of its assets;
- (w) co-ordinate implementation of foreign-aided technical assistance projects on languages or literatures through Ministry concerned;
- (x) enter into, carry out, vary or cancel contracts; and
- (y) perform and carry out any other thing or function relating to promotion of Pakistani languages, literature and welfare of writers' community in the country assigned to it by the Board or the Federal Government.

13. **Appointment of employees, experts, etc., by the Academy.**— (1) The Academy may, with the prior approval of the Federal Government, create posts and may appoint such employees, experts and consultants, as may be required for the function of the Academy on such terms and conditions as may be prescribed under regulations.

(2) The Academy, with the approval of the Board, shall devise procedures for the appointment of its employees, experts and consultants.

(3) The Academy, with the approval of the Board, shall determine the terms and conditions of service of its employees, experts and consultants and shall also be competent to take disciplinary action against them.

14. **Employees, experts, etc., to be public servants.**— (1) The Chairman of the Academy, Director-General, employees, experts, consultants of the Academy shall, when acting on purporting to Act in pursuance of any of the provisions of this Act, be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (Act XLV of 1860).

(2) The regular employees of the Academy working immediately before commencement of this Act shall be offered an option whether they or any one desire to continue



to serve as civil servants or to opt to become employee of the Academy. The employees shall convey their option within six months of commencement of this Act. Option once exercised shall final and irrevocable.

15. **Pakistan Academy of Letters Fund.**— (1) There shall be created a fund to be known as *Pakistan Academy of Letters Fund* which shall vest in the Academy and shall be utilized by the Academy to meet charges in connection with its functions under this Act including the payment of salaries and other remuneration to the Chairman of the Academy, Director General, employees, experts and consultants of the Academy.

(2) The Pakistan Academy of Letters Fund shall be financed from the following sources, namely:-

- (a) grants and loans made by the Federal Government or a Provincial Government;
- (b) loans, aid and donations from the national or international agencies; and
- (c) revenue earned from the levy of various charges or fees, etc.

(3) The Pakistan Academy of Letters Fund shall be kept in one or more accounts maintained by the Academy, in local or foreign currency, in any branch of the National Bank of Pakistan and shall be operated in accordance with the directions of the Board.

16. **Budget.**— (1) The Academy shall, in respect of each financial year submit for approval of the Federal Government, on such date as may be prescribed, a statement of the estimated receipts and expenditure, including requirements of foreign exchange for the next financial year for provision of annual funds for approval by the Federal Government. Head-wise budget will be approved by the Board.

(2) The Chairman of the Academy shall be the Principal Accounting Officer of the Academy.

(3) The Director-General shall be the Chief Accounting Officer of the Academy.

17. **Audit and accounts.**— (1) The accounts of the Academy shall be maintained in the manner prescribed by the Controller General of Accounts.

(2) The Auditor-General of Pakistan shall conduct audit of the accounts of the Academy.

(3) A copy of the audit report shall be submitted to the Board along with the comments of the Academy.

(4) The Board may issue directions to the Academy for the rectification of any item objected to by the Auditor-General of Pakistan and the Academy shall comply with such directions.

18. **Submission of yearly reports and returns.**— Within three months of the conclusion of each financial year, the Academy shall submit an annual report to the Federal

Government in respect of the activities of the Academy including the status of its existing programmes, projects and further plans formulated in furtherance of its aims and objectives.

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

20. **Power to make regulations.**— The Academy may, by notification in the official Gazette, make regulations, not inconsistent with provisions of this Act or the rules, for exercising its powers and carrying out its functions under this Act.

21. **Indemnity.**— No suit, prosecution or other legal proceedings shall lie against the Federal Government or the Academy or any person acting under the Federal Government or the Academy for anything which is in good faith done or intended to be done in pursuance of this Act or any rules or regulation made there under.

22. **Authorities to aid the Academy.**— All languages or literary or welfare authorities in the Federation and the Provinces shall render such assistance to the Academy, as may be necessary, for the promotion of Pakistani languages, literature and welfare of writers community in the country.

23. **Removal of difficulties.**— If any difficulty arises in giving effect to any of the provisions of this Act, the Federal Government may, for the purpose of removing such difficulty, make such order, not inconsistent with the provisions of this Act, as it may consider expedient and any such order shall be deemed to be, and given effect to, as a part of the provisions of this Act.

24. **Repeal and savings.**— (1) The Ministry of Education's Resolution No. 8-18/75/Cb, dated the 7<sup>th</sup> July, 1976, hereinafter referred to as the repealed Resolution, is hereby repealed.

(2) Upon the commencement of this Act,-

- (a) all funds, properties, rights and interests of whatsoever kind issued, used, enjoyed, possessed, owned or vested in the Pakistan Academy of Letters in existence immediately before such commencement and all liabilities legally subsisting against the said Academy shall pass to the Academy as established under this Act;
- (b) everything done, action taken, obligations or liabilities incurred, rights and assets acquired persons appointed or authorized jurisdiction or powers conferred, endowments, bequests, funds or trusts created, donations or grants made, orders issued under any of the provisions of the Acts, rules or regulations, applicable to the said Academy, shall remain in force and be continued and, having regard to the various matters which by this Act have to be regulated or prescribed by rules or regulations, be deemed to have been respectively done, taken, incurred, acquired, appointed, authorized, conferred, created, made, or issued under this Act and reference in any document to any of the provisions of the said Acts or the rules or



regulations made thereunder shall, so far as may be, be deemed to be reference to the corresponding provisions of this Act or the rules or regulations made or deemed to have been made thereunder; and

- (c) any rules or regulations made under the repealed resolution shall, in so far as they are not inconsistent with the provisions of this Act or the rules and regulations made under this Act having regard to the various matters which by this Act have to be regulated or prescribed by rules or regulations respectively shall continue to be in force, until they are repealed, replaced, rescinded or modified in accordance with the provisions of this Act.
- (d) Notwithstanding anything contained in any law, contract or agreement or in the terms and conditions of service, every person, other than employees of other Departments and members of regularly constituted Service Groups posted on deputation or employed in the Academy and serving in or under it immediately before the commencement of this Act shall cease to be civil servants and stand transferred to and become employees of the Academy on such terms and conditions as may be prescribed.

Provided the terms or conditions of the persons so transferred shall not be less favourable than those applicable to them before the commencement of this Act.

- (e) Notwithstanding anything contained in any other law for the time being in force, no person who has been transferred to the Academy shall be entitled to any compensation on account of such transfer.

### STATEMENT OF OBJECTS AND REASONS

Pakistan Academy of Letters (PAL), Islamabad was established as an autonomous body through a Resolution of Ministry of Education in 1976 with major objective of promotion of Pakistani literature and welfare of writer's community in country. However, in pursuance of Supreme Court's judgment in PLD 1990 SC 612, the autonomous status of PAL could not be continued without proper enactment.

2. Keeping in view the objectives of the PAL and effective discharge of its functions, Ministry of Education considered it necessary, in the public interest, to maintain the status of the Academy as an autonomous body.

3. In order to grant autonomous status to PAL, a Summary for the Cabinet was placed before the Federal Cabinet for approval. The Cabinet considered this Summary in its meeting dated 21<sup>st</sup> October, 2009 and decided as under:-

"The Cabinet considered the Summary dated 8<sup>th</sup> September 2009 submitted by the Ministry of Education on *"Approval in principle of the Cabinet for Grant of Autonomous Status to Pakistan Academy of Letters"* and approved the proposal in principle, subject to resolution of difference of opinion, regarding composition (Chairmanship) of the Board of Governors by the Prime Minister in consultation with the Minister for Education".

4. After taking over charge of Ministry of Education, I recommended that Mr. Fakhar Zaman, the Chairman, PAL, being an eminent person, should also be the Chairman, BOG of PAL. The Prime Minister has very kindly agreed to it.

5. Hence, Pakistan Academy of Letters Bill, 2012 is enclosed for its placement before the National Assembly for validation so as to achieve the aforesaid objects.

**MS. SAMINA KHALID GHURKI,**  
Minister for National Heritage and Integration,  
Member-in-Charge