

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW, JUSTICE, PARLIAMENTARY AFFAIRS AND HUMAN RIGHTS
DEPARTMENT MUZAFFARABAD

Dated: 9th February, 2016

No. LD/Legis-Act/218/2016. The following Act of Assembly received the assent of the President on the 8th day of February 2016, is hereby published for general information.

(ACT XXI OF 2016)

An
Act
to upgrade and reconstitute the Kashmir Cultural Academy

WHEREAS, it is expedient and necessary to protect and promote cultural heritage of the State of Jammu and Kashmir including art, literature and regional languages and to achieve the aforesaid objectives, it is necessary to reconstitute and upgrade the Kashmir Cultural Academy as an autonomous body;

It is therefore enacted as follows:-

1. Short title and Commencement.- (1) This Act may be called the Azad Jammu and Kashmir Cultural Academy Act, 2016.
(2) It shall come into force at once.

2. Definitions.- In this Act, unless there is anything repugnant in the subject or context, the following expressions shall have the meaning as hereby respectively assigned to them:-

(a) "Academy" means the Azad Jammu and Kashmir Cultural Academy;

(b) "Act" means the Azad Jammu and Kashmir Cultural Academy Act, 2015;

(c) "Board" means the Board constituted under Section 5;

(d) "Cell" means the Jammu and Kashmir Liberation Cell established under Act XIII of 2014;

(e) "Cell Act" means the Azad Jammu and Kashmir Liberation Cell Act, 2014;

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

(g) "Government" means the Azad Government of the State of Jammu and Kashmir;

(h) "Member" means the Member of the Board;

(i) "Prescribed" means Prescribed by rules and regulations made under this Act;

G) "Rules" means the Rules made under this Act;

(ky) "Regulations" means the Regulations framed under this Act; and

(0)) "State" means the State of Jammu and Kashmir.

Establishment of the Academy.- (1) There shall be established an Academy to be known as the Azad Jammu and Kashmir Cultural Academy which shall be a body corporate having perpetual succession and common seal and may sue and be sued by the said name.

(2) The Academy shall be autonomous and self regulatory body with powers to achieve the objectives for which it is established and re-constituted under this Act.

(3) The Academy shall be competent to acquire and hold property, both moveable and immovable, and to lease, sell or otherwise transfer it or exchange with any other movable and immovable property.

(4) The assets and liabilities of the Kashmir Cultural Academy created under Government Order/Notification No. Admin/H-II (68)/B/1/194. dated 17.04.1994 shall, on the commencement of this Act, stand transferred to the Academy established under this Act.

Objectives, functions and powers of the Academy.- (1) The objectives of the Academy shall be the promotion of regional and

State languages, art, culture, literature and welfare of writers, artists and folklore community of the State.

(2) The Academy shall have the powers to:

(a) Determine research priorities in the field of literature and to undertake research projects.

(b) Set up a bureau of translation for the translation of selected works from and into regional and State languages with a view to promote greater cohesion and intellectual understanding among the people residing in different regions of the State.

(c) Promote and supervise the production of standard works of reference e.g., dictionaries, encyclopedias etc., in the regional and State languages.

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Establish a language laboratory, a language library and documentation centre to facilitate work on the State and regional languages in consonance with the ideology of Pakistan and Sate's accession to Pakistan.

Undertake or recommend suitable measures for the promotion of creative writing in the State and regional languages in consonance with the ideology of Pakistan and Sate's accession to Pakistan.

Undertake or recommend suitable measures for introduction of Kashmiri and other regional literature to the foreign readers.

Produce literary periodicals in Urdu, Kashmiri, English and other regional languages.

Provide an authoritative body of consultants for matters relating to literature, art and culture.

Nominate or recommend recipients for various cultural/literary awards and distinctions.

Represent or advice the Government on international gatherings relating to literature, art and culture.

Extend recognition to eminent personalities for their services in promotion of art, culture and literature at State level and to undertake research work of State/national and regional importance.

Render monetary assistance to indigent writers and artists to safeguard their interests.

Provide assistance for printing and publication of literary works.

Govern and regulate the finances, accounts and investments of the Academy under the supervision of Finance Department of the Government;

Enter into, carry out, vary or cancel contracts; and

Do all such other acts, whether incidental to powers aforesaid or not, as may be necessary to further the objects of the Academy.

Do all such other acts, whether incidental to powers aforesaid or not, as may be requisite in order to further the objects of the Academy.

Constitution of the Board .-(1) The Board shall be a policy making body of the Academy and all executive power of the Academy shall vest in the Board which may be exercised by the Chairman or by any other person authorized by him in this behalf.

Board of the Academy shall consist of:-

- (i) Prime Minister Chairman
 - (ii) Minister for Youth & Culture Vice Chairman
 - (iii) Secretary J&KLC Member
 - (iv) Secretary Sports and Culture Member
 - (v) Secretary Law Member
 - (vi) Secretary Finance Member
 - (vii) Director General (Academy) Member/Secretary
 - (viii) Two persons, including at least one women eminence in arts, cultural, literature, media or other scholarly field to be nominated by the Chairman on the recommendations of the Board.
- (2) The nominated members may hold office for a term of three years and shall be eligible for re-nomination on expiry of this term, unless the Board terminate his/her membership earlier.
- (3) The meeting of the Board may be held twice in a financial year, the chairman may, however, convene a special meeting of the Board at any time.
- (4) Not less than five Members shall be present to constitute quorum for a meeting of the Board.

Powers and duties of the Board.- (1) The Board shall provide policy guidelines to the Academy on the matters relating to the objectives , powers and functions of the Academy.

(2) Any other matter, as Director General may consider appropriate, to be place before the Board for guidelines to achieve aims and objectives of the Academy.

Administrative Secretary of the Academy.-The Secretary of the Cell shall be the administrative Secretary of the Academy. He

shall be the official incharge and principal accounting officer of the Academy and shall also responsible for efficient administrative and financial discipline and for the proper conduct of business of the Academy in accordance with this Act, Rules and the directions of the Government.

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Director General.- There shall be a Director General of the Academy who shall be a professional of known integrity and experience in the field of administration and shall be appointed by the Government for such period and on such terms and conditions as may be Prescribed.

Powers and duties of the Director General.- (1) The Director General shall be responsible for execution of the decisions of the Board, and shall ensure efficient functioning/performance of the Academy.

(2) The Director General shall be the custodian of records and all properties of the Academy.

(3) The Director General may, if so required by the administrative secretary be the drawing and disbursing officer of the Academy and shall be responsible for proper maintenance of accounts of the Academy.

(4) The Director General shall record and maintain minutes of all meetings including the meetings of the Board and other such committees of which he is the Member/Secretary.

(5) The Director General, with the approval of the administrative secretary, may delegates any of his powers and functions to the senior most officer or to any other suitable officer of the Academy to be exercised during his absence on causal leave.

Appointment of Officers and Staff.- (1) All employees of the Academy shall be deemed to employees of the Cell.

(2) The cases of the officers, staff and employees already serving in the Academy shall be referred to the relevant Selection Board or Selection Committee of the Cell for determination of their suitability and retention in the service of the Academy.

Financial Arrangements.- (1)The fund of the Cell shall be the fund of the Academy and all expenditures including pay, pension etc., shall be incurred from that fund.

(2) The relevant provisions of the Cell Act for account, audit, pay and pension etc., shall apply mutatis mutandis to the Academy and its employees, as the case may be.

Employees _to be Public Servant.- All employees of the Academy or any other person acting or purporting to act, in

pursuance of any of the provisions of this Act shall be deemed to be public servant within the meanings of Section 21 of the Azad Penal Code (Act XLV of 1860).

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Rules.- The Government may make Rules, for carrying out the purpose of this Act and relating to the appointments service and other facilities to the employees of the Academy.

Regulations.- The Academy may with the prior approval of the Board, make regulations not inconsistent with the provision of this Act or the Rules made there under for carrying out the purpose of this Act.

Removal of Difficulties.- (1) If any question arises as to the interpretation of any of the provisions of the Act, it shall be placed before the Government whose decision shall be final.

(2) If any difficulty arises in giving effect to any of the provisions of this Act, the Government may make appropriate orders, not inconsistent with the provisions of this Act, for removing such difficulty.

Subordinate Institution.- The Academy shall be the subordinate office of Jammu & Kashmir Liberation Cell.

Savings and Validation.- All actions taken, decisions or orders passed, notifications issued, proceedings initiated, power exercised, power conferred etc., before commencement of this Act, which have now been visualized by this Act shall be deemed to have been validly taken, made, passed, issued, initiated, exercised, conferred, under this Act.

Sd/-

(Ch. Muhammad Nawaz)
Section Officer (Legislation)