

EXTRAORDINARY

GOVERNMENT



REGISTERED NO. PIII

G A Z E T T E

## **KHYBER PAKHTUNKHWA**

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PROVINCIAL ASSEMBLY SECRETARIAT,  
KHYBER PAKHTUNKHWA

### **NOTIFICATION**

Dated Peshawar, the 17th January, 2012.

No. PA/Khyber Pakhtunkhwa/Bills/2012/2343-44.—The Khyber Pakhtunkhwa Promotion of Regional Languages Authority Bill, 2012 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 2nd January, 2012 and assented to by the Governor of the Khyber Pakhtunkhwa on 13th January, 2012 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA PROMOTION OF REGIONAL  
LANGUAGES AUTHORITY ACT, 2012.

(KHYBER PAKHTUNKHWA ACT NO. II OF 2012)

*(first published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa (Extraordinayr), dated the 17th January, 2012).*

AN  
ACT

*to provide for the establishment of the Khyber Pakhtunkhwa Promotion of Regional Languages Authority for the purpose of teaching and promotion of regional languages in the Province of the Khyber Pakhtunkhwa.*

WHEREAS clause (3) of Article 251 of the Constitution of the Islamic Republic of Pakistan provides that without prejudice to the

status of the National Language, a Provincial Assembly may by law prescribe measures for the teaching, promotion and use of provincial languages in addition to the national language;

AND WHEREAS Article 28 provides further that subject to Article 251, any section of citizens, having a distinct language, script or culture shall have the right to preserve and promote the same and subject to law establish institutions for the purpose;

AND WHEREAS it is the natural aspiration and desire of the people of the Province of the Khyber Pakhtunkhwa to promote the teaching and use of widely spoken regional languages in the Province of the Khyber Pakhtunkhwa;

It is hereby enacted as follows:

1. Short title, extent and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Promotion of Regional Languages Authority Act, 2012.

(2) It shall extend to the whole of the Province of the Khyber Pakhtunkhwa.

(3) It shall come into force at once.

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

- (a) "Authority" means the Khyber Pakhtunkhwa Promotion of Regional Languages Authority established under section 3;
- (b) "Chairperson" means the Chairperson of the Authority;
- (c) "Executive Director" means the Executive Director appointed under section 7;
- (d) "Government" means the Government of the Khyber Pakhtunkhwa;
- (e) "member" means a member of the Authority;
- (f) "prescribed" means prescribed by rules or regulations;
- (g) "Province" means the Province of the Khyber Pakhtunkhwa;

- (h) "regional language" means a language that is used by majority of people in the region as a mode of communication in preference to other languages and is either the people's native language or a language with which they identify their sociolinguistic identity;
- (i) "regulations" mean regulations made under this Act; and
- (j) "rules" mean rules made under this Act.

3. Establishment of the Authority.---(1) As soon as after the commencement of this Act, Government shall establish an Authority to be called the Khyber Pakhtunkhwa Promotion of Regional Languages Authority.

(2) The Authority shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire and hold property, both movable and immovable, and shall by the said name sue and be sued.

(3) The head office of the Authority shall be at Peshawar and may establish regional offices at such place or places as it may deem fit.

4. Constitution of the Authority.---(1) The Authority shall consist of -

- |     |   |                      |
|-----|---|----------------------|
| (a) | Minister for Elementary and Secondary Education, Khyber Pakhtunkhwa;  | Chairperson          |
| (b) | Secretary to Government, Elementary and Secondary Education Department;   | Ex-officio Member    |
| (c) | Secretary to Government, Higher Education, Archives and Libraries Department;   | Ex-officio Member    |
| (d) | Secretary to Government, Finance Department;  | Ex-officio Member    |
| (e) | Secretary to Government, Sports, Culture and Tourism Department;  | Ex-officio Member    |
| (f) | Four persons having eminence in the Regional Languages of the Province from private sector nominated by Government. Such members shall be nominated on such terms and conditions as Government may determine; and | Members              |
| (g) | Executive Director  | Secretary-cum-Member |

(2) The members, other than ex-officio members, shall, unless Government otherwise directs, hold office for a period of three years and may be eligible for re-nomination for another such term or shorter term as Government may determine.

(3) The members, other than ex-officio members, may, by writing under his hand addressed to Government, resign his office.

(4) A vacancy caused by resignation under sub-section (3) or any other reason shall be filled by the nomination of another person qualified to fill such vacancy for the remaining term of outgoing member.

(5) Government may itself or on the recommendation of the Chairperson, at any time remove any member.

(6) No act, proceeding, decision or order of the Authority shall be invalid merely by reason of any vacancy or defect in the Constitution of the Authority.

5. Meetings of the Authority.---(1) In addition to an annual meeting in December, the Authority shall meet at least four times in a calendar year on such day, time and place as the Chairperson may determine.

(2) Each meeting of the Authority shall be presided over by the Chairperson or in his absence by Secretary to Government, Elementary and Secondary Education Department.

(3) Six members shall constitute quorum for the meeting of the Authority.

(4) All decisions in the meeting shall be expressed in terms of the opinion of the majority of its members present and voting.

(5) In the event of an equality of votes, the Chairperson or, as the case may be, the member presiding the meeting, shall have a second or casting vote.

6. Powers and functions of the Authority.---(1) Subject to the provisions of this Act and the rules, the Authority shall exercise such powers, as may be necessary for carrying out the purposes of this Act.

(2) Without the prejudice of generality of the fore-going sub-section (1), the Authority shall-

- (a) consider ways and means for promotion of regional languages and to make all necessary arrangements in this regard for teaching, promotion and use of regional languages;
- (b) promote the use of regional languages through general publications and to undertake preparation and publication of dictionaries, encyclopedia, reference book, scientific literature and periodicals;
- (c) arrange translation and publication of technical terms in science, home economics, humanities and commerce subjects;
- (d) announce and arrange prizes, awards, seminars, lectures and adopt any other measures for promoting any of the above objectives;
- (e) recommend to Government a curriculum and syllabus for the teaching of the regional languages, spoken in the Province; and
- (f) take any other steps which is incidental or consequential to any of the aforesaid functions.

7. Executive Director.---(1)The Authority may, with the approval of Government, appoint an Executive Director on such terms and conditions as may be prescribed.

- (2) No person shall be appointed as Executive Director, if he-
  - (a) has, at any time been convicted of an offence involving moral turpitude; or
  - (b) has been adjudicated an insolvent by a competent court; or
  - (c) is of unsound mind and has been so declared by a competent court; or
  - (d) has been disqualified for employment in, or dismissed from service of, any Provincial or Federal Government, or any organization controlled by such Government; or
  - (e) has been dismissed from service of any organization in the private sector on account of fraud or theft.

(3) The Executive Director shall exercise powers and perform such functions, as may be assigned to him by the Authority.

(4) The Executive Director shall hold office for a term of three years and shall be eligible for re-appointment for such further period.

(5) The Executive Director may resign his office by writing under his hand addressed to Government.

8. Appointment of employees.--- (1) To carry out the purposes of this Act, the Authority may, from time to time, appoint members of its staff, experts, consultants, advisers, other officers and employees on such terms and conditions as it may deem fit.

(2) All such appointments shall be made by a committee of six members nominated by the Chairman:

Provided that the principles of merit shall be followed in making such appointments.

9. Delegation of powers.--- The Authority may, by general or special order, delegate to the Executive Director or any officer, any of its powers or functions under this Act subject to such conditions as it may deem fit.

10. Fund.--- There shall be established a fund to be known as the Khyber Pakhtunkhwa Promotion of Languages Authority Fund, hereinafter referred to as the "Fund" to which shall be credited all sums received by the Authority including:

- (a) seed money, if any, sanctioned by Government;
- (b) grants made to or moneys received by the Authority from Government or other authorities in Pakistan;
- (c) loan obtained from Government or from any other source with the special sanctions of Government;
- (d) sale of books proceeds or any other profits earned on bank accounts and investments;
- (e) gifts, grants, donations or contributions to the Authority by individuals or institutions, philanthropists and students in public or private educational institutions;
- (f) foreign aid and grants, if any, on such terms and conditions as may be approved by Government; and

- (g) any other sums received to the Authority from any other source.
11. Custody of the Fund.--- Moneys credited to the Fund shall be kept in the Scheduled Bank or Government treasury or a post office in such manner as may be specified by Government.
12. Application of the Fund.--- From the moneys credited to the Fund, the expenditures shall be incurred from it, in accordance with the Annual Budget approved by the Authority.
13. Budget Preparation.--- Annual Budget for the Authority shall contain estimates of:
- (a) grants-in-aid from Government;
  - (b) amounts received from other sources available in the Fund;
  - (c) anticipated receipts for the next year; and
  - (d) expenditures to be incurred during the next year.
14. Approval of Budget.--- (1) Executive Director shall present the budget for approval of the Authority two months before the commencement of every financial year:
- Provided that the Authority shall, obtain the approval of Government in respect of new and unforeseen expenditures.
- (2) The Budget of the Authority shall be approved by simple majority of the total members of the Authority.
15. Accounts.---The Authority shall maintain proper accounts and other relevant records and prepare annual statement of accounts in such form as may be prescribed.
16. Audit of Accounts.---The accounts of the Authority shall be audited annually by duly qualified auditors appointed by Government in addition to the pre-audit by Government Auditors.
17. Annual Report.---(1)The Authority shall, as soon as possible after the end of every financial year, submit an annual report to Government on the conduct of its affairs for that year, and on its proposals for the next ensuing financial year.

(2) The annual report referred to in sub-section (1) shall, as soon as possible, be laid by Government before the Provincial Assembly of the Khyber Pakhtunkhwa.

18. No discrimination on linguistic basis.---Notwithstanding anything contained in this Act, no person shall be discriminated against on the basis of his regional language.

19. Public Servants.---The officers, officials, consultants and advisers of Directorate shall, while acting or purporting to act in pursuance of the provisions of this Act, or the rules or regulations made thereunder, be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code 1860.

20. Indemnity.---No suit, prosecution or other legal proceedings shall be initiated against the Authority, its Chairperson, members, Executive Director, officers, officials, advisers and consultants of the Directorate in respect of anything in a good faith done and indemnity to be done under this Act.

21. Power to make rules.---Subject to the provisions of this Act, Government may make rules for carrying out the purposes of this Act.

22. Power to make regulations.---Subject to the provisions of this Act and the rules, the Authority may, with the approval of Government, make regulations, as may be necessary, for carrying out the purposes of this Act.

23. Application of this Act.---The application of the provisions of this Act shall be in a manner that it shall not prejudice the use of the national language.

24. Removal of the difficulties.--- If any difficulty arises in giving effect to any provision of this Act, Government may, in consultation with the Authority, issue orders, not inconsistent with the Act or the rules made thereunder, for the removal of the difficulty.

BY ORDER OF MR. SPEAKER  
PROVINCIAL ASSEMBLY OF KHYBER  
PAKHTUNKHWA

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(AMANULLAH)  
Secretary  
Provincial Assembly of Khyber  
Pakhtunkhwa