

THE BANGLA ACADEMY ORDINANCE, 1978**CONTENTS**

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THE BANGLA ACADEMY ORDINANCE, 1978

ORDINANCE NO. XIX OF 1978

[12th June, 1978]

An Ordinance to repeal and, with certain modifications re-enact the Bangla Academy Order, 1972.

WHEREAS it is expedient to repeal and, with certain modifications, re-enact the Bangla Academy Order, 1972 (P.O. No. 44 of 1972), for the purpose of development, nourishment and promotion of Bengali language, literature and culture and for better administration of the affairs of the Bangla Academy;

NOW, THEREFORE, in pursuance of the Proclamations of the 20th August, 1975, and the 8th November, 1975, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

Short title

1. This Ordinance may be called the Bangla Academy Ordinance, 1978.

Definitions

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

- (a) "Academy" means the Bangla Academy constituted under section 3;
- (b) "Mahaparichalak" means the Mahaparichalak of the Academy appointed under section 13;
- (c) "Parishad" means the Karja Nirbahi Parishad of the Academy constituted under section 10;
- (d) "prescribed" means prescribed by rules made under this Ordinance;
- (e) "Sachib" means the Sachib of the Academy appointed under section 14.

Constitution of the Academy

3. (1) On the commencement of this Ordinance, there shall be constituted an Academy to be called the Bangla Academy for carrying out the purposes of this Ordinance.

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

(3) The headquarters of the Academy shall be at Dacca.

4. The President of Bangladesh shall be the Patron-in-Chief of the Academy. Patron-in-Chief

5. (1) The Academy shall consist of the following members, namely:- Composition of the Academy

- (a) the President;
- (b) the Vice-President;
- (c) the Patrons;
- (d) the Fellows;
- (e) the life Members; and
- (f) the Members.

(2) The President of the Academy shall be an eminent educationist who shall be nominated by the Patron-in-Chief for a term of two years.

(3) The Vice-President shall be elected in such manner and for such period as may be prescribed.

(4) The membership of the Academy shall be open to distinguished scholars and persons of high literary or scientific merit.

6. (1) The functions of the Academy shall be- Functions of the Academy

- (a) to develop, foster and promote the Bengali language, literature and culture in accordance with the national aspirations;
- (b) to facilitate the introduction of Bengali language in all spheres of life in Bangladesh;
- (c) to translate, coin, prepare, adopt, develop and popularise Bengali vocabulary for foreign words and phrases, scientific, technical and official terms;

- (d) to produce, translate and make available in the Bengali language suitable reading materials, including advanced treatises on the various branches of science and technology as well as reference works, dictionaries, bibliographies and encyclopaedia;
- (e) to make arrangement for research on development of the Bengali language and literature and, for that purpose, to enter into contract with experts and to maintain close relationship with the universities and other organisations;
- (f) to set up branches of the Academy within Bangladesh with a view to fostering research, literary, cultural and other activities;
- (g) to render financial help to the indigent but meritorious Bengali writers and research workers;
- (h) to engage individuals or organisations or both for undertaking specific work for the Academy;
- (i) to award prizes and rewards to persons who, in the opinion of the Parishad have made notable contributions to the upliftment of the Bengali language and literature or to the study of science;
- (j) to organise, create or abolish Divisions of the Academy and to control their activities;
- (k) to determine the terms and conditions of service of the employees of the Academy other than the employees on deputation from Government service;
- (l) to confer the honour of being a Patron, Fellow, Life Member or Member of the Academy on any person who is, in the opinion of the Parishad, fit to be so honoured:

Provided that the Academy shall take prior approval of the Government before conferring any of the aforesaid honour upon a foreign national and the foreign national so honoured shall not take part in any election under this Ordinance or the rules made thereunder;

- (m) to do such other acts and things as may be necessary to be done in connection with the performance of the aforesaid functions.

(2) Without prejudice to the provisions of sub-section (1), the Government may direct the Academy to take over the functions of any organisations, engaged in the cultivation of the Bengali language, literature or culture, set up under a statute, resolution, order or instrument of the Government; and upon so taking over, all assets and liabilities of such organisations shall vest in the Academy.

7. (1) The Academy shall have the following Divisions, Divisions of the Academy
namely:-

- (a) the Establishment Division;
- (b) the Research and the Compilation Division;
- (c) the Translation Division;
- (d) the Cultural Division;
- (e) the Publication, Sales and the Press Division;
- (f) the Text Book Division; and
- (g) the Folklore Division.

(2) The Academy shall have power to create such other new Division or abolish or amalgamate any of the Divisions specified in sub-section (1) as it may deem fit:

Provided that the Academy shall, before creating any new Division, obtain the prior approval of the Government if such creation involves new expenditure.

(3) Each Division of the Academy shall discharge such functions as may be prescribed.

8. The following shall be the officers of the Academy, Officers of the Academy
namely:-

- (a) Mahaparichalak;
- (b) Sachib;
- (c) Parichalak;
- (d) Upo-Parichalak;

- (e) Saha-Parichalak; and
- (f) such other officers as may be appointed by the Parishad from time to time.

Meeting of the Academy

9. (1) The Academy shall meet within three months of the close of the financial year in a meeting to be called the Annual General Meeting on a date, time and place to be fixed by the Mahaparichalak with the approval of the President of the Academy:

Provided that one month's notice shall be required for holding the meeting:

Provided further that at least two-thirds of the members shall be required to form a quorum:

Provided further that if the meeting is adjourned for want of a quorum, no quorum shall be necessary for the adjourned meeting.

(2) The annual budget of the Academy as approved by the Government shall be placed before the Academy at the Annual General Meeting for information and discussion:

Provided that a copy of the approved annual budget shall be circulated among the members at least thirty days prior to the date fixed for the meeting.

(3) The Mahaparichalak may, in consultation with the President of the Academy, and shall, upon requisition in writing signed by not less than one third of the total members of the Academy, convene a special meeting of the Academy:

Provided that at least fifteen days' notice shall be given for the meeting:

Provided further that at least one-half of the members shall be required to form a quorum:

Provided further that if the meeting is adjourned for want of a quorum, no quorum shall be necessary for the adjourned meeting.

(4) The President of the Academy shall preside over the meetings, and in his absence the Vice-President, and in the absence of both the President and the Vice-President, any member elected by the members present shall preside over such meeting.

(5) Each member shall have one vote and in the case of equality of votes, the President or the person presiding over the meeting shall have a second or casting vote.

(6) At any meeting, a declaration by the President or the person presiding over such meeting that a resolution has been carried or lost shall be conclusive.

(7) Proceedings of a meeting shall be recorded and circulated to the members of the Academy within three weeks of the meeting and shall be deemed to have been correctly recorded if no objection in writing is received from any member present at the meeting within a fortnight of their circulation, and the proceedings so circulated shall be submitted at the next meeting for information.

10. (1) There shall be a Karja Nirbahi Parishad for the management of the affairs of the Academy and for discharging the functions assigned to the Academy under this Ordinance.

Constitution of
the Parishad

(2) The Parishad shall consist of the following members, namely:-

- (a) the Mahaparichalak, *ex-officio*, who shall be the Chairman of the Parishad;
- (b) three experts in the field of science and technology to be nominated by the Government;
- (c) two Heads of the Departments of Bengali from the Universities to be nominated by the Government;
- (d) two persons to be nominated by the Government, one of whom shall be from the Cultural Affairs and Sports Division and the other from the Ministry of Finance;
- (e) seven members to be elected by the Academy from its members in the prescribed manner;

- (f) two outstanding writers of the Bengali literature to be co-opted in the first meeting of the Parishad; and
- (g) the Sachib, *ex-officio*, who shall also act as the Secretary of the Parishad.

(3) The members other than the *ex-officio* members of the Parishad shall hold office for a period of three years.

(4) A casual vacancy in the office of the members of the Parishad shall be filled by nomination, election or co-option according as the member whose vacancy is being filled was nominated, elected or co-opted, as the case may be, and the person so nominated, elected or co-opted shall hold office for the unexpired period of the term of his predecessor:

Provided that it shall not be necessary to fill a casual vacancy for a period less than three months.

(5) A member of the Parishad shall, after the expiry of his term, be eligible for fresh nomination, co-option or re-election.

Additional
functions of the
Parishad

11. Without prejudice to the generality of the provision of sub-section (1) of section 10, the Parishad shall-

- (a) hold, control and administer the property and funds of the Academy;
- (b) prepare and approve the annual budget before it is submitted to the Government;
- (c) create or abolish or amalgamate post or posts and appoint officers, including the Parichalak, Upo-Parichalak, Saha-Parichalak, on the recommendation of the Mahaparichalak:

Provided that prior approval of the Government shall be obtained before making any appointment to a post which carries an initial salary of more than one thousand taka *per mensem*.

Meeting of the
Parishad

12. (1) The Parishad shall, on a date to be fixed by the Mahaparichalak, ordinarily meet once in four months:

Provided that ten days' notice shall be required for holding the meeting.

(2) The Mahaparichalak may, whenever he thinks necessary, and shall, upon a requisition in writing signed by two-thirds of the members, convene a special meeting:

Provided that five members shall be required to form a quorum:

Provided further that if the meeting is adjourned for want of a quorum, no quorum shall be necessary for the adjourned meeting.

(3) The Mahaparichalak shall preside over the meetings of the Parishad, and in his absence, any member elected by the members present shall preside over such meeting.

(4) Each member shall have one vote and in case of equality of votes, the chairman of the Parishad or the person presiding over the meeting shall have a second or casting vote.

(5) Proceedings of the meeting of the Parishad shall be recorded and circulated to the members within seven days of the meeting and shall be deemed to have been correctly recorded if no objection in writing is received from any member present at the meeting within a fortnight of their circulation, and the proceedings so circulated shall be submitted at the next meeting for confirmation.

(6) No act or proceedings of the Parishad shall be invalid by reason only of the existence of any vacancy in, or any defect in the constitution of, the Parishad.

13. (1) There shall be Mahaparichalak who shall be appointed by the Government for such period and on such terms and conditions as may be determined by the Government. Mahaparichalak

(2) If a vacancy occurs in the office of the Mahaparichalak or if the Mahaparichalak is unable to discharge the functions of his office on account of absence, illness or any other cause, the Sachib shall act as Mahaparichalak until a new Mahaparichalak is appointed or until the Mahaparichalak resumes the functions of his office, as the case may be.

(3) The Mahaparichalak shall be the whole-time chief executive officer of the Academy and shall-

- (a) implement all decisions of the Parishad;
- (b) administer the Academy properly and observe the provisions of this Ordinance and the rules made thereunder faithfully;
- (c) convene meetings of the Academy and the Parishad;
- (d) make temporary appointments of officers and other employees of the Academy for a period not exceeding four months in cases of immediate necessity and report the same to the Parishad at its next meeting;
- (e) initiate policies for consideration and approval of the Parishad in addition to the policies initiated by its members with due notice;
- (f) tender advice to the Parishad as regards its financial matters;
- (g) present the annual statements of income and expenditure, that is, the annual budget of the Academy, before the Parishad and the Academy;
- (h) allow expenditure for making payment to the officers and other employees of the Academy and for its normal contingency for a period in between the passage of the budget and the close of the financial year;
- (i) draw his travelling allowance bills;
- (j) approve and countersign the travelling allowance bills of all other officers and employees including the members of the Parishad in the prescribed manner;
- (k) prepare a report on the activities of the Academy for each financial year for the approval of the Parishad and submit such report to the Academy at its Annual General Meeting;
- (l) take, in case of an emergency, such action as he deems necessary:

Provided that he shall report the action so taken to the Parishad at its next meeting, and to the Government, if so required, within fourteen days.

14. (1) There shall be Sachib who shall be appointed by the Government from among the senior officers in the service of the Republic for such period and on such terms and conditions as may be determined by the Government. Sachib

(2) If a vacancy occurs in the office of the Sachib or if the Sachib is unable to discharge the functions of his office on account of absence, illness or any other cause, the Mahaparichalak shall authorise the most senior Parichalak to discharge the function of the Sachib until a new Sachib is appointed or until the Sachib resumes the functions of his office, as the case may be.

(3) The Sachib shall be the custodian of such records and properties of the Academy as the Parishad may commit to his charge and shall-

- (a) prepare the annual budget of the Academy and shall, with the approval of the Mahaparichalak, submit it to the Parishad for approval and thereafter to the Government for final approval;
- (b) get the accounts of the Academy audited and shall place the audit report through the Mahaparichalak before the Parishad at least thirty days prior to the date fixed for the Annual General Meeting; and the audit report approved by the Parishad shall be submitted before the Academy along with the budget;
- (c) prepare the annual report for each financial year on the activities of the Academy and the Parishad and submit the same to the Mahaparichalak for submission at the Annual General Meeting;
- (d) be the Drawing and Disbursing Officer of the Academy and shall be the Custodian of all accounts of the Academy;
- (e) be responsible for general supervision and vigilance over the working of the Divisions and the employees and shall submit once in a week a report to the Mahaparichalak.

15. (1) There shall be a Parichalak for one or more Divisions of the Academy and he shall supervise and control the activities and functions of such Division:

Parichalak,
Upo-Parichalak
and Saha-
Parichalak

Provided that ordinarily not less than two Divisions shall be placed under one Parichalak.

(2) There may be one or more Upo-Parichalaks or Saha-Parichalaks in each Division to assist the Parichalak.

Fund of the
Academy

16. (1) There shall be constituted a fund to be called the Bangla Academy Fund to which shall be credited-

- (a) grants from the Government;
- (b) membership fees;
- (c) donation in cash or kind;
- (d) sale proceeds and royalties accruing from the publications of the Academy; and
- (e) such other funds as may be received by the Academy.

(2) The Fund shall vest in, and shall be administered by the Academy and utilised for the purposes of this Ordinance in such manner as may be prescribed.

(3) The Fund shall be kept in the name of the Academy in one or more banks to be approved by the Parishad.

(4) All payments of a sum of Taka one hundred or above shall be made by crossed cheques.

(5) The Sachib shall sign all cheques:

Provided that all cheques for Taka two thousand or above shall be signed jointly by the Mahaparichalak and the Sachib:

Provided further that all cheques drawn on the bank shall be prepared by the Cashier on the basis of the bills passed by the Accounts Officer and signed by the Sachib after proper checking of the payments to be made.

(6) The Sachib shall have a permanent advance of Taka one thousand only for day to day expenditure of the Academy.

17. The Academy shall, by such date in each financial year as may be directed by the Government submit to the Government for approval, a statement to be called the annual budget statement showing the estimated receipts and expenditure and the sums which are likely to be required from the Government during that financial year:

Annual budget statement

Provided that no appropriation of amount from one head to another within the budget approved by the Government shall be made without the previous approval of the Government.

18. (1) The Academy shall maintain proper accounts, prepare annual statement of accounts and present the accounts for audit in such form as may be determined by it in consultation with the Comptroller and Auditor-General of Bangladesh, hereinafter referred to as the Auditor-General.

Accounts and audit

(2) The accounts of the Academy shall be audited by the Auditor-General or any officer authorised by him every year in such manner as the Auditor-General may think fit.

19. The Academy shall furnish to the Government such reports, returns and statements as the Government may from time to time require.

Returns, reports, etc.

20. The Government may, if the circumstance so require, cause an enquiry to be made into the affairs of the Academy by any person or a committee and may direct the Academy to take such steps as may be necessary:

Power of enquiry by Government

Provided that when a person is appointed to hold the enquiry, he, and, when a committee is appointed, its Chairman, shall not be below the rank of a Joint Secretary to the Government.

21. The Government may issue, in pursuance of its overall policy, directives or instructions to the Academy, which shall be acted upon in the manner specified in such directives or instructions.

Government directions, etc.

22. The Mahaparichalak may direct that any of his powers and functions under this Ordinance shall subject to such conditions if any, as may be specified by him, be exercisable also by any other officer of the Academy.

Delegation

Power to make rules

23. (1) The Parishad may, with prior approval of the Government, make rules for carrying out the purposes of this Ordinance.

(2) Without prejudice to the generality of the power conferred by sub-section (1), such rules may provide for all or any of the following matters, namely:-

- (a) Membership of the Academy;
- (b) functions and conduct of work of different Divisions of the Academy;
- (c) terms and conditions of service of the officers and other employees of the Academy;
- (d) manner of election of the Vice-President of the Academy and of the members of the Parishad;
- (e) manner of drawing travelling allowance;
- (f) meetings of the Academy and the Parishad; and
- (g) such other matters as may be considered necessary from time to time.

Repeal and savings

24. (1) The Bangla Academy Order, 1972 (P. O. No. 44 of 1972), hereinafter referred to as the said Order is hereby repealed.

(2) Upon the repeal under sub-section (1),-

- (a) the Bangla Academy, constituted under the said Order, hereinafter referred to as the dissolved Academy, shall stand dissolved;
- (b) until the Academy is constituted in accordance with the provisions of section 3, the President of the Academy, the Vice-President, Patrons, Fellows, Life Members and Members of the dissolved Academy shall be deemed to be the President, Vice-President, Patrons, Fellows, Life Members and Members of the Academy;
- (c) until the Parishad is constituted in accordance with the provisions of section 7 or until the expiry of the terms of members of the Parishad of the dissolved Academy, whichever is earlier, the Parishad of the dissolved Academy shall be deemed to be the Parishad constituted under section 7;

- (d) all assets, rights, powers, authorities and privileges, and all properties, movable and immovable, cash and bank balances, funds of the dissolved Academy and all other interests and rights shall stand transferred to, and vested in, the Academy;
 - (e) all debts, liabilities and obligations of whatever kind of the dissolved Academy subsisting immediately before its dissolution shall be the debts, liabilities and obligations of the Academy;
 - (f) all suits and other legal proceedings instituted by or against the dissolved Academy before its dissolution shall be deemed to have been instituted by or against the Academy;
 - (g) services of all officers including the Mahaparichalak and employees of the dissolved Academy shall, notwithstanding anything contained in any other contract or agreement or in the terms and conditions of service, stand transferred to the Academy and they shall be deemed to be the officers and employees of the Academy appointed by it on the same terms and conditions of service as were applicable to them in the dissolved Academy unless such terms and conditions are altered, not being to their disadvantage, by the Academy.
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