# [TO BE INTRODUCED IN THE NATIONAL ASSEMBLY] 

A
Bill
to provide for the establishment of Quaid-i-Azam Foundation
WHEREAS it is expedient to provide for the establishment of Quaid-i-Azam Foundation for the patronage, promotion, better management and protection of Quaid-i-Azam Mazar and for the prevention of acts derogatory to the sanctity thereof; and, to spread the message of Quaid-iAzam and his associates through research on Pakistan movement and for matters connected therewith and incidental thereto;

It is hereby enacted as follows: -

1. Short title, extent and commencement. - (1) This Act shall be called the Quaid-i-Azam Foundation Act, 2023
(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) "Administrator" means the Administrator of the Foundation appointed under section 7;
(b) "Board" means the Board of Governors of the Foundation constituted under section 5;
(c) "Chairman" means the Chairman of the Board;
(d) "division concerned" means the division to which business of this Act stands allocated;
(e) "employees" means the employees of the erstwhile Quaid-i-Azam MunnManagement Board and Quaid-i-Azam Academy;
(f) "Foundation" means Quaid-i-Azam Foundation established under section 3;
(g) "honorary treasurer" means the Honorary Treasurer of the Quaid-i-Azam's Mazar Fund;
(h) "member" means the member of the Board;
(i) "peripheral area" means the land measuring seventy-one acres of thereabout situated outside the grilled boundary wall, as described in the plan set out in the Schedule to this Act;
(j) "prescribed" means prescribed by rules and regulations;
(k) "Prime Minister" means the Prime Minister of Pakistan;
(I) "Quaid-i-Azam's Mazar" means the Quaid-i-Azam Mazar at Karachi and the plots of land and structures appurtenant thereto measuring sixty-one-acres and thereabout surrounded by a grilled boundary wall;
(m) "rules" means the rules made under this Act;
(n) "regulations" means the regulations made under this Act; and
${ }_{4}(\mathrm{o})$ "staff" means the members of staff including officers of the Foundation.
3. Establishment of the Foundation. - (1) After the commencement of this Act, the Prime Minister may, by notification in the official Gazette, establish a Foundation to be called as the Quaid-i-Azam Foundation.
(2) The administrative, financial and operational control of Quaid-i-Azam Mazar Management Board and Quaid-i-Azam Academy and their affairs stand vested in the Foundation which shall exercise all powers and perform all functions relating to research and protection and maintenance of Quaid-i-Azam's Mazar.
(3) The Foundation shall be an Authority having perpetual succession and a common seal, with power to acquire, hold, movable and immovable property and shall by the said name, sue and be sued.
4. Functions and objectives of the Foundation. - Functions and the objectives of the Foundation shall include. -
(a) up-keep, beautification, landscaping, development and maintenance of Quaid-iAzam's Mazar and its peripheral area;
(b) security of Quaid-i-Azam's Mazar;
(c) to make necessary arrangements for celebration and commemoration of national days and events of Pakistan and to hold functions, seminars, lectures and conferences on these occasions;
(d) development, preservation, care and upkeep of relics of Quaid-i-Azam;
(e) to undertake research on the life and work of Quaid-i Azam, his associates and Pakistan movement and publish books, papers and articles;
(f) to archive, preserve and digitalize the rare books and documents relating to Quaid-i-Azam, the history of Pakistan and Pakistan movement;
(g) compilation of primary papers relating to Quaid-i-Azam speeches, statements, letters, sermons, etc.;
(h) management of ceremonial guards of Pakistan armed forces posted at the Quaid-iAzani's Mazar; and
(i) arrangement of wreath laying ceremonies for national and foreign delegations and dignitaries.
5. Board of Governors.- (1) The Board of Governors of the foundation shall consist of the following, namely;-
(a) Federal Minister (Incharge);
Chairman
(b) Secretary of the division concerned;
(c) Joint Secretary of the division concerned;
(d) a representative of the Government of Sindh not below the rank of BPS-20;
(e) a representative of the Karachi Metropolitan Corporation not below the rank of BPS-20;
(f) a representative of the Auditor General of Pakistan not below the rank of BPS-20;
(g) ten persons, eminent in any of the fields of literature, administration, history, engineering, architecture and landscape expert and technocrat to be nominated by the Minister-in-charge; and
(h) Administrator.

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(Ex-Officio)
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Member
(Ex-Officio)
Member
(Ex-Officio)
Member
(non-Official)

Member /cum-
Secretary
(2) A member, other than ex-officio member, unless he resigns from office earlier shall hold office for a period of three years and shall be eligible for re-appointment for such term or terms as the Minister-in-charge may determine:
(a) the non-official members shall hold office during the pleasure of the Minister-in-charge;
(b) non-Official member may, in writing, addressed to the Chairman of the Board, resign from his office; and
(c) resignation tendered by a non-official Member shall not take effete until accepted by the Minister-in-charge.
(3) The meetings of the Board shall be held at least twice a year
(4) Unless otherwise prescribed, one-half of the total members shall form a quorum at any meeting of the Board, a fraction shall counted as one.
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6. Functions and powers of the Board. - The general direction and administration of the Foundation 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, or done by the Board under this Act. In particular, and without pre-prejudice to the generality to the foregoing powers, the Board shall have the powers -
(a) to formulate policies, plans and programs for the better protection, maintenance and management of the Quaid-i-Azam's Mazar and its peripheral area;
(b) to encourage and facilitate to conduct research on the life and services of Quaid-iAzam, his associates, allied topics and their publication;
(c) to formulate procedures and necessary framework for utilization of funds generated or acquired through donations or grants;
(d) to maintain accounts of the Foundation in accordance with Articles 169 and 170 of the Constitution of the Islamic Republic of Pakistan and the Controller General of Accounts Ordinance, 2001 (XXIV of 2001);
(e) to frame regulations governing pay scales, condition of the service, appointment of staff of the Foundation in consultation with establishment and finance divisions.
7. Administrator. - (1) There shall be an Administrator of the Foundation who shall be appointed in prescribed manner by the Prime Minister, on the recommendations of the Minister-in-charge.
(2) The Administrator shall be the chief executive officer of the Foundation and shall be responsible to the Board for carrying out the objectives of the Foundation.
(3) The Administrator may, by writing under his hand addressed to the Prime Minister resign from his office.
8. Headquarters. - The headquarters of the foundation shall be at Karachi.
9. Funds. - (1) The fund of the Foundation consisting of the following sources shall be derived and utilized in line with the provisions of the Public Finance Management Act, 2019 and the rules and regulations made thereunder with the prior consultation of the finance division, namely:-
(a) the balance in the Quaid-i-Azam's Mazar Fund in existence immediately before the commencement of this Act which shall upon such commencement stand transferred to the Fund;
(b) such donations or grants as the Federal Government and Provincial Governments may make to it from time to time;
(c) such contributions or donations as may be made to it by any person, local body, authority, corporation, etc; and
(d) any income, profit or gain realized, accrued or derived from any property belonging to or forming part of, Quaid-i-Azam's Mazar and peripheral area or from any investment of moneys in the Fund.
(2) The Quaid-i-Azam's Mazar Fund and donations to it shall be exempted from all kinds of taxes.
10. Budget. - (1) All budgetary provisions shall be subject to compliance with Articles 78 to 84 of the Constitution of the Islamic Republic of Pakistan and Public Finance Management Act, 2019 and the rules and regulations made thereunder.
(2) The secretary of the division concerned shall be the principal accounting officer of the Foundation.
11. Audit and accounts -(1) Accounts of the Foundation shall be maintained in accordance with the provisions of Articles 169 and 170 of the Constitution of the Islamic Republic of Pakistan and the laws for the time being in force.
(2) The Auditor-General of Pakistan shall conduct audit of the accounts of the Foundation in accordance with Articles 169 and 170 of the Constitution of the Islamic Republic of Pakistan and the laws for the time being in force.
(3) A copy of the audit report along with the comments of the Foundation shall be submitted to the Board and also to the Auditor General of Pakistan.
(4) The Board may issue directions to the Foundation for the rectification of any item objected to by the Auditor-General of Pakistan and the Foundation shall comply with such directions.
12. Sanctity of Mazar. - (1) Notwithstanding anything contained in any other law for the time being in force or in any trust deed or other instrument, the Quaid-i-Azam's Mazar and the peripheral area shall vest in the Federal Government.
(2) Quaid-i-Azam's Maur is declared as historical monument of national importance.
(3) No person shall enter the Quaid-i-Azam's Mazar with any weapon, instrument or other article which can be used as weapon of offence for causing injury or damage to any person or property.
(4) No person shall do any act or behave in any manner which is or tends to be derogatory to the sanctity and dignity of the Quaid-i-Azam's Mazar.
13. Causing damage to Mazar. - No person shall, except for carrying out any repair or improvement in the Quaid-i-Azam's Mazar and the peripheral area under proper authority, destroy, damage, alter, injure, deface or mutilate the Quaid-i-Azam's Mazar and the peripheral area or any part Thereof or scribble, write or engrave any inscription or sign on any part of the Mazar and its peripheral area.
14. Meetings etc. prohibited. - No person shall organize, convene or take part in any meeting or demonstration or procession or engage in political activity of any kind within the Quaid-i-Azam's Mazar or within a distance of ten feet from the out boundary thereof.
15. Penalty. - (1) Whoever contravenes any of the provisions of this Act shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.
16. Merger of Quaid-i-Azam Academy with Quaid-i-Azam Mazar Management Board. - In pursuance of decision of the Federal Government to merge Quaid-i-Azam Academy with the Quaid-i-Azam Mazar Management Board (QMMB), the administrative, financial and operational control of Quaid-i-Azam Academy and its affairs shall vest in the Foundation which shall exercise all its power and perform all functions relating to research as specified in section 4.
17. Irrevocable option to the employees. - Not withstanding anything contained in any other law for the time being in force in this regard or any contract or agreement, the regular existing employees of Quaid-i-Azam Academy shall (within six months of commencement of this Act) exercise an irrevocable option either to continue as civil servants or to become staff of the Foundation and upon their option last said they shall become staff member of the Foundation.
18. Pension Fund. - If any civil servant is serving in Quaid-i-Azam Academy, Karachi and Quaid-i-Azam Mazar Management Board, Karachi and he opts under section 17 to remain as civil servant shall be entitled to all benefits of civil servant including pension, gratuity and general provident fluid. The Foundation shall discharge such responsibility from its own sources and Federal Government shall not be responsible in this regard.
19. Power to make rules. - The Federal Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act.
20. Power to make regulations. - The Foundation may make such regulations as it may consider necessary for carrying out the purposes of this Act.
21. Removal of difficulties. - If any difficulty arises in giving effect to any provision of this Act, the Chairman of the Board with consultation of the division concerned, may make such order as he thinks fit for removal of the difficulty.
22. Repeal and Savings. - (1) Following law and instruments are hereby repealed, namely:-
(a) The Quaid-i-Azam's Mazar (Protection and Maintenance) Ordinance 1971 (Ordinance No. XXVII of 1971);
(b) Notification No. F. No.1/25/2014-QAA, dated 13th June 2014, issued by the Ministry of Information, Broadcasting and National Heritage (National Heritage Wing), Government of Pakistan.
(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 erstwhile Quaid-i-Azam Mazar Management Board and the Quaid-i-Azam Academy, in existence immediately before commencement of this Act and all liabilities and liabilities legally subsisting against the said department or organization stand transferred to the Foundation as established under this Act;
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(b) anything done, action taken, obligation or liabilities incurred, rights and assets acquired, persons appointed or authorized, jurisdiction or powers conferred, endowments, bequests, funds or trusts created, donations, or grant made, order issued under any of the provisions of repealed notification, rules or regulations, applicable to the said department 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 the 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 repealed law and notifications or the rules or regulations made there under shall, so far as may be practicable, deemed to be reference to the corresponding provisions of this Act or the rules or regulations made there under; and
(c) any rules regulations, notifications, orders etc. made under the said repealed law and notification shall, in so far as they are not inconsistent with the provisions of this Act or the rules 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, continue to be in force until they are repealed, replaced, rescinded or amended in accordance with the provisions of this Act.
[The Schedule]
(see section 2 )



## STATEMENT OF OBJECTS AND REASONS

As per the decision of the Cabinet Committee on Institutional Reforms (CCIR) vide its Memorandum No.4-11/2019-Min-I dated 23 rd December, 2019, Quaid-i-Azam Academy (QAA) has been merged with Quaid-i-Azam Mazar Management Board (QMMB) as an Authority working under the administrative control of the National Heritage \& Culture Division.
2. Quaid-i-Azam Foundation Act seeks to provide for the patronage, promotion, better management and protection of Quaid-i-Azam Mazar and for prevention of acts derogatory to the sanctity thereof; and, to spread the message of Quaid-i-Azam and his associates through research on Pakistan movement and for matters connected therewith and incidental thereto.
3. The draft Act seeks to achieve the aforesaid object and is therefore submitted for enactment by the Parliament.



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