

THE LAHORE ARTS COUNCIL ORDINANCE, 2002

(LXIII of 2002)

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'THE LAHORE ARTS COUNCIL ORDINANCE, 2002
(LXIII of 2002)
[4 October, 2002]

An
Ordinance
to provide for the management of the Lahore Arts Council.

Preamble.— Whereas it is expedient to provide for a governing statute for the better management of the Lahore Arts Council and for matters connected therewith and incidental thereto;

And whereas the Provincial Assembly of the Punjab is dissolved and the Governor is satisfied that circumstances exist which render it necessary to take immediate action;

And whereas under Article 4 of the Provisional Constitution (Amendment) Order No.9 of 1999, as amended by the Chief Executive Order No.11 of 2000, the Governor of a Province may issue and promulgate an Ordinance;

Now, therefore, in exercise of the aforesaid powers and all other powers enabling him in that behalf, the Governor of the Punjab is pleased to make and promulgate the following Ordinance:—

1. Short title and commencement.— (1) This Ordinance may be called the Lahore Arts Council Ordinance, 2002.
(2) It shall come into force at once.

2. Definitions.— In this Ordinance, unless the subject or context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say—

(a) "Board" means the Board of Governors of the Lahore Arts Council constituted under section 8;

(b) "Chairperson" means the Chairperson of the Board and includes a person deputed by the [Chief Minister] to perform the functions of the Chairperson when the Board is not in existence;

(c) "Committee" means a committee constituted by the Board for the examination of a matter referred to it and for the formulation of proposals or recommendations thereon;

'Promulgated by the Governor of the Punjab on 4 October 2002; and published in the Punjab Gazette (Extraordinary), dated 4 October 2002, pages 3007-11. Under Article 4 of the Provisional Constitution (Amendment) Order 1999 (9 of 1999), it will remain in force notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

?Substituted for the word "Governor" by the Lahore Arts Council (First Amendment) Act 2003 (VI of 2003); and published in the Punjab Gazette (Extraordinary), dated 10.3.2015, page 351, s.2.

(d)

(e)

(f)

(g)

(h)

(i)

“Convenor” means a Convenor of the Committee constituted by the Board;

“Council” means the Lahore Arts Council;

“Department” means Information, Culture and Youth Affairs Department;

“Endowment Fund” means the Endowment Fund established by the Council;

“Executive Director” means the Executive Director of the Council; and “[Chief Minister]” means the [Chief Minister] of the Punjab.

3. Incorporation.— (1) The Council shall be incorporated in accordance with the provisions of this Ordinance.

(2)

The Council shall be a body corporate having perpetual succession

and a common seal with power to acquire, hold and dispose of movable and immovable property and may sue and be sued by the said name.

4. Territorial jurisdiction of the Council.— (1) Subject to the provisions of this Ordinance, the area of jurisdiction of the Council shall be the territorial area comprising the defunct Lahore Division.

(2)

The Council shall have its headquarters located at Lahore.

5. Functions of the Council.— The Council shall—

(a)

(b)

(c)

(d)

(e)

(f)

(g)

develop and maintain facilities for all forms of art including performing arts;

provide facilities for art education and organize workshops, seminars, etc.;

undertake its own productions or solicit Government or market support through sponsorship;

institute and confer or, as the case may be, award fellowships, scholarships, certificates, degrees, diplomas, medals, grants, prizes, gifts, aids, loans, advances and monetary or other benefits to individuals or groups engaged in the promotion, study or research of various art forms;

organize art or cultural fairs, festivals and other programmes, cultural ensembles and exhibitions, etc., within country and abroad, on its own or in collaboration with local and foreign bodies;

print, publish, issue books, periodicals and publications relating to art and culture;

document performers in various art forms and organizations engaged in artistic activities;

¹Substituted for the word "Governor" by the Lahore Arts Council (First Amendment) Act 2003 (VI of 2003); and published in the Punjab Gazette (Extraordinary), dated 10.3.2015, page 351, s.2.

¹ibid.

(h) establish museums of musical instruments, sculptures, Alhamra archives, folk-heritage, galleries, libraries including audio-visual library; and

(i) implement the provisions of the Dramatic Performances Act, 1876 (XIX of 1876), or any other law in force relating to dramatic performances and musical programmes.

6. Funds.— The funds of the Council shall comprise—

(i) grants from the Federal Government or Provincial Government;

(ii) contributions and donations from individuals, local governments, corporations and other bodies;

(iii) | income generated from various activities of the Council like classes, rental charges of facilities, fees of consultancies and services, etc.;

(iv) | sale proceeds of Council products; and

(v) any other source approved by the Board.

7. Endowment Fund Trust.— The Council shall create from its own sources a trust to be known as the Endowment Fund Trust. The Board shall authorize expenditure out of the capital whereas profit from investments shall be transferred to the annual income of the Council.

8. Board of Governors.— (1) The management, overall control and supervision of the affairs of the Council shall vest in a Board of Governors consisting of twelve non official members '[including at least four women]' and six ex-officio members. Non-official members shall be appointed by the '[Chief Minister]' for a term of three years, reckoned from the date of appointment, from '[amongst those]' who have some accomplishment in the field of art or are otherwise of an artistic disposition and interested in the promotion of art and culture. ' [* * *]. '[*****]'.

(2) The "[Chief Minister]" shall be Patron of the Council;

(3) The following shall be ex-officio members of the Board:—

(i) Secretary to Government of the Punjab, Information, Culture and Youth Affairs Department;

(ii) Secretary to Government of the Punjab, Finance Department;

SI nserted by the Punjab Fair Representation of Women Act 2014 (IV of 2014); and published in the Punjab Gazette (Extraordinary), dated 12.3.2014, pages 2733-2744, see s.2 and Schedule, at serial No.37.

[°]Substituted for the word "Governor" by the Lahore Arts Council (First Amendment) Act 2003 (VI of 2003); and published in the Punjab Gazette (Extraordinary), dated 10.3.2015, page 351, s.2.

"Substituted for the words "a panel of twenty four individuals" by the Lahore Arts Council (Amendment) Ordinance, 2002 (LXX of 2002); and published in the Punjab Gazette (Extraordinary), dated 22.10.2002, pages 3091-3092, s.2 (w.e.f. 4.10.2002), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

®The words "The panel shall be put up by the Department" deleted ibid.

^oOmitted the words “No non-official member shall be appointed for two consecutive terms” by the Lahore Arts Council (Amendment) Act 2015 (XXI of 2015); and published in the Punjab Gazette (Extraordinary), dated 14.4.2015, page 4731, s.2.

“Substituted for the word “Governor” by the Lahore Arts Council (First Amendment) Act 2003 (VI of 2003); and published in the Punjab Gazette (Extraordinary), dated 10.3.2015, page 351, s.2.

- (iii) District Coordination Officer, Lahore;
- (iv) | General Manager, Pakistan Television Corporation, Lahore;
- (v) Head of the Fine Arts Department, University of the Punjab, Lahore;
and
- (vi) | Executive Director, Lahore Arts Council who shall also be the Secretary of the Board.

(4) The Chairperson of the Board shall be nominated by the “[Chief Minister] from amongst the non-official members.

(5) | The Chairperson and the members shall hold office during the pleasure of the “[Chief Minister].

(6) | A non-official member may by writing under his hand addressed to the [Chief Minister], resign his office. The case to fill this vacancy for the remaining tenure shall be initiated by the Department in accordance with sub section (1).

(7) The Chairperson may by writing under his hand addressed to the “[Chief Minister] through Secretary Information, Culture and Youth Affairs Department, resign his office. On acceptance of the resignation, the “[Chief Minister] shall nominate a new Chairperson from amongst the members.

(8) A non-official member may be removed by the “[Chief Minister] if his conduct is prejudicial to the interests of the Council or who is guilty of grave misconduct, and a member so removed shall not be reappointed.

9. Functions of the Board.— The Board shall-

- (a) act as a resource and provide vision in the light of the chartered functions of the Council leaving the routine work to the functionaries of the Council;
- (b) formulate policies to promote art and culture;
- (c) approve budget of the Council;
- (d) | approve development schemes for the Council;
- (e) frame rules for various aspects of management of the Council such as contributory provident fund, recruitment, promotion, etc.;
- (f) create, abolish, upgrade, relegate or re-designate posts in any grade;
and
- (g) | approve financial and other cases not within the competence of the Executive Director or, as the case may be, Chairperson.

“Substituted for the word “Governor” by the Lahore Arts Council (First Amendment) Act 2003 (VI of 2003); and published in the Punjab Gazette (Extraordinary), dated 10.3.2015, page 351, s.2.

“Substituted for the word “Governor” by the Lahore Arts Council (First Amendment) Act 2003 (VI of 2003); and published in the Punjab Gazette (Extraordinary), dated 10.3.2015, page 351, s.2.

ibid.

“ibid.

ibid.

"ibid.

10. Meetings of the Board.— (1) The Board shall meet once in three months.

(2) | The Chairperson shall preside over all meetings of the Board and, in his absence, a non-official member elected by a majority of the present members shall preside-over the meeting.

11. Absence of members from Board meetings.— A non-official member shall cease to be a member of the Board if he does not attend three consecutive meetings of the Board unless his absence is intimated to the Chairperson before the meeting and is condoned in writing by him on the basis of grounds of absence being satisfactory.

12. Honorary capacity of the Board members.— The Chairperson and all members shall work in an honorary capacity and shall not be paid any remuneration. The Chairperson shall be provided an office with staff and one telephone for official use by the Council. Normal expenses for the running of his office shall be met by the Council.

13. Curtailment of the tenure of Board.— In case the [Chief Minister] is of the view that the Board is functioning in a manner which is prejudicial to the smooth functioning of the Council, he may curtail the tenure of the Board and make such arrangement as deemed appropriate to manage the Council.

14. Committees of the Board.— The Board may constitute Committees to which the Board may refer various matters for examination and formulation of recommendations for consideration by the Board. The convenor of a Committee may, with the permission of the Board, co-opt any person whose contribution is required in such matters. The Executive Director shall attach an officer of the Council with each Committee.

15. Executive Director.— The Executive Director shall—

(a) be the Chief Executive of the Council and shall be appointed by Government ordinarily for a period of three years which period may be extended by Government if deemed appropriate;

(b) act as Secretary to the Board and shall maintain record of its proceedings; and

(c) act as Senior Purchase Officer for procurement of stores in terms of the Purchase Manual.

16. Accounts.— (1) The accounts of the Council shall be jointly operated by the Executive Director and an Accounts Officer appointed by the Department on the recommendation of Finance Department.

(2) | The accounts of the Council shall be audited as may be prescribed.

17. Application of Government rules.— Pending framing of rules relating to

various matters such as recruitment, promotion, discipline, etc., Government rules on the subject shall be applicable to the Council.

"Substituted for the word "Governor" by the Lahore Arts Council (First Amendment) Act 2003 (VI of 2003); and published in the Punjab Gazette (Extraordinary), dated 10.3.2015, page 351, s.2.

18. Power to make rules.— Government may make rules to carry out the purposes of this Ordinance.

19. Power to make regulations.— The Council may make such regulations as it may deem necessary for carrying the provisions of this Ordinance into effect.

20. Ordinance to override other laws.— This Ordinance shall have overriding effect and its provisions shall apply notwithstanding anything contained in any other law for the time being in force.

21. Savings.— All acts done, powers exercised and expenditure incurred before the promulgation of this Ordinance under the Lahore Arts Council Regulations, 2000 framed under Chapter IV of the Punjab Council of the Arts Regulations, 1982 shall, if not inconsistent with the provisions of this Ordinance and the rules or regulations made thereunder, be deemed to have been done, exercised or incurred under this Ordinance.