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THE PUNJAB COUNCIL OF THE ARTS ACT, 1975

(XXIV of 1975)

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TEXT

THE PUNJAB COUNCIL OF THE ARTS ACT, 1975
(XXIV of 1975)

[31st March, 1975]

An
Act

to provide for the establishment of the Punjab Council of the Arts.

Preamble.— **WHEREAS** it is expedient to provide for the establishment of a Punjab Council of the Arts for the patronage, promotion and development of the arts and culture and for matters connected therewith or incidental thereto;

It is hereby enacted as follows:—

1. Short title extent and commencement.— (1) This Act may be called the Punjab Council of the Arts, 1975.

(2) It extends to the whole of the Punjab.

(3) It shall come into force at once.

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

(a) “Board” means the Board of Governors of the Council constituted under Section 4;

(b) “Chairman” means the Chairman of the Board;

(c) “Council” means Punjab Council of the Arts established under Section 3;

(d) “Executive Committee” means the Executive Committee of the Council;

(e) “Executive Director” means the Executive Director of the Council;

(f) “Government” means the Government of the Punjab; and

(g) “patron” means the patron of the Council.

3. Establishment of the Council.— (1) As soon as may be after the commencement of this Act, the Government may, by notification in the official Gazette, establish a Council to be called the Punjab Council of the Arts.

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

4. 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 the following members, namely:—

¹This Act was passed by the Punjab Assembly on 18th February 1975; as assented to the Governor of the Punjab on 31st March, 1975; and, published in the Punjab Gazette (Extraordinary), dated 31st March, 1975, pages 237-G to 237-L.

- (a) The Chief Minister, Government of the Punjab: Patron;
- (b) The Minister incharge of Information, Culture and Tourism, Government of the Punjab: Chairman;
- (c) Secretary to Government, Department of Information, Culture and Tourism: Vice- Chairman;
- (d) five members ²[including at least two female members] of the Provincial Assembly of the Punjab;
- (e) a nominee of the Federal Ministry of Education;
- (f) Secretary to Government, Finance Department;
- (g) Chairman, Lahore Museum, Lahore;
- (h) Director, Public Relations, Government of the Punjab;
- (i) Principal, National College of Arts, Lahore;
- (j) “Head” Department of Fine Arts, University of the Punjab, Lahore;
- (k) all Executive Heads of Divisional Councils of Arts; and
- (l) sixteen persons ³[including at least five women] to be nominated by the Chairman from amongst outstanding scholars and artists in the fields of performing arts, plastic arts and literature, including four women and also including four persons to be nominated in consultation with representative Associations of artists, duly recognized by the Government.

(2) The Board shall have power to co-opt members from amongst persons who are specialists in their respective fields for advice on particular projects and matters under consideration.

(3) The members of the Board, excepting the ex-officio members, shall hold office for a term of three years and shall be eligible for re-nomination.

(4) A member of the Board, excepting the ex-officio member, may, by writing under his hand addressed to the Chairman, resign his office.

(5) The Chairman may remove any member of the Board nominated by him without assigning any reason.

(6) Any casual vacancy in the office of a member of the Board shall be filled by a person nominated by the Chairman and the person so nominated shall hold office for the un-expired period of the term of his predecessor.

5. Executive Committee.— The Council shall have an Executive Committee consisting of the following members:—

- (a) Secretary to Government, Information, Culture and Tourism Department: Chairman;

²Inserted 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, s.2 and Schedule, at serial No.15.

³Inserted 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, s.2 and Schedule, at serial No.15.

- (b) Director, Public Relations, Government of the Punjab: Vice-Chairman;
- (c) four eminent artists and scholars to be nominated by the Chairman from amongst the members of the Board;
- (d) two members of the Punjab Provincial Assembly to be nominated by the Chairman from amongst the members of the Board;
- (e) Secretary to Government, Finance Department or his nominee; and
- (f) Executive Director of the Council: Member-Secretary.

6. Quorum.– (1) Four members, including the Chairman or the Vice-Chairman, shall constitute quorum at the meeting of the Executive Committee.

(2) In the absence of the Chairman, the Vice-Chairman shall preside at the meetings of the Executive Committee and shall exercise all powers of the Chairman.

7. Functions of the Executive Committee.– (1) The business of the Council shall be conducted by the Executive Committee or by such member or members authorized by the Executive Committee to act on its behalf in the manner approved by it.

(2) The Executive Committee shall have power to incur all expenditure out of the funds of the Council for execution of its business and activities in accordance with the aims and objects of the Council.

(3) The Executive Committee may delegate its powers to the Chairman or the Vice-Chairman of the Executive Committee or a sub-committee to be appointed by the Chairman of the Executive Committee.

(4) The Executive Committee shall have power to create post and appoint persons thereto to carry out its duties and functions on such terms and conditions as it may determine.

(5) The Executive Committee shall meet at least four times in a year.

8. Executive Director.– (1) There shall be an Executive Director who shall be appointed by the Chairman of the Council on such terms and conditions as the Chairman may determine from time to time.

(2) The Executive Director shall be the Chief Executive of the Council and shall be responsible to the Board and the Executive Committee for carrying out the objectives of the Council.

(3) The Executive Director shall act as Secretary to the Board and to the Executive Committee.

(4) The Executive Director, if he is not a Government employee, may resign his office by writing under his hand addressed to the Chairman.

9. Headquarters.– The headquarters of the Council shall be at Lahore.

10. Functions.– The Council shall–

- (a) advise the Government on all matters of policy relating to artistic and cultural activity;

- (b) adopt measures for improving knowledge, understanding and practice of the arts;
- (c) co-ordinate, evaluate and supervise the activities of the Arts Councils and such other artistic, cultural and literary organizations as are in receipt of subsidy or grant directly or indirectly from the Federal or the Provincial Government;
- (d) set up Divisional and District Arts Councils;
- (e) plan, establish and manage art academies, folk museums, exhibition halls, art galleries, auditoria and similar other institutions;
- (f) organize cultural ensembles, exhibitions of plastic arts and crafts, cultural fairs and festivals and similar other activities;
- (g) help establish and organize provincial/local Artists Equities;
- (h) arrange registration of cultural organizations with a view to extending assistance to them and regulating their activities; and
- (i) perform any other function in the field of the arts, culture entrusted to it by the Government.

⁴[Provided that no art shall be patronized by the Council which has the tendency to inculcate or advance eroticism, indecency, immorality or obscenity.]

11. Funds.— The Funds of the Council shall be derived from the following sources, namely:—

- (i) grants from the Federal Government;
- (ii) grants from the Provincial Government;
- (iii) contributions and donations from individuals, local bodies, corporations, institutions, organizations and agencies;
- (iv) income derived from the activities of the Council; and
- (v) any other source approved by the Executive Committee.

12. Audit of Accounts.— The account of the Council shall be audited in such manner as Government may direct from time to time.

13. Powers to take over Arts Councils and other Cultural Bodies.— (1) Government may, as and when required in public interest, take over premises, functions, assets and liabilities of an Arts Council or any other body engaged in carrying out literary, cultural or artistic activities.

⁵[Provided that no order of such acquisition shall be made without giving and opportunity of being heard to the person or persons or body running the Arts Council whose property is sought to be acquired.]

⁴Added by the Punjab Council of the Arts (Amendment) Ordinance, 1984 (XI of 1984); and published in the Punjab Gazette (Extraordinary), dated 13.12.1984, s.2.

⁵Added by the Punjab Council of the Arts (Amendment) Ordinance, 1984 (XI of 1984); and published in the Punjab Gazette (Extraordinary), dated 13.12.1984, s.2.

⁶[(1-A) Where any land, building or other property of an Arts Council or any other body engaged in carrying out literary, cultural or artistic activities, is taken over by the Government under sub-section(1), the amount of compensation to be awarded shall be determine by the collector on the basis of the factors and consideration laid down in the Land Acquisition Act, 1894(I of 1894).]

(2) Where it appears to the Council that an organization engaged in artistic or cultural activity, which is in receipt of any grant directly or indirectly from the Federal or Provincial Government is conducting its activities in a manner contrary to the policy laid down by the Council or is in any other way mis-managing its affairs, the Council may and where the Government so directs, shall hold an enquiry into the affairs of such organization and submit a report to the Government along with its recommendations for consideration and such action as Government may deem fit in that behalf.

14. Power to make Rules.— Government may, by notification in the official Gazette, make Rules to carry out the purposes of this Act.

15. Power to make Regulations.— The Council may make such regulations as it may consider necessary for carrying the provisions of this Act into effect.

16. Repeal of Punjab Ordinance No. II of 1975.— The Punjab Council of the Arts Ordinance, 1975 (Ordinance No. II of 1975), is hereby repealed.

⁶Added by the Punjab Council of the Arts (Amendment) Ordinance, 1984 (XI of 1984); and published in the Punjab Gazette (Extraordinary), dated 13.12.1984, s.2.