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THE PUNJAB MUSEUMS BOARD ORDINANCE 2021 (XII of 2021)

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TEXT

**¹THE PUNJAB MUSEUMS BOARD ORDINANCE 2021
(XII of 2021)**

[25th March 2021]

An
Ordinance
to establish the Punjab Museums Board.

It is necessary to establish the Punjab Museums Board for efficient maintenance and management of the museums in the Punjab and for the ancillary matters.

Provincial Assembly of the Punjab is not in session and Governor of the Punjab is satisfied that circumstances exist which render it necessary to take immediate action.

In exercise of the powers conferred under clause (1) of Article 128 of Constitution of the Islamic Republic of Pakistan, Governor of the Punjab is pleased to make and promulgate the following Ordinance:

1. Short title, extent and commencement.— (1) This Ordinance may be cited as the Punjab Museums Board Ordinance 2021.

(2) It extends to whole of the Punjab.

(3) It shall apply to such museums as the Government may, by notification, in the official Gazette, specify from time to time.

2. Definitions.— In this Ordinance:

(a) “Board” means the Punjab Museums Board established under section 3 of this Ordinance;

(b) “CEO” means the Chief Executive Officer of the Board;

(c) “Chairperson” means the Chairperson of the Board;

(d) “committee” means a committee constituted under this Ordinance;

(e) “Government” means Government of the Punjab;

(f) “member” means a member of the Board;

(g) “museum” means a museum notified under this Ordinance;

(h) “prescribed” means prescribed by the rules or the regulations made or framed under this Ordinance;

(i) “regulations” means the regulations framed under this Ordinance; and

(j) “rules” means the rules made under this Ordinance.

3. Board.— (1) The Government shall, by notification in the official Gazette, establish a Board to be known as the Punjab Museums Board for carrying out the purposes of this Ordinance.

¹This Ordinance was Promulgated by the Governor of the Punjab on 25 March 2021; and, was published in the Punjab Gazette (Extraordinary), dated: 25 March 2021, pp. 7369-7374.

(2) The Board shall be a body corporate having perpetual succession and a common seal with power to enter into contracts and to acquire and hold property, movable and immovable, and may in its name sue and be sued.

4. Composition of the Board.– (1) The Board shall consist of the Chairperson to be nominated by the Chief Minister, Secretary to the Government Tourism Department as Vice Chairperson, and the following members:

- (a) Secretary to the Government, Planning & Development Department or his representative not below the rank of an Additional Secretary;
- (b) Secretary to the Government, Finance Department or his representative not below the rank of an Additional Secretary;
- (c) Secretary to the Government, Information and Culture Department or his representative not below the rank of an Additional Secretary;
- (d) Director General Archaeology of the Government;
- (e) one member of Provincial Assembly of the Punjab to be nominated by the Chief Minister;
- (f) five persons from the private sector, including at least one woman, having expertise preferably in the fields of Museology, History, Anthropology, Art History or Archaeology, Cultural and Heritage Management, Financial Administration or Marketing.

(2) The members at clause (f) of subsection (1) shall be nominated by the Chief Minister on the recommendations of the Minister-in-Charge and Secretary to the Government, Tourism Department for a renewable term of three years.

(3) A non-official member shall not be entitled to any remuneration, and he may resign from his office by tendering his resignation to the Chief Minister.

(4) The Board may co-opt any person for efficient transaction of its business in the meetings, but such person shall not have right to vote.

5. Removal of non-official members.– The Chief Minister may remove a non-official member if :

- (a) has been adjudged an undischarged insolvent; or
- (b) has been convicted of an offence which involves moral turpitude; or
- (c) has become physically or mentally incapable of acting as the CEO or the member; or
- (d) has abused his position and rendered his continuance in the office prejudicial to public interest.

6. Chief Executive Officer.– (1) The Chief Minister shall appoint the CEO from amongst a panel of qualified experts possessing such qualifications and experience as may be prescribed by the regulations.

(2) The CEO shall be Secretary of the Board, and shall act the Principal Accounting Officer of the Board.

(3) The CEO shall hold office during the pleasure of the Chief Minister.

7. Meetings of the Board.— (1) The meetings of the Board shall be held at such times and in accordance with such procedure as may be prescribed by the regulations.

(2) The quorum for a meeting shall be one third of the total members, the fraction being counted as one.

(3) Each member shall have one vote and in case of equality of votes the person presiding over the meeting shall have a casting vote.

8. Powers and function of the Board.— The Board shall:

- (a) formulate policies, plans and programs for protection, maintenance and management of the museum;
- (b) manage and regulate the finance, accounts and investments of the museum;
- (c) determine the terms and conditions of service of the CEO and other employees of the Board;
- (d) ensure adequate and effective governance and risk management system in the Authority;
- (e) promote and develop partnerships with other organizations;
- (f) enter into contracts in conformity with the purposes of this Ordinance;
- (g) approve annual accounts, budget and estimates of expenditure;
- (h) lend any object of the museum for public exhibition;
- (i) set up such committees as may be required for the purposes of this Ordinance;
- (j) frame regulations for the conduct of business of the Board;
- (k) formulate procedure and necessary framework for utilization of funds generated or acquired through donations or grants;
- (l) provide researchers the access to antiquities;
- (m) impart training in the field of Museology;
- (n) hold conferences, symposiums, seminars, workshops with respect to Archaeology, Museology and other relevant subjects;
- (o) collaborate with world museums for exchange of relevant expertise; and
- (p) perform any other functions and exercise such powers as may be ancillary to the above, or as may be assigned by the Government from time to time.

9. Employees of the Board.— (1) The Board may appoint such number of employees in such manner as may be prescribed for carrying out its functions under this Ordinance.

(2) The existing employees of a museum may opt to continue in their existing cadre or may opt to become employees of the Board within one year of the commencement of this Ordinance.

(3) There shall be a pension fund for the employees of the Board to be established in such manner and having such functions as may be prescribed.

10. Delegation.— The Board may delegate to the Vice Chairperson, a committee of the Board, the CEO, or any employee, any of its functions, except approval of the annual budget of the Board and framing of the regulations.

11. Fund.— (1) There shall be established a Fund to be known as the 'Punjab Museums Board Fund' which shall consist of:

- (a) all income generated from the museum;
- (b) grants in aid made by the Government or the Federal Government;
- (c) loans obtained from the Government or the Federal Government;
- (d) loans raised by the Board with the special or general sanction of the Government;
- (e) foreign aid and loans obtained by the Board with the sanction of the Government;
- (f) fees and other sums received by the Board; and
- (g) contribution and donations from individuals, local bodies, corporations, institutions, organizations and agencies.

(2) The Fund shall be kept in such custody, utilized and regulated in such manner as may be prescribed by the rules.

12. Annual financial statement.— The Board shall submit a statement of estimated receipts and expenditure in respect of the next financial year to the Government for approval, at such time and in such manner as may be prescribed and shall give effect to any modifications made therein by the Government.

13. Maintenance of accounts.— The Board shall maintain complete and accurate books of accounts in such form as may be prescribed.

14. Annual report.— (1) The Board shall, within three months of the close of each financial year, submit to the Government, its annual performance report.

(2) The report shall consist of:

- (a) the statement of accounts and audit reports of the museum;
- (b) a comprehensive statement of the work and activities of the museum during the preceding financial year and its proposed projects and schemes; and
- (c) such other matters as may be prescribed or as the Board may consider appropriate.

(3) The Government shall, within two months of receiving the report from the Board, shall lay the report in the first available session of the Assembly.

15. Audit.— (1) The Auditor General of Pakistan shall annually audit the accounts of the Board.

(2) The Government, in addition to the audit under subsection (1), may cause the accounts of the Board annually audited by a Chartered Accountant or a firm of Chartered Accountants.

(3) The auditor appointed under subsection (2) shall be provided such access to the books, accounts and other documents as may be considered necessary for the audit of accounts.

(4) The auditor shall submit the audit report to the Board, and the Board shall submit the report to the Government along with its own observations thereof.

16. Chairman, members and employees to be public servants.— The Chairman, members, employees of the Board and the members of a committee when acting in discharge of their functions under this Ordinance, shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code 1860 (XLV of 1860).

17. Indemnity.— No suit, prosecution or any other legal proceedings shall lie against the Board, the CEO, any member, officer, servant, expert or consultant of the Board, in respect of anything done or purported to be done in good faith under this Ordinance.

18. Power to make rules.— (1) The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

19. Regulations.— (1) The Board may, by notification in the official Gazette, frame regulations for carrying out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for:

- (a) the manner in which a committee shall be constituted and the powers and functions that may be exercised and performed by a committee;
- (b) recruitment, tenure of office, terms and conditions of service of the employees of the Board;
- (c) the manner in which the Funds of the Board shall be disbursed; and
- (d) any other matter envisaged under this Ordinance.

20. Removal of difficulties.— If any difficulty arises in giving effect to any of the provisions of this Ordinance, the Government may make such order, not inconsistent with this Ordinance, as may be necessary for removing such difficulty.