

THE BALOCHISTAN ARTS COUNCIL ACT, 2018

(Baln. Act XIII of 2018)

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THE BALOCHISTAN ARTS COUNCIL ACT, 2018

(Balochistan Act No. XIII² of 2018)

[19th June, 2018]

An Act to provide for the establishment of the Balochistan Arts Council to promote the Art and Craft of the people of Balochistan.

Preamble.

Whereas, it is expedient to provide for the establishment of the Balochistan Art Council for patronage, promotion and development of art and craft in Balochistan and matters connected or ancillary thereto;

It is hereby enacted as follows: –

Short title and
Commencement

1. (1) This Act may be called the Balochistan Arts Council Act, 2018.

(2) It extends to the whole of Balochistan except the Tribal Areas.

(3) It shall come into force at once.

Definitions.

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

(a) “Act” means the Balochistan Arts Council Act, 2018;

(b) “Board” means the Board of Governors of the Balochistan Art Council, as constituted under section 8;

(c) “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 existence;

(d) “Committee” means a committee of the Boards constituted under section 13 of this Act;

¹ This Act was passed by the Provincial Assembly of Balochistan on 28th May, 2018; assented to by the Governor of Balochistan on 13th June, 2018; and first published in the Balochistan Gazette (Extraordinary) No. 137, dated 19th June, 2018.

² The number inadvertently typed as “Act No. XVI of 2018”, was corrected to read “Act No. XIII of 2018”, which shall always stand so written and read accordingly with the title of the Act, vide the Assembly Secretariat’s Corrigendum No. PAB/Legis: V(24)/2018./1934, dated 19th October, 2018; published in the Balochistan Gazette (Extraordinary) No. 200, dated 19th October, 2018.

- (e) “Government” means the Government of Balochistan;
- (f) “Convenor” means a Convenor of the Committee;
- (g) “Council” means the Balochistan Art Council;
- (h) “Department’ means the Culture, Tourism and Archives Department Government of Balochistan;
- (i) “Endowment Fund” means the Endowment Fund established by the Council;
- (j) “Executive Director” means the Executive Director of the Council; *and*
- (k) “Chief Minister” means the Chief Minister of Balochistan.

Incorporation.

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

(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.

Jurisdiction of the Council.

4. (1) Subject to the provisions of this Act, the area of jurisdiction of the Council shall be the whole of Balochistan.

(2) The Council shall have its headquarter located at Quetta.

(3) The Council shall be formed in the Directorate of Culture and shall provide all Secretariat facilities by the Director Culture.

Functions of the Council.

5. The Council shall —

- (a) develop and maintain facilities for all forms of art including performing arts;
- (b) provide facilities for art education and organize workshops, seminars etc.;
- (c) undertake its own productions or solicit Government or markets support through sponsorship;

- (d) 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;
- (e) organize art or cultural fairs, festivals and other programmes, cultural events and exhibitions, etc., within country and abroad, on its own or in collaboration with local and foreign bodies;
- (f) print, publish, issue books, periodicals, audio, video documentaries, films and publications relating to art and culture;
- (g) document performers in various art forms and organizations engaged in artistic activities;
- (h) establish museums of musical instruments, sculptures, Balochistan 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.

Funds.

6. (1) There shall be formed a fund to be known as “The Balochistan Arts Council Fund” which shall be vested in the council and shall be utilized by the council to meet its expenditure and charges in connection with its functions under this Act including the payment of salaries etc.

The funds of the council shall Comprise of —

- (a) grants from the Federal Government of Provincial Government;
- (b) contributions and donations from individuals, local governments, corporations and other bodies;
- (c) income generated from various activities of the Council like classes, rental charges of

facilities, fees of consultancies and services, etc.;

(d) sale proceeds of Council products; *and*

(e) any other source approved by the Board.

Endowment Fund
Trust.

7. The Council shall manage all existing endowments established by Culture department who create from a trust to be known as the Endowment Fund Trust. The Board shall authorized expenditure out of the capital whereas profit from investment shall be transferred to the annual income of the Council.

Board of Governors.

8. (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 and six *ex-officio* members, out of whom at least three shall be renowned cultural activist women.

(2) 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 and interested in the promotion of art and culture. The non-official members may be appointed for two terms only.

(3) The Chief Minister shall be the Chief Patron of the Council;

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

(a) Secretary to Government of Balochistan, Culture, Tourism and Archives Department;

(b) Secretary to Government of Balochistan, Finance Department;

(c) Head of the Fine Arts Department, University of the Balochistan, Quetta;

(d) Commissioners of all six divisions;

(e) Six Members of Civil Society (women) of all six divisions; *and*

(f) Director Culture, Balochistan Arts Council

who shall also be the Secretary of the Board.

(5) The Minister Culture shall be the Chairperson of the Board and in his absence, the Secretary Culture, Tourism and Archives shall act as chairperson.

(6) A non-official member may by writing under his hand addressed to the Chairperson resign his office. The case to fill this vacancy for the remaining tenure shall be initiated by the Department in accordance with above sub section (2).

(7) A non-official member may be removed by the Chairperson with approval of 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.

Functions of the Board.

9. The Board shall —

- (a) act as a resource and provide vision in the light of the 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 Standard Operating Procedures (SOPs) for various aspects of management of the Council such as management of endowment organization of events, operation of its institution; *and*
- (f) approve financial and other cases not within the competence of the Director Culture or, as the case may be, Chairperson.

Meeting of the Board.

10. (1) The Board shall meet once in three months.

(2) The Minister shall preside over all meetings of the Board and, in his absence the Secretary shall preside-over the meetings.

Absence of members from Board meetings.

11. 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.

Honorary capacity of the Board members.

12. The Chairperson and all non-official members shall work in an honorary capacity and shall not be paid any remuneration except TA/DA of BPS-20 for out station activities subject to availability of funds for this purpose.

Committee of the Board.

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

Director Culture.

14. The Director Culture shall be *ex-officio* Chief Executive of the Council; shall act –

- (a) as Secretary to the Board and shall maintain record of its proceedings; *and*
- (b) as Senior Purchase Officer for procurement of stores in terms of the Balochistan Procurement Rules, 2014.

Accounts.

15. (1) The accounts of the Council shall be operated by the Director Culture.

(2) The accounts of the Council shall be audited by Auditor General's office as per Government procedure.

Application of Government rules.

16. Pending framing of rules relating to various matters of the Council, Government rules on the subject shall be applicable to the Council.

Power to make rules.

17. Government may make rules to carry out the purpose of this Act.

Power to make regulations.

18. The Council may make such regulations as it may deem necessary for carrying the provisions of this Act into effect.

Act to override other laws.

19. This Act shall have overriding effect and its provisions shall apply notwithstanding anything contained in any other law for the time being in force.

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