

Annex 1| ***Lok Virsa Legal Status
Ordinance***

Lok Virsa Legal Status Ordinance

There is no such general reference to the safeguarding of ICH or CH in the main body of the constitution (1973) of Islamic Republic of Pakistan. However an act (PNCA Act 1973) was passed specifically for the establishment of Pakistan National Council of Arts (PNCA) for the patronage, promotion and development of the Arts. And later on a PNCA ordinance 1979 and Lok Virsa ordinance 2002 was also issued. The texts of the act and of the two ordinances promulgated later on as mentioned above are as given below:

PNCA Act 1973

(AS PASSED BY THE NATIONALASSEMBLY)

A BILL

to provide for the establishment of Pakistan National Council of the Arts.

WHEREAS it is expedient to provide for the establishment of a Pakistan National Council of the Arts for the patronage, promotion and development of the Arts, 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 Pakistan National Council of the Arts Act. 1973.
 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 contexta)
 - a) “artistic activity” means any activity so declared by the Federal Government by notification in the official Gazette:
 - b) ‘Board” means the Board of Governors of the Council constituted under section 4;
 - c) “Chairman” means the Chairman of the Council;
 - d) “Council means the Pakistan National Council of the Arts established under section 3: and
 - e) “Director-General” means the Director-General of the Council.
3. Establishment of the Council:-
 - 1) As soon as may be after the commencement of this Act, the Federal Government may, by notification in the official Gazette, establish a Council to be called the Pakistan National Council of the Arts.
 - 2) The Council shall be a corporate body having perpetual succession and a common seal, with power to acquire, hold and

dispose of properly, both movable and immovable, and shall by the said name sue and be sued.

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:
 - a) the Minister for Education and Provincial Coordination, Government of Pakistan, who shall also be *the* Chairman of the Council;
 - b) the Director-General; the Secretary, Ministry of Education and Provincial Co-ordination, Government of Pakistan;
 - c) a representative of the Ministry of Foreign Affairs. Government of Pakistan;
 - d) the Financial Advisor. Ministry of Education and Provincial Coordination. Government of Pakistan;
 - e) the Official Incharge Culture Wing. Ministry of Education and Provincial Coordination (Education Division). Government of Pakistan;
 - f) the Director of Archaeology, (Government of Pakistan;
 - g) the Managing Director, Pakistan Broadcasting Corporation;
 - h) the Director-General, Pakistan Broadcasting Corporation;
 - i) the Director, PIA Arts Academy;
 - j) five members of the National Assembly, including one woman member, to be elected by the Assembly;
 - k) two members of the Senate to be elected by the Senate;
 - l) twenty persons. including five women, eminent in the field of art and culture, to be nominated by the Chairman: and,
 - m) a member-secretary to be appointed by the Chairman.

2. The Board of Governors 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 member of the Board excepting the ex-officio members shall hold office for a term of three years and shall be eligible for re-election or re-nomination, as the Case may be.
 4. A member of the Board, other than an ex-officio member. May, by writing under his hand addressed to the Chairman, resign his office.
 5. Any casual vacancy in the office of a member other than an ex-officio member shall be filled by a person nominated by the Federal Government and the person so nominated shall hold office for the unexpired period of the term of his predecessor.
5. Director-General:
- 1) The Director-General shall be appointed by the Chairman on such remuneration and other terms and conditions as the Chairman may determine.
 - 2) The Director-General shall be the chief executive of the Council and shall be responsible to the Board for carrying out the objectives of the Council.
 - 3) The Director-General may, by writing under his hand addressed to the Chairman, resign his office.
6. Headquarters: - The headquarters of the Council shall be at Islamabad.
7. Functions:
1. The Council shall:
 - a) advise the Federal Government on matters of policy on artistic activity and their implementation;
 - b) improve knowledge, understanding and practice of the arts and advise the Federal Government in order to increase regional activity through systematic planning and co-ordination at all levels;

- c) co-ordinate, evaluate and supervise activities of cultural organization and individuals engaged in cultural activities:
 - d) advise and assist the Provincial Government in setting up of Provincial Arts Councils to serve as liaison between the local cultural bodies and the Council with regard to (heir activities and financial assistance:
 - e) plan, establish and run art academies, folk museums, exhibition halls. auditoria, art galleries and similar other institutions:
 - f) organize exhibitions of arts and crafts within Pakistan and in other countries.
 - g) organize national and regional ensembles for performance within the country and in other countries:
 - h) organize and promote cultural fairs and festivals:
 - i) help, establish and organize national unions of artists on the basis of their chosen field of activity;
 - j) help in the implementation of cultural pacts and programmes on directions of the Federal Government:
 - k) have contacts with similar organizations in other countries, through the Federal Government:
 - l) set up panels of experts in specific fields of the arts where necessary; and
 - m) perform any other function in the field of arts which the Federal Government may director which the Council may consider necessary or desirable.
2. Where it appears to the Council that an organization engaged in artistic activity which is in receipt of any grant from Federal Government or the Council, is conducting its activities in a manner contrary to the policy laid down by the Council or is in any other way mismanaging its affairs, the Council may, and where the Federal Government so directs, shall hold an enquiry into the affairs of such organization and submit a report to the Federal Government along with ii recommendations.

8. Funds:-The fund of the Council shall be derived from the following sources, namely:
 1. grants of the Federal Government and the Provincial Governments;
and
 2. contributions and donations from individuals, local bodies, corporations, institutions, organizations and agencies.
9. Audit of Accounts:- The accounts of the Council shall be audited by an auditor who is a Chartered Accountant within the meaning of the Chartered Accountants Ordinance 1961 (X of 1961), appointed by the Federal Government in consultation with the Auditor General of Pakistan. on such remuneration, to be paid by the Council, as the Federal Government may fix.
10. Power to make Rules:- The Federal Government may by notification in the official Gazette, make rules to carry out the purposes of this Act.
11. Power to make regulations:- The Council may make such regulations as it may consider necessary for carrying the provisions of this Act into effect.

PNCA Ordinance 1979

to amend the Pakistan National Council of Arts Act, 1973

WHEREAS it is expedient to amend the Pakistan National Council of Arts Act, 1973 (LIX OF 1973), for the purpose hereinafter appearing.

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action; NOW, THEREFORE, in pursuance of the proclamation of the fifth day of July, 1977, read with the LAWS (Continuance in Force) Order, 1977 (C.M.L.A. Order No. I of 1977), and in exercise of all powers enabling him in that behalf, the president is pleased to make and promulgate the following Ordinance:

1. Short title and commencement:
 - 1) this Ordinance may be called the Pakistan National Council of Arts (Amendment) Ordinance, 1979.
 - 2) it shall come into force at once.
2. Amendment of section 4, Act LIX of 1973:- In the Pakistan National Council of Arts Act, 1973 (LIX of 1973) in section 4, for sub-session (I) the following shall be substituted, namely:
 - 1) the management, overall control and supervision of the affairs of Council shall vest in a Board of Governors consisting of the following members, namely:
 - a) The Federal Minister-in-Charge of Culture, who shall also be the Chairman;
 - b) the Minister of State for Culture, who shall also be the Vice-Chairman; provided that, if there is no such Minister of State, the Federal Government may nominate any member of Board to be the Vice-Chairman.
 - c) the Secretary to the Government of Pakistan in the Division dealing with Culture;
 - d) a representative of the Ministry of Foreign Affairs;
 - e) the Financial Advisor of the Division dealing with Culture;

- f) the Joint-Secretary to the Government of Pakistan in the Division dealing with Culture;
- g) the Director-General;
- h) the Director of Archaeology;
- i) the Managing Director. Pakistan Television Corporation;
- j) the Director-General, Pakistan Broadcasting Corporation;
- k) twenty persons, including live women. eminent in the fields of art and culture, to be nominated by the Chairman: and,
- l) a member-secretary to be appointed by the Chairman”.

Lok Virsa Legal Status Ordinance

Government of Pakistan
Ministry of Law, Justice, Human Rights and Parliamentary
(Law, Justice and Human Rights Division)
Islamabad, 17th September, 2002

F.No. 2(1)/2002-Pub. The following Ordinance promulgated by the President is hereby published for general information :-

ORDINANCE No. L1V OF 2002 AN ORDINANCE

To provide for reconstitution of the National Institute of Folk and Traditional Heritage (Lok Virsa) to effectively preserve indigenous cultural heritage to project true identity of Pakistan;

AND WHEREAS it is expedient to provide for the reconstitution of the National Institute of Folk and Traditional Heritage (Lok Virsa), and for matter connected herewith or ancillary thereto;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action.

Now, THEREFORE in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitution Order No. 1 of 1999, read with the Provisional Constitution (Amendment) Order NO.9 of 1999, and in exercise of all powers enabling him in that behalf, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:-

1. Short title, extent and commencement

(a) This Ordinance may be called the National Institute of Folk and Traditional Heritage (Lok Virsa) Ordinance, 2002.

(b) It extends to the whole of Pakistan.

2. Definitions:

In this Ordinance, unless there is anything repugnant in the subject or context,-

(a) "Board" means the Board of Governors of the Institute;

(b) "Chairman" means the Chairman of the Board;

(c) "Executive Committee" means the Executive Committee of the Board;

(d) "Executive Director" means the Executive Directors of the Institute;

(e) "Fund" means fund of the Institute.

(f) "Institute" means the National Institute of Folk and Traditional Heritage (Lok Virsa) established by the Government of Pakistan vide its Resolution No. F.10-11/82- Admn, dated the 19th June, 1983;

(g) "Prescribed" means prescribed by rules or regulations;

(h) "Regulations" means the regulations made under this Ordinance: and

3. Establishment of the Institute

(a) The National Institute of Folk and Traditional Heritage (Lok Virsa) as reconstituted in accordance with the Provisions of this Ordinance shall body corporate having perpetual succession and a common seal with powers ,subject to the provisions of this Ordinance, to acquire, hold and dispose of property, both and moveable and immovable, and shall by the said name sue and be sued.

(b) He head office of Institute shall be at Islamabad.

(c) The institute may, with the approval of the Federal Government, from time to time establish regional offices, local offices and research establishments at such places as it may deem fit.

4. Functions and Powers of the Institute

The function and powers of the Institute shall be-

- (a) to engage in research, systematic collection, documentation, scientific preservation projection and dissemination of oral tradition, folklore and other aspects of indigenous cultural heritage;
- (b) to aim at strengthening and nurturing the roots of Pakistan culture and to achieve fundamental objectives regarding its rediscovery and reinterpretation to project the true identity of Pakistan ;
- (c) to establish cultural complexes and museums for the purpose of displaying living arts and crafts, cultural artifacts and rare objects from all parts of Pakistan;
- (d) establish cultural industries, art and craft galleries, artisan villages and to hold and organize festivals;
- (e) to retrieve advance knowledge of the general public and promotion of cultural heritage and cultural industries of Pakistan ;
- (f) to carry out studies, investigations, surveys, to collect data to prepare feasibility report about schemes, projects and programmes to the extent required for fulfilling the objects;
- (g) to arrange and provide training and technical assistance to its staff as well as participating NGOs and community based organizations, educational institutes through training programmes, purchase of existing services, workshops, seminars, publications and training programmes and scholarships within Pakistan or in such other countries as the Board may deem appropriate;
- (h) to improve knowledge, understanding and practices of different aspects of indigenous cultural heritage and to devise ways and means for a broader dissemination through employment of modern media technologies;
- (i) to establish centers of excellence and to activate existing institutions >1, and build or innovate new institutions and forge mutually beneficial private/public sector partnerships;
- (j) to prepare and implement such other plans and programmes to promote cultural heritage of Pakistan ;
- (k) to promote cultural heritage such that it plays its rightful role in developmental issue such as economic reforms, investment, industry,

education, literature, poverty alleviation, human rights and human development;

(l) to cause to be prepared and implemented such schemes and programmes for the promotion of welfare of its employees; and

(m) to do all such other things as are necessary or incidental to the promotion or advancement of the objects of the Institute.

5. Power of the Federal Government to issue directives.

The Federal Government may, as and when it considers necessary, issue directives to the Institute on matters of policy and such directives shall be binding on the Institute, and if a question arises whether any matter is a policy matter or not, the decision of the Federal Government shall be final.

6. Board of Governors

(1) The overall control, direction and superintendence affairs of the vest in a Board of Governors the following namely:-

(a) Minister for Culture: Chairman

(b) Secretary (Culture): Vice Chairman

(c) Financial Adviser: Member

(d) Executive Director: Member

(e) Three eminent persons in the field of culture heritage Member

(f) Three persons from non-government financial and corporate sector member

(2) The members, other than ex-officio members, shall be appointed by the Federal Government and shall hold office during the pleasure of the Federal Government.

(3) The Executive Director shall act as Secretary of the Board.

7. Terms of Office of the Members of the Board

- (1) Subject to sub-section (2) of the section 6 the members of the Board, other than ex-officio members, shall hold office for a term of three years and shall be eligible for reappointment, but no person shall hold that office for more than two consecutive terms: Provided that a person shall be eligible for reappointment after break of one term of the office.
- (2) Any casual vacancy in the office of a member, other than ex-officio member, shall be filled by a person nominated by the Federal Government and the person so nominated shall hold office for remainder of the term of office.
- (3) A member of the Board, other than ex-officio member may resign from office by submitting his resignation in writing to the Chairman:

Provided that the resignation shall take effect from the date it is accepted by the Federal Government.

8. Meetings

- (1) The meeting of the Board shall be held at least twice a year and shall be presided over by the Chairman.
- (2) Subject to the provisions of sub-section (1), the meeting of the Board and of the Executive Committee shall be held at such time and at such place and in such manner as may be prescribed by regulations:

Provided that until regulations are made in this behalf, such meeting shall be convened by the Chairman.
- (3) Unless otherwise prescribed one-third of the total members in case of the Board and one-half of the total members in case of the Executive Committee shall form a quorum at the meeting of the Board or, as the case may be, the Executive Committee.
- (4) The vice Chairman shall act as Chairman in the absence of the Chairman.

9. Executive Committee

The Board shall be assisted by an Executive Committee, consisting of not less than three members, to be constituted from amongst members of the

Board and performs such functions, as may be prescribed by the regulations.

10. Executive Director

(1) The Executive Director shall be the overall incharge of technical and administrative work of the Institute and shall be appointed by the Federal Government on such terms and conditions as it may determine.

(2) The Executive Director shall exercise such powers and perform such functions as may be prescribed.

11. Delegation of Powers

The Board may, from time to time delegate to the Chairman, the Executive Committee and Executive Director such of its powers and functions and subject to such conditions as it may consider necessary.

12. Validity of proceedings

No act, proceedings, decision or order of the Institute, Board or Executive Committee shall be invalid by reason only of the existence of a vacancy in, or any defects in the constitution of, the Institute, Board or Executive Committee.

13. Appointment of Officers etc

The Institute may, from time to time, appoint such officers, servants, experts and consultants as it may considered necessary for the efficient performance of its functions on such terms and conditions as may be prescribed by rules.

14. Members, officers etc; to be public servants

Every member of the Board and every officer, servant, expert, consultant and employee of the Institute shall, when acting or purporting, to act in pursuance of any of the provisions of this ordinance or the rules, or regulations made thereunder shall be deemed to be public servant within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1861).

15. Funds

There shall be established a fund to be called the National Institute of Folk an Traditional Heritage (Lok Virsa) Fund which shall consist of

- (a) Grant-in-aid from the Federal Government, the Provincial Governments, local bodies and statutory or non-statutory corporations;
- (b) Collections, subscriptions, and donations from any person, body, association or organization;
- (c) Receipts from other sources as may be approved by the Federal Government including sale proceeds from the Institute's products, publications, and holding of exhibitions, programmes, festivals and projects as a self-generated fund, which the Institute may, with the approval of the Board, retain and spend therefrom and the balance, if any, shall be deposited in the self-generated fund account maintained by the Institute separately for this purpose in the scheduled banks;
- (d) Generation of funds through multi-media productions, cultural telecasts, broadcasts, etc; and
- (e) Such funds as it may generate through private-public partnerships.

16. Budget

The institute shall, in respect of each financial year, by such date as may be determined by the Federal Government, submit to it for approval a statement, to be called the annual budget statement, in the prescribed manners, showing the estimated receipts and expenditure and the sums likely to be required during the next financial year along with detail programme of works for that year.

17. Maintenance of accounts and audit

The Institute shall maintain complete and accurate accounts and other relevant records in such manner and form as may prescribed by the Federal Government in consultation with Auditor- General of Pakistan which shall be audited by the Auditor- General of Pakistan.

18. Annual Report

The Institute shall, as soon as possible, after the end of each financial year, but not later than the last day of December, submit to the Federal Government a detailed report, called the Annual Report, on the conduct of its affairs and its achievements during the preceding financial year along with financial statement where necessary.

19. Indemnity

No suit, prosecution or order legal proceedings shall lie against the Board or any of its members, officers, servants, experts or consultants of the Institute in respect of anything in good faith done or intended to be done under this Ordinance, the rules or the regulations, made there under.

20. Transfer of civil servants etc, to the Institute

- (1) Notwithstanding anything contained in any law, contract or agreement or in the condition of service, every civil servant employed in the National Institute of Folk and Traditional Heritage, existing immediately before the commencement of this Ordinance, including persons on deputation to other organizations shall, save as hereinafter provided, cease to be civil servants and stand transferred, to and become an employee of the Institute as established in this Ordinance on the same terms and conditions, including remuneration, tenure of service, rules and privileges as to pension and gratuity and other matters as were applicable to him immediately before the commencement of this Ordinance, until his re-employment in the Institute is terminated in accordance with the conditions of service or his terms and conditions are altered by regulation which shall not be less favourable than those by which he was governed immediately before his transfer to the Institute.
- (2) Any person referred to in sub-section (1) who is on deputation with the Institute shall continue in his employment of the Institute on deputation in accordance with the terms of his deputation.
- (3) Any person referred to in sub-section (1) may, within three months from the commencement of this Ordinance, opt not to be transferred to the service of the Institute and option so exercised shall be final.

21. Winding up

No provision of law relation to the winding up or the bodies corporate shall apply to the Institute and the Institute shall not be wound up except by the order of the Federal Government in such manner as the Federal Government may direct.

22. Removal of difficulties

If any difficulty arises in giving effect to any provisions of this Ordinance, the Federal Government may make such order, not inconsistent with the express provisions of this Ordinance, as may appear to it to be necessary or expedient for the purpose of removing the difficulty.

23. Repeal and savings

(1) The Government of Pakistan 's Resolution No.F.10-11/82-Admn; dated the 19th June, 1983, is hereby repealed.

(2) Upon the commencement of this Ordinance-

(a) All funds, properties, rights and interests of whatsoever kind issued, used enjoyed and possessed by the National Institute of Folk and Traditional Heritage (Lok Virsa) in existence immediately before the commencement of this Ordinance and all liabilities legally subsisting against the said Institute shall pass to the Institute as established under this Ordinance;