

LOK VIRSA LEGAL STATUS ORDINANCE:

GOVERNMENT OF PAKISTAN
MINISTRY OF LAW, JUSTICE, HUMAN RIGHTS AND PARLIMENTARY
(Law, Justice and Human Rights Division)
Islamabad, the 1th 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 indigenou 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.1011/82- 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 be a 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 immovable and moveable, and shall be known by the said name and sue and be sued.
- (b) The head office of the 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 functions 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) to establish cultural industries, art and craft galleries, artisan villages and to hold and organize festivals;
- (e) to retrieve advanced knowledge of the general public and promote cultural heritage and cultural industries of Pakistan;
- (f) to carry out studies, investigations, surveys, to collect data to prepare feasibility reports 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 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 subsection (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 selfgenerated 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 privatepublic 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.