

SIND ACT No. XVI OF 1955¹.

[THE SIND CULTURAL ADVANCEMENT BOARD ACT, 1955.]

[5th August, 1955]

An Act to make provision for the establishment of the Sind Cultural Advancement Board.

WHEREAS it is expedient to make provision for the establishment of the Sind Cultural Advancement Board; It is hereby enacted as follows:—

1. (1) This Act may be called the Sind Cultural Advancement Board Act, 1955. Short title.

(2) It extends to the whole of ~~the Province of~~ ^{Sind} ~~Sind~~.

(3) It shall come into force at once.

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

✓(i) "Board" means the Sind Cultural Advancement Board established under this Act;

✓(ii) "Document" means any book, manuscript, sanad, or treaty and shall include any matter expressed or described upon any substance by means of letters, figures or marks, which is of literary, scientific, historical or national importance;

✓(iii) "Library" means the Library established under this Act;

✓(iv) "Museum" means the Museum and Art gallery established under this Act;

✓(v) "Prescribed" means prescribed by rules and bye-laws made under this Act;

(vi) ~~"Province" means the Province of Sind;~~ ³

(vii) "Secretary" means the Secretary to the Board;

(viii) "Standing Committee" means a Standing Committee constituted under this Act; and

* ✓(ix) "Requisition" means to take possession or to require delivery of any document or work of Art.

¹ For Statement of Objects and Reasons, see S. G. G., 1955, Pt. IV, p. 249; and for proceedings in Assembly see S. L. A. Debates, 1955, Vol. IV—Book No. 7, pp. 32-35, Book No. 8, pp. 20-32.

2. Subs. by W. P. Laws (Adop) order 1964.

3. Omitted by W. P. Laws (Adop) order 1964.

Establishment of the Sind Cultural Advancement Board.

3. (1) There shall be established for the purposes of this Act a Board to be called the Sind Cultural Advancement Board which shall be a body corporate having perpetual succession and a common seal and shall by the said name sue or be sued.

(2) The Board shall be competent to acquire and hold property, both movable and immovable, to lease, sell or otherwise transfer any moveable or immovable property which may have been vested in or have been acquired by it for the purposes of the Board and to contract and to do all other things necessary for the purposes of this Act.

Composition of Board.

✓ 4. (1) The Board shall be composed of the following members, namely :—

A—Ex-officio.

(a) the Vice-Chancellor of the University of Sind ;

B—Nominated.

(b) five persons nominated by the Government of the province from among the distinguished men of letters, men of arts and philanthropists in ~~the province~~ of whom at least one shall be a woman ; *[Sind],*

(c) two persons nominated by the University of Sind from among the men of learning in ~~the province~~ *[Sind],*

C—Elected.

✓ (d) four persons elected by local bodies mentioned in the Schedule.

(2) The Chairman and Vice-Chairman shall be elected by the members of the Board at the first meeting.

(3) No act of the Board shall be questioned on the ground merely of the existence of any vacancy in or defect in the constitution of the Board.

Life of the Board.

✗ 5. (1) The Board shall be re-constituted every five years.

(2) The members of the Board shall hold office for a term of five years from the date of their election or nomination as the case may be.

1. sub. by W.P. Laws (Adap) order 1964, for "the Province"

(3) If a member is nominated or elected in a vacancy caused during the pendency of the term, he shall vacate his seat if the entire Board is re-constituted under sub-section (1) on the expiry of its term.

(4) If any vacancy occurs by death, resignation or otherwise of a member of the Board, the vacancy shall be filled in by election or nomination as the case may be.

6. (1) The Board shall appoint a Secretary to the Board.

Officers and
servants of
the Board.

(2) The Board shall appoint such officers and servants as it deems necessary to carry out the purposes of this Act.

(3) The Board may delegate to the Secretary the powers of appointment of the members of the superior and inferior establishment.

(4) The Board may, with the previous approval of the Provincial Government, fix the scale of pay and allowances to be paid to the officers and servants of the Board.

7. The Board shall establish Head Office in Hyderabad and may establish sub-offices elsewhere in ~~the Province~~. [Sind]

Head Office
of the Board.

8. (1) There shall be a meeting of the Board, to be called the annual meeting, ordinarily in the month of March, each year.

Meeting of
the Board.

(2) In addition to the annual meeting of the Board, meetings may be called by the Chairman from time to time, as may be prescribed by the Board.

(3) The venue of the meetings of the Board and the Standing Committees shall be at Hyderabad or any other place as the Chairman may fix from time to time.

9. (1) At all meetings of the Board the Chairman and in his absence the Vice-Chairman shall preside. In their absence a person to be elected from among themselves by the members present shall preside.

Chairman to
preside at
all Meetings.

(2) At all meetings of the Standing Committees a person nominated by the Board or in his absence a person to be elected from among themselves by the members present shall preside.

1. Rules. by W. P. (Adap) 1964.
for "the Province"

(3) All questions at a meeting of the Board and the Standing Committees shall be decided by the majority of the members present and voting and in case of equality of votes the person presiding shall have a second casting vote.

Conduct of
Business of
the Board. ✓

10. The Board and Standing Committees shall conduct their business in the manner prescribed by the Board.

Functions of
the Chair-
man. X

11. The Chairman of the Board shall :—

(a) preside at the meeting of the Board ;

(b) watch over the financial and executive administration of the Board and submit to the board all questions connected therewith which shall appear to him to require its orders ; and

(c) exercise supervision and control over the acts and proceedings of all officers and servants of the Board in matters of Executive Administration, and in matters concerning the accounts and records of the Board.

Functions of
the Vice-
Chairman. X

12. The Vice-Chairman of the Board shall :—

(a) in the absence of the Chairman, preside at the meetings of the Board ;

(b) exercise such of the powers and perform such of the duties of the Chairman as the Board or the Chairman may from time to time delegate to him ; and

(c) while the office of the Chairman is vacant, exercise the powers and perform the duties of the Chairman.

Powers and
functions of
the Board. X

13. The Board shall exercise the following powers and functions, namely :—

(i) to establish and maintain cultural centres and schools of art and music at Bhit Shah and other places in ~~the Province~~, [Sind] ;

(ii) to establish and maintain a central library and a museum at Hyderabad and branches thereof at other places in ~~the Province~~ ; [Sind] ;

(iii) to secure necessary books, antiquities, articles of national and historical importance for the libraries, museums and cultural centres ;

1. Subm. by W. S. Law (Adap) Order 1964.

(iv) to promote and encourage the publication of books in Sindhi, and other literature concerning the ~~Province~~ ^{Sindh};

(v) to organize fairs, festivals and celebrate anniversaries of poets, writers and other celebrities of ~~the Province~~ ^{Sindh};

² [The Sind People's Local Government Ordinance, 1972] (vi) to exercise the powers and perform the functions of a municipality under ~~the Sind District Municipal Act, 1908~~, for such area around and including the village of Bhitshah as the Provincial Government may notify in the Official Gazette; and

(vii) to do all such other things in furtherance of the object of this [Act] for which there is no provision or insufficient provision in this Act, and for which provision is, in the opinion of the Board, necessary.]

14. (1) The Board shall have the following Departments in ^{Departments.} the first instance, namely:—

- (a) the Cultural Advancement Department,
- (b) the Library Department,
- (c) the Museum and Art Gallery Department, and
- (d) the Literature Department.

(2) It may create more such Departments as it may consider necessary.

(3) Each Department shall have an Assistant Secretary who shall act as Secretary to the Standing Committee constituted for the Department.

15. (1) The Board shall constitute one Standing Committee ^{Constitution of Standing Committee.} for each Department which shall consist of five persons.

(2) The life of each Standing Committee shall be one year.

(3) Subject to any general and special direction or order of the Board, each Department shall be under the direct control of a Standing Committee.

1. Subs. by W. P. Lines (Ordin.) 1969
for "the Province".
2. Subs. by Sind Act 17 of 1975, s. 3, Sch. II, for "Sind District Municipal Act, 1908".

Functions of
the Depart-
ments.

16. (1) The functions of the Cultural Advancement Department shall be :—

- (i) to formulate schemes for setting up and maintenance of a cultural centre at Bhitshah ;
- (ii) to establish and maintain an arts and music school at Bhit Shah ;
- (iii) to establish and maintain sub-centres and music and art schools at other places in ~~the Province~~ ^[Sind] ; and
- (iv) to arrange and organize fairs, exhibitions, film-shows, etc.

(2) The functions of the Library Department shall be :—

- (i) to maintain a Central Library at Hyderabad ;
- (ii) to establish and maintain District and Taluka Libraries at the Headquarters of each District and Taluka ;
- (iii) to establish and maintain village libraries in the villages having a population of more than 1,000 persons ; and
- (iv) to establish and maintain touring libraries.

(3) The functions of the Museum and Art Gallery Department shall be :—

- (i) to establish and maintain a museum and art gallery at Hyderabad ; and
- (ii) to establish and maintain smaller local museum at other places.

(4) The functions of the Literature Department shall be :—

- ✓ (i) to encourage and undertake the translation and publication of old Sindhi Literary works in the modern Sindhi Language, and standard works of other languages in Sindhi, suitable for general reading ;
- ✓ (ii) to publish important Sindhi Literary works of old authors, that are out of print ;

1. Sub. by W. P. Laws (Adapt) order 1964,
for "the Province".

(iii) to encourage, on competitive basis, or by assignment original works both in prose and poetry, and to, arrange for the printing and publication of the same;

✓ (iv) to collect old manuscripts in Arabic, Persian, Urdu, Sindhi and Sanskrit written by Sindhi authors on History, Literature and folk-lore of Sind, and to publish the same in original or translations thereof;

✓ (v) to celebrate anniversaries of great poets and writers of Sind by organizing lectures and publishing memorial volumes;

| (vi) to make arrangements for the preparation and publication of books on the History of Sind ;

| (vii) to take steps towards the compilation and publication of a Standard Dictionary of Sindhi Language ;

Compile
and
publish

(viii) to take steps towards the preparation and publication in Sindhi of an over-all Guide to Sind embracing every phase of life in Sind from ancient times, including Political and Cultural History, Geography and Biology etc. and to make arrangements for its subsequent translations and publication in Urdu and English ;

publish

(ix) to take steps towards the preparation and publication of a Comprehensive History of Sindhi Literature ;

(x) to run a literary Magazine with a view to :—

(a) publishing standard articles on literary subjects ;

(b) establishing and giving currency to scientific terminology ;

(c) giving authoritative decisions on the intricacies of Sindhi Language ; and

(d) reviewing books published in Sindhi from time to time from literary view point ;

(xi) to take any other steps in consonance with and in furtherance of the aims and objects of the Board.

(5) Functions of other Departments shall be as prescribed by the Board.

New Section 16-A inserted see slip-3

Board
Funds.

17. (1) The Board shall have a fund to which shall be credited :—

(i) its income from fees, donations, endowments, subscriptions, sale of books and tickets ;

(ii) initial grant from the Provincial Government ; and

*[People's District
Councils]*

(iii) yearly recurring grants from the Provincial Government, Municipalities, ~~District Local Boards~~ and other institutions.

(2) The fund shall vest in the Board which shall prescribe the manner in which payments therefrom shall be made.

(3) The Board shall open a deposit account with such Bank as the Provincial Government may approve.

(4) The Board may invest its surplus fund in the securities of the ~~[Central]~~ *[Federal]* and Provincial Governments.

Annual
Report and
Budget.

18. (1) Except in the year in which the Board is first constituted, the Secretary shall submit, in every financial year, to the Board in its annual meeting a copy of the accounts together with the auditors' report and a report on the working of the Board during the preceding financial year and submit an account of income and expenditure during that year.

(2) In the same annual meeting of the Board, the Secretary shall submit the Budget of the Board for the succeeding financial year. The Board shall approve the Budget with such modifications as it may think necessary.

Audit of
Accounts.

19. (1) The accounts of the Board shall, once at least in every year, and at intervals of not more than fifteen months, be audited by auditors appointed by the Provincial Government.

(2) The Board shall submit to the Provincial Government its annual report and statement of accounts as soon as they have been passed by the Board.

Calling for
Information.

20. The Board may, for the purpose of this Act require by an order in writing, any person to furnish a list of documents, works of art and other objects of historical or national importance which are in his possession or over which he has any dominion or control and such person shall be bound to comply with the said order within the time specified therein.

1. Subs. by Sind Act 17 of 1975, S. 3, Sch II, for 'District Local Boards'
2. Subs by Sind Adaptation of Laws Order, 1978, Art-2, Sch for 'Central'
3. New Section 16-A inserted by Sind Ord. LXV of 1984, S. 2.

✓ 21. (1) If in the opinion of the Board, the owner or Custodian of any manuscript or library or any other such valuable document or article is incapable of looking after these objects or is allowing those valuable objects to be destroyed by moths, insects or otherwise or it is necessary to requisition any document, work of art or any object of historical or national importance for the purpose of the Cultural Centre, Library and Museum, it may make an order in writing to that effect which shall be served upon the person in possession thereof and the person so served shall comply with the order.

Securing documents and works of Art for the Library.

(2) If the owner or Custodian is maintaining his library or museum well and preserving them properly to the satisfaction of the Board, the Board may only have photo statics or other copies of the manuscript books and documents taken, but not deprive the owner or Custodian of them.

(3) Where any documents, work of art or any object of historical or national importance is requisitioned under the provisions of sub-section (1) or seized under sub-section (1) of the succeeding section which, in the opinion of the Board, it is desirable to acquire for the Cultural Centre, Library or Museum, there shall be paid to the owner or to the person from whom it is requisitioned or seized such compensation as may be determined in the manner and in accordance with the principles hereinafter set out ;

(a) Where the amount of compensation can be settled by agreement, it shall be paid in accordance with such agreement ;

(b) Where no such agreement can be reached, the Provincial Government shall appoint an Arbitrator ;

(c) The Board may, in any particular case, nominate a person having special knowledge as to the nature and value of the document or work of art in respect of which compensation is to be paid, to assist the Arbitrator and where such nomination is made, the person to be compensated may also nominate an assessor for the said purpose ; and

(d) The award of the Arbitrator shall be final and shall not be questioned in a court of law.

(4) Two copies of all new books published in ~~the Province~~ ^[Sind] shall be supplied to the Library by the Publishers free of costs.

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1- Sub. by W. P. Laws (Adap) order 1964, for the Province

Power of
entry and
seizure.

22. (1) The Provincial Government may authorise any person by an order in writing to be issued in each case, to enter any premises for the purpose of inspecting and seizing any document, work of art or any object of historical or national importance kept therein.

(2) Any document, work of art, or any object of historical or national importance seized under sub-section (1) shall be placed before the Board which shall determine whether it shall be acquired.

(3) The owner or occupier of the premises shall be bound to allow the authorised persons access to the premises, and to any document, work of art, or any object of historical or national importance kept therein.

(4) The person authorised under sub-section (1) shall, before entering any premises, disclose his identity and authority to the occupier or any adult male member of his family.

Acceptance
of gift.

23. The Board may accept any gift made for the purpose and use of the Cultural Centre, Library and Museum.

Penalty.

24. (1) Whoever fails to comply with an order made under section 20, or sub-section (1) of section 21 shall be punishable with imprisonment for a term which may extend to one month or fine or with both.

(2) No court shall take cognizance of any offence punishable under this Act except upon a complaint made by order of or under the authority from the Board in this behalf.

Travelling,
Daily and
other Al-
lowances to
the mem-
bers.

25. The members of the Board and the Standing Committees may be paid travelling, daily and other allowances at such rates and subject to such conditions as may be prescribed by the Provincial Government.

Delegation
of Powers.

26. The Board may direct that its power to make orders under this Act, shall, in relation to such matters and subject to such conditions, if any, as may be specified in this direction, be exercisable also by the Chairman, Secretary or any other officer of the Board.

Public Ser-
vants.

27. The members, officers and servants of the Board and all persons acting under the authority of the Board shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860.

XLV
of
1860.

28. (1) No order made in exercise of any power conferred by or under this Act shall be called in question in any court of law. Saving and Protection.

(2) No suit, prosecution or other legal proceedings, shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any order made thereunder.

29. (1) The Board may make rules for the purpose of carrying into effect the provisions of this Act. Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing powers such rules may provide for—

(a) the procedure to be followed in arbitrations under this Act;

(b) the principles to be followed in apportioning the costs of proceedings before the Arbitrator;

(c) the procedure to be followed for requisitioning, inspecting and seizing any document or work of art;

(d) the payment of travelling, daily and other allowances to the members of the Board and the Standing Committees;

(e) the conditions on which members of the staff may be appointed, reduced, suspended, discharged, removed or dismissed;

(f) the maintenance, inspection and audit of the accounts of the Board;

(g) the submission of returns, statements, reports and accounts by the Board to the Provincial Government; and

(h) the procedure to be followed for the election of members by the municipalities and the ~~district local board~~. *[People's District Council]*.

30. (1) The Board may make bye-laws for the conduct of business at its meetings and the meetings of the Standing Committees and for such other matters within the purposes of this Act, not being matters for which rules are framed under this Act as it may deem necessary. Power to make regulations.

(2) The bye-laws so made shall be subject to the approval of the Provincial Government. X

1. Subs by Sind Act 17 of 1975, S. 3, Sch. II, for "district local board".

Repeal of
Sind XV
of 1953.

31. (1) The Sind (Establishment of Provincial Library and Museum) Act, 1953, is hereby repealed.

Sind
XV of
1953.

(2) Any action taken, order issued, or penalty imposed under that Act shall be deemed to have been taken, issued or imposed, as the case may be, under this Act.

in Provincial Govt.

Vesting of
Provincial
Library and
Museum at
Hyderabad
and other
properties in
the Board.

32. Any property vesting in ~~Her Majesty~~ for the purpose of, and including the Provincial Library and Museum at Hyderabad, the Sindhi Adabi Board and the Cultural Centre at Bhit Shah and other places, is hereby transferred to the Board and shall vest in the Board.

SCHEDULE.

2 [People's District Councils].
~~District Local Boards.~~

3 [People's Municipalities]
~~Borough Municipalities.~~

1. Larkana.
2. Sukkur.
3. Jacobabad.
4. Nawabshah.
5. Hyderabad.
6. Dadu.
7. Sanghar.
8. Tharparkar.
9. Thatta.

1. Larkana.
2. Jacobabad.
3. Sukkur.
4. Shikarpur.
5. Nawabshah.
6. Mirpurkhas.
7. Hyderabad.
8. Thatta.
9. Dadu.

1. Subs. by W. P. Law (Amend) Ordinance 1964, for "Her Majesty".
2. Subs by Sind Act 17 of 1975, S.3, Sch-II, for "District Local Boards".
3. Subs. ibid for "Borough Municipalities".