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PART-IV

PROVINCIAL ASSEMBLY OF SINDH
NOTIFICATION
KARACHI, THE 04TH AUGUST, 2021.

NO.PAS/LEGIS-B-25/2020-The Sindh Institute of Music and Performing Art Bill, 2021 having been passed by the Provincial Assembly of Sindh on 05th July, 2021 and assented to by the Governor of Sindh on 28th July, 2021 is hereby published as an Act of the Legislature of Sindh.

**THE SINDH INSTITUTE OF MUSIC AND
PERFORMING ART ACT, 2021.**

SINDH ACT NO. XXVII OF 2021.

**AN
ACT**

to provide for the establishment of an Institute for imparting training to young people in vocal, instrumental music and performing arts known as the Sindh Institute of Music and Performing Art.

WHEREAS it is expedient to provide for the Preamble.
establishment of an Institute for imparting training to young people in vocal, instrumental music and performing arts known as the Sindh Institute of Music and Performing Art and to provide for the matters ancillary thereto;

It is hereby enacted as follows:-

CHAPTER -I
PRELIMINARY

1. (1) This Act may be called the Sindh Institute of Music and Performing Art Act, 2021. Short title and commencement.

(2) It shall come into force at once.

2. In this Act, unless the subject or context otherwise requires- Definitions.

- (i) "Board" means the Board constituted under section 5;
- (ii) "Chairperson" means the Chairperson of the Board;
- (iii) "Chief Minister" means the Chief Minister of Sindh;
- (iv) "Department" means, the Culture Department;
- (v) "Director" means the Director of the Institute;
- (vi) "Fund" means the fund of the Institute;
- (vii) "Government" means the Government of Sindh;
- (viii) "Institute" means the Sindh Institute of Music and Performing Art;
- (ix) "member" means a member of the Board;
- (x) "prescribed" means prescribed by rules or regulations;
- (xi) "regulations" means regulations made under this Act; and
- (xii) "rules" means rules made under this Act;

CHAPTER - II
ESTABLISHMENT OF THE INSTITUTE

3. (1) There shall be established an Institute to be known as the Sindh Institute of Music and Performing Art in accordance with the provisions of this Act. Establishment of the Institute.

(2) The Institute shall be a body corporate, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire hold and dispose of any property, both movable and immovable, and shall by its name sue and be sued.

(3) The headquarters of the Institute shall be at Jamshoro but the Institute may with the approval of Government establish its centres or branches at such place or places as it may consider necessary.

4. (1) The general directions and administration of the Institute and its affairs shall vest in the Board, which may exercise all powers and do all acts and things which may be exercised or done by the Institute. Management of the Institute.

(2) The Board in discharging of its functions shall act on sound principles to achieve the purpose of this Act and shall be guided on questions of policy by such directions as Government, may from time to time, give.

(3) If any question arises as to whether any matter is a matter of policy or not, the decision of Government shall be final.

5. (1) The Board shall consist of the Chairman who shall be the Minister for Culture and such official members not exceeding four inclusive of Secretary Culture Department and non-official members not exceeding four to be appointed by Chief Minister on the recommendations of the Chairman. Constitution of the Board.

(2) In the absence of the Chairman, the Secretary Culture Department shall act as Chairman.

(3) The members, other than ex-officio members shall, unless Chief Minister otherwise direct, hold office for a period of three years.

(4) Any person ceasing to be a member of the Board by reason of the expiry of the term of his office shall be eligible for re-appointment for another term of three years or for such shorter term as Chief Minister may decide.

(5) A Member other than official Member, shall cease to hold office if he does not attend three consecutive meetings of the Board without any valid reason.

(6) Any person appointed on a casual vacancy by Chief Minister, in the office of non-official member, shall hold office for the unexpired portion of the term of such vacancy.

(7) No act or proceeding of the Board shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the Board.

(8) Any member other than an ex-officio member may by writing under his hand addressed to Chief Minister, resign his office.

(9) The Board may co-opt any person as its member for particular purpose or for specified period.

(10) The Director shall be the Member/Secretary of the Board.

6. (1) The Board shall, subject to the provisions of this Act and rules or regulations, exercise administrative and financial powers in respect of the Institute as may be necessary for its proper and efficient functioning.

Powers and functions of the Board.

(2) In particular and without prejudice to the generality of the forgoing provisions, the Board shall have the powers -

- (i) to hold, control and administer the property, funds and resources of the Institute and borrow or raise money for the purpose of the Institute as defined by the rules;
- (ii) to exercise supervision and over all control over the Institute;
- (iii) to consider and approve annual research programme, annual reports and audit statements of account of the Institute and submit the same to Government through the department for approval;
- (iv) to create, suspend or abolish such posts in the Institute;
- (v) to cause proper books of accounts to be kept for all sums of money received and expended by the Institute and for assets and liabilities of the Institute as determined by the Accountant General Sindh with the approval of department;
- (vi) to lay down its own rules of procedure with approval of Government;
- (vii) to frame regulations;
- (viii) to appoint committees or sub-committees as deemed fit for carrying out the purpose of this Act; and

- (ix) to delegate any of its powers to the Chairperson or Director, excepting the approval of budgetary estimates.

(3) Until the Board is duly constituted, the Chairman shall exercise the powers, discharge the duties and perform the functions of the Board.

7. The meeting of the Board shall be held at such times and places and in such manner as the regulations may provide: Meetings of the Board.

Provided that, until regulations are made in this behalf, the meetings of the Board shall be held as and when convened by the Chairman.

CHAPTER-III FUNCTIONS, POWERS AND DUTIES OF THE INSTITUTE

8. The Institute shall, subject to the provisions of this Act, exercise the powers and perform the functions as follows:- Powers and Functions of the Institute.

- (i) to incur any expenditure approved in the budget necessary for carrying out the purpose of this Act;
- (ii) to acquire, hold, control, administer and dispose of the property and the funds of the Institute;
- (iii) to enter into and perform all such contracts as it may consider necessary;
- (iv) to seek and obtain advice and assistance for the preparation or planning a scheme for the execution of a scheme from any agency and such agency shall give the advice and assistance sought by the Institute to the best of its ability, knowledge and judgment, and any expenditure, if any, involved in giving such advice or assistance shall be borne by the Institute;

- (v) to promote the study of history and make provision for research in pre-historic time to modern day in vocal and instrumental music and arrange courses for training of persons in the field;
- (vi) to associate itself with other similar institutions whether local, national or international to discharge its functions and responsibilities for the betterment and promotion of the art;
- (vii) to provide and support other facilities for such professional and training and research;
- (viii) to acquire and preserve historical material in the manner as may be determined by the Institute;
- (ix) to hold seminars and symposiums to achieve latest modalities for institutionalization of such art and its display for general public as socio-cultural history of Sindh;
- (x) to revive diminished theatrical activities in the field of art;
- (xi) to publish research papers, studies, and such other works as are completed at the Institute or are prepared in collaboration with any other similar Institute or agency, local or foreign or which are otherwise of substantial value to the Institute;
- (xii) to undertake all such activities or do such other acts and things as may be necessary to further the objectives of the Institute.

CHAPTER—IV ESTABLISHMENT

9. (1) There shall be a Director of the Institute who shall be full-time officer of the Institute to be appointed by the Chief Minister on the recommendations of the Board for such period and on such terms, and conditions as the Board may determine. Director of the Institute.

(2) The Director shall be the Chief Executive of the Institute and shall exercise effective control over and be responsible for smooth functioning of day-to-day affairs of the Institute, subject to supervision of the Board.

(3) In particular and without prejudice to the generality of the foregoing powers, the Director shall-

- (a) be responsible for, and have the authority necessary for overseeing and implementing in an expeditious and efficient manner, the schemes of the Institute;
- (b) exercise administrative control over the personnel of the Institute;
- (c) keep in custody the record and seal of the Institute;
- (d) sanction or re-appropriate an amounting not exceeding five lac (five hundred thousand) rupees during the fiscal year for an unforeseen item not provided for in the budget and submit a report to the Board in this behalf in its next meeting;
- (e) act as Secretary of the Board and issue notices of meetings of the Board and its committees in consultation with the Chairman and to prepare and maintain minutes and record and proceedings of the meeting;
- (f) authorize payment of monthly salaries and allowances to the employees of or the persons working in the Institute;
- (g) exercise in respect of the Institute, such administrative and financial powers as deemed by the Board;
- (h) prepare budget estimates and supplementary budget estimates and place the same before the Board for approval;
- (i) ensure that the provisions of this Act and the rules or regulations are faithfully observed;
- (j) take steps for the implementation of decisions of the Board;
- (k) carry on all the correspondence of the Institute;
- (l) prepare the annual report of the Institute for the Board;

(m) act on behalf of the Institute in any emergency, subject to the obligation to report such action to the Board at its next meeting and to seek the Board's ratification of any action so taken; and

(n) to perform any other duties which may be assigned to him by the Board.

(4) The Director shall not except with the previous approval of the Board in each case or unless already approved in the budget duly item wise, allow expenditure on items of civil works, or capital expenditure on equipment or automobiles.

(5) The Director may delegate such of his powers, not being the powers delegated to him, to any officer or committee of the Institute subject to such conditions as he deems fit.

10. (1) The Institute may, for efficient performance of its functions, appoint officers and other staff possessing such qualifications and experience and on such terms and conditions, including the constitution and management of a provident, benevolent fund and fund for group insurance as may be prescribed by rules.

Recruitment condition of service for office servants, etc.

(2) The officer and staff appointed under sub-section (1) shall be liable to such disciplinary action and in such manner as may be prescribed by rules.

(3) The Institute may hire services of professionals or firms on need basis to achieve the objectives of the Institute.

CHAPTER—V FINANCES

11. There shall be a separate Fund for the Institute known as the Sindh Institute of Music and Performing Art Fund, which shall consist of Government grants, Federal or Provincial or local governments grants, donations, sale-proceeds of movable or immovable property including income derived from the softwares, applications and publications of the Institute and other receivables:

Provided that funds received in the form of annual grants from Government shall be lapsable.

12. The Budget shall be prepared and approved in the manner as may be prescribed by rules. Budget.

13. (1) The amounts credited in the Fund shall be deposited in any Scheduled Bank or Government Treasury as approved by the Board. Accounts.

(2) The accounts of the Institute shall be jointly operated by the Director and a member or officer authorized by the Board.

14. (1) The accounts of the Institute shall be maintained in such form and manner as may be prescribed. Audit of Accounts.

(2) The accounts shall be audited by an Auditor General of Pakistan.

CHAPTER—VI MISCELLANEOUS

15. Government or Chief Minister may require the Institute to furnish to it any information, return statement for statistics regarding any matter concerning the Institute and the Institute shall comply with such requisition. Requisition of Government.

16. The Institute at the close of every financial year shall prepare and publish annual report of its activities and performance and submit the report to Government within a fortnight of its publication. Annual Report.

17. All persons acting or purporting to act in pursuance of any provision of this Act shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code. Public Servants.

18. No Court shall have jurisdiction to grant any injunction or make any order or entertain any proceedings in relation to anything done or intended to be done under this Act. Jurisdiction barred.

19. No suit or legal proceedings shall lie against Indemnity. Government, Institute, or any other person in respect of anything done or intended to be done under this Act.
20. Government may make rules for carrying out the Rules. purposes of this Act.
21. Subject to the provisions of this Act, and the rules, Regulations. the Board may make regulations for carrying out the purposes of this Act.
22. If any difficulty arises in first implementation of the Removal of provisions of this Act, Chief Minister may, on the difficulties. recommendation of Chairman or otherwise, give appropriate direction to remove such difficulty.

**BY ORDER OF THE SPEAKER
PROVINCIAL ASSEMBLY OF SINDH**

**G.M.UMAR FAROOQ
SECRETARY
PROVINCIAL ASSEMBLY OF SINDH**