

# The Orissa Cultural Grants Rules, 1995

ODISHA

India

## The Orissa Cultural Grants Rules, 1995

### Rule THE-ORISSA-CULTURAL-GRANTS-RULES-1995 of 1995

- Published on 28 July 1995
- Commenced on 28 July 1995
- [This is the version of this document from 28 July 1995.]
- [Note: The original publication document is not available and this content could not be verified.]

The Orissa Cultural Grants Rules, 1995 Published vide Orissa Gazette Part 3-A/1995-Notification No. 6160-7-CG-39/95-SC/28.7.1995 No. 6160-VII-CG-39/95-SC. - In order to streamline the provisions relating to the General Grants-in-aid to voluntary cultural organisations sanctioned as token of State support to their cultural activities, the State Government do hereby frame, in modification of the rules and instructions prevalent hitherto, the following rules, namely Preliminary Provisions

#### 1. Short title and commencement.

(1) These rules shall be called the Orissa Cultural Grants Rules, 1995 (mentioned hereinafter as these rules). (2) These rules shall be deemed to have come into operation on the first day of April, 1995.

#### 2. Definitions.

- In these rules, unless the context signifies otherwise- (a) "Collector" means the Collector of the district; (b) "Department" means the Department of Culture, Orissa; (c) "Director" means the Director of Culture, Orissa; (d) "District Councils" means the District Councils of Culture; (e) "Government" means the State Government of Orissa; (f) "Grants Committee" means the Committee comprising the Director of Culture, the Secretaries of the State Academies (Sahitya/ Lalitakala/ Sangeet Nataka/ Urdu) and such other functionaries as may be nominated by the Department; (g) "Voluntary Organisations" means voluntary cultural organisations engaged in promotion of literature, visual arts, music, dance (including Chhau), folk and tribal culture and arts and any other aspects of culture ; and (h) "Year" means the financial year.

#### 3. The Autonomous Bodies and other voluntary organisations.

(1) For the purpose of these rules the voluntary organisations shall be categorised into two types, viz : (a) the State Autonomous Bodies and (b) other voluntary organisations. (2) The State Autonomous Bodies shall include the Orissa State Council of Culture, the Orissa Bhasha Sansthan, the Orissa

State Akademis including the Sangeet Natak, Sahitya, Urdu and Lalitkala Akademis, the Odissi Research Centre, the District Councils of Culture and such other Bodies as may be notified from time to time. Grants to State Autonomous Bodies

#### **4. Grants to State Autonomous Bodies.**

(1) Government may sanction such amounts as recurring or non-recurring grants to the State Autonomous Bodies as may be decided from year to year, Grants relating to cultural functions shall also be utilised through the said Bodies. (2) The grant amounts shall be drawn and released in favour of the State Autonomous Bodies by Account-Payee Bank Drafts.

#### **5. Utilisation.**

(1) Subject to the provision in Sub-rule (3) in fra the State Autonomous Bodies shall ordinarily utilise the amounts of grant as per their budget within the relevant year. (2) No supplementary grant (in addition to the grant provided for the year) shall ordinarily be sanctioned by Government in favour of a State Autonomous Body. (3) A State Autonomous Body may (i) mobilise its own resources by raising donations or otherwise for meeting the additional requirements on schemes and programmes, and (ii) utilise the unspent amounts or savings out of the grants sanctioned during a particular year for its activities during the subsequent years. Notwithstanding anything contained in these rules and the rules hitherto in force, the provision of this sub-rule relating to the utilisation of the savings or unspent amounts by a State Autonomous Body shall be deemed to have always been in operation.

#### **6. Report of activities and audit.**

(1) A State Autonomous Body shall furnish at the end of the year, the Annual Report (in Oriya and English and the Audited Statement of Accounts (certified by a qualified Chartered Accountant) including (i) the Receipt and Payment Accounts, (ii) the Income and Expenditure Accounts, and (iii) the Balance Sheet of the said Body. (2) A State Autonomous Body shall also furnish a monthly Report on its activities to the Department, with a copy to the Director. (3) The registers and documents of a State Autonomous Body relating to the grants sanctioned under these rules shall be open for inspection by any authorised representative of the Department not below the rank of Deputy Secretary to Government.

#### **7. Guidelines.**

- The Government may, at their discretion, issue guidelines and stipulate special terms and conditions in respect of grants sanctioned from time to time in favour of a State Autonomous Body. In particular, norms may be prescribed regarding imposition of a ceiling on non-programme items of Expenditure. Grants to other Voluntary Organisations

## **8. Eligibility and criteria.**

(1)The following norms shall be adopted for the purpose of sanction of grants-in-aid to voluntary organisations (other than State Autonomous Bodies) : (a)The voluntary Organisation must have been registered as a Society, Trust, Charitable Company or Co-operative Society under the relevant Act and it must be having a sound position to operate its activities; (b)it must be pursuing the object of promotion of culture as a major segment of its activities; (c)it must have a Secretary (Chief Executive Officer, who is authorised to sue and be sued) and a managing body/Board of Directors/Managing Committee/Governing Body/Executive Boards etc.) duly constituted as per its codified Rules; (d)it must not be a political or communal Organisation and must not be operating for the profit of any individual or group of individuals; (e)it must not have committed any financial irregularity in the past and must have furnished the Utilisation Certificates, Annual Reports and Audited Statements of Accounts in respect of earlier grants; and (f)it must be willing to abide by the terms and conditions of the grants and the provisions of these rules. (2)Notwithstanding anything contained in these rules, no voluntary Organisation shall have any claim whatsoever to receive grants in-aid as a matter of right.

## **9. Applications.**

(1)Applications shall be invited, by issue of advertisement in the month of August every year, from the voluntary organisations (other than State Autonomous Bodies) desirous of financial assistance for pursuance of their cultural activities by the end of the next year. (2)An organisation shall be required to submit three sets of applications (one each to be submitted to (i) the Collector-cum-Chairman, District Council of Culture, (ii) the Director of Culture, and (iii) the Joint/Deputy Secretary to Government, (Department of Culture) in the form prescribed in Schedule I, with the required enclosures, by the end of October.

## **10. Scrutiny in District Council.**

- The District Council shall scrutinise the applications and furnish, by the end of November, a consolidated report of recommendation to (a) the Director, and (b) the Joint/Deputy Secretary to Government, (Department of Culture), shortlisting only the deserving and active voluntary cultural organisations in order of priority.

## **11. Recommendations of the Grants Committee.**

- The Grants Committee shall scrutinise the applications and consider the recommendations of the District Councils for formulating its recommendations Districtwise: Provided that the Grants Committee may recommend for sanction, of grant-in-aid to any voluntary Organisation of State/National repute even if the formal application has not been received and indicate the reasons for such recommendation : Provided further that the Grants Committee may recommend for sanction of special grants to the District Council concerned if the number of deserving voluntary organisations recommended for grants is considered too inadequate in respect of a district, also that

the District Council may undertake various cultural activities in the said district.

## **12. Approval and sanction of Government.**

(1)The recommendations of the Grants Committee shall be placed for the approval, of the Government.(2)The orders of sanction specifying such terms and conditions as may be decided shall be issued by the Department, instructing the Collector to draw the consolidated amount in respect of the District and to place the said amount in the accounts of the District Council immediately.(3)A copy of the Sanction Order shall be endorsed to the grantee voluntary Organisation, with the instruction, to the said Organisation to furnish to the Collector the Bond of Agreement (inclusive of the Undertaking and the Stamped Receipt), specified in the Schedule II, latest within two months from the date of sanction ordinarily.

## **13. Release of grant-amounts.**

(1)After the receipt and acceptance of the duly-executed Bond of Agreement, the Collector shall issue the Release Order addressed to the Secretary of the District Council (with copy inter alia, to the voluntary Organisation).(2)After the receipt of the Release Order from the Collector, the Secretary of the District Council shall release the amount, by account-payee cheque, payable to the voluntary Organisation. The grant amount shall not be disbursed in shape of cash.

## **14. Utilisation.**

(1)The voluntary Organisation shall utilise the amount of grant by the end of the relevant year:Provided that the Collector may, in exceptional cases, permit (under intimation to the Department, the Director and the District Council), the extension of the last date of utilisation, which shall not go beyond the thirty-first day of August of the next year.(2)The unutilised amount, if any, shall be refunded by the voluntary Organisation to the District Council.

## **15. Utilisation Certificate and audit.**

(1)The voluntary Organisation shall furnish (in triplicate) to the Collector (a) the Utilisation Certificate in respect of the grant, (b) the Annual Report and (c) audited statements of accounts certified by a qualified Chartered Accountant in respect of the Organisation.(2)The Government Auditors may audit the accounts (relating to the grant) of the voluntary Organisation if (a) the grant-amount exceeds rupees ten thousand or, (b) there are specific allegations about mis-utilisation of the grant-amount.(3)The registers and documents of the voluntary Organisation, relating to the grants sanctioned under these rules shall be opened to inspection by the Director or the Collector or any other functionary authorised by the Department.

## **16. Residuary amounts.**

- The amounts which are not disbursed to voluntary organisations due to non-furnishing of the requisite papers within the stipulated date, dissolution of any voluntary Organisation or otherwise, together with the amounts refunded to the District Council as per Sub-rule (2) of Rule 14, shall be deemed to be grants to the District Council concerned under Rule 4, to be utilised for undertaking various cultural activities.

## **17. Penal provisions.**

(1) In the event of violation of any of the terms and conditions mentioned in the sanction order, the voluntary Organisation shall be liable to refund to the Government the entire sanctioned amount or such part thereof as may be mentioned in the notice of demand alongwith interest, failing which the entire amount together with interest shall be recoverable as a public demand under the provisions of the Orissa Public Demands Recovery Act, 1962. (2) A voluntary Organisation in respect of which there is reasonable suspicion of violation of any of the provisions of these rules and of the sanction order shall not be considered for further grants from the Government.

## **18. Interpretation.**

(1) The interpretation of the Government shall be final in respect of any point of doubt on any of the provisions of these rules. (2) Government may, from time to time, formulate and circulate clarificatory guidelines and supplementary instructions on any matter connected with the provisions of these rules.

I

Application Form

**1. Name and complete address of the Voluntary Cultural Organisation.**

**2. Date of Registration as a Society/Trust/Charitable Company/Cooperative Society.**

**3. Primary object (Promotion of Literature/Visual Arts/Music/Dance/Chhau/Drama/any other aspect of Culture).**

**4. Is the Organisation attached to any political or communal Organisation? Is it operating for the profit of any individual or group of individuals ?**

## 5. Particulars of Grants received from Central Government and State Government during the last three years

Government (Central/State) Department Year Amount Has Utilisation Certificate been sent ?

## 6. Has audit pointed out any financial irregularity in the past ? If so, please furnish the particulars.

## 7. Enclosures to be attached :

(a) Copies of Audited Statements of Accounts Certified by a qualified Chartered Accountant for the last three years. (b) Annual Report of the last year. (c) Copy of the Registration Certificate. (d) Copy of the Constitution (Memorandum of Association and Rules). (e) Statement specifying the Composition of the Governing Body/ Executive Body. Undertaking I, undertake to abide by the provisions of the Orissa Cultural Grants Rules, 1995 and the terms and conditions of the grant that may be sanctioned. I certify that I am authorised to enter into transactions on behalf of the Organisation, that all the particulars given are true and that the Organisation and myself shall be liable for action if any information is found to be incorrect.

Date

Signature

Seal of Office

(Name and Designation of the Secretary/Chief Executive Officer of the Organisation)

II

Bond of agreement (inclusive of Undertaking and Stamped Receipt) Know all men by these presents that the..... (Name of the Organisation) a registered voluntary cultural Organisation having its office at ..... (Address of the Organisation) in the State of Orissa (hereinafter called the Obligor) is held and firmly bound to the Governor of Orissa (hereinafter called the 'Government') in the sum of Rs ..... (Rupees..... only) with interest thereon @ 6% per annum well and truly to be paid to the Government on demand and without a demur for which payment the Obligor firmly binds itself and its successors and assigns by these presents. Signed this..... day of..... (month) in the year one thousand nine hundred ninety..... Whereas on the Obligor's request, the Government has as per the Department of Culture Sanction Order letter No ..... dated..... (hereinafter referred to as the "Sanction Order") which shall be deemed to form an integral part of these presents agreed to make in favour of the Obligor a grant of Rs..... (Rupees..... only) for the purpose of promotion of culture by undertaking various activities, the receipt whereof the Obligor doth hereby admit and acknowledge, on condition of the Obligor executing a bond in the terms and manner contained hereinafter which the Obligor has agreed to do. Now the condition of the above-written obligation is such that if the Obligor duly fulfils and complied with the conditions mentioned in the sanction order, then the above-written bond of obligation shall be void and of no effect, but otherwise it shall remain in full force, effect and virtue. And these presents further witness that - (a) The decision of the Secretary to the Government of Orissa in the Department of Culture (or the Director of Culture, Orissa or the Collector concerned

if so authorised) on the question whether there has been breach or violation on the part of the Obligor of any of the terms and conditions mentioned in the Sanction Order shall be final and binding on the Obligor.(b)The Obligor shall, in the event of breach or violation of any of the terms and conditions mentioned in the Sanction order, refund to the Government on demand and without demur the entire sanctioned amount or such part thereof as may the Government, in its discretion, mention in the notice of demand alongwith the interest thereon at the rate of six per cent per annum from the date of receipt of the said amount by the Obligor up to the date of refund thereof to the Government, failing which the entire amount together with interest shall be recoverable from the Obligor as a public demand under the provisions of the Orissa Public Demands Recovery Act, 1962.In witness whereof these presents have been executed on behalf of the Obligor the day and year hereinabove mentioned and accepted for and on behalf of the Governor of Orissa.

Signed for and on behalf of (Name of the Organisation).

Signature.....

Name.....

Designation.....

Seal of Office.....

Witnesses (Name and Address)

1..... ACCEPTED

For and on behalf of the Governor of Orissa

2.....

Affix Revenue Stamp

Signature

(Name.....Collector.....S  
of Office.....