

The State Culture Fund Scheme, 2003

ODISHA

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Rule THE-STATE-CULTURE-FUND-SCHEME-2003 of 2003

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The State Culture Fund Scheme, 2003Published vide Notification No. 1836-T.C., dated 5th April 2003, Published vide Orissa Gazette Extraordinary No. 595 dated 23.04.2003Department of Tourism & Culture (Culture)No. 1836-T.C. - Whereas the Secretary to the Government of Orissa, Department of Culture, being the person who proposes to apply the funds of the State Culture Fund, Bhubaneswar, in trust for charitable purposes, has applied for vesting the Fund mentioned in Scheduled 'A' annexed hereto in the Treasurer of Charitable Endowments for State and for settlement of a Scheme for the management and administration of the said Fund;It is hereby notified that the State Government in exercise of the powers conferred by Section 4 and 5 of the Charitable Endowments Act, 1890 (6 of 1890), and upon the application as aforesaid, and with the concurrence of the said Secretary hereby order that the moneys set out in Schedule 'A' annexed hereto shall, as from the date of publication of this notification in the Official Gazette, be vested in the Treasurer of Charitable Endowments for State to be held by him and his successors in office upon trust to hold the said moneys and the income thereof in accordance with the trust and terms specified in the Scheme in Schedule 'B'. annexed hereto for the management and administration of the said Fund;And it is hereby further notified that the Scheme specified in Schedule 'B' annexed hereto has, under Sub-section (1) of Section 5 of the Said Act, been settled for the administration of the said Fund and under Sub-section (3) of Section 5 of the said Act, it is hereby further ordered that it shall come into force from the date of the publication of this Notification in the Official Gazette.

"A"

State Culture FundContribution of rupees 50 lakhs provided out of the Non-Plan budget of the Department of Culture; Government of Orissa, towards the State Culture Fund.

"B"

Scheme for Administration of the State Culture Fund

1. Short title and commencement.

(1) This scheme may be called the State Culture Fund Scheme, 2003. (2) It shall come into force from the date of its publication in the Official Gazette.

2. Definitions.

- In this Scheme, unless the context otherwise requires, - (a) "Chairman" means the Chairman of Counsel; (b) "Committee" means the Executive Committee constituted under paragraph 11; (c) "Council" means the Council constituted under paragraph 7; (d) "Fund" means the State Culture Fund; (e) "Member-Secretary" means the Member-Secretary of the Council nominated under paragraph 7; (f) "Paragraph" means the paragraph of the scheme; (g) "President" means the President of the Committee; (h) "Properties" means properties belonging to the Fund; and (i) "Scheme" means the scheme to manage and administer the Fund.

3. Object of the Fund.

- The objects of the funds shall be - (i) to administer and utilise the interest accrued to the fund for conservation, maintenance, promotion, protection, preservation and up gradation of monuments protected or otherwise, (ii) to preserve, innovate and promote the project and dissemination of arts of the State. (iii) to develop and promote the rich diversity and uniqueness of various arts and to upgrade and enrich consciousness of the people about this cultural heritage. (iv) to frame such programme as would encourage and involve the youth in creative cultural communication through the process of Seminars, Workshop and such other cultural activities relating to preservation, development and dissemination of cultural heritage of the State. (v) to grant fellowship and scholarship for carrying out research or study in furtherance of these objects. (vi) to conduct studies relating to the artistic, scientific and technical problems involved in the conservation, maintenance, promotion, protection, preservation and rehabilitation of cultural and national heritage. (vii) to impart training to staff and specialists at all levels in the field of identification, protection, conservation, preservation and rehabilitation of cultural heritage both tangible and intangible as well as the natural heritage. (viii) the protection and promotion of artistic endeavour in all its forms, particularly innovative experiments in arts. (ix) the promotion of tangible forms of cultural expression and recording documentation of forms that are lying out or are threatened with extinction. (x) the construction of additional space to accommodate new and special galleries in existing museums and construction of new museums. (xi) the formulation of local strategies of cultural development to the overall development of Society. (xii) the establishment or reinforcement of institutions, structure and facilities whose purpose is cultural or artistic, including mechanism available for support of such activities. (xiii) the training of specialists in cultural activities. (xiv) to supply of equipment to Governmental and non-Governmental organisation with a view to maintain, promote, protect and preserve the cultural and natural heritage, and (xv) installation of statues of eminent personalities in the field of arts and culture.

4. Assets of the Fund.

(1) In addition to the moneys given by the State Government the assets of the Fund shall include;-(a) contribution to be provided out of plan budget of the T. & C. (Culture) Department, and (b) all such grants and contributions, both recurring and non-recurring, from the State Government and voluntary donations, wherever received. (2) The fund may also accept contribution from statutory bodies created under the Act of Parliament or State Legislatures, other private and Public Corporate Sector, the United Nations and its associated bodies, Trusts, Society and individuals: Provided that the decision of the Council in case of acceptance or otherwise of money from an individual or an organisation shall be final.

5. Vesting of the assets of the Fund.

- The assets of the fund shall be vested in the Treasurer of Charitable Endowments for Orissa under the Scheme.

6. Administration of the Fund.

- The Treasurer of Charitable Endowments shall not act in the management or administration of the Fund but subject to any general or special directions given by the State Government such management and administration shall be vested in the Council.

7. Constitution of the Council.

- For the management and administration of the fund, the State Government shall by notification in the Official Gazette constitute a Council consisting of the following members, namely :-

Official Members

1.	Chief Minister, Orissa	Chairman (Ex officio)
2.	Minister, Culture	Vice-Chairman (Ex officio)
3.	Chief Secretary, Orissa	Member (Ex officio)
4.	Development Commissioner, Orissa	Member (Ex officio)
5.	Secretary to the Government, Tourism & Culture (Culture) Department	Member (Ex officio)
6.	Secretary to Government, Finance Department	Member (Ex officio)
7.	Chief Executive, Odissi Research Centre	Member (Ex officio)
8.	Vice-Chancellor, Utkal University of Culture	Member (Ex officio)
9.	Director, Culture	Member-Secretary (Ex officio)

Non-Official Members

- | | | |
|-----|---|---------|
| 10. | Not less than 10 and not more than 15 eminent persons representing various fields including Donor Agencies, | Members |
|-----|---|---------|

8. Meeting of the Council.

- The Council shall meet at least once in a year to decide all policy matters or on issues relating to the Fund on which its decisions are sought by the Committee.

9. Quorum of the meetings of the Council and decisions of the Council.

- (i) The quorum for a meeting of the Council shall be 2/3rd of the strength of the Council of which at least 3 should be ex officio members including the Chairman. (ii) All matters, on which decision of Council is required shall be decided by consensus failing which by majority of votes the members present and voting on the question and in case of equality of votes, the Chairman shall have a casting vote.

10. Conduct of business of Council.

(1) The Council may function notwithstanding any vacancy in its constitution provided, however that at no time the number of vacancies shall be such that the total number of Members is less than the quorum required for a meeting of the Council. (2) Subject to the provisions herein contained, the Council may, with the previous approval of the State Government, frame and vary from time to time, as it thinks fit, bye-laws for the conduct of its business.

11. [Executive Committee. [Substituted vide O. G. E. No. 175 dated 6.2.2007.]

- For the administration of day-to-day working of the Fund, the State government shall, by notification in the Official Gazette, constitute the Executive Committee consisting of the following members :-

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|--|-------------------------------|
| (a) Minister, Culture, Orissa | President (Ex officio) |
| (b) Secretary to the Government, Culture Department | Member (Ex officio) |
| (c) Secretary, Finance or representative of Finance Department not below the rank of Joint Secretary | Member (Ex Officio) |
| (d) Director, Culture | Member-Secretary (Ex officio) |
| 1 (One) member of the Council from non-official Members to be nominated keeping in view his experience in management and fundraising | Member |
| (f) | |

Invited/co-opted member to be taken with approval of the President, who will not enjoy any voting right.

The Executive Committee shall have the authority to call upon the experts to assist it in its deliberations.]

12. Quorum.

- [(i) The quorum for the meeting of the Executive Committee shall be of 3 members including the President.] [Substituted vide O. G. E. No. 175 dated 6.2.2007.](ii) All matters on which the decision of the Committee is required shall be decided by consensus failing which by majority of votes of the members present and voting on the question and in case of equality of votes, the President shall have a casting vote.

13. Meetings of the Committee.

- The Committee shall meet as often as necessary but not less than four times in a year.

14. Framing of bye-laws.

- The Council may from time to time, with the previous approval of the State Government, make bye-laws :-(a) for regulation, management, appointment of officers and their terms and conditions and for any other purpose connected with the execution and management of the objects of the Fund; and :-(b) for the conduct of business of the Council.

15. Investment.

(1) The Council shall decide on the overall policy of investment of the Fund. The Committee shall invest the assets of the Fund in any one or more of the mode of investments for the time being authorised by law for the investment of the trust money as the Committee may think proper. (2) The Committee may invest interest of the Fund not immediately required on short term basis in fixed deposit/certificates.

16. Delegation of Powers.

(1) The Council may delegate any of its powers excluding the power to decide policy matters and the power to frame bye-laws to the Committee. (2) The Committee may delegate to one of its members or a Subcommittee or Sub-Committees created for the purpose such of its power as may, in the opinion of the Committee, be required to be exercised merely for ministerial acts involving no discretion or are considered necessary conforming to common usage.

17. Contracts.

- All contracts and other assurances shall be executed in the name of the Council and signed on their behalf by the Member-Secretary, in-charge of State Culture Fund, Department of Culture, in his capacity as the Member of the Council, or any Member of the Committee duly authorised by the Council.

18. Additional donation.

(1)The Council may accept donation and other contribution in augmentation of the Fund or towards actualisation of any of its objects.(2)The Council may also accept donations, other contributions for any special purpose connected with any of the objectives of the Scheme not inconsistent with or calculated to impede the due working of the provisions of the Scheme.(3)It would be possible for a donor to the Fund to indicate a project along with any specific location/aspect for funding and also an agency for the execution of the project while making donations to Fund subject to general policy, guidelines and rules, if any, in this behalf. The Council or the Committee in case the power to accept donations, or other contributions have been delegated to it, shall respect the choice of the donor to the extent possible.

19. Eligibility of financial assistance.

- Any voluntary organisation with a known record of service in the field of art and culture and registered under the Societies Registration Act, 1860 for the last two years or any autonomous body will be eligible for applying for financial assistance for a specific project. Individuals are not entitled to financial assistance under this Scheme.

20. Application for financial assistance.

- Applications for financial assistance from or under the fund to the voluntary organisations shall be in the Form specified in Appendix annexed to this Scheme.

21. Consideration of Application.

(1)The Financial Assistance or the loans under the Fund shall be decided by the Committee taking into consideration the project, the status of the executing body as also the wishes of the donors.(2)There shall be no upper limit of financial assistance under the Fund.(3)All applications for financial assistance or the loans from the Fund shall be considered and disposed of by the Committee and the Council shall be informed about such decision.Provided that before any application is considered, the President of the Committee, if he thinks it necessary so to do may refer such application to any other body for expressing its views thereon.

22. Power to stop financial assistance.

- The President of the Committee, if he thinks it necessary so. to do and for the reasons to be recorded in writing, may withhold or reduce any undisbursed financial assistance, made under the scheme :Provided that reasonable opportunity of hearing shall be given to the voluntary organisation concerned before withholding or reducing the financial assistance.

23. Conditions of financial assistance.

- It shall be the condition of financial assistance to any voluntary organisation or autonomous body that the voluntary organisation or the autonomous body, as the case may be, maintain a separate account of the financial assistance received, render a full account of the financial assistance within the stipulated time, shall furnish utilisation certificate at the time specified in this behalf including the audited accounts of the financial assistance received within the stipulated time and assist the officers of the Fund or such other Officers who may be so authorised in this behalf in the inspections of the programmes executed or books maintained by such organisations.

24. Duration of Membership.

(1)Member of the Council or Committee shall cease to be a Member if he dies or resigns his membership or becomes of unsound mind or insolvent or is convicted of a criminal offence involving moral turpitude.(2)The nominations of non-official members to the Council and the Committee shall be done by the T. & C. (Culture) Department.(3)A non-official Member shall be appointed for a period of three years.(4)A member shall be eligible for renomination.

25. Powers and Functions of Member-Secretary.

(1)It shall be duty of the Member-Secretary-(a)to be the custodian of all records of the Council and Committee;(b)to conduct the official correspondence on behalf of the Council and Committee;(c)to issue all notices for convening the meetings of the Council and Committee;(d)to keep minutes of all meetings of the Council and Committee and of such other bodies, the responsibilities for convening whose meetings rest with him;(e)to manage the properties of the Fund, to maintain account and execute all contracts on behalf of the Council;(f)to prepare the budget relating to the administrative expenses of the Council and Committee such as expenditure on travelling allowances and daily allowances of the members, which shall be legitimate charge on the Fund;(g)to exercise all other powers and execute such other functions as may be assigned to him by the Council and/or Committee.(2)For the purpose of carrying out the functions of the Member-Secretary, the Director, Culture may utilise the services of the Accounts Officer and Accountant of the Directorate and entrust him any such duties and responsibilities for maintenance of records and accounts of the trust as he may consider expedient.

26. Allocation of funds.

- The Committee shall determine the proportion of the total moneys of the Fund which shall be applied for the purpose of this Scheme in a particular financial year.

27. Withdrawal of fund.

(1)Withdrawal of funds from the accounts of the Council shall be regulated in a manner to be determined by the Committee.(2)Such withdrawals shall be made by cheques or requisitions (as the case may be) jointly signed by the Member-Secretary and another Member of the Executive Committee duly authorised by the said Executive Committee.

28.

The Committee may delegate any administrative or financial powers to a person or persons as it may consider necessary for the discharge of its functions and such persons shall draw remuneration and travelling allowances as maybe determined by the Committee in each case.

29. Remuneration to members and officers.

(1)No remuneration shall be paid to any of the members of the Council and Committee except travelling and daily allowances at the rate to be determined by the Council.(2)Official members of the Council and Committee will draw travelling and daily allowances, as admissible to them, at the rate of entitlement according to their grade from the Fund.

30. Audit of accounts.

(1)Accounts of all moneys and properties and of income and expenditure of the Fund shall be maintained by the Member-Secretary and audited by the Chartered Accountant who shall certify that the expenditure from the Fund has been incurred in accordance with the provisions of this Scheme.(2)In addition, the accounts of the Fund shall be opened to audit by the departmental auditors and Accountant-General, Orissa as and when required.(3)A statement of the annual accounts of the Fund shall be approved by the Council and after the same has been audited and certified by the Chartered Accountant and approved by the Council shall be submitted by the Member-Secretary of the Council to the Government of Orissa every year. These accounts shall be laid on the Table of the Assembly.

31. Annual report.

- A report on the working of the State Culture Fund of every year shall be prepared in the month of June by the Member-Secretary of the Council and after approval of the Council, presented to the Government of Orissa. This report shall be laid on the Table of the Assembly.

32. Rules.

- The Council may, subject to the approval of the State Government, make rules not inconsistent with the provisions of the Scheme, for achieving the objectives of the Fund.