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Department of Culture

Notification

New Delhi, 28th November, 1996

S.O. 832 (E)- Whereas the Secretary to the Government of India, Ministry of Human Resource Development, Department of Culture, being the person who proposes to apply the funds of the National Culture Fund, New Delhi, in trust for charitable purposes, has applied for vesting the Fund mentioned in Schedule 'A' annexed hereto in the Treasurer of Charitable Endowments for India for settlement of a Scheme for the management and administration of the said Fund;

It is hereby notified that the Central Government in exercise of the powers conferred by sections 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 money 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 India to be held by him and his successors in office upon trust to hold the said money 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.

Schedule 'A'

National Culture Fund

Contribution of rupees two crores provided out of the Plan budget of the Department of Culture, Government of India, towards the National Culture Fund.

Schedule 'B'

Scheme for the Administration of the National Culture Fund

1. Short title and commencement

- This Scheme may be called the National Culture Fund Scheme, 1996.
- It shall come into force the date of its publication in the Official Gazette.

2. Definitions in this Scheme, unless the context otherwise require.

- 'Chairman' means the Chairman of the Council
- 'Committee' means the executive committee constituted under paragraph 11;
- 'Council' means the Council constituted under paragraph 7;
- 'Fund' means the National Culture Fund;
- 'Member Secretary' means the Member Secretary of the Council nominated under paragraph 7;
- 'Paragraph' means the paragraph of the Scheme;
- 'President' means the President of the Committee;
- 'Properties' means properties belonging to the Fund
- 'Scheme' means the Scheme to manage and administer the Fund

3. Object of the Fund

The objects of the Fund shall be

- To administer and apply the money of the Fund for conservation, maintenance, promotion, protection, preservation and upgradation of monuments protected or otherwise;
- To conduct studies relating to the artistic, scientific and technical problems involved in the conservation, maintenance, promotion, protection, preservation and rehabilitation of cultural and natural heritage;
- To impart training to staff and specialists at all levels in the fields of identification, protection, conservation, preservation and rehabilitation of cultural heritage both tangible and intangible as well as the natural heritage;
- Protection and promotion of artistic endeavour in all its forms, particularly innovative experiments in arts,
- The promotion and reinforcement of oral and other intangible forms of cultural expression and documentation of forms that are dying or are threatened with extinction;
- The promotion and reinforcement of inter-disciplinary research in areas such as interaction between traditional values and development process in the cultural domain that make up the contemporary dynamics of cultural change;
- The construction of additional space to accommodate new and special galleries in existing museums and construction of new museums;
- The formulation of local, municipal or regional strategies of cultural development seen as integral to the overall development of our society;
- The establishment or reinforcement of institutions, structure and facilities, whose purpose is cultural or artistic, including mechanisms available for support of such activities;
- The training of specialists in cultural activities, with a particular emphasis on creation of a cadre of cultural managers and administrators;
- Supply of equipment to governmental and non-governmental organisations with a view to maintain, promote, protect and preserve the cultural and natural heritage;
- To promote international cultural cooperation, in particular, exchange which may promote the development of indigenous expertise and human resources as also the activities which are within the ambit of Cultural Exchange Programmes entered into between India and other countries;
- To provide low interest or interest free loans for projects and activities related to any of the aforesaid objects.

4. Assets of the Fund:

- In addition to the money, the particulars of which are given in Schedule A to this Notification, the assets of the Fund shall include:
 - (a) Rupees Seventeen Crores and Fifty Lakhs to be provided out of the Plan Budget of the Department of Culture, Government of India, and
 - (b) All such grants and contributions, both recurring and non-recurring from the Central Government and the State Governments as well as voluntary donations and endowments from any other sources, whenever received.
- The Fund may also accept contributions from statutory bodies created under the Acts of Parliament or of the State Legislatures, the United Nations and its associated bodies, other International Organisations, Private and Public Corporate Sectors, Trusts, Societies 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 India under the Scheme.

6. 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 Central 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 Central Government shall, by notification in the Official Gazette, constitute a Council consisting of the following members, namely:-

- Union Minister of Human Resource Development Chairman (Ex-officio)
- Secretary to the Government of India, Department of Culture-Member (Ex-officio)
- Joint Secretary to the Government of India, Department of Culture-Member (Ex-officio)
- Financial adviser, Minister of Human Resource Development-Member (Ex-officio)

Non-official members

- Not less than 12 and not more than 19 eminent persons representing various fields including corporate sector, private foundations and non-profit voluntary organisation,
- An officer not below the rank of the Deputy Secretary to the Government of India in the Department of Culture (Ex-officio).

From amongst the non-official Members, one Member may be nominated as the Vice-Chairperson and one Member as the Joint Secretary to the Council.

8. Meeting of the Council : The Council shall meet once in a year to decide on 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 :

- The quorum for a meeting of the Council shall be two-thirds of the strength of the Council of which at least three members should be ex-officio including the Chairman.
- All matters on which decision of Council is required shall be decided by consensus failing which, by voting on the question by members present and in case of equality of votes, the Chairman shall have a casting vote.

10. Conduct of business of the Council:

- 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.
- Subject to the provisions herein contained the Council may, with the previous approval of the Central Government, frame and vary from time to time, as it thinks fit, by-laws for the conduct of its business.

11. Executive Committee: For the administration of day-to-day working of the Fund, the Central Government shall, by notification in the Official Gazette, constitute an Executive Committee consisting of following members:

- Secretary to the Government of India, Department of Culture-President (Ex-officio)
- Joint Secretary to the Government of India, Department of Culture-Member (Ex-officio)
- Financial Adviser, Ministry of Human Resource Development-Member (Ex-officio)
- 6 Members of the Council to be nominated keeping in view their experience in management and fund raising-Members
- Member - Secretary of the Council- Member Secretary (Ex-officio)

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

12. Quorum:

- The quorum for a meeting of the Executive Committee shall be two-thirds of the strength of the Committee of which at least two should be ex-officio members including the President.
- All matters on which the decision of the Committee is required shall be decided by consensus, failing which, by voting of the members present 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 by-laws: The Council may from time to time, with the prior approval of the Central Government, make by-laws:-

- 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
- For the conduct of business of the Council.

15. Investment:

- 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.
- Short term investment: The Committee may invest money of the Fund not immediately required on short-term basis in fixed deposits/ certificates.

16. Delegation of powers:

- The Council may delegate any of its powers excluding the power to decide policy matters and the power to frame by-laws to the Committee.
- The Committee may delegate to one of its members or a sub-committee or sub-committees created for the purpose, such of its powers as may, in the opinion of the Committee, are 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 Joint Secretary, in-charge of National Culture Fund, Department of Culture, in his capacity as the Members of the Council, or any Member of the Committee duly authorised by the Council.

18. Additional endowments:

- The Council may accept any endowment, donation or other contributions in augmentation of the Fund or towards actualisation of any of its objects.
- The Council may also accept endowments, donations or other contributions for any special purpose connected with any of the Schemes not inconsistent with or calculated to impede the due working of the provisions of the Scheme.
- It would be possible for a donor to the Fund to indicate project along with any specific location/aspect for funding and also an agency for the execution of the project, while making donations to the Fund, subject to general policy guidelines and rules, if any, in this behalf. The Council or the Committee, in case the power to accept endowments, donations or other contributions have been delegated to it, shall respect the choice of the donor to the extent possible. When a donor's project covers a World Heritage Site the matter would need to be specifically considered keeping in view the need to take care of the environment surrounding the site, as also the fact that adequate funds for it might already be available from conventional sources.

19. Eligibility of financial assistance: Any State Government or voluntary organisation with a known record of service in the field of art and culture and registered under the Societies Registration Act 1860 (21 of 1860), or registered as a Public Trust at least for the last two years, will be eligible for applying for financial assistance from the Fund for a specific project. Individuals are not entitled to financial assistance under this Scheme.
20. Application to Council: Applications for financial assistance from or under the Fund from voluntary organisations shall be in the form specified in Appendix annexed to this Scheme.
21. Financial assistance or 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: Provided that there should be no upper limit of financial assistance under the Fund.
22. Consideration of Application : All applications for financial assistance or loans from the Fund shall be considered and disposed of by the Committee and the Council shall be informed about such decisions : Provided that before any application is considered, the President of the Committee, if he thinks it necessary to do so, refers such application to the State Government concerned, or any other body for expressing its views thereon.
23. Power to stop financial assistance: The President of the Committee, if he thinks it necessary to do so, and for reasons to be recorded in writing, may withhold or reduce any undischursed financial assistance, made under the Scheme.
24. Conditions of financial assistance: It shall be the conditions of financial assistance to any voluntary organisation that the voluntary organisation or 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 an utilisation certificate at the time specified in this behalf, shall make available 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 inspection of the programmes executed or books maintained by such organisations.
25. Duration of Membership:
- A 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.
 - The nominations of non-official members on the Council and the Committee shall be done by the Central Government in the Department of Culture.
 - A non-official Member shall be appointed for a period of three years.
 - A members shall be eligible for re-nomination also.
26. Powers and Functions of Member Secretary: It shall be duty of the Member Secretary:
- To be the custodian of all records of the Council and Committee;
 - To conduct the official correspondence on behalf of the Council and Committee;
 - To issue all notices for convening the meetings of the Council and Committee;
 - 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;
 - To manage the properties of the money under the Fund, to maintain accounts and execute all contracts on behalf of the Council
 - 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 a legitimate charge on the Fund;
 - To exercise all other powers and execute such other functions as may be assigned to him by the Council and /or Committee.
27. Allocation of funds: The Committee shall determine the proportion of the total money of the Fund, which shall be applied for the purpose of this Scheme in a particular financial year.
28. Withdrawal of funds
- Withdrawal of funds from the accounts of the Council shall be regulated in a manner to be determined by the Committee.
 - Such withdrawals shall be made by cheques or requisitions (as the case may be) signed by the Member-Secretary in case the amount does not exceed Rs. 5000/- and duly signed by Member Secretary and another member authorised by the Committee in other cases.

29. 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 may be determined by the Committee in each case.

30. Remuneration to members and officers:

- No remuneration shall be paid to any of the members of the Council and Committee except travelling and daily allowance at rates to be determined by the Council.
- Official members of the Council and Committee will draw travelling and daily allowance, as admissible to them, from the source from which they draw their salaries.
- Non-official members of the Council and Committee will be entitled to draw such remuneration and travelling and other allowances as may be specified by the Council in by laws made by it.

31. Audit of accounts:

- 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 Comptroller and Auditor General of India who shall certify that the expenditure from the Fund has been incurred in accordance with the provisions of this Scheme.
- 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 Comptroller and Auditor General of India and approved by the Council shall be submitted by the Member Secretary of the Council to the Government of India every year. These accounts shall be laid on the Table of the House.

32. Annual report: A report on the working of the National 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 India. This report shall be laid on the table of the house of Parliament.

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B.P. SINGH, Secy.