



KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, FRIDAY, 28TH JANUARY, 2022.

PROVINCIAL ASSEMBLY SECRETARIAT
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 28th January, 2022.

No. PA/Khyber Pakhtunkhwa/Bills-198/2022/1676.— The Khyber Pakhtunkhwa Deserving Artists Welfare Endowment Fund Bill, 2022 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 04th January, 2022 and assented to by the Governor of the Khyber Pakhtunkhwa on 26th January, 2022 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA DESERVING ARTISTS WELFARE ENDOWMENT FUND ACT, 2022.
(KHYBER PAKHTUNKHWA ACT NO. III OF 2022)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa, (Extraordinary), dated the 28th January, 2022).

**AN
ACT**

to provide for the establishment of Khyber Pakhtunkhwa Deserving Artists Welfare Endowment Fund in the Province of Khyber Pakhtunkhwa

WHEREAS it is expedient to provide for the establishment of the Khyber Pakhtunkhwa Deserving Artists Welfare Endowment Fund, for the purposes of financial assistance with regard to health expenses and minimal requirements for maintenance of livelihood of Artists, in order to ensure their dignity and honour and for matters connected therewith and ancillary thereto;

It is hereby enacted by the Provincial Assembly of Khyber Pakhtunkhwa as follows:

1. Short title, application, extent and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Deserving Artists Welfare Endowment Fund Act, 2022.

(2) It shall apply to the deserving artists of the Province of the Khyber Pakhtunkhwa.

(3) It shall come into force at once.

2. Definitions.--- In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say.-

- (a) "deserving artist" means an artist, having in possession of domicile of the Province of Khyber Pakhtunkhwa and associated with-
- (i) electronic media i.e. television, radio and film/stage etc, and performing in the fields of music, singing, dancing and acting for at least ten (10) years of such association, through a source or independently;
 - (ii) painting and has displayed at least fifty (50) painting in at least three Art Galleries in Pakistan; or
 - (iii) Literature (prose, poetry);
- (b) "Authority" means the Khyber Pakhtunkhwa Culture and Tourism Authority, established under section 5 of the Khyber Pakhtunkhwa Tourism Act, 2019 (Khyber Pakhtunkhwa Act, No. XXVIII of 2019);
- (c) "Bank" means a financial institution, in whose custody and control the Fund under this Act shall be kept and invested;
- (d) "Committee" means the Khyber Pakhtunkhwa Deserving Artists Welfare Endowment Fund Committee, constituted under section 6 of this Act;
- (e) "Department" means the Khyber Pakhtunkhwa Sports, Culture, Tourism, Archaeology, Museums and Youth Affairs, Department of Government;
- (f) "Director General" means the Director General of the Authority;

- (g) "Fund" means the Khyber Pakhtunkhwa Deserving Artists Welfare Endowment Fund, established under section 3 of this Act;
- (h) "Government" means the Government of the Khyber Pakhtunkhwa;
- (i) "lack of livelihood" means a deserving artist having-
 - (i) no ownership of immovable property;
 - (ii) no active and permanent source of earning for daily livelihood requirements or having an annual income less than rupees nine hundred thousand (900,000); and
 - (iii) parents, children or spouse, as the case may be, without any active or permanent source of income
- (j) "prescribed" means prescribed by rules; and
- (k) "rules" mean the rules made under this Act.

3. Establishment of the Fund.---(1) Soon after the commencement of this Act, Government shall establish a Fund to be known as the Khyber Pakhtunkhwa Deserving Artists Welfare Endowment Fund.

(2) The Fund shall be established with an initial capital of rupees five hundred (500) million and may, from time to time, be credited with-

- (a) Government grants;
- (b) grants from philanthropists, non-governmental organizations and any other organization, working for the welfare of the artists; and
- (c) income received from any other source.

4. Control and management of the Fund.---(1) The Fund shall be under the administrative control of the Committee and shall be kept in such bank and invested in such a manner as may be determined by the Committee.

(2) The profit, accrued on the Fund, shall be utilized for the purpose, as provided in section 5 of this Act.

5. **Purpose of the Fund.**---The Fund, to the extent of financial assistance as provided in section 9 of this Act, shall be utilized for the following purposes:

- (a) immediate financial assistance to the deserving artists for covering health expenses of immediate nature;
- (b) periodical financial assistance to the deserving artists for covering health expenses for old age diseases and chronic diseases;
- (c) provision of financial assistance to deserving artist for fulfilling the minimal requirements for maintenance of livelihood with dignity and honor; and
- (d) any other financial assistance for deserving artists, as may be prescribed or notified by Government from time to time.

6. **Constitution of Committee.**---(1) For the purpose of this Act, there shall be a Committee which shall consist of the following:

- (i) Minister for Culture, Khyber Pakhtunkhwa and in his absence, an advisor or special assistant to Chief Minister to be nominated by the Chief Minister; Chairperson
- (ii) Secretary of the Department ; Vice Chairperson
- (iii) at least two representatives of the relevant arts disciplines, nominated by the Chief Minister, Khyber Pakhtunkhwa, for a period of three years; and Members
- (iv) Director General of the Authority. Member-cum-Secretary

(2) The Committee may nominate any person as co-opted member and such member shall have no right of casting vote.

7. Meetings of the Committee.---(1) The Chairperson may convene meetings of the Committee, on quarterly basis, on such time and at such place as he may deem necessary.

(2) The Chairperson shall preside over the meetings of the Committee. In his absence, the Vice Chairperson shall preside over the meetings of the Committee.

(3) The decisions of the Committee shall be taken by majority of its members present.

(4) Preparation of agenda and minutes of the meeting shall be responsibility of the member-cum-secretary of the Committee.

(5) The Committee shall evolve its own procedure for the conduct of its business under this Act.

(6) No remuneration shall be admissible to the Chairperson or any member of the Committee for performance of his duties under this Act.

8. Functions of the Committee.---The Committee shall-

- (a) receive applications from the deserving artists or their family members for financial assistance or other relief, in the prescribed manner;
- (b) scrutinize the applications and other necessary documents, so attached with such applications;
- (c) ascertain the entitlement of deserving artists for the financial assistance or other relief;
- (d) determine and endorse the eligibility criteria of the deserving artist;
- (e) sanction payment to deserving artist, who has been declared as eligible for financial assistance or other relief; and
- (f) ensure a review of record on biennial basis.

9. Extent of financial assistance.---(1) A sum not exceeding rupees 20000/- shall be paid to the deserving artist as medicinal charges for chronic or old age diseases, not covered under social health insurance program of the Province of Khyber Pakhtunkhwa.

(2) A sum not exceeding to the amount equivalent to the actual expenditure, communicated by the concerned medical practitioner of Government health authority or hospital, for medical procedures of immediate nature, not covered under social health insurance program of the Province of Khyber Pakhtunkhwa.

(3) For the purposes of livelihood charges, the deserving artist shall be paid the minimum wages, as notified by Government, from time to time, under the relevant law and rules, for the time being in force.

10. Audit and accounts.---(1) The bank shall be responsible to maintain the accounts of the Fund in such form and in such a manner as may be prescribed.

(2) The amount, from the Fund, shall not be withdrawn, unless it is approved by the Committee. Withdrawal of amount shall be permissible only under the signature of the member-cum-secretary of the Committee.

(3) Accounts of the Fund shall be audited once in a year by the Auditor General of Pakistan at such time and in such manner as may be prescribed.

11. Power to make rules.--- Government may make rules for carrying out the purposes of this Act.

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

(KIFAYAT ULLAH KHAN AFRIDI)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa