

THE BANGLADESH SHILPAKALA ACADEMY ACT, 1989

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THE BANGLADESH SHILPAKALA ACADEMY ACT, 1989
ACT NO. XXII OF 1989

[31st May, 1989]

An Act to repeal and, with certain modifications, to re-enact the Bangladesh Shilpakala Academy Act, 1974.

WHEREAS it is expedient and necessary to repeal and, with certain modifications to re-enact the Bangladesh Shilpakala Academy Act, 1974 (XXXI of 1974);

It is hereby enacted as follows:-

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| <p>1. This Act may be called the Bangladesh Shilpakala Academy Act, 1989.</p> | <p>Short title</p> |
| <p>2. In this Act, unless there is anything repugnant in the subject or content,-</p> <p>(a) “Academy” means the Bangladesh Shilpakala Academy established under this Act;</p> <p>(b) “Director-General” means the Director-General of the Academy;</p> <p>(c) “Secretary” means the Secretary of the Academy;</p> <p>(d) “Parishad” means the Parishad constituted under section 5.</p> | <p>Definitions</p> |
| <p>3. (1) On the commencement of this Act, there shall be established an Academy to be called the Bangladesh Shilpakala Academy for carrying out the purposes of this Act.</p> <p>(2) The Academy shall be a body corporate having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and shall by the said name sue and be sued.</p> <p>(3) The headquarters of the Academy shall be at Dhaka.</p> | <p>Establishment of the Academy</p> |
| <p>4. The general direction and administration of the affairs and business of the Academy shall vest in a Parishad which may exercise all powers and do all acts and things which may be exercised or done by the Academy.</p> | <p>General direction</p> |
| <p>5. (1) The Parishad shall consist of the following members, namely:-</p> <p>(a) Minister, in charge of the Ministry or Division of Cultural Affairs, who shall also be the Chairman of the Parishad;</p> <p>(b) Secretary, in charge of the Ministry or Division of Cultural Affairs, who shall also be the Vice- Chairman of the Parishad;</p> <p>(c) Secretaries, in charge of the Ministry or Division of Finance, Education and Information or one representative each from these Ministries or Divisions to be nominated by the Secretaries of the respective Ministries or Divisions;</p> | <p>Constitution of the Parishad</p> |

- (d) Cultural advisor of the Ministry or Division of Cultural Affairs;
- (e) Chairman of the National Broadcasting Authority, Director-Generals of the Bangla Academy and Bangladesh National Museum, *ex officio*;
- (f) Director of the Institute of Fine Arts, University of Dhaka, *ex officio*;
- (g) one woman from amongst the recognized personalities in the field of arts, literature and culture to be nominated by the Government;
- (h) Vice-Chancellor of the University of Dhaka, *ex officio*;
- (i) one editor of a national daily to be nominated by the Government;
- (j) one famous civilian from each administrative Division to be nominated by the Government;
- (k) three persons, one each from amongst the recognized persons in the field of music, dance and drama to be nominated by the Government;
- (l) Director-General of the Academy, who shall also be the Secretary of the Parishad;
- (m) three Members of the Parliament to be nominated by the Government;

(2) The nominated members of the Parishad shall hold office for a period of three years from the date of their nomination:

Provided that a nominated member may resign his office by a letter under his signature addressed to the Chairman¹[:

Provided further that the Government may, at any time, cancel the nomination of any member.]

6. (1) The Chairman of the Parishad shall preside over all meetings of the Parishad and shall perform all duties conferred on him by this Act.

**Chairman of
the Parishad**

(2) If the Chairman of the Parishad is unable to discharge the functions of his office on account of illness or any other cause or if a vacancy occurs in the office of the Chairman of the Parishad, the Vice- Chairman of the Parishad shall discharge all the duties of the Chairman of the Parishad.

7. The Academy shall have the following powers and functions, namely:-

**Powers and
functions of
the
Academy**

¹ The colon (:) was substituted for the full stop (.) and thereafter the proviso was substituted by section 2 of the Bangladesh Shilpakala Academy (Amendment) Act, 1994 (Act No. IV of 1994).

- (a) to expand, enrich and develop fine arts and national culture in line with national hope and aspiration and to create necessary scopes for their development;
- (b) to organize workshops, seminars and discussion meeting with the talented and learned artists;
- (c) to arrange short term higher training to achieve excellence in the special sectors of fine arts and culture;
- (d) to arrange training for the development of talent of student-artists;
- (e) to arrange scholarship for the needy but talented student- artists, specially for the singers, dancers and musicians, in a manner prescribed by regulations;
- (f) to create opportunities to develop the merit of the talented but unknown or less-known artists;
- (g) to give financial grants, if necessary, to the dedicated organizations considering their contributions in the field of fine arts and culture and to assist such organizations to improve the qualitative skills of their students and teachers;
- (h) to arrange competitions on different categories of arts and to award prizes to brilliant artists;
- (i) to encourage the practice of arts by showing educative films on various aspects of arts imported from abroad or made locally;
- (j) to invite foreign cultural troupes or groups of higher standard to make national artists and art-lovers aware of new innovations and techniques in the field of fine arts in various countries and to arrange shows to present such techniques in presence of national artists and art-lovers;
- (k) to organize cultural programmes in the event of state necessity;
- (l) to initiate research programme by qualified persons in order to solve specific problems in the fields of fine arts and culture and to arrange their publication and sale;
- (m) to organize different programmes and shows to present national culture before the public;
- (n) to send cultural troupe abroad, with prior approval of the Government, to present culture of Bangladesh there;
- (o) to do such other acts and things as may be necessary to be done in connection with the performance of the aforesaid functions.

8. (1) The Academy shall have the following Departments, namely:-

**Departments
of the
Academy**

- (a) Department of Fine Arts;

- (b) Department of Dramatics;
- (c) Department of Music and Dance;
- (d) Department of Production;
- (e) Department of Photography;
- (f) Department of Administration and Finance.

(2) The Academy may, with the prior approval of the Government, create new Department and abolish any Department mentioned in sub-section (1) and re-arrange them.

(3) The Secretary shall be in charge of the Department of Administration and Finance, and one each of other Departments shall be under Director.

(4) Every Department of the Academy shall discharge such functions and duties as may be prescribed by the Academy.

9. (1) There shall be a Director-General of the Academy.

Director-General

(2) The Director-General shall be appointed by the Government on such terms and conditions as may be determined by it.

(3) If a vacancy occurs in the office of the Director-General or if the Director-General is unable to discharge the functions of his office on account of absence, illness or any other cause, the Secretary shall act as Director-General until a new Director-General is appointed or until the Director-General resumes the functions of his office, as the case may be.

(4) The Director-General shall be the whole-time chief executive officer of the Academy and shall-

- (a) exercise such powers and perform such functions as may be assigned to him by the Parishad;
- (b) be responsible for execution of the decisions of the Parishad;
- (c) manage the administration of the Academy.

10. (1) There shall be a Secretary of the Academy.

Secretary

(2) The Secretary shall be appointed by the Government on such terms and conditions as may be determined by it.

(3) The Secretary shall assist the Director-General in the discharge of his all administrative functions.

11. (1) The Academy may appoint such number of Directors as may be necessary for management of its departments.

Director and other officers and employees

(2) The Academy may appoint other officers and employees for the efficient performance of its functions.

(3) The terms and conditions of service of Directors and other officers and employees of the Academy shall be prescribed by regulations.

12. (1) The Parishad shall meet at least once in every three months and the date, time and place of meeting shall be fixed by the Chairman.

**Meetings
of the
Parishad**

(2) The Chairman of the Academy may, whenever he deems necessity, convene a special meeting of the Parishad at any time.

(3) To constitute a quorum at a meeting of the Parishad not less than nine members shall be present.

(4) Each member shall have one vote and, in the case of equality of votes, the person presiding over the meeting shall have a second or casting vote.

13. (1) There shall be a Executive committee for assisting the Director-General in the discharge of his functions and the performance of his duties.

**Executive
committee**

(2) This committee shall consist of not more than seven members elected by the Parishad.

(3) The Director-General shall be the Chairman of the committee and the Secretary shall act as its ¹[member].

(4) The committee shall meet at least once in every month, but the Chairman of the committee may, at any time when he deems necessary, convene a meeting of the committee.

14. The Parishad may, if it deems necessary for the interest of the Academy, with the previous approval of the Government, sale or otherwise dispose of any property of the Academy.

**Sale of
Properties
of
Academy,
etc.**

15. (1) There shall be a fund of the Academy to which shall be credited grants made by the Government, grants made by the local authorities or any other organization and any other money received by the Academy.

**Funds of
the
Academy**

(2) The funds of the Academy shall be kept in the name of the Academy in any bank approved by the Parishad.

(3) The Academy shall utilize the funds to meet the necessary expenses of the Academy.

16. The Academy shall, by such date in each year as may be specified by the Government, submit to the Government the annual budget statement for the next financial year showing the sums which are likely to be required from the Government during that financial year.

**Annual
budget
statement**

¹ The word “member” was substituted for the words “member-secretary” the by section 3 of the Bangladesh Shilpakala Academy (Amendment) Act, 1994 (Act No. IV of 1994).

17. (1) The Academy shall maintain its accounts properly and prepare annual statement of accounts.

Accounts and audit

(2) The accounts of the Academy shall be audited each year by the Comptroller and Auditor-General of Bangladesh, hereinafter referred to as the Auditor-General, who shall submit one copy of his audit report each to the Government and the Academy.

(3) For the purpose of an audit under sub-section (2), the Auditor-General or any person authorised by him in this behalf shall have access to all records, documents, cash or bank balances, securities, stores and other property of the Academy and may examine the Chairman, members, Director-General, Director, Secretary or any other officer or employee of the Academy.

18. The Government may require the Academy to furnish any report and statement regarding any matter under the control of the Academy and the Academy shall comply with every such requisition.

Report

19. (1) The Parishad may, if it deems necessary, direct that any of its powers under this Act shall, subject to such conditions, if any, as may be specified by it, be exercisable also by the Director-General.

Delegation

(2) Except the powers delegated under sub-section (1), the Director-General may direct that any of his powers under this Act shall, subject to such conditions, if any, as may be specified by him, be exercisable also by any other officer of the Academy.

20. The Parishad may, with prior approval of the Government, make regulations for carrying out the purposes of this Act.

Power to make regulations

21. (1) The Bangladesh Shilpakala Academy Act, 1974 (XXXI of 1974), hereinafter referred to as the said Act, is hereby repealed.

Repeal and savings

(2) Upon the repeal of the said Act,-

(a) the Bangladesh Shilpakala Academy, established under the said Act, hereinafter referred to as the dissolved Academy, shall stand dissolved;

(b) all assets, rights, powers, authorities and privileges, and all properties, movable and immovable, cash and bank balances and all other claims and rights of the dissolved Academy shall stand transferred to, and vested in, the Academy;

(c) all debts, liabilities and obligations of whatever kind of the dissolved Academy subsisting immediately before its dissolution shall be the debts, liabilities and obligations of the Academy;

(d) all suits and other legal proceedings instituted by or against the dissolved Academy and were pending before its dissolution shall be deemed to have been instituted by or against the Academy;

(e) the services of the Director-General, Secretary and other officers and employees of the dissolved Academy shall, notwithstanding anything contained in any contract or agreement or in the terms and conditions of service, stand transferred to the Academy and shall be deemed to be the officers and employees appointed by the Academy and shall serve the Academy on the same terms and conditions of service as were applicable to them before such transfer until such terms and conditions are altered by the Academy.
