

## **A Bill**

to promote travel and tourism in the Punjab.

It is necessary to make provisions for tourism, for promotion of heritage, landscape and culture of the Punjab by establishing Punjab Tourism, Culture and Heritage Authority; and to deal with ancillary matters.

Be it enacted by Provincial Assembly of the Punjab as follows:

**1. Short title, extent and commencement.**– (1) This Act may be cited as the Punjab Tourism, Culture and Heritage Authority Act 2021.

(2) It extends to whole of the Punjab.

(3) It shall come into force at once.

**2. Definitions.**– In this Act:

(a) “Authority” means the Punjab Tourism, Culture and Heritage Authority established under this Act;

(b) “Chairperson” means the Chairperson of the Authority;

(c) “Department” means a Department of the Government as defined under the Punjab Government Rules of Business 2011, and includes an attached department, agency, commission, board or any other such entities owned or controlled by the Government;

(d) “Director General” means the Director General of the Authority;

(e) “employee” means an employee of the Authority, and includes officers of the Authority;

(f) “Government” means Government of the Punjab;

(g) “local government” means a local government constituted under the Punjab Local Government Act 2019 (XIII of 2019) or under any other law for the time being in force;

(h) “member” means a member of the Authority;

(i) “prescribed” means prescribed by the rules or the regulations made or framed under this Act;

(j) “regulations” means the regulations framed by the Authority under this Act;

(k) “rules” means the rules made by the Government under this Act;

(l) “specified area” means area declared as specified area under this Act;

(m) “tourism sensitive property” means a property declared as tourism sensitive property under this Act;

(n) “tourism squad” means the Tourism squad established under section 33 of this Act; and

(o) “Vice Chairperson” means the Vice Chairperson of the Authority.

**3. Establishment of the Authority.**– (1) The Government shall, by notification in the official Gazette, establish an Authority to be known as 'Punjab Tourism, Culture and Heritage Authority'.

(2) The Authority shall be a body corporate, having perpetual succession and a common seal, with power to enter into contracts, acquire or dispose of property, and may, by the said name sue and be sued.

**4. Composition of the Authority.**– (1) The Authority shall consist:

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| (a) | Chief Minister, Punjab or his nominee   | Chairperson      |
| (b) | Minister for Tourism or his nominee   | Vice Chairperson |
| (c) | Secretary to the Government, Tourism Department or his nominee not below the rank of an Additional Secretary  | member           |
| (d) | Secretary to the Government, Finance Department or his nominee not below the rank of an Additional Secretary  | member           |
| (e) | Secretary to the Government, Planning and Development Department or his nominee not below the rank of an Additional Secretary   | member           |
| (f) | Director General Walled City of Lahore Authority  | member           |
| (g) | Managing Director, Tourism Development Corporation of Punjab  | member           |
| (i) | Director General Archaeology; Directorate General of Archaeology  | member           |
| (j) | Director General Auqaf, Punjab;   | member           |
| (k) | Deputy Controller, Department of Tourist Services;  | member           |
| (m) | two members of Provincial Assembly of the Punjab to be nominated by the Chief Minister;   | members          |
| (n) | two experts of tourism and one expert of environment to be nominated by the Chief Minister, having such qualification as may be determined by the Chief Minister; and | member           |
| (o) | Director General of the Authority   | member/          |

(2) A member mentioned at clause (n) of subsection (1) shall not serve for more than two consecutive terms.

(3) Authority shall not pay any remuneration to a member except travelling allowance for attending a meeting of the Authority.

(4) Nine members, including the person presiding the meeting, shall constitute the quorum for a meeting of the Authority, and the Authority shall take decisions by the majority of its members present and voting, and in case of a tie, the Chairperson or, as the case may be, the Vice Chairperson shall have a casting vote.

(5) The Authority shall meet at least once in three months and a meeting of the Authority shall be held on such date, time and place as the Chairperson or, as the case may be, the Vice Chairperson may determine.

(6) The Chairperson or, in the absence of Chairperson, the Vice Chairperson shall preside over the meetings of the Authority.

(7) The Director General shall maintain or cause to be maintained the record of each meeting of the Authority including the minutes of the meetings to be approved by the Chairperson or, as the case may be, the Vice Chairperson.

(8) A member, other than ex-officio member, may resign by tendering his resignation to the Chief Minister, and the Chief Minister may fill any casual vacancy in the Authority through nomination of a person as member for the remaining term of the outgoing member.

(9) A member, other than ex-officio member, shall serve during the pleasure of the Chief Minister.

**5. Disqualification of members.**– No person shall be nominated or continue as a member who:

- (a) is or, at any time, has been convicted of an offence involving moral turpitude;
- (b) is or, at any time, has been adjudicated as an insolvent;
- (c) is found to be a lunatic or of unsound mind;
- (d) is in a situation of conflicting interest with the Authority; or
- (e) is absent from three consecutive meetings of the Authority without leave of absence from the Authority.

**6. Functions of the Authority.**– (1) Where mandated to exercise its powers and carry out its functions in collaboration with the concerned Departments, the Authority shall proceed in such manner as may be prescribed by the rules.

(2) The Authority shall:

- (a) promote and develop travel and tourism for local and foreign travellers and tourists in collaboration with concerned Departments of the Government;
- (b) promote eco-tourism and develop environment-friendly tourist sites without adversely affecting ecosystem in collaboration with Environmental Protection Department of the Government;
- (c) frame regulations for mega development and housing projects in collaboration with the Housing, Urban Development and Public Health Engineering Department of the Government for promotion of tourism in specified areas;
- (d) enter into management sharing contracts with the concerned Departments in consultation with the Law and Parliamentary Affairs Department of the Government;
- (e) provide facilities and take measures for protection of travellers and tourists and to help them in resolution of their issues with the Departments;
- (f) promote holding of international, national and local conventions, seminars, workshops, exhibitions and meetings on promotion of travel and tourism;
- (g) provide such facilities at the religious sites as may be required for promotion of religious tourism in collaboration with the Aqaf and Religious Affairs Department of the Government;
- (h) project and publicize tourism, heritage, culture, ecology, and religious and archaeological monuments to attract tourists and travelers in collaboration with Directorate General of Archaeology of the Government and other concerned Departments;
- (i) maintain a website for travellers and tourists, containing necessary information and electronically available services enabling the travellers and tourists to give their feedback;
- (j) assist the Government in improving travel and tourism sectors through cost effective policies and legislative proposals;
- (k) ensure adequate and effective governance and risk management systems in the Authority;
- (l) promote and develop partnerships with other organizations;
- (m) approve annual plans and reports;
- (n) ensure the effective and efficient use of resources, solvency and safeguarding of the assets of the Authority;
- (o) approve annual accounts, budget and estimates of expenditure;
- (p) appoint inspection teams, bankers and auditors of the Authority;
- (q) take any disciplinary action against any of its employee in such manner as may be prescribed by the regulations;
- (r) establish such number of committees for its assistance or to perform the delegated functions having composition and terms of reference as may be prescribed by the regulations;

- (s) raise loans or transfer immoveable property with the permission of the Government;
- (t) impose and recover fines for any violation of this Act;
- (u) remove encroachment from any of its properties;
- (v) recommend to the concerned Departments on environmental sustainability with respect to promotion of tourism;
- (w) develop tourist infrastructure based on environmental sustainability in the prescribe manner;
- (x) levy and recover charges for the services rendered in the prescribe manner;
- (y) establish or accredit institutions for development and promotion of travel and tourism in such manner as may be prescribed by the regulations; and
- (z) perform any other functions and exercise such powers as may be ancillary to the above, or as may be assigned by the Government from time to time based on key performance indicators of the Authority.

**7. Director General.**– (1) There shall be a Director General of the Authority to be appointed by the Chief Minister on such terms and conditions as may be prescribed by the rules, and until so prescribed, as the Authority may determine.

(2) The Director General shall be the Chief Executive Officer of the Authority and shall hold office for a term of three years.

(3) The term of office of the Director General may be renewed once for a further period of upto three years.

(4) The Chief Minister may remove the Director General during the term of office on the ground of inefficiency, corruption or inability to perform functions owing to medical or any other reason.

(5) Subject to the general supervision and direction of the Authority, the Director General shall:

- (a) manage the administration, operations and functions of the Authority;
- (b) act as the principal accounting officer responsible and accountable for the management of funds and assets of the Authority;
- (c) prepare and present to the Authority strategic and operational plans for its review and approval;
- (d) be responsible to the Authority for implementation of the decisions of the Authority;
- (e) act as spokesperson of the Authority; and
- (f) have such powers regarding appointment, transfer, promotion, dismissal and other matters affecting the staff of the Authority as may be prescribed in the regulations or as may be delegated by the Authority.

(6) The Director General may delegate any of his functions mentioned in subsection (4) to any officer of the Authority.

**8. Appointments.**—The Authority may appoint such employees, experts or consultants and other staff in such manner and on such terms and conditions as may be prescribed by the regulations, and until so prescribed, as the Authority may determine.

**9. Delegation.**— The Authority may delegate to the Vice Chairperson, a committee of the Authority, the Director General or any employee, any of its functions except the following:

- (a) framing or amendment or repeal of the regulations;
- (b) approval of annual budget of the Authority;
- (c) consideration and decision on an audit report;
- (d) approval of the standards and procedures for operation of the Authority;
- (e) fill a vacancy in a committee of the Authority; or
- (f) approval of the annual plan and annual report of the Authority.

**10. Conflict of interest.**— (1) A member shall be in conflict of interest with the Authority if the member:

- (a) is an employee, or a paid consultant of a business entity that has, or of a trade association of business entities that have, a substantial interest in any of the functions of the Authority;
- (b) owns, controls, or has, directly or indirectly, more than ten per cent equity in a business entity that has a substantial interest in any of the functions of the Authority;
- (c) receives more than twenty-five per cent of his individual income from a business entity that has a substantial interest in any of the functions of the Authority; and
- (d) benefits either directly or indirectly, financially or otherwise, from any other organization for being the member.

(2) A member shall disclose a potential, real or perceived conflict of interest before the Authority as soon he becomes aware of such conflict.

(3) If a member is not certain about the situation of the conflict of interest, the member shall place the matter before the Authority for advice and the decision of the Authority on conflict of interest shall be final.

(4) A member shall not take part in the proceedings of the Authority in which any question of conflict of interest of the member is on the agenda.

**11. Specified area.**– (1) The Government may, by notification in the official Gazette, declare an area owned or controlled by the Authority or a less inhabited but tourism sensitive area as a specified area.

(2) Subject to the master plan of the local government concerned, the Authority may make tourism policies for a specified area.

(3) The Authority may undertake development and construction in a specified area through public private partnership.

(4) The Authority may grant license, lease or for management of its property in a specified area in such manner as may be determined by the Authority.

**12. Development of specified areas.**– (1) The Authority may, in the prescribed manner, prepare a scheme for development or re-development of a specified area, in collaboration with the concerned Departments.

(2) The Authority may recommend Tourism Department a development or re-development scheme of a specified area, to be included in Annual Development Programme.

(3) A local government or any other agency shall consult the Authority for execution of a development or re-development scheme in a specified area.

**13. Grant for conservation of a property.**– The Authority may provide grant to a Department for conservation of a property in a specified area on such terms and conditions as may be prescribed.

**14. Removal of encroachments.**– (1) No person shall make an encroachment on a property owned or controlled by the Authority or in a specified area.

(2) The Authority may, through concerned Assistant Collector ensure removal of such encroachment in accordance with the provisions of the Colonization of Government Lands (Punjab) Act, 1912 (V of 1912).

**15. Summary ejectment.**– (1) The Authority through concerned Assistant Controller may summarily eject any person in unauthorized occupation of a property of the Authority in accordance with the provisions of Act V of 1912.

(2) A person becomes an unauthorised occupant on expiry of lease or license.

**16. Removal of structures.**– (1) If a structure is raised in a specified area in violation of this Act, rules or regulations, the Authority may, by a notice in writing, direct the owner or occupant to remove or alter the structure within such time as may be specified in the notice in accordance with the provisions of Act V of 1912.

(2) If any person does not comply with the notice under subsection (1), the Authority may, after giving him an opportunity of being heard, remove or alter the structure through concerned Assistant Collector in accordance with the provisions of Act V of 1912.

**17. Non-conforming use of a property.**– (1) No owner or occupant of a property in a specified area shall use, rent or lease except on such conditions as the Authority may provide by the regulations.

(2) If an owner or occupant uses, rents or leases a property in contravention of the regulations framed under subsection (1), the Authority may in addition to any other penalty under this Act, seal or compulsorily acquire the property, in such manner as may be prescribed by the regulations.

**18. Guidelines for trade or business.**– No person shall commence or carry on any trade or business in a specified area except in accordance with such guidelines as the Authority may by notification issue.

**19. Request for information.**– The Authority may request any information from:

- (a) a statutory, regulatory or any other body which deals with any aspect of a specified area or tourism sensitive property;
- (b) a person who owns or occupies a property or is doing business in a specified area;
- (c) a person who owns or occupies a tourism sensitive property; and
- (d) any other relevant person or entity.

**20. Fund.**– (1) There shall be established a Fund to be known as the Punjab Tourism Fund to be administered and controlled by the Authority.

(2) The Fund shall consist of:

- (a) funds, loans or grants provided by the Government or the Federal Government;
- (b) grants and loans negotiated and raised, or obtained by the Authority;
- (c) fee, charges, rentals, fines and other moneys collected by the Authority;
- (d) income from the lease or sale of the property;
- (e) funds from floating bonds, shares, debentures, certificates, or other securities issued by the Authority; and
- (f) all other sums received by the Authority.

(3) The Authority shall meet all its expenses from the Fund.

**21. Bank account.**– The Authority may open and maintain its accounts at such scheduled banks as may be prescribed, and until so prescribed, as the Authority may determine.



**22. Budget and accounts.**– (1) The Director General shall prepare the budget of the Authority for each financial year commencing on first day of July of a year and ending on thirtieth day of June of the succeeding year.

(2) The Director General shall place the budget for approval before the Authority at least forty-five days prior to the commencement of a financial year.

(3) The accounts of the Authority shall be maintained in such manner as may be prescribed.

**23. Audit.**– (1) The Auditor General of Pakistan shall conduct audit of the accounts of the Authority.

(2) The Authority shall appoint a firm of chartered accountants, which is placed in category 'A' by the State Bank of Pakistan, for the annual audit of the accounts of the Authority.

(3) The auditors appointed under subsection (2) shall submit the report to the Authority and the Authority may take such action and make such decisions as may be necessary in the light of the audit report.

**24. Offences and penalties.**– A person who knowingly renders false, incorrect or misleading information to the Authority or fails to comply with any direction of the Authority under this Act, the rules or regulations or fails to provide information required by the Authority or violates any provision of this Act, shall be punished with imprisonment which may extend to six months or with fine which may extend to five hundred thousand rupees or with both.

**25. Residuary penalty.**– A person who fails to comply with any provision of this Act, rule or regulations for which no punishment is provided, shall be punished with imprisonment which may extend to ten days or with fine which may extend to one hundred thousand rupees or with both.

**26. Offences by companies.**– Where an offence under this Act has been committed by a company, the person who at the time of commission of offence was in charge of, and was responsible to company for the conduct of its activities, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished under this Act

**27. Offences to be bailable.**– Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (V of 1898), an offence under this Act shall be bailable, and cognizable on the complaint of an employee authorized by the Authority.

**28. Summary trial.**– (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (*V of 1898*), the Court shall summarily try an offence punishable under this Act.

(2) The Court shall conduct the summary trial of an offence under Chapter XXII of the Code of Criminal Procedure, 1898 (*V of 1898*) relating to the summary trials.

(3) An offence punishable under this Act shall be tried by a Magistrate of the first class.

**29. Compounding of offences.**— (1) Subject to subsection (2), an officer specifically authorized in this behalf by the Authority may, at any stage, compound an offence under this Act subject to the deposit of administrative penalty which shall not be less than twenty five thousand rupees.

(2) The offences under this Act shall not be compoundable if the accused had been previously convicted under this Act or his previous offence had been compounded under this Act.

**30. Appeals.**— (1) A person aggrieved from any direction, decision or order of the Authority or an employee may, within fifteen days from the date of communication of the same, prefer an appeal before the Appellate Committee having such composition as may be determined by the Chief Minister.

(2) The decision of the Appellate Committee shall be final.

(3) A person aggrieved by any final order, sentence, direction or decision passed by a Court under this Act may, within thirty days, prefer an appeal to the of Court of Sessions.

**31. Public servants.**— The Chairperson, members of the Authority, employees, experts and consultants of the Authority shall, when acting or purporting to act in pursuance of any of the provisions of this Act, be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (*XLV of 1860*).

**32. Duty to assist the Authority.**— (1) The Authority may seek assistance of any Department in the performance of its functions.

(2) In case a Department is unable to assist the Authority under subsection (1), it shall record reasons in writing to this effect.

**33. Establishment of Tourism Squad.**— (1) There shall be established under the supervision of the Authority a squad to be known as Tourism Squad in such manner, on such terms and conditions and having such number of posts as may be prescribed by the regulations.

(2) The Authority may requisition on deputation basis necessary officers from the Punjab Police to work in the Tourism Squad for purposes of this Act for a period of three years, extendable to further two years at the expense of the Authority.

**34. Powers and functions of Tourism Squad.**– The Tourism Squad shall :

- (a) facilitate the tourists by imparting information about location, transport system, facilities, legal assistance, shopping centers accommodations, cultural norms and medical help;
- (b) perform watch and ward function in tourist destinations in order to curb activities of touts, beggars, unauthorized hawkers, pickpockets, eve teasers, anti-social elements and fraudsters;
- (c) maintain effective patrolling of tourist destinations to maintain security;
- (d) act as a first responder in case of any criminal incident and refer it to the police for further action; and
- (e) receive and process complaints of tourists to the concerned Departments.

**35. Annual performance report.**– (1) The Authority shall prepare and forward to the Government by 31 January each year, the annual performance report relating to performance of its functions during the preceding year with special emphasis on problems being faced by the Authority in performance of its functions and proposed solutions of the indicated problems.

(2) The Government shall, as soon as possible, lay the annual performance report before Provincial Assembly of the Punjab.

**36. Indemnity.**– No suit, prosecution or other legal proceedings shall lie against the Chairperson, members of the Authority, employees, experts and consultants of the Authority, in respect of anything caused or done or intended to be caused or done in good faith under this Act.

**37. Monitoring and evaluation.**– (1) The Government shall, at least once in a year, cause to be conducted, the performance audit of the Authority to assess and evaluate the performance of the Authority in accomplishing the objectives of this Act.

(2) The Authority shall make all the record available to it for a meaningful performance audit of the affairs of the Authority.

(3) The Government shall evaluate the reports mentioned in subsection (1) and shall, as soon as possible but not later than two months from the date receipt of such report, lay the report before Provincial Assembly of the Punjab.

**38. Rules.**– The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

**39. Regulations.**– Subject to this Act and the rules, the Authority may, by notification in the official Gazette, frame regulations to give effect to the provisions of this Act.

**40. Removal of difficulties.**– If any difficulty arises in giving effect to any provision of this Act, the Government may, within one year, make such order, not inconsistent with this Act, as may be necessary for the removal of such difficulty.

### **STATEMENT OF OBJECTS AND REASONS**

The Government aims at promoting and developing travel and tourism in the Punjab, among other targets, to enhance the economic activities in this sector and to preserve culture and heritage of the Province; hence this Bill.

**MINISTER INCHARGE**