

THE LAHORE CANAL HERITAGE PARK ACT 2013
(XV of 2013)

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'THE LAHORE CANAL HERITAGE PARK ACT 2013 (XV of 2013) [14 January, 2013]

An
Act
to provide for the protection and conservation of the Lahore Canal Heritage Park.

Preamble.— Whereas the Lahore canal and the green belts on both sides of the canal is a public trust and is part of the heritage of the city of Lahore; therefore, it is expedient to make provisions for the maintenance of a salubrious environment and conservation of the Lahore Canal as a heritage park; to preserve the flora and fauna of this heritage park; and to provide for ancillary matters;

It is enacted as follows:—

1. Short title, extent and commencement.— (1) This Act may be cited as the Lahore Canal Heritage Park Act 2013.

(2) It shall extend to the Lahore Canal and other specified areas.

(3) It shall come into force at once.

2. Definitions.— In this Act—

(a) "Act" means the Lahore Canal Heritage Park Act 2013;

(b) "Advisory Committee" means the Advisory Committee constituted under section 5;

(c) "Authority" means the Parks and Horticulture Authority Lahore established under any law for the time being in force;

(d) "canal tree" means a tree in the Heritage Park;

(e) "Government" means Government of the Punjab;

(f) "Heritage Park" means the Lahore Canal and any other specified area;

(g) "Lahore Canal" means the canal running through the city of Lahore from Jallo to Thokar Niaz Beg and includes the canal banks and green belts on both sides of the canal;

(h) "prescribed" means prescribed by rules made under the Act; and

(i) "specified area" means an area declared as specified area under section

3. The Heritage Park.— (1) The Government shall, by notification in the official Gazette, declare an area as the specified area.

'This Act was passed by the Punjab Assembly on 7" January 2013; assented to by the Governor of the Punjab on 12" January 2013; and published in the Punjab Gazette (Extraordinary), dated 14"" January 2013, pages 2041-2044.

(2) | The Heritage Park, subject to such conditions and restrictions as the Government may, on the recommendations of the Advisory Committee, notify in the official Gazette, shall be open to the public for recreational, educational and research purposes.

(3) | The Authority shall arrange proper maintenance of the Heritage Park and may provide such entertainment and recreational facilities as are commensurate with the Heritage Park.

(4) | The expense on the maintenance and development of the green belts of the Heritage Park shall be met from the funds of the Authority and shall be a valid charge on the Fund.

(5) Subject to subsection (8) and except with prior permission in writing from the Authority, the following acts shall be wholly prohibited in the Heritage Park—

(a) construction or any other infrastructure development work, clearing or breaking up any land for cultivation, mining or for any other purpose;

(b) felling, tapping, burning or in any way damaging or destroying, taking, collecting or removing any plant or canal tree;

(c) polluting water flowing in and through the Heritage Park;

(d) hunting, shooting, trapping, killing or capturing of any animal or bird;

(e) using firearm or doing any other act which may disturb any animal or bird or acting in a manner which is likely to interfere with the breeding places; and

(f) such other prohibitions as the Government may notify in the official Gazette.

(6) The Authority shall not levy any fee or charge for access to the Heritage Park.

(7) Subject to subsection (6), the Authority may prescribe reasonable charges for provision of entertainment and recreational facilities or other services at the Heritage Park.

(8) The permission mentioned in subsection (5) shall be subject to such conditions and in such manner as may be prescribed and while granting such permission, the Authority shall, among other things, take into consideration the following:—

(a) | amenity value of the canal tree;

(b) character of the area;

(c) necessity of the action;

(d) possibility of an affordable alternative;

(e) mitigation measures to reduce the impact of reducing canal tree cover;

(f) expediency of the proposal or work requiring the felling, lopping, trimming or otherwise cutting of the canal tree; and

(g) | environmental impact assessment of the proposed activity.

4. Alteration of the specified area— The Government may, on the recommendations of the Advisory Committee and the Authority, alter the limits of the specified area by notification in the official Gazette.

5. Advisory Committee.— (1) The Government shall constitute the Heritage Park Advisory Committee consisting of the following members:-

(a) Director General of the Authority;

(b) | a nominee each of the Irrigation, Environment, Local Government and Community Development Departments of the Government;

(c) four persons from the civil society or educational institutions, preferably women having qualification, knowledge and skill relating to environment, heritage, planning and development;

(d) a nominee each of the City District Government Lahore, WWF-Pakistan, Lahore Development Authority and the Traffic Engineering and Planning Agency; and

(e) Project Director nominated by the Authority.

(2) | The Advisory Committee may co-opt any other member.

(3) | A member, including a co-opted member of the Advisory Committee, shall not be entitled to any remuneration or fee or any other charges or facilities for the services rendered under the Act.

(4) — The Director General of the Authority shall be the Chairperson of the Advisory Committee and the Project Director shall be its Secretary.

(5) | The Government shall nominate the Vice Chairperson of the Advisory Committee from amongst the non-official members.

(6) | A non-official member, unless he sooner resigns or is removed, shall hold office for a term of two years but shall be eligible for re-nomination.

(7) | The Advisory Committee shall hold meetings in the manner prescribed.

(8) | The Government may, at any time, but after consultation with the Advisory Committee and the Authority, remove any member, including the Vice Chairperson, on charges of misconduct, disinterest, exploitation or misuse of powers, or any other act which is detrimental to the objectives of the Act.

6. Functions of the Advisory Committee.— (1) The Advisory Committee shall advise the Authority for proper upkeep and maintenance of the Heritage Park and in particular for purposes of—

(a) preparation of the canal trees master and management plan;

(b) preparation of canal trees inventory system;

(c) formulation of policies regarding preservation, protection and conservation of the Heritage Park;

(d) provision and promotion of entertainment and recreational facilities and facilitation of the people visiting the Heritage Park;

(e) proper supervision and monitoring of the implementation of the policies approved by the Government ‘[:]’;

(f) awareness campaigns regarding preservation and conservation of the Heritage Park;

(g) | co-operation with public authorities, educational bodies and other organizations and persons to achieve the objectives of the Act; and

(h) raising funds for the maintenance of the Heritage Park.

(2) | The Advisory Committee may also advise the Authority on any other matter ancillary to the discharge of its functions under the Act.

(3) In the performance of its functions under this Act, the Authority shall take into consideration any advice of the Advisory Committee.

(4) — The Authority, on the advice of the Advisory Committee, may refer any recommendation of the Advisory Committee to a department or agency of the Government for consideration.

7. Action by the Authority.— (1) The Authority shall take appropriate action on the recommendations of the Advisory Committee within reasonable time and shall communicate to the Advisory Committee the reasons for not accepting any of its recommendations, and the Advisory Committee may, in the prescribed manner, submit a representation to the Government for appropriate orders.

(2) The Authority shall act in accordance with the decision of the Government on such representation.

8. Powers of the Government.— The Government may give such directions to the Authority as may be necessary to achieve the objectives of the Act.

9. Penalty.— (1) If a person contravenes or attempts to contravene any provision of the Act shall be punished with imprisonment for a term which shall not be less than one year and not more than five years, or with fine which shall not be less than rupees thirty thousand and not more than rupees fifty thousand, or with both, and the weapon, vehicle or any other article used in such contravention shall stand forfeited to the Government.

(2) | The penalty for the abetment of an offence under the Act shall be the same as for the offence.

(3) No Court shall take cognizance of an offence under the Act except on a complaint in writing from an officer or authority authorised for the purpose by the Government.

10. Power to make rules.— The Government may, by notification in the official Gazette, make rules for carrying out the purposes of the Act.

11. Act to prevail over other laws.— In the event of any conflict or inconsistency between the provisions of the Act and any other law, the provisions of the Act shall, to the extent of such conflict or inconsistency, prevail.

