

THE WALLED CITY OF LAHORE ACT 2012

(XXXVI of 2012)

CONTENTS

ao oO FPF LY

10.
11.
12.
13.
14.

15.
16.

CHAPTER I PRELIMINARY

Short title, extent and commencement

Definitions

CHAPTER II WALLED CITY OF LAHORE AUTHORITY

Establishment and constitution of the Authority

Members of the Authority

Meetings and conduct of business by the Authority

Director General

CHAPTER III POWERS AND FUNCTIONS OF THE AUTHORITY

Functions of the Authority

Powers of the Authority

Heritage Conservation Board

Directorates

Power to act as local government

Appointment of employees

Officials and employees

Delegation

CHAPTER IV CONSERVATION, PLANNING, DEVELOPMENT,

MANAGEMENT AND REGULATION OF WALLED CITY

Master conservation and re-development plan for Walled City

Preparation of schemes

17.
18.
19.
20.

21.
22.

23.
24.
25.
26.
27.

28.
29.
30.
31.
32.

33.

34.
35.

Power to prepare and enforce building and zoning regulations

Power to give directions

Power to execute any scheme

Master conservation and re-development plan and schemes for public purpose

Schemes

Schemes to follow master conservation and re-development plan

CHAPTER V HERITAGE PROPERTIES AND ZONES OF SPECIAL VALUE

Declaration of heritage properties

Zones of special value

Conservation of heritage property

Prohibition against alteration in heritage property

Grant or loan for conservation of a heritage property

CHAPTER VI BUILDING AND LAND USE CONTROL

Sanction of buildings

Prohibition of demolition and destruction of buildings or structures

Removal of encroachments

Summary ejectment of unauthorized occupants

Removal of building, etc. erected or used in contravention of the Act

CHAPTER VII
TRADE AND OCCUPATIONS

Restriction on trade, calling or occupation

CHAPTER VIII
TEMPORARY AND PERMANENT ACQUISITIONS

Liability to acquisition

Temporary acquisition under agreement

36.
37.

38.
39.

40.
41.
42.
43.
44.

45.
46.

47.
48.
49.
50.
51.
52.
53.
54.

CHAPTER IX
REGISTRATION OF OWNERS AND OCCUPANTS
AND REGULATION OF TRANSFER OF PROPERTY
Registration of owners and occupants of buildings

Regulation of transfer of property

CHAPTER X
REPRESENTATION OF INHABITANTS AND BUSINESS COMMUNITY

Citizen Community Council
Trade and Business Council

CHAPTER XI
FINANCE, TAXATION, ACCOUNTS & AUDIT

Fund of the Authority

Power to borrow money

Audit

Recovery of dues

Levy of taxes, fees, charges, cesses and rates by Authority

CHAPTER XII
OFFENCES, PENALTIES AND COGNIZANCE

Offences and penalties
Cognizance of offences under the Act

CHAPTER XIII GENERAL

Appeal

Entry and survey

Power to make rules

Power to frame regulations

Act to have overriding effect

Jurisdiction of courts barred

Removal of difficulties

Immunity

55. Enforcement measures

56. Administrative transition

57. Annual report

SCHEDULE

TEXT

'THE WALLED CITY OF LAHORE ACT 2012

(XXXVI of 2012)

[18 April, 2012]

An

Act

to provide for the conservation, planning, development, management and regulation of Walled City of Lahore.

Preamble.— Whereas it is necessary in public interest to ensure a_ holistic, comprehensive and integrated legal framework and_ specialized _ institutional arrangement for the conservation of the heritage of the Walled City of Lahore and to enhance the quality of life of the people of the Walled City of Lahore and to provide for the planning, development, management and regulation of the infrastructure and services therein as well as conduct of business and commercial activity and ancillary matters;

It is enacted as follows:—

CHAPTER | PRELIMINARY

1. Short title, extent and commencement.— (1) This Act may be cited as the Walled City of Lahore Act 2012.

(2) It shall extend to whole of the Walled City of Lahore.

(3) It shall come into force at once.

2. Definitions.— In this Act—

(i) "Act" means the Walled City of Lahore Act 2012;

(ii) "alter" means to change in any manner and includes any action that detracts from the heritage value;

(iii) | "Authority" means the Walled City of Lahore Authority established under section 3 of the Act;

(iv) "Board" means the Heritage Conservation Board constituted under section 9 of the Act;

(v) "building" includes any structure, house, dwelling, depot, godown, hall, wall, gate, monument, grave, tomb, minaret, shrine, shop, shelter, hut, porch, shed, dome, edifice, colonnade, gallery, deck, den, fort, fountains, public baths, business place, place of worship, and includes

'This Act was originally passed by the Provincial Assembly of the Punjab on 8" March, 2012 and sent to the Governor of the Punjab for assent but it was returned for reconsideration. The Provincial Assembly after reconsideration again passed the Bill on 30" March 2012 and sent to the Governor for his assent on 6" April 2012. Since, the Governor has not assented to the Bill within the stipulated period of ten days, the same is deemed to have been assented to in terms of clause (3) of Article 116 of the Constitution; and published in the Punjab Gazette Extraordinary dated 18" April, 2012, pages 41067-41079.

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urban open space, covered streets, passages and paths connected to any building or such other site as the Authority may notify;

"building fabric" means all the physical material of a building or a structure including components, fixtures, contents, manner and material of construction, surface finishes and adornments, and objects thereof;

"Citizen Community Council" means the Citizen Community Council set up under section 38 of the Act;

"conservation" means any activity undertaken to conserve the heritage or heritage value and includes identification, preservation, protection, regeneration, redevelopment, revitalization, rehabilitation, reconstruction maintenance, restoration, adaptation, — structural consolidation, for purposes of transmission of heritage value;

"Directorate" means a Directorate established under section 10 by the Authority to perform one or more of its functions under the Act;

"Director General" means the Director General of the Authority;

"encroachment" means any unauthorized structure on a public area, public crossings, public passage or urban open space, or unauthorized use of public area, public crossings, public passage or urban open space;

"environment" means air, physical space, urban form, sensory qualities including vistas, views and sights;

"Government" means Government of the Punjab;

"Government Agency" includes—

- (a) a department, attached department, bureau, — section, commission, board, office, or unit of the Government;
- (b) a local government as defined in the Punjab Local Government Ordinance, 2001 (XIII of 2001) or in any other law relating to local governments for the time being in force; and

- (c) a developmental or any other public authority, company or corporation owned or controlled by the Government or a local government;

"group of buildings" means group of separate or connected buildings which, because of their architecture, their homogeneity, neighborhood or their place in the landscape, are of heritage value;

"heritage" means architectural, archeological, monumental, historic, artistic, aesthetic, cultural or social aspects, reflections, elements, features of a building, group of buildings, structure, building fabric, urban fabric, urban open space, public area, public crossings or public passage and environment of the Walled City and includes intangible heritage;

"heritage property" means any building, land, structure, fabric or work of heritage value declared as heritage property for purposes of the Act;

(xviii) "heritage value" includes architectural, archaeological, monumental,

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historic, artistic, aesthetic, cultural or social value, age value and commemorative value, use value, place value, of the heritage as identified and assessed for establishing authenticity;

"inhabitant" means a person, other than an owner or an occupant, who is in active possession of a private building as a tenant, lessee, licensee, or permissive possessor of a building;

"intangible heritage" includes the customary practices, representations, expressions, knowledge, lore, skills, traditions, festive events, traditional craftsmanship, performing arts as well as the instruments, objects, artifacts associated therewith and also includes the evolution thereof;

"land" includes earth, water and air, above, below or on the surface and any improvements in the structure customarily regarded as land and benefits arising out of land and things attached to earth or permanently fastened to earth;

"maintenance" means the continuous protective care of the fabric and setting of a building, group of buildings, urban open space, and includes the fencing, covering in renovating, repair, and cleansing thereof;

(xxiii) "master conservation and _ re-development plan" means the

comprehensive plan for conservation and re-development of the heritage, prepared by the Authority under section 15 of the Act;

(xxiv) "occupant" means any person in occupation of a building in his own

right and is not a tenant, lessee, licensee, without any obligation to pay rent, fee or charge to any person in any manner whatsoever;

(xxv) "owner" includes any person who is receiving or is entitled to receive

the rent of any building or land whether on his own account or on behalf of himself and others or an agent or trustee, or who would so receive the rent or be entitled to receive it if the building or land were let to a tenant;

(xxvi) "person" includes an individual, company, firm, cooperative society or

association of individuals;

(xxvii) "prescribed" means prescribed by the rules made or regulations framed

under the Act;

(xxviii) "private building" means a building which is in the ownership of a

private person irrespective of its nature or use;

(xxix) "public area" means any place, or urban open space to which public,

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subject to any restrictions deemed to be in the public interest, has a free and unfettered access;

"public crossing" means any place, square, courtyard or other urban open space, where two or more public passages intersect and used by the public as a thoroughfare;

(xxxi) "public passage" includes a road, street, public crossing, cul-de-sac and path whether or not a thoroughfare, over which the public have a right of way;

(xxxii) "public utility building" includes any building or urban open space constructed, built, or used for social, religious, political, congregational, entertainment or amusement purpose;

(xxxiii) "regulations" means the regulations framed under the Act;

(xxxiv) "rules" means the rules made under the Act;

(xxxv) "scheme" means any scheme prepared by the Authority for purposes of giving effect to any provisions of the Act;

(xxxvi) "structure" means any type of construction or a covered space and includes ruins or remains of a building or group of buildings;

(xxxvii) "Trade and Business Council" means the Trade and Business Council of the Authority;

(xxxviii) "transfer of property" means transfer of property as defined in section 5 of the Transfer of Property Act, 1882 (IV of 1882);

(xxxix) "urban fabric" includes monuments, ordinary buildings, streets, urban open spaces, urban patterns defined by land parcels and streets, street pavement, elements of the utility infrastructure, street furniture, signage, and public facilities;

(xl) "urban open space" includes gardens, parks, playgrounds, walled spaces, playfields, recreational areas and open spaces available to public;

(xli) "Walled City" means the areas specified in the Schedule appended to the Act; and

(xlvi) "zone of special value" means any area of special architectural or historic interest or appearance which it is desirable to preserve, enhance or develop, designated under section 24 of the Act.

CHAPTER II WALLED CITY OF LAHORE AUTHORITY

3. Establishment and constitution of the Authority— (1) The Government may, by notification in the official Gazette, establish an Authority for the Walled City to be known as the Walled City of Lahore Authority.

(2) | The Authority shall be a body corporate with perpetual succession and a common seal, with power to acquire, hold and dispose of property, and it may sue or be sued in its name.

4. Members of the Authority— (1) The Authority shall consist of the following members:—

(i) Chief Minister of the Punjab; Chairperson

(ii) Chief Secretary of the Government Vice-Chairperson

(iii) = All members of the Provincial and National Assembly Members

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whose constituency falls partly or wholly within the Walled City;

Chairman, Planning and Development Board of the Government;

Director General of the Authority;

Secretary to the Government, Finance Department;

Chairperson of the Heritage Conservation Board;

Zila Nazim, City District Government Lahore;

four qualified persons to be nominated by the Chairperson on the recommendation of all members of the Provincial and National Assembly whose constituency falls partly or wholly within the Walled City.

Member

Member/Secretary

Member

Member

Member

Members

The person qualified to become a member of the Authority—

shall be at least thirty years of age;

shall be a prominent and well-reputed resident of the Walled City;

should not have any criminal record; and

may not have served as member of the Authority for two consecutive terms.

A member of the Authority, other than an ex-officio member, unless removed by the Authority, shall hold the office for a period of three years.

A member who has a financial or personal interest in any proceedings of the Authority shall not take part in the proceedings.

No act or proceedings of the Authority shall be invalid merely by reason of any vacancy or defect in the constitution of the Authority.

5. Meetings and conduct of business by the Authority (1) The Authority shall meet at least three times in a calendar year.

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The Director General shall convene a meeting of the Authority with the prior approval of the Chairperson or upon receiving written request of five or more

The request under sub-section (2) shall be accompanied by the proposed agenda for the meeting.

The meetings of the Authority shall be presided over by—

the Chairperson; or

in the absence of the Chairperson, the Vice Chairperson; or

in the absence of the Chairperson as well as the Vice-Chairperson, by a member of the Authority elected for the purpose by the members

present at a meeting.

The Authority shall transact its business in accordance with the prescribed manner.

6. Director General.— (1) The Chairperson may, on the recommendation of the Authority, appoint the Director General on such terms and conditions as may be prescribed.

(2) The Director General shall be a person selected directly through public advertisement having, among other qualifications, fifteen years' experience of management or academics in the fields of heritage, culture, or urban planning.

(3) An officer of the Government of the rank and status of BS-20 or above and possessing the requisite expertise mentioned in sub-section (2) shall be eligible for appointment as the Director General.

(4) — The Director General shall be the Chief Executive of the Authority and shall-

(i) be a whole time officer of the Authority;

(ii) perform such duties and exercise such powers as are assigned to him under the Act or as may be prescribed or as may be delegated to him by the Authority; and

(iii) | hold office for a term of three years but shall remain in office for three months thereafter or until a successor in that office is appointed, whichever is earlier.

(5) Nothing in the preceding sub-section shall preclude the Chairperson from extending the term of office of the Director General for such period as the Authority may determine.

(6) The Director General, who is not a Government servant, may resign by tendering his resignation to the Chairperson and shall cease to hold office upon acceptance of his resignation.

(7) | The Chairperson, on the recommendation of the Authority, may remove or, as the case may be, transfer the Director General during the term of his office.

CHAPTER III POWERS AND FUNCTIONS OF THE AUTHORITY

7. Functions of the Authority.— (1) Subject to the provisions of the Act, rules or regulations, the Authority shall perform such functions and take such measures as may be necessary for carrying out the purposes of the Act.

(2) | Without prejudice to the generality of the provisions of sub-section (1), the Authority shall—

(i) implement and execute master heritage conservation and re-development plans;

(ii) prepare and execute schemes;

(iii) | identify, assess and authenticate heritage value;

(iv) conserve heritage of the Walled City;

(v) establish, maintain and periodically revise planning controls and building regulations for purposes of the Act;

(vi) | regulate the transfer of property;

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preserve and promote culture;
develop and maintain an urban open space;
conserve and upgrade the environment;

regulate the use of public places, urban open spaces, public crossings or public passages for purposes of public communication, ceremonies, or ritual events;

prepare, implement and enforce schemes for environmental improvements, urban renewal, including solid waste disposal, transportation and traffic, health and education facilities;

maintain the record of heritage properties;

cause studies, surveys, technical researches to be made or contribute towards the cost of any such studies, surveys, technical researches;

issue interim development order for proceeding with the conservation and structural consolidation of a building under imminent threat of structural damage of any nature; and

perform other functions as are incidental to the above functions or as the Government may assign to the Authority for purposes of the Act.

8. Powers of the Authority.— (1) The Authority shall have all powers necessary to perform its functions under the Act.

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In particular, and without prejudice to the generality of the foregoing

powers, the Authority shall exercise the following powers:—

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undertake any work, incur any expenditure for the implementation of the master conservation and re-development planned schemes;

provision of civic utilities and municipal services;

regulation of building construction and granting permits for demolition and reconstruction;

regulation of trade, calling and occupation in the Walled City; removal of encroachments;

promotion of tourism and sports;

promotion of investment for development of Walled City; community mobilization and poverty alleviation;

eviction of illegal occupants of private or public utility buildings; acquire property, both movable and immovable;

procure machinery instruments or any other material required by it; enter into contracts;

coordinate with various Government agencies and other local and international organizations and institutes for smooth implementation of the Act;

establish separate Directorates of the Authority;

- (xv) | enforce the provisions of the Act, rules and regulations;
- (xvi) seek or call for any information from any person or Government agency, as may be required for carrying out the purposes of the Act;
- (xvii) seek from any Government agency assistance in the discharge of its functions; and
- (xviii) exercise such other powers as the Government may, from time to time, assign to the Authority.

9. Heritage Conservation Board.— (1) As soon as may be practicable, the Government may constitute the Heritage Conservation Board to advise the Government and the Authority on conservation of the heritage and other matters arising out of the administration of the Act and to perform such other functions as are assigned to it under the Act, the rules or the regulations, or by the Authority.

(2) |The Government, on the recommendation of the Authority, shall nominate not more than seven members of the Heritage Conservation Board and the members shall elect one of the members as the Chairperson and another as the Deputy Chairperson of the Heritage Conservation Board.

(3) A member of the Heritage Conservation Board shall be a person having knowledge or experience in respect of one or more fields of history, culture, archaeology, architecture, the preservation or conservation of monuments, buildings or settlements, cities, town planning, tourism and community development.

(4) |The Heritage Conservation Board shall meet at least once in a calendar year.

10. Directorates The Authority may constitute such Directorates as may be deemed necessary for carrying out the purposes of the Act and such Directorates shall exercise such powers and perform such functions as may be delegated or assigned to them by the Authority.

11. Power to act as local government.— The Government may, by a notification in the official Gazette, authorize the Authority to exercise and perform such powers and functions in respect of the Walled City as a local government under the Punjab Local Government Ordinance 2001 (XIII of 2001) or under any other law relating to local governments.

12. Appointment of employees.— (1) For the performance of its functions, the Authority may, with prior approval of the Government, employ such persons and on such terms and conditions as it may determine.

(2) Without prejudice to the generality of the foregoing powers, the Authority may appoint and remove its employees and exercise discipline and control over them.

(3) | The Authority shall make regulations for appointment, promotion, termination and other terms and conditions of employment of its employees.

13. Officials and employees.— The officials and employees of the Authority shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code 1860 (XLV of 1860).

14. Delegation.— The Authority may, by general or special order, delegate to the Director-General, a Directorate, a Government Agency, a member or an officer of the Authority, any of its powers, duties or functions under the Act or the rules or the regulations subject to such conditions as it may deem fit to impose.

CHAPTER IV

CONSERVATION, PLANNING, DEVELOPMENT, MANAGEMENT AND REGULATION OF WALLED CITY

15. Master conservation and re-development plan for Walled City.— (1) The Authority shall, in consultation with the Heritage Conservation Board, in such form and in such manner as may be prescribed, prepare a master conservation and re-development plan for purposes of the Act and the Authority shall implement and execute the same, after the approval of the Government.

(2) The master conservation and re-development plan shall not be detrimental to—

(i) the territorial integrity of the Walled City;
(ii) the heritage of the Walled City;
(iii) | the character and special place qualities of distinct places and neighborhoods, as determined by the Heritage Conservation Board;

(iv) | neighborhood hierarchy;

(v) quality of architectural assets;
(vi) places of historic significance;
(vii) historic open spaces; and
(viii) intangible heritage.

(3) Subject to sub-section (2), the master conservation and _ re-development plan shall include—

(i) a land use and zoning plan;
(ii) a plan for conservation of heritage of Walled City;
(iii) | a plan for development, improvement and maintenance of municipal services;
(iv) a plan for development, improvement and maintenance of public passages, urban open spaces, public areas; and
(v) a plan for development of enterprise and economic activities.

16. Preparation of schemes.— (1) The Authority shall, in such form and in such manner as may be prescribed, prepare schemes for purposes of the Act and execute or have them executed in the prescribed manner.

(2) No scheme shall be prepared and implemented or executed by any person or Government Agency within the Walled City except with the concurrence of the Authority.

17. | Power to prepare and enforce building and zoning regulations.— (1) The Authority shall prepare and enforce such building and zoning regulations as shall be

necessary for regulating land use, zoning, building heights and densities, the construction and use of new buildings, the architectural character of buildings, the appearance and style of urban amenities, municipal signage, signage used on public and private properties, and for regulating building alteration and demolition.

(2) | The regulations, described in sub-section (1), shall supersede all other zoning and building regulations and other related regulations that may be currently in force in the Walled City.

18. Power to give directions— The Authority may require a Government Agency, within whose jurisdiction any particular aspect of a scheme lies—

- (i) to execute a scheme in collaboration or consultation with the Authority;
- (ii) to take over and maintain any of the works and services in the Walled City;
- (iii) | to provide any amenity which in the opinion of the Authority ought to be provided; and
- (iv) to enforce regulations on behalf of the Authority.

19. Power to execute any scheme.— Where the Authority is satisfied that any direction given by it under section 18 with regard to any scheme, has not been carried out by the Government Agency, the Authority may itself undertake any works for the execution of that scheme and the cost thereof shall be borne by the

Government Agency and in the event of disagreement, as may be determined by the Government.

20. Master conservation and re-development plan and schemes for public purpose.— The master conservation and re-development plan and a scheme prepared under the Act shall be deemed to be for a public purpose.

21. Schemes.— A scheme mentioned in section 16 may include the following or a combination of the following:—

- (i) a general planning and development scheme;
- (ii) an area conservation scheme;
- (iii) | ascheme for the conservation of a building or a group of buildings;
- (iv) | are-building or housing reconstruction scheme;
- (v) a tourism development scheme;
- (vi) an infrastructure development or improvement scheme;
- (vii) ascheme to promote cultural and sport activities and festivals;
- (viii) _ascheme to promote the visual and temporal arts;
- (ix) | ascheme to promote and revitalize crafts;
- (x) a scheme for the improvements of traffic and transportation, whether motorized, non-motorized or pedestrian transport scheme;
- (xi) asocial sector development scheme including health or education;
- (xii) aresettlement scheme; and

(xiii) any other scheme incidental to the purposes of the Act.

22. Schemes to follow master conservation and re-development plan.— The Authority shall prepare and approve a scheme or take a development control decision in accordance with the master conservation and re-development plan.

CHAPTER V

HERITAGE PROPERTIES AND ZONES OF SPECIAL VALUE

23. Declaration of heritage properties.— (1) The Authority may, in consultation with the Heritage Conservation Board, for purposes of conservation of heritage and by notification in the official Gazette, declare a building, structure, land, building fabric, urban open space or work in the Walled City of heritage value as heritage property in such manner as may be prescribed.

(2) The Authority shall serve a notice in the prescribed form on every owner or occupant of a building, group of buildings, structure, land, building fabric, urban open space or work under sub-section (1), as the case may be, stating that such building, structure, land, building fabric, urban open space or work has been declared as heritage property.

(3) | The Authority shall establish and maintain a register of heritage properties declared under sub-section (1) in such manner as may be prescribed.

24. Zones of special value.— (1) The Authority may, in consultation with the Heritage Conservation Board, designate any area of special architectural or historic interest or appearance which it is desirable to preserve, enhance or develop, as a zone of special value, in such manner as may be prescribed.

(2) All buildings, lands, urban open spaces or public passages, falling within the territorial limits of a zone of special value designated under sub-section (1), shall be subject to such regulations as may be framed by the Authority.

(3) | The Authority shall, in consultation with the Heritage Conservation Board, prepare schemes for each zone of special value and such schemes shall contain such planned programmes.

(4) | The scheme under sub-section (3) shall be included in the master conservation and re-development plan.

25. Conservation of heritage property.— (1) For purposes of conservation of a heritage property, the Authority may, by an order in writing, direct the owner or occupant of such property, to take such measures for conservation of the heritage property, and within such time and on such terms and conditions as may be specified in the order.

(2) If the owner or the occupier fails to take the measures specified in the order under sub-section (1), the Authority may take such measures for conservation as it may deem necessary at its own cost and shall be entitled to recover the same from the owner or occupant as arrears of land revenue.

(3) | The owner or occupant of a heritage property shall provide necessary access, assistance and support and cooperate with the Authority and its employees in carrying out purposes of the Act.

(4) If in the opinion of the Authority, the requisite conservation cannot be carried out while the owner or occupant is in active use of heritage property, the Authority may temporarily acquire under agreement such heritage property for a specified period with due compensation to the owner or occupant of a heritage property in such manner as may be prescribed.

26. Prohibition against alteration in heritage property— No person shall execute or cause to be executed any work for alteration in a heritage property in any manner whatsoever without prior approval of the Authority in such manner as may be prescribed.

27. Grant or loan for conservation of a heritage property.— The Authority may provide grant or loan for conservation of a heritage property on the terms and conditions as may be prescribed.

CHAPTER VI BUILDING AND LAND USE CONTROL

28. Sanction of buildings.— (1) No person shall erect or re-erect a building or commence to erect or re-erect a building except with the previous sanction of the Authority in the prescribed manner.

(2) For purposes of the Act, a person shall be deemed to erect or re-erect a building who—

(i) makes any alteration or enlargement of any building;

(ii) converts into a place for human habitation any building not originally constructed for that purpose;

(iii) Converts a building or structure or land prescribed for one particular use or into another use; and

(iv) makes any alteration which there is reason to believe is likely to affect prejudicially the stability or safety of any building.

(3) The Authority may, for reasons to be recorded in writing, either refuse to sanction the erection or re-erection, as the case may be, of the building, or may sanction the same on such terms and condition as it may specify.

29. Prohibition of demolition and destruction of buildings or structures.— No building or structure, located within the Walled City, shall be demolished, damaged, destroyed or removed by any person in any manner whatsoever, except with the previous sanction of the Authority in the prescribed manner.

30. Removal of encroachments.— (1) No person shall make an encroachment on any building, public utility building, public place or any property vested in the Authority.

(2) The Authority may, after such notice as may be considered reasonable, remove such encroachment with such force as may be necessary.

31. Summary ejectment of unauthorized occupants.— (1) The Authority may, for purposes of the Act, summarily eject any person in unauthorized occupation of

any private building, public utility building, public place or any property vested in the Authority, and may for the purpose use such force as may be necessary.

(2) No action under this section shall be taken without providing an opportunity of being heard to the person to be affected thereby.

32. Removal of building, etc. erected or used in contravention of the Act.—

(1) If any building or structure is erected, constructed or used in contravention of the provisions of the Act, the rules or the regulations, the Authority may, by order in writing, require the owner, occupant, user or person in control of such building or structure to remove, demolish or alter the building, structure or to use it in such manner so as to bring such erection, construction or use in accordance with the provisions of the Act.

(2) If an order under sub-section (1) in respect of any building or structure is not complied with within such time as may be specified therein, the Authority may, after giving the person affected by the order an opportunity of being heard, remove, demolish or alter the building or structure, or stop the use of the same and, in so doing, may use such force as may be necessary and may also recover the cost therefor, from the person responsible for the erection, construction or use of the building or structure.

CHAPTER VII TRADE AND OCCUPATIONS

33. Restriction on trade, calling or occupation.— Subject to sub-section (2) of section 36, no person shall carry on any trade, calling or occupation in the Walled City unless he has applied for and obtained a license from the Authority in such manner as may be prescribed.

CHAPTER VIII TEMPORARY AND PERMANENT ACQUISITIONS

34. Liability to acquisition.— Notwithstanding anything to the contrary contained in the Land Acquisition Act, 1894 (Act 1 of 1894), all land within the Walled City shall be liable to acquisition by the Authority at any time in the prescribed manner.

35. Temporary acquisition under agreement.— The Authority may acquire any building or land on temporary basis under agreement for purposes of the Act in such manner as may be prescribed.

CHAPTER IX REGISTRATION OF OWNERS AND OCCUPANTS AND REGULATION OF TRANSFER OF PROPERTY

36. Registration of owners and occupants of buildings.— (1) The Authority shall maintain a record of owners and occupants of the buildings or immovable property located in the Walled City in the prescribed manner.

(2) The Authority shall notify at the time of the commencement of the Act, a date by which all owners and occupants of buildings or immovable property shall get themselves registered with the Authority.

37. Regulation of transfer of property.— The Authority shall regulate the transfer of property in the Walled City in the prescribed manner.

CHAPTER X REPRESENTATION OF INHABITANTS AND BUSINESS COMMUNITY

38. Citizen Community Council.— (1) For purposes of achieving the objective of the Act and for its effective implementation, the Authority shall set-up a Citizen Community Council for the Walled City.

(2) | The Authority shall nominate four members of the Citizen Community Council from amongst the elected representatives of the local governments of the area of the Walled City or in their absence from amongst the owners, occupants and inhabitants.

(3) |The Director General shall be the Chairperson of the Citizen Community Council.

(4) — The Citizen Community Council shall act for—

(i) mobilization of stakeholders for community involvement for conservation of heritage;

(ii) identification of development and municipal needs of the inhabitants; and

(iii) | recommendation of proposals for preparation of any scheme to the Authority for civic up-lift of infrastructure and conservation of heritage of the Walled City.

39. Trade and Business Council.— (1) The Authority shall set-up a Trade and Business Council for the Walled City which shall be responsible for coordinating commercial activities in the Walled City.

(2) |The Trade and Business Council shall act as coordinator between traders or businessmen of the Walled City and the Authority.

(3) Trade and Business Council shall consist of four elected representatives of the traders and businessmen of the Walled City.

(4) The Director General shall be the Chairperson of the Trade and Business Council.

CHAPTER XI FINANCE, TAXATION, ACCOUNTS & AUDIT

40. Fund of the Authority. (1) The Government shall establish a fund of the Authority to be known as the Walled City Fund which shall vest in the Authority. (2) The Authority shall maintain the Fund in the prescribed manner.

(3) | The Fund shall comprise—

(i) grants received from the Government through budgetary allocations;

(ii) grants received from the Government for master conservation plan or scheme;

(iii) | money received from the Federal Government or any international organization by way of grant, loan, advance or others;

(iv) | money received from the disposal of movable and immovable property of the Authority;

(v) fee, tax, rate, charge, rent or fine received by the Authority; and

(vi) | any other money received by the Authority.

41. Power to borrow money.— The Authority may, with the prior approval of the Government, borrow money for—

(i) execution of a work authorized under the Act;

(ii) payment of compensation for the land or property acquired for purposes of the Act;

(iii) | payment of loan raised under the Act; or

(iv) | any other purpose under the Act.

42. Audit. (1) In addition to the pre-audit by the Government Auditors, the

Authority shall appoint or hire services of a Chartered Accountant or a firm of Chartered Accountants for purposes of annual audit of its accounts.

(2) The Director General shall, within six months of the close of a financial year, submit the annual statement of accounts along with the report of the auditor to the Authority.

43. Recovery of dues.— A sum due to the Authority shall be recoverable as arrears of land revenue.

44. Levy of taxes, fees, charges, cesses and rates by Authority— The Authority may, in a fair and equitable manner, levy taxes, cesses, fees, rates, rents, tolls, charge, and levies on following subjects:-

(i) taxes and fee on transfer of property;

(ii) maintenance and updating various records by the Authority;

(iii) | fee for various utility services including but not limited to water supply, sewerage, waste disposal;

(iv) fee for grant of various licenses and permits;

(v) toll on roads maintained by the Authority;

(vi) fee for entertainment, amusement or sports events;

(vii) market fees and shop taxes;

(viii) fee on outdoor advertisements;

(ix) fee for sanction of erection or re-erection of buildings;

(x) development charges; and

(xi) land use conversion charges.

CHAPTER XII

OFFENCES, PENALTIES AND COGNIZANCE

45. Offences and penalties— (1) A person who willfully causes damage, or allows damage to be caused to any heritage property in a zone of special value shall be punishable with imprisonment which may extend to one year or with fine which may extend to one million rupees or with both.

(2) | A person who makes any alteration, or allows alteration to be made in a heritage property or a property situated in a zone of special value in violation of section 24, shall be punishable with imprisonment which may extend to six months or with fine which may extend to one hundred thousand rupees or with both.

(3) | A person who erects any unauthorized construction after coming into force of the Act shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one million rupees or with both.

(4) | A person who demolishes any building or part thereof, in violation of section 28 shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one million rupees or with both.

(5) | A person who makes any encroachment shall, in addition to payment of cost of removal of encroachment to Authority, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred thousand rupees or with both.

(6) A person who conducts any business, commercial, industrial or other profit earning activity without the requisite permission or license under the Act, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one hundred thousand rupees or with both.

(7) A person who obstructs any person who is acting on behalf of the Authority for the removal of an unauthorized building or encroachment shall be punished with imprisonment which may extend to thirty days or with fine which may extend to one hundred thousand rupees or with both.

(8) | A person who, without any lawful cause, refuses or willfully neglects to provide to any authorized officer of the Authority with the means necessary for entering into any premises for purposes of collecting any information or making an examination or enquiry for purposes of the Act, shall be punishable with imprisonment which may extend to thirty days or with fine which may extend to one hundred thousand rupees or with both.

(9) A person who contravenes any provision of the Act, rules or regulations, shall, if no other penalty is provided for such contravention, be punished with imprisonment for a term which may extend to one month or with fine which may extend to five hundred thousand rupees or with both.

(10) A person who attempts to commit or abets the commission of an offence punishable under the Act, shall be deemed to have committed that offence.

46. Cognizance of offences under the Act.— (1) A Court shall take cognizance of an offence under the Act on a complaint made in writing by an officer authorized for the purpose by the Authority, in accordance with the provisions of section 200 of the Code of Criminal Procedure, 1898 (V of 1898).

(2) The competent authority may designate one Special Judicial Magistrate to try offences under the Act.

(3) | The offences under the Act shall be tried in a summary manner in accordance with the provisions of sections 260 to 265 of the Code of Criminal Procedure 1898 (V of 1898), except sub-section (2) of section 262 thereof.

CHAPTER XIII GENERAL

47. Appeal.— (1) A person aggrieved by any decision or order of the Authority on the ground that it is contrary to the provisions of the Act may, within thirty days of the receipt of such decision or order, appeal to the Lahore High Court in the manner prescribed by the said Court for filing the first appeal and the Lahore High Court shall decide such appeal within ninety days.

(2) A person aggrieved by any decision or order of any officer of the Authority acting under the delegated powers of the Authority may, within thirty days of the receipt of the decision or order, appeal to the Authority in the prescribed manner and the Authority shall decide such appeal within thirty days.

48. Entry and survey.— A person authorized by the Authority may, in the prescribed manner and with due regard to the privacy, enter and survey any premises in the Walled City to inspect any building for purposes of the Act.

49. Power to make rules.— The Government may, by notification in the official Gazette, make rules for giving effect to the provisions of the Act.

50. Power to frame regulations.— Subject to the Act and the rules, the Authority may, with the previous approval of the Government, frame regulations for matters not provided for in the rules and for which provision is necessary or expedient for carrying out the purposes of the Act.

51. Act to have overriding effect.— The provisions of the Act shall have effect notwithstanding anything to the contrary contained in any other law.

52. Jurisdiction of courts barred.— Save as otherwise provided by the Act, no court or other Authority shall have jurisdiction to question the legality of anything done or any action taken under the Act, by or at the instance of the Authority.

53. Removal of difficulties— The Government may, by order not being inconsistent with the Act, provide for the removal of any difficulty which may arise in giving effect to the provisions of the Act.

54. Immunity. No suit, prosecution or any other legal proceedings shall lie against the Authority, the Director General, any member, officer, servant, expert or consultant of the Authority in respect of anything done or intended to be done in good faith under the Act.

55. Enforcement measures.— The Authority may issue directions for effective enforcement of the provisions of the Act, the rules or the regulations.

56. Administrative transition.— On coming into force of the Act, a Government Agency shall continue to perform its function in the Walled City without any interruption till such time and to such extent as the Authority may, by notification, specify.

57. Annual report.— (1) The Director General shall, within three months of the end of a financial year, submit annual performance report to the Authority enumerating all the activities, developmental initiatives undertaken and targets achieved during the previous financial year for the betterment of the Walled City.

(2) | The Authority shall publish the report for public information and submit the same to the Government which shall lay the report in the Provincial Assembly of the Punjab.

SCHEDULE

See section 2(xli)

The areas of Walled City—

1. Walled City, comprising Union Councils 27, 28, 29 and 30 Ravi Town, Lahore, with their boundaries as on the commencing day of the Act including the outer circumference of the circular road around the four Union Councils.
2. The Minto Park and Iqbal Park, situated in the north of the Walled City including the road surrounding the twin parks.