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GOVERNMENT OF THE PUNJAB LAW AND PARLIAMENTARY AFFAIRS DEPARTMENT

NOTIFICATION

24 November 2023

No. Legis:13-106/2009(P-III).- The following Ordinance promulgated by Governor of the Punjab is hereby published for general information:

THE WALLED CITY OF LAHORE (AMENDMENT) ORDINANCE 2023

(XVI OF 2023)

An

Ordinance

to amend the Walled City of Lahore Act 2012.

It is necessary to amend the Walled City of Lahore Act 2012 (XXXVI of 2012) for extending the scope; enhancing the jurisdiction; providing the comprehensive and integrated legal framework and specialized institutional arrangement for conservation of the walled cities, heritage areas and heritage properties in more effective and efficient manners and, for the matters ancillary thereto.

Provincial Assembly of the Punjab is not in session and Governor of the Punjab is satisfied that circumstances exist which render it necessary to take immediate action.

In exercise of the powers conferred under clause (1) of Article 128 of the Constitution of the Islamic Republic of Pakistan, Governor of the Punjab is pleased to make and promulgate the following Ordinance:

1. Short title and commencement.— (1) This Ordinance may be cited as the Walled City of Lahore (Amendment) Ordinance 2023.

(2) This Ordinance shall come into force at once.

2. Amendment of Act XXXVI of 2012.— In the Walled City of Lahore Act 2012 (XXXVI of 2012), for brevity referred to as 'the Act':

- (a) in the long title, for the words "Walled City of Lahore", the words "walled cities, heritage areas and heritage properties in the Punjab" shall be substituted;
- (b) for the Preamble, the following shall be substituted:
"It is necessary in the public interest to ensure a holistic, comprehensive and integrated legal framework and specialized institutional arrangement for conservation of the walled cities, heritage areas and heritage properties; enhancing the quality of life of the people residing therein; providing for the planning, development, management and regulation of the infrastructure and services therein as well as conduct of business and commercial activity; and for the matters ancillary thereto.";
- (c) in the heading of **CHAPTER II**, for the words "**WALLED CITY OF LAHORE AUTHORITY**", the words "**THE AUTHORITY**" shall be substituted;
- (d) in the heading of **CHAPTER IV**, after the words "**WALLED CITY**", the words "**HERITAGE AREA AND HERITAGE PROPERTY**" shall be inserted; and
- (e) in sections 8, 15, 16, 17, 18, 33, 39, 40, 48, 56 and 57, for the words "Walled City" wherever appearing, the words "walled cities, heritage areas and heritage properties" shall be substituted.

3. Amendment of section 1 of Act XXXVI of 2012.— In the Act, in section 1:

- (a) for sub-section (1), the following shall be substituted:
"(1) This Act may be cited as the Punjab Walled Cities and Heritage Areas Authority Act 2012."; and
- (b) for sub-section (2), the following shall be substituted:
"(2) This Act shall extend to the walled cities provided in the Schedule, heritage areas and heritage properties notified under the Act.".

4. Amendment of section 2 of Act XXXVI of 2012.— In the Act, in section 2:

- (a) for clause (i), the following shall be substituted:
"(i) "Act" means the Punjab Walled Cities and Heritage Areas Authority Act 2012;";
- (b) for clause (iii), the following shall be substituted:
"(iii) "Authority" means the Punjab Walled Cities and Heritage Areas Authority established under section 3 of the Act;";

- (c) In clause (viii), after the expression "adaptation," the expression "adaptive reuse," shall be inserted;
- (d) after clause (viii), the following shall be inserted:
 "(viii-a) "dangerous building" means a building, building fabric, group of buildings, heritage property, private building, public utility building, structure, or urban fabric in a ruinous condition or which is likely to fall or is in any way dangerous to its inhabitants or of any neighboring buildings or to any occupier thereof or to passers-by, and is declared dangerous under section 23-A of the Act;";
- (e) in clause (xiv), in sub-clause (b), for the expression "Punjab Local Government Ordinance, 2001 (XIII of 2001)", the expression "Punjab Local Government Act 2022 (XXXIII of 2022)" shall be substituted;
- (f) in clause (xv), after the word "their", before the word "homogeneity", the words "history and" shall be inserted;
- (g) in clause (xvi), for the words "Walled City", the words "Walled City, heritage area and heritage property," shall be substituted;
- (h) after clause (xvi), the following shall be inserted:
 "(xvi-a) "heritage area" means such area as declared under section 23-A of the Act;";
- (i) for clause (xvii), the following shall be substituted:
 "(xvii) "heritage property" means such property as declared under section 23 of the Act;";
- (j) after clause (xxxiv), the following shall be inserted:
 "(xxxiv-a) "Schedule" means the Schedule appended to the Act;"; and
- (k) in clause (xxxix):
 - (i) after the expression "buildings," the expression "building facade," shall be inserted; and
 - (ii) after the expression "street furniture," the expression "streetscape," shall be inserted.

5. Amendment of section 3 of Act XXXVI of 2012.— In the Act, in section 3, in sub-section (1), for the words "for the Walled City to be known as the Walled City of Lahore Authority", the words "to be known as the Punjab Walled Cities and Heritage Areas Authority" shall be substituted.

6. Amendment of section 4 of Act XXXVI of 2012.— In the Act, in section 4:

- (a) in the heading, for the words "Members of the Authority", the words "The Authority" shall be substituted;
- (b) for sub-section (1), the following shall be substituted:
 "(1) The Authority shall consist of the following:

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| (a) Chief Minister; | Chairperson |
| (b) Chief Secretary to the Government; | Vice Chairperson |
| (c) Minister for Local Government and Community Development; | Member |
| (d) two members of Provincial Assembly of the Punjab to be nominated by the Chairperson, within whose constituencies the Walled City or heritage area, partly or wholly, situates; | Members |
| (e) Chairman, Planning and Development Board; | Member |
| (f) Secretary to the Government, Finance Department; | Member |
| (g) Secretary to the Government, Local Government and Community Development Department; | Member |
| (h) Chairperson of the Heritage Conservation Board; | Member |
| (i) not more than two heads of the concerned local governments co-opted by the Chairperson for the purposes of conservation of heritage of respective Walled City or heritage area or heritage property; | Members |
| (j) four qualified persons to be nominated by the Chairperson; | Members |
| (k) Director General. | Member/Secretary"; and |
- (c) in sub-section (2), for clause (ii), the following shall be substituted:

"(ii) shall be a prominent and well-reputed professional having expertise in the fields of heritage or history or culture or archaeology or architecture or conservation of heritage or town planning or tourism or community development;"

7. Amendment of section 7 of Act XXXVI of 2012.— In the Act, in section 7, in sub-section (2), for clause (iv), the following shall be substituted:

"(iv) conserve heritage area, heritage property and heritage of the Walled City;"

8. Amendment of section 8 of Act XXXVI of 2012.— In the Act, in section 8, in sub-section 2:

- (a) In clause (ix), after the word "buildings", the expression ", public areas, public passages or public crossings" shall be inserted;
- (b) after clause (ix), the following shall be inserted:
"(ix-a) eviction of owner or occupant from a dangerous building;"; and
- (c) after the clause (xvi), the following shall be inserted:
"(xvi-a) establish its offices in the areas where it deems appropriate;".

9. Amendment of section 11 of Act XXXVI of 2012.— In the Act, in section 11, for the expression "Punjab Local Government Ordinance 2001 (XIII of 2001)", the expression "Punjab Local Government Act, 2022 (XXXIII of 2022)" shall be substituted.

10. Amendment of section 23 of Act XXXVI of 2012.— In the Act, in section 23:

- (a) In sub-section (1), for the words "Walled City of heritage value", the words "walled cities and heritage areas" shall be substituted; and
- (b) In sub-section (2), after the word "land", the expression ", area" shall be inserted.

11. Insertion of section 23-A in Act XXXVI of 2012.— In the Act, after section 23, the following shall be inserted:

"23-A. Declaration of heritage area and dangerous building.-

(1) The Authority may, by notification in the official Gazette, declare any area as heritage area.

(2) The Authority may declare a building, building fabric, group of buildings, heritage property, private building, public utility building, structure, or urban fabric as a dangerous building in such manner as may be prescribed."

12. Amendment of section 25 of Act XXXVI of 2012.— In the Act, in section 25:

- (a) in the heading, for the words "heritage property", the words "heritage properties and heritage areas" shall be substituted; and
- (b) after the word "property", wherever appearing, the words "and heritage area" shall be inserted.

13. Amendment of section 29 of Act XXXVI of 2012.— In the Act, in section 29, for the expression "No building or structure, located within the Walled City", the following expression shall be substituted:

"No building, building fabric, group of buildings, heritage property, private building, public utility building, structure, urban fabric located in the Walled City and heritage area".

14. Amendment of section 30 of Act XXXVI of 2012.— In the Act, in section 30, for sub-section (1), the following shall be substituted:

"(1) No person shall make encroachment on a building, building fabric, group of buildings, heritage property, private building, public utility building, structure, or urban fabric or any part thereof vested

in the Authority or in any Government Agency for purposes of the Act.”.

15. Insertion of section 31-A in Act XXXVI of 2012.— In the Act, after section 31, the following section 31-A shall be inserted:

“31-A. Summary ejectment of occupants of dangerous buildings.— (1) The Director General or an officer authorized by him may, for purposes of the Act, summarily eject any person in occupation of any dangerous building in the manners as may be prescribed.

(2) No action under sub-section (1) shall be taken without providing an opportunity of being heard to the person to be affected thereby.

(3) The person ejected under sub-section (1) shall have right to repossess the vacated property when such property is declared no more dangerous.”.

16. Amendment of sections 34, 36 and 37 of Act XXXVI of 2012.— In the Act, in sections 34, 36 and 37, for the words “Walled City”, the words “Walled City and heritage area” shall be substituted.

17. Amendment of section 38 of Act XXXVI of 2012.— In the Act, in section 38:

- (a) in sub-sections (1) and (2), after the words “Walled City”, the words “and heritage area” shall be inserted; and
- (b) in sub-section (4), in clause (iii), for the words “conservation of heritage of the Walled City”, the words “conservation of the heritage area, heritage property and heritage of the Walled City” shall be substituted.

18. Amendment of section 45 of Act XXXVI of 2012.— In the Act, in section 45:

- (a) in sub-section (1), for the words “one year” and “one million”, the words “five years” and “two million” shall be substituted respectively;
- (b) in sub-section (2), for the words “six months” and “one hundred thousand”, the words “three years” and “five hundred thousand” shall be substituted respectively;
- (c) in sub-sections (3), (4), (5) and (6), for the words “six months”, the words “three years” shall be substituted;
- (d) in sub-sections (7) and (8), for the words “thirty days” and “one hundred thousand”, the words “one year” and “five hundred thousand” shall be substituted respectively;
- (e) in sub-section (9), for the words “one month”, the words “one year” shall be substituted; and
- (f) after sub-section (10), the following shall be added:

“(11) A person who commits an offence of littering, spitting, vandalism and violating the sanitation of the area inside the monuments, precincts or spaces of Walled City, heritage area or heritage property, shall be punished with fine which may extend to ten thousand rupees.”.

19. Substitution of section 46 of Act XXXVI of 2012.- In the Act, for section 46, the following shall be substituted:

"46. Cognizance.- (1) The Court of the Magistrate of First Class shall take cognizance of an offence under the Act on a complaint made in writing by the Director General or an officer authorised by him and try such offence under the Code of Criminal Procedure, 1898 (V of 1898).

(2) The Director General or an officer authorized by him may, on reasonable grounds, compound an offence or withdraw the complaint with or without any compensation.

(3) The offences or violations under the Act shall be non-bailable."

20. Insertion of section 52-A in the Act XXXVI of 2012.- In the Act, after section 52, the following shall be inserted:

"52-A. Amendment in the Schedule.- The Government may on the recommendations of the Authority, by notification in the official Gazette, amend the Schedule."

(MUHAMMAD BALIGH-UR-REHMAN)
GOVERNOR OF THE PUNJAB

22/11/2023

(MUHAMMAD ASIF BALAL LODHI)
Secretary
Government of the Punjab
Law and Parliamentary Affairs
Department