

# THE PUNJAB HERITAGE FOUNDATION ACT 2005

(Pb. Act I of 2005)

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# **[1] THE PUNJAB HERITAGE FOUNDATION ACT 2005**

**(Pb. Act I of 2005)**

[25 January 2005]

*An Act to establish the*

*Punjab Heritage Foundation in the Province of the Punjab.*

**Preamble.**— Whereas it is expedient to establish the Punjab Heritage Foundation in the Province of the Punjab in order to conserve, maintain, rehabilitate and develop the Punjab Heritage and make provisions for matters connected therewith or incidental thereto;

It is hereby enacted as follows:-

**1. Short title, extent and commencement.**— (1) This Act may be called the Punjab Heritage Foundation Act 2005.

(2) It shall extend to the whole of the Province of the Punjab.

(3) It shall come into force at once.

**2. Definitions.**— In this Act, unless there is anything repugnant in the subject or context,—

(a) “Board” means the Board of Governors constituted under section 6 of this Act;

(b) “Chief Minister” means the Chief Minister of the Punjab;

(c) “Committee” means the Executive Committee constituted under section 8 of this Act;

(d) “expert” means a person having a recognized standing at national or international level in the field of archaeology or architecture;

(e) “Foundation” means the Punjab Heritage Foundation established under section 3 of this Act;

(f) “Fund” means the Punjab Heritage Fund created under section 5 of this Act;

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

(h) “local government” means a local government established under the Punjab Local Government Ordinance, 2001 (XIII of 2001);

(i) “prescribed” means prescribed by rules made under this Act;

(j) “project” means a scheme approved by the Board for a Punjab Heritage;

(k) “Punjab Heritage” means an archaeological, architectural, historical or cultural site notified to be a Punjab Heritage by the Government; and

(l) “site” means any land, building, structure, remains, park, garden or any other place or location and shall include any part thereof.

**3. Establishment of the Foundation.**— (1) As soon as may be, after the commencement of this Act, the Government shall, by notification in the official Gazette, establish the Punjab Heritage Foundation to carry out the purposes of this Act.

(2) The Foundation shall be a body corporate, with perpetual succession and a common seal, with powers, subject to the provisions of this Act, to hold, acquire and dispose of property, both moveable and immoveable, and may, sue and be sued by the said name.

**4. Purpose of the Foundation.**—The primary purpose of the Foundation shall be the preservation, conservation, maintenance and rehabilitation of the Punjab Heritage through various means, including technical or financial assistance and to create awareness among the people for preservation of the Punjab Heritage.

**5. Punjab Heritage Fund.**— (1) There shall be a fund of the Foundation to be known as the Punjab Heritage Fund.

(2) The Fund shall consist of the following:-

- (a) grants-in-aid from the Federal Government, the Government or a local government;
- (b) voluntary contributions in the form of aid and assistance from individuals, public or private organizations, local, national or international agencies;
- (c) income from lease made in the prescribed manner;
- (d) sale proceeds of such property, made in such manner, as may be prescribed;
- (e) sale proceeds of tickets for entry into a Punjab Heritage; and
- (f) income from any other source.

(3) The Fund shall be a permanent measure and the amounts credited to the Fund shall not lapse at the end of a financial year.

**6. Board of Governors.**— (1) The management, overall control and supervision of the affairs of the Foundation, shall vest in the Board of Governors.

(2) The Board shall consist of the following members—

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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
| (i) Chief Minister;                                                                                                                                                                                                                                                 | Chairman                       |
| (ii) Chief Secretary, Punjab;                                                                                                                                                                                                                                       | Vice Chairman                  |
| (iii) Four members of the Provincial Assembly of the Punjab, three from the Treasury Benches to be nominated by the Chief Minister and one from the Opposition to be nominated by the Leader of the Opposition; provided that at least one member shall be a woman; | Members                        |
| (iv) Secretary to Government of the Punjab, Information, Culture and Youth Affairs Department;                                                                                                                                                                      | Treasurer/<br>Secretary/Member |
| (v) Secretary to Government of the Punjab, Finance Department;                                                                                                                                                                                                      | Member                         |
| (vi) Secretary to Government of the Punjab, Local Government and Rural Development Department;                                                                                                                                                                      | Member                         |
| (vii) Secretary to Government of the Punjab, Religious Affairs and Auqaf Department;                                                                                                                                                                                | Member                         |
| (viii) Director General, Archaeology, Punjab                                                                                                                                                                                                                        | Member                         |
| (ix) Director, Lahore Museum; and                                                                                                                                                                                                                                   | Member                         |
| (x) Five non-official members to be nominated by the Chief Minister                                                                                                                                                                                                 | Members.                       |

(3) The members of the Board, other than ex-officio members, shall hold office for a term of two years and shall be eligible for re-appointment.

(4) Meetings of the Board and all other matters ancillary to a meeting shall be conducted in the manner as may be prescribed.

(5) The members of the Board shall not be entitled to any remuneration or honorarium.

(6) No act or proceedings of the Board shall be invalid merely on the ground of the existence of a vacancy or a defect in the constitution of the Board.

(7) Notwithstanding anything contained in sub-section (3), the non-official members shall hold office during the pleasure of the Government and may be removed without assigning any reason.

**7. Powers and Functions of the Board.**— Subject to the provisions of this Act, the Board shall perform such functions and exercise such powers as may be necessary for carrying out the purposes of this Act, including the following:-

- (a) to take steps for the improvement, proper maintenance and utilization of the Fund;
- (b) to undertake measures for the preservation, conservation, maintenance and rehabilitation of the Punjab Heritage;
- (c) to prepare and approve projects, as may be deemed expedient and necessary, for the preservation conservation and rehabilitation of the Punjab Heritage;

- (d) to authorize expenditures from the Fund;
- (e) to acquire or take on lease any site having archeological, historical, cultural or architectural value;
- (f) to solicit financial and technical assistance for the development and preservation of the Punjab Heritage and for furtherance of academic, scientific and intellectual discourses on the subjects relevant thereto;
- (g) to undertake promotional and cultural activities at the Punjab Heritage;
- (h) to undertake and promote research and arrange materials for publication of periodicals, monographs, pamphlets, newspapers, books and posters in furtherance of the objects of this Act;
- (i) to frame and approve policy about the use of the Punjab Heritage; provided that it shall not be allowed to be used for purposes other than the prescribed purposes;
- (j) to appoint employees of the Foundation and to determine terms and conditions of their service;
- (k) to form committee or committees for carrying out any of these functions and any such committee may include such persons as may be appointed by the Board; provided that the Board may, from time to time, change the composition of any such committee;
- (l) to delegate any of its powers to the Committee, member or members thereof or any of the committee or committees of the Board; and
- (m) to exercise such powers or perform such functions as are ancillary or incidental to any of the above functions.

**8. Executive Committee.**—(1) There shall be an Executive Committee of the Foundation to exercise the executive authority of the Foundation in accordance with the provisions of this Act.

(2) The Committee shall comprise the following members:-

- (a) Chief Secretary, Punjab; Convener/Member
- (b) Secretary to Government of the Punjab, Information, Culture and Youth Affairs Department; Deputy Convener/Member
- (c) Secretary to Government of the Punjab, Tourism and Resort Development Department; Member
- (d) Director General, Archaeology, Punjab; Secretary/Member
- (e) District Coordination Officer, Lahore; Member
- (f) Director General, Parks and Horticulture Authority Lahore; and Member
- (g) such other persons, not exceeding four, at least two of whom shall be from the panel of experts established under section 11 of this Act, as may be appointed by the Board for a period of two years. Members.

(3) Notwithstanding anything contained in sub-section (2)(g), the non-official members of the Committee shall hold office during the pleasure of the Board.

(4) Meetings of the Committee and other matters ancillary to a meeting shall be conducted in a manner as may be prescribed.

(5) The members of the Committee shall not be entitled to any remuneration or honorarium.

(6) The Committee shall monitor and execute projects approved by the Board and shall perform such functions as may be prescribed or delegated to it by the Board.

(7) The Committee may delegate or assign any of its powers or functions to any of its members and may form sub-committees for such purpose.

**9. Tajdeed-e-Lahore Committee.**—(1) There shall be a separate Committee with functions as may be specified by the Board for preservation of cultural heritage within the revenue limits of Lahore District.

(2) Such Committee may include persons nominated by the Board, provided that the Board may, from time to time, change the composition of the Committee.

**10. Criteria for expenditure from the Fund.**—(1) Contributions, aid or assistance, made for a particular Punjab Heritage or for a particular purpose, shall only be utilized for that Heritage or purpose.

(2) The Board and the Committee, subject to this Act, shall follow the instructions of the Government in discharge of their functions or in exercise of their powers in respect of utilization of the Fund.

(3) It shall be the duty of the treasurer to keep the amounts of the Fund in the proper custody and to utilize the amounts in accordance with the provisions of this Act.

**11. Panel of experts.**— The Government may, by a notification, establish a panel of experts, and an expert in the panel shall be competent to give advice, as and when required by the Board or the Committee, for the

maintenance, conservation, preservation and development of the Punjab Heritage including planning and execution of a project.

**12. Audit of accounts.**— (1) The accounts of the Foundation shall be annually audited in the manner as may be prescribed.

(2) The Committee shall, immediately after its receipt, lay the audit report before the Board.

**13. Restriction on alteration, etc.**— No alteration or any other measure for improvement, maintenance, conservation or preservation of the Punjab Heritage shall be taken except in accordance with the provisions of this Act.

**14. Recovery of amounts.**— The amount, to which the Foundation is entitled, shall be recoverable as arrears of land revenue.

**15. Public servants.**— Every member of the Board or Committee, every expert or employee exercising or purporting to exercise any function under this Act, shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code, 1860 (XLV of 1860).

**16. Rules.**— The Government may frame rules for carrying out the purposes of this Act.

**17. Regulations.**— Subject to the provisions of this Act and the rules made thereunder, the Board may make regulations, as may be necessary, to give effect to the provisions of this Act.

**18. Repeal and savings.**— (1) The Tajdeed-e-Lahore Board Ordinance, 2002 (LXII of 2002) is hereby repealed.

(2) Notwithstanding the repeal of the Ordinance *ibid*, anything done, action taken, liability incurred, rights accrued, penalty imposed or punishment awarded, inquiry or proceeding commenced, persons appointed or authorized, rules made and order or notification issued under any of the provisions of the said Ordinance, suits instituted by or against the Tajdeed-e-Lahore Board, so far as they are not inconsistent with the provisions of this Act, shall be deemed to have been respectively done, taken, incurred, accrued, imposed, awarded, commenced, appointed, authorized, made, issued and instituted under this Act.

(3) The Foundation shall be the successor-in-interest of the Tajdeed-e-Lahore Board and on its establishment, all the properties, assets and liabilities pertaining to the Tajdeed-e-Lahore Board shall vest in and be the properties, assets and liabilities, as the case may be, of the Foundation.

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[1] This Act was passed by the Punjab Assembly on 13 January 2005; assented to by the Governor of the Punjab on 19 January 2005; and, was published in the Punjab Gazette (Extraordinary), dated 25 January 2005, pages 2559-2563.