

A
BILL
to amend the Galiyat Development
Authority Act, 2016.

WHEREAS it is expedient to amend the Galiyat Development Authority Act, 2016 (Khyber Pakhtunkhwa Act No. XII of 2016), for the purposes hereinafter appearing;

It is hereby enacted as follows:

1. **Short title and commencement.**---(1) This Act may be called the Galiyat Development Authority (Amendment) Act, 2016.

(2) It shall come into force at once.

2. **Amendment of the Preamble of Khyber Pakhtunkhwa Act No. XII of 2016.**---In the Galiyat Development Authority Act, 2016 (Khyber Pakhtunkhwa Act No. XII of 2016), hereinafter referred to as the said Act, in the preamble, after second paragraph, the following new paragraph shall be added, namely:

“AND WHEREAS, Government wants to promote tourism in the Khyber Pakhtunkhwa Province particularly in Galiyat area;”.

3. **Amendment of section 2 of Khyber Pakhtunkhwa Act No. XII of 2016.**---In the said Act, in section 2,-

(a) after the existing clause (a), the following new clause shall be inserted, namely:

“(a-i) “Authorized Officer” means an officer of the Authority, authorized under section 28 of this Act;”;

(b) after clause (c), the following new clause shall be inserted, namely:

“(c-i) “executive authority” means all administrative, financial and disciplinary powers of the Authority;”;

(c) after clause (g), the following new clause shall be inserted, namely:

“(g-i) “littering” means all waste material, refuse, cans, bottles, garbage, trash, debris, dead animals or other discarded materials of every kind and description which are hazardous to environment;”;

(d) in clause (m), the word “and”, appearing at the end, shall be deleted;

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- (e) in clause (n), the full-stop appearing at the end, shall be replaced with semi-colon and after the semi-colon, the word "and" shall be added; and
- (f) after clause (n), as so amended, the following new clause shall be added, namely:

“(o) “tourism” means a collection of activities, services and industries which deliver a travel experience comprising transportation, accommodation, eating and drinking establishments, retail shops, entertainment business and other hospitality services, provided for individuals or groups ,travelling away from home.”:

4. Amendment of section 4 of Khyber Pakhtunkhwa Act No. XII of 2016.---In the said Act, in section 4,-

- (a) for sub-section (1), the following shall be substituted, namely:

“(1) The Authority shall consist of eleven (11) members, to be appointed and notified by Government.”; and

- (b) after sub-section (1), as so amended, the following new sub-section shall be inserted, namely:

“(1A) The members shall include-

- (a) five (5) members from private sector, one of whom shall be from tourism sector, with no conflict of interest;
- (b) two (02) local Members of the Provincial Assembly of the Khyber Pakhtunkhwa, from the Galiyat area; and
- (c) four (04) members from Government sector .”.

5. Amendment of section 6 of Khyber Pakhtunkhwa Act No. XII of 2016.---In the said Act, in section 6,-

- (a) in sub-section (4),-

- (i) for clause (a), the following shall be substituted, namely:

“(a) prepare, manage and implement through line departments and any other Government Agency, feasible means, schemes of education, health, agriculture and industry, forest conservation and development, preservation of wildlife, promotion of tourism through better quality tourism service provision, facilitate private investment, conduct surveys and prepare a strategy to further

strengthen existing tourism, develop new tourism products focusing on family, youth, students and corporate segments, develop tourism web portal to provide one step solution and facilitate tourists for getting up-dated information and booking of hotels, transport and tour packages, project touristic attraction through print and electronic media at the relevant place, improvement of water supply, land slide management, development of irrigation facilities, development of means of communication, construction and development of housing, sewerage, drainage, environmental improvement and slum clearance or any other thing pertaining to the purposes of this Act;”;

(ii) for clause (c), the following shall be substituted, namely:

“(c) sell, lease, exchange, transfer, mortgage, put under lien or encumbrances, allot, hire, cancel, restore, regularize or otherwise dispose of or deal in any property vested in or entrusted to the Authority, in such a manner as may be prescribed;”;

(iii) in clause (n), after the word and comma “taxes,” the words and commas “fee, charges,” shall be inserted;

(iv) after clause (o), the following new clause shall be inserted, namely:

“(o-i) make policies, from time to time, for carrying out the purposes of this Act;” and

(b) after sub-section (6), the following new sub-section shall be added, namely:

“(7) The Authority shall declare emergency, for unforeseen events, caused by nature or man-made.”.

6. Amendment of section 7 of Khyber Pakhtunkhwa Act No. XII of 2016.--- In the said Act, in section 7, for sub-section (1), the following shall be substituted, namely:

“(1) Notwithstanding anything contained in any other law for the time being in force, the Authority shall collect fees or user charges for the services it provides or facilities it extends to the public, including fee or charges on account of conservancy, maintenance of public parks, green belts and green areas, within the Galiyat areas.”.

7. Substitution of section 9 of Khyber Pakhtunkhwa Act No. XII of 2016.--- In the said Act, for section 9, the following shall be substituted, namely:

“**9. Constitution of the committees.**---The Authority may constitute financial committee, technical committee, tourism committee, departmental accounts committee, departmental procurement committee,

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consultant committee, auction committee, departmental working approval committee, dispute resolution committee, advisory committee or any other committee, as it may deem necessary, to be chaired by the Director General, for carrying out of the purposes of this Act and such committees shall exercise such powers and perform such functions as may be delegated or assigned to them by the Authority.”.

8. Amendment of section 10 of Khyber Pakhtunkhwa Act No. XII of 2016.--- In the said Act, in section 10,-

(a) for sub-section (1), the following shall be substituted, namely:

“(1) Government may post a Government Officer, not below the rank of BPS-19, to act as Director General of the Authority for a term not exceeding three (03) years.”; and

(b) after sub-section (5), the following new sub-section shall be added, namely:

“(6) Save as otherwise provided the executive authority shall vest in and be exercised by the Director General.”.

9. Amendment of section 11 of the Khyber Pakhtunkhwa Act No. XII of 2016.---In the said Act, in section 11, sub-section (2) shall be deleted.

10. Substitution of section 21 of Khyber Pakhtunkhwa Act No. XII of 2016.---In the said Act, for section 21, the following shall be substituted, namely:

“21. Budget and accounts.---(1) The Director General shall submit annual budget estimates and working plan to the Authority and the Authority may modify the said estimate or working plan to the extent of Authority’s fund or grants as it may consider necessary.

(2) The accounts of the receipts and expenditure of the Authority shall be kept in such form as may be prescribed by regulations.

(3) The Director General shall within three (03) months of the close of each financial year, place before the Authority, the annual statement of accounts and audited balance sheet, profit and loss account and the auditor’s report, for the preceding financial year.”.

11. Substitution of section 23 of Khyber Pakhtunkhwa Act No. XII of 2016.---In the said Act, for section 23, the following shall be substituted namely:

“23. Annual report.---The Director General, with the approval of Authority, shall, within four (04) months after the end of every financial year, submit an annual report to the Government on the conduct of its affairs for that year.”.

12. Substitution of section 28 of Khyber Pakhtunkhwa Act No. XII of 2016.---In the said Act, for section 28, the following shall be substituted, namely:

“28. Imposition of fine---(1) Where an officer of the Authority, authorized by the Director General, is of the opinion that any person, who contravenes the provisions of this Act, relating to offences as specified in the **Schedule**, appended to this Act, shall charge the accused by issuing a ticket, in the form as specified by Authority, for payment of fine, as provided in the Schedule.

(2) In case of failure, to pay the fine under sub-section (1), within the specified time, and any other kind of outstanding dues, shall be recovered as arrears of land revenue under the Land Revenue Act, 1967 (Act No. XVII of 1967).”.

13. Insertion of new section in the Khyber Pakhtunkhwa Act No. XII of 2016.---In the said Act, after section 28, as so amended, the following new section shall be inserted, namely:

“28-A. Violation of agreements ---(1) Whoever violates or contravenes the terms and conditions of lease agreement, rent agreement, sale agreement or any other agreement or default in payment of lease money, levy, taxes etc, or makes other violations of rules and regulations, for the first and second time, shall be liable to fine which may extend to rupees one (01) million, and its repetition for thrice within the time as specified in the notice to be served shall lead to the cancellation of agreement.”.

14. Substitution of section 30 of the Khyber Pakhtunkhwa Act No. XII of 2016.---In the said Act, for section 30, the following shall be substituted, namely:

“30. Offences to be cognizable and non-bailable.---The offences, mentioned under this Act shall be cognizable and non-bailable and the Court of District and Session Judge shall take cognizance of offences punishable under this Act upon a complaint by an officer of the Authority, authorized by the Director General, in this behalf.”.

15. Substitution of section 32 of Khyber Pakhtunkhwa Act No. XII of 2016.---In the said Act, for section 32, the following shall be substituted, namely:

“32. Appeals against the orders of the Authority.---(1) Any person, aggrieved by any decision or order of the Director-General or any other officer of the Authority, acting under delegated powers of the Authority, may, within thirty days (30) of the receipt of such decision or order, appeal to the Chief Secretary, Khyber Pakhtunkhwa, to decide the issue within a period of one hundred and twenty (120) days.

(2) The Chief Secretary, Khyber Pakhtunkhwa, while exercising the powers under sub-section (1), may delegate his power to an officer, not below the rank of BPS-20, to hear and dispose of the appeal.

(3) The decision made in the appeal shall be final.”.

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16. **Amendment of section 33 of Khyber Pakhtunkhwa Act No. XII of 2016.**---In the said Act, in section 33, for the word “manger”, the word “manager” shall be substituted.

17. **Addition of the Schedule to the Khyber Pakhtunkhwa Act No. XII of 2016.**---In the said Act, after section 41, the following Schedule, at the end, shall be added, namely:

“SCHEDULE
[see sections 2(a-i) and 28]
OFFENCES WHERE TICKET CAN BE ISSUED

S.No.	Offence.	Amount of fine.	Officer to impose.
1.	Neglect in safe storage of eatable, drinkable and other consumable items sold or supplied to the public or overcharging.	Rs. 5,000/-	Authorized Officer
2.	a. Fixing of wooden khokhas, and temporary shops or extension thereof on footpaths or beyond the street line; and b. Plying of handcarts for the sale of goods without permission.	Rs. 15,000/-	Authorized Officer
3.	Failure by the owner or occupier of any land to clear away and remove any vegetation declared by authority to be injurious to health or offensive to neighborhoods.	Rs. 1,500/-	Authorized Officer
4.	Slaughtering of animals for the sale of meat at a place other than the place set apart for the purpose.	Rs. 12,000/-	Authorized Officer
5.	Without the permission of the Authority causing or knowingly or negligently allowing the contents of any sink, sewer or cesspool or any other offensive matter to flow, or drain or to be put upon any street, or public place, or into irrigation channel or any sewer or drain not set apart for the purpose.	a. Rs. 6,000/- in case of commercial concerns. b. Rs. 4,000/- for others	Authorized Officer
6.	Keeping or maintaining any cattle in any part of the prohibited area or failure to remove the cattle from the prohibited area within the specified time when an order to this effect has been made.	Rs. 2,000/-	Authorized Officer
7.	Keeping ferocious dogs or other animals in residential areas or taking such animals to public places or the areas specified by the authority, without leash or chain and without being muzzled or to set at large any animal or dog infected with rabies or any other infectious disease.	Rs. 2,000/-	Authorized Officer


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8.	Obstructing or tampering with any road, street drain or payment.	Rs. 25,000/-	Authorized Officer
9.	Obstructing or tampering with any main pipe, meter or any apparatus or appliance for the supply of water or sewerage system.	Rs. 50,000/-	Authorized Officer
10.	Without previous sanction of the Authority laying out a drain or altering any drain in as street or road; connecting any house drain with a drain in a public street; and drawing off; diverting or taking any water.	Rs. 7,000/-	Authorized Officer
11.	Excavation of earth, stone or any other material within such distance of the residential area as specified by the Authority.	Rs. 10,000/-	Authorized Officer
12.	Burying or burning a dead body at a place which is not a public or registered burial or burning place, except with the sanction of the authority.	Rs. 3,000/-	Authorized Officer
13.	Picketing, parking animals or collecting carts or vehicles on any street, using an street as a halting place for vehicle or animals or a place for encampment without permission of the Authority.	Rs. 2,000/-	Authorized Officer
14.	<p>a. throwing or placing any refuse, litter or garbage on any street, or in any place, not provided or appointed for the purpose by a Authority;</p> <p>b. failure to provide for disposal of litter or garbage inside or outside a hotel / shop etc. by its owner;</p> <p>c. failure to provide for disposal of litter or garbage inside or outside a shop by its owner; and</p> <p>d. failure to maintain clean premises of the area in front of a hotel, shop, office or factory up to the public street or road serving this facility.</p>	Rs. 5,000/-	Authorized Officer
15.	Watering cattle or animals, or bating or washing at or near a well or other source of drinking water for the public.	Rs. 1,500/-	Authorized Officer
16.	Steeping hemp, jute or any other plant in or near a pond or any other excavation within such distance of the residential area as may be specified by the Authority.	Rs. 3,000/-	Authorized Officer

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17.	Failure to provide, close, remove, alter, repair, clean, disinfect or put in proper order any latrine, urinal drain, cesspool or other receptacle for filth, water or refuse by an owner if a house, shop, office, industry or premises.	Rs. 10,000/- for commercial concerns Rs. 2,000/-	Authorized Officer
18.	Failure to clean the premises, houses, shops and cultivated lands of the plastic bags and other non-perishable materials.	Rs. 2,000/-	Authorized Officer
19.	Damaging or polluting physical environment, inside or outside private or public premises, in a manner to endanger public health.	Upto Rs. 2,0000/- for public premises Rs. 10000/- for private premises	Authorized Officer
20.	Failure by the owner or occupier of any land to cut or trim the hedges growing thereon which overhang any well, tank or other source from which water is derived for public use.	Rs. 1,500/-	Authorized Officer
21.	Failure by the owner or occupier of any land or building to clean, repair, cover, fill up or drain off any private well, tank or other source of water supply, which is declared under this Act to be injurious to health or offensive to the neighborhood.	Rs. 3,000/-	Authorized Officer
22.	Failure to stop leakages of water pipes, faucets and sanitary fittings resulting in dirty water pools affecting physical environment and breeding of mosquitoes.	Rs. 5,000/-	Authorized Officer
23.	Failure of an owner or occupier of any building or land to put up and keep in good condition troughs and pipes for receiving or carrying water or sullage water.	Rs. 3,000/-	Authorized Officer
24.	a. Fixing or allowing the fixing of any bill, notice, play card, poster or other paper or means of advertisement against or upon any private or public building or place other than the places fixed for the purpose by authority; and b. exhibiting any obscene advertisement.	Rs. 1,0000/-	Authorized Officer

25.	Loud playing of music or radio, beating of drum or tom-tom, blowing a horn or beating or sounding any brass or other instruments or utensils in contravention of any general or special prohibition issued by the authority or a hospital or an educational institution.	Rs. 3,000/-	Authorized Officer
26.	Loud shouting in abusive language causing distress to the inhabitants of the neighborhood or village or any other public place.	Rs. 3,000/-	Authorized Officer
27.	Using or allowing the use for human habitation of a building declared by authority to be unfit for human habitation.	Rs. 10,000/-	Authorized Officer
28.	Failure to lime-wash or repair a building, if so required by Authority.	Rs. 5,000/-	Authorized Officer
29.	Begging importunately for alms by exposing any deformity or disease or any offensive sore or wound to solicit charity.	Rs. 2,000/-	Authorized Officer
30.	Causing or permitting to be caused by any owner or keeper of an animal who through neglect or otherwise damage any land or crop or produce of land, or any public road, by allowing such animal to trespass thereon.	Rs. 3,000/-	Authorized Officer
31.	Kite flying in contravention of any general or specific prohibition issued by Authority.	Rs. 1,500/-	Authorized Officer
32.	Keeping pigeon or other birds in a manner causing danger to air traffic.	Rs. 5,000/-	Authorized Officer
33.	Digging of public land without the permission in writing of Authority.	Rs. 10,000/-	Authorized Officer
34.	Contravention of prohibition or direction of the Authority issued under the Act.	Rs. 1,500/-	Authorized Officer
35.	Non-disposal of building materials/debris.	Rs. 25,000/-	Authorized Officer
36.	Construction of illegal speed breaker on public roads/streets.	Rs. 20,000/-	Authorized Officer
37.	Illegal installations or alteration the water supply line.	Upto Rs. 500000/-	Authorized Officer
38.	Sewerage, Sanitation & other violations.	Rs. 1,0000/- upto 1 million	Authorized Officer.”.


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STATEMENT OF OBJECTS AND REASONS

It is desirable further to amend the Galiyat Development Authority Act, 2016 (Khyber Pakhtunkhwa Act No. XII of 2016). Hence, this Bill.

Peshawar,
dated:
07/01/ 2019.


MINISTER-IN-CHARGE.

Minister for Local Government
Elections & Rural Development
Khyber Pakhtunkhwa