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BILL No 89

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BILL

*to develop, manage and regulate Government Rest
Houses and Tourism Properties in the Province of
Khyber Pakhtunkhwa*

WHEREAS, Government is desirous to achieve one of its strategic goals to promote tourism and attract International and domestic tourists by providing them quality standards in hospitality sector, helping in more revenue generation to be spent for the development and enrichment of tourism industry within the Province of Khyber Pakhtunkhwa;

AND WHEREAS pursuant to the above objective and to attract more International and domestic tourists, it is necessary to transfer and bring all Government Rest Houses and Tourism Properties in the Province of Khyber Pakhtunkhwa under the administrative control of Sports, Tourism, Archaeology, Culture, Youth Affairs and Museums Department or Establishment Department and Administration Department, as the case may be, for development, management and regulation in a transparent and efficient manner and for matters connected therewith and ancillary thereto;

It is hereby enacted by the Provincial Assembly of Khyber Pakhtunkhwa as follows:

1. Short title, extent and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Government Rest Houses and Tourism Properties (Development, Management and Regulation) Act, 2020.

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

(3) It shall come into force at once.

2. Definitions.---In this Act, unless the context otherwise requires,-

(a) "Department" means the Establishment and Administration Department, or, as the case may be, the Sports, Tourism, Archeology, Museums, Culture and Youth Affairs Department of the Government, established under the Khyber Pakhtunkhwa Government Rules of Business, 1985, notwithstanding any subsequent change in nomenclature;

(b) "Government" means the Government of the Khyber Pakhtunkhwa;

(c) "Government Rest Houses" means all Government Buildings, in the character of Rest Houses, Inspection Bungalows, Dak Bungalows, Circuit Houses, Inspection

Huts and other such properties by whatever name described, and include Local Government Rest Houses, that are respectively managed by any Government department, entity or authority or by any local government under the Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No. XXVIII of 2013);

- (d) "outsourcing" includes any contractual arrangement for transfer of management, control or possession on the basis of rentals, lease, user fee, premium, signature bonus or other competitive methods of letting out for a specific term not exceeding thirty-three years, renewable from time to time on such terms and conditions as may be prescribed;
- (e) "prescribed" means prescribed by rules;
- (f) "rules" mean rules made under this Act; and
- (g) "Tourism Properties" include those properties of Pakistan Tourism Development Corporation which are to be handed over to Government and such other properties, tourist resorts, hotels and attractions that are developed, acquired, owned or managed by the Sports, Tourism, Archeology, Museums, Culture and Youth Affairs Department, from time to time.

Saima Siddiqui
Assistant Secretary
Law Department KPK

3. Taking over of possession of Government Rest Houses or a set of Rest Houses and Tourism Properties.---(1) Notwithstanding anything contained in any contract, agreement, memorandum, policy or any other deed executed, by or on behalf of the Government or local government, or any law including but not limited to the Khyber Pakhtunkhwa Forest Ordinance, 2002, rules, regulations, notifications, orders, instructions, revenue record etc. for the time being in force, the Government may, whenever deemed appropriate, notify in the official Gazette that any Government Rest House or a set of Rest Houses shall be taken over and vest in the respective Department:

Provided that the respective Department with previous approval of the Government may de-notify any property notified under this section and in consequences thereof, such property shall revert back to the status before such notification.

(2) Notwithstanding anything contrary contained in any law for the time being in force, or any title deed, the ownership of Tourism Properties shall vest in the Sports, Tourism, Archeology, Museums, Culture and Youth Affairs Department.

(3) Wherever applicable, the revenue record, relating to the Government Rest Houses or a set of Rest Houses and Tourism Properties shall accordingly be changed, upon transfer and possession to the respective Department.

4. Management of Government Rest Houses or a set of Rest Houses and Tourism Properties.---(1) Soon after the commencement of this Act, all the

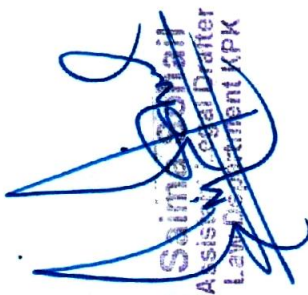
Government Rest Houses or a set of Rest Houses and Tourism Properties shall be managed by the respective Department, as notified by Government under section 3 of this Act, in the manner as provided in this Act and the rules made thereunder.

(2) Notwithstanding the generality of the foregoing provisions, the Government may-

(a) for better management, outsource a Government Rest House or a set of Rest Houses or a Tourism Property through a Technical Committee comprising such members of the Cabinet and such co-opted technical members as the Government may determine and -

(i) authorize the Committee, to determine the duration, method and other consideration of outsourcing under this Act;

(ii) allow the Committee to adopt any competitive mode, through public advertisement, for offering properties to interested parties:



Handwritten signature and official stamp of the Assistant Secretary, Government of Khyber Pakhtunkhwa. The stamp is circular and contains the text 'Assistant Secretary' and 'Government of Khyber Pakhtunkhwa'.

Provided that there shall be no requirement for the Committee to reserve a minimum bid price:

Provided further that in case no bid is received or the Committee deems that the bids received are not reflective of adequate economic consideration, it may direct the respective Department to continue with the existing arrangement to manage such Government Rest House or a set of Rest Houses and Tourism Properties:

Provided also that the Committee may propose to Government, termination of outsourcing, prior to completion of its term, if it is brought to their notice that any terms or conditions of outsourcing arrangements have been violated and no remedial measures are taken despite lapse of reasonable time so prescribed;

(b) offer such Government Rest House or a set of Rest Houses or Tourism Properties in Public Private Partnership as per Khyber Pakhtunkhwa Public Private Partnership Act, 2014 (Khyber Pakhtunkhwa Act No. XX of 2014); and

(c) direct the respective department to develop, manage and regulate Government Rest Houses or a set of Rest Houses and Tourism Properties in such a manner as it may deem appropriate.

5. Alteration, modification and other changes in the Government Rest Houses or a set of Rest Houses and Tourism Properties.---In the case of outsourcing, the party to whom such property has been outsourced may, alter, modify and make other necessary changes in the Government Rest Houses or a set of Rest Houses and in Tourism Properties with prior approval of the respective Department:

Provided that the Lessee shall in no case change the purpose of the property concerned for which it has been outsourced.

6. Status of the Government Rest Houses or a set of Rest Houses and Tourism Properties.--- Subject to sub-section (1) of section (3) of this Act, after taking over by the respective Department, any Government Rest House or a set of Rest Houses or Tourism Properties,-

(i) all movable and immovable assets including furniture, fixtures, equipment, vehicles, record, data etc and all other liabilities, rights and interests arising out of such Government Rest House or a set of Rest Houses and Tourism Properties shall stand transferred alongwith its ownership to the respective Department;

(ii) upon taking over by the respective Department, the services of the employees of a Government Rest House or a set of Rest Houses and Tourism Properties shall be determined as follows:

- (a) all the employees of a Government Rest House or a set of Rest Houses shall remain at the strength of their parent department. They shall continue to hold their respective positions and their terms and conditions of service and other matters relating thereto shall not be affected, till the outsourcing of such Government Rest Houses or a set of Rest Houses under clause (a) of sub-section (2) of section 4 of this Act, whereafter,
 - (i) all the employees of such Government Rest House, except Local Government Rest Houses or a set of Rest Houses shall report back to their respective parent department;
 - (ii) the services of the employees of a Local Government Rest House shall be settled as per mutual consent of the lessee, employees concerned and their respective Local Government; and
 - (iii) the services of all the employees of Tourism Properties shall be determined in accordance with the decision of their respective Board of Directors, if any.

7. **Removal of difficulty.**---If any difficulty arises in giving effect to any of the provision of this Act, Government may constitute an Inter-Departmental Committee or Committees, to be headed by the Chief Secretary, Khyber Pakhtunkhwa and be assisted by such number of members as Government may determine:

Provided that Government shall exercise such powers for a period of two years, after the commencement of this Act:

Provided further that Committee so constituted may complete its recommendations in the period not later than six months.

8. **Power to make rules.**--- Government may make rules to carry out the purposes of this Act.

9. **Indemnity.**--- No suit, prosecution or other legal proceedings shall lie against Government or authority subordinate to Government, or a member of the committee in respect of anything which is done in good faith or intended to be done under this Act.

10. **Repeal and saving.**--- (1) On the issuance of the notification under sub-section (1) of section 3 of this Act, all legal instruments, notifications and executive orders etc. issued by Communication and Works Department, Local Government and Rural Development Department, Environment and Wildlife Department, Irrigation Department and Police Department shall stand repealed to the extent of administration and control of Government Rest Houses or a set of Rest Houses and Tourism Properties.

(2) Notwithstanding the aforesaid repeal, anything done, action taken, rule made and notification or order issued, shall, not so far inconsistent with the provisions of this Act, be deemed to have been done, taken, made or issued, under this Act and shall have effect accordingly.

STATEMENT OF OBJECTS AND REASONS.

Government of Khyber Pakhtunkhwa is desirous to achieve one of its strategic goals to promote tourism and attract international and domestic tourists by providing them quality standards in hospitality sector, helping in more revenue generation to be spent for the development and enrichment of tourism industry within the province of Khyber Pakhtunkhwa. Hence this Bill.

Peshawar,
dated the
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MINISTER-IN-CHARGE