

**THE PUNJAB SPECIAL PREMISES (PRESERVATION),  
ORDINANCE, 1985**

*The 27th February, 1985.*

**No. Legis. 3(34) / 85** - The following Ordinance by the Governor of the Punjab is hereby published for general information:-

**PUNJAB ORDINANCE NO. XXXIV of 1985**

*An Ordinance to provide for the preservation of certain premises in the Punjab.*

**Preamble**

Whereas it is expedient to preserve certain premises of historical, cultural and architectural value in the Punjab and to control and regulate alterations therein and demolition and re-erection thereof and for matters ancillary thereto;

Now, therefore, in pursuance of the Proclamation of the fifth day of July, 1977 (CMLA Order No. 1 of 1977) and the Provisional Constitution Order, 1981 (CMLA Order No. 1 of 1981) the Governor of the Punjab is pleased to make and promulgate the following Ordinance:-

**Short title and commencement**

1. (1) This Ordinance may be called the Punjab Special Premises (Preservation) Ordinance, 1985.
- (2) It shall extend to the whole of the Punjab;
- (3) It shall come into force at once.

**Definition**

2. In this Ordinance unless the subject or context otherwise requires:-
  - (a) "Special Premises" means any premises of historical, cultural or architectural value declared as such by the Government by notification and includes the land externally appurtenant thereto and the outer walls thereof;
  - (b) "Committee" means a Committee constituted under section 3(1) of this Ordinance.

**Constitution of Committees**

3. (1) The Government may by notification appoint one or more Committees for the purposes of this Ordinance which shall perform such functions as the Government may determine.
- (2) The Government or a Committee may appoint a Committee of Experts to advise the Government or a Committee with regard to matters relating to this Ordinance.

### **Ordinance to over-ride other laws**

4. The provisions of this Ordinance shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force.

### **Prohibition of destruction etc. Special Premises**

5. No alteration in or renovation, demolition or re-erection of such portion of a Special Premises as is visible from outside, or any part of such portion, shall be effected without the prior permission in writing of the Government or a Committee.

### **Restriction on sanctioning of plan**

6. No authority or local body shall approve any plan in relation to a Special Premises without the prior permission of the Government or a Committee and any such plan sanctioned before the coming into force of this Ordinance shall be of no effect unless approved by the Government or a Committee.

### **Prohibition of destruction etc. of Special Premises**

7. No person shall, except for carrying out the purposes of this Ordinance destroy, break, damage, injure, deface or mutilate or scribble, write or engrave any inscription or sign on such portion of a Special Building as is mentioned in Section 5.

### **Direction for restoration of original position**

8. (1) If such work as is mentioned in Section 5 has been carried out in relation to a Special Premises before the coming into force of this Ordinance or in contravention of section 5, 7 or 8 the Government or a Committee may by order direct the owner thereof to restore it to its original position within such time as may be specified in the order.

(2) If the owner fails to comply with the order the Government or a Committee may take all necessary measures to give effect to it and the expenses incurred for the purpose shall be recoverable from the owner as arrears of land revenue.

### **Direction to the owner to take measures for preservation of Special Premises**

9. (1) Where the Government or a Committee considers that any Special Premises is not being preserved or conserved properly by its owner, the Government or a Committee may, by order in writing, direct the owner to take such measures for its proper preservation and conservation, and within such time and on such terms and conditions as may be specified in the order.

(2) If the owner fails to take the measures specified in the order referred to in sub-section (1), the Government or a Committee may take all such measures in respect of the Special Premises and the expenses incurred for the purpose shall be recoverable from the owner as arrears of land revenue unless the Government directs otherwise.

### **Compulsory acquisition of Special Premises**

10. If the Government apprehends that a Special Premises is in danger of being destroyed, injured or allowed to fall into decay, it may, acquire it or a part thereof under the Land Acquisition Act, 1894 (I of 1894), as for a public purpose.

### **Execution of development schemes and new constructions in proximity to Special Premises**

11. No development plan or scheme or new construction on, or within a distance of two hundred feet of, a Special Premises shall be undertaken or executed except with the approval of the Government or a Committee.

### **Prohibition of bill posting neon signs, other kinds of advertisements, etc.**

12. No person shall put any neon signs or other kinds of advertisement, including hoardings, bill postings, commercial signs, poles or pylons, electricity or telephone cables and television aerials, on or near any Special Premises without the prior permission in writing of the Government or a Committee.

### **Voluntary contributions**

13. The Government may receive voluntary contributions and donations for the acquisition, preservation or restoration of Special Premises and may make suitable arrangements for the management and application of the money so received.

Provided that a contribution or donation made for any specified purpose shall not be applied to any purpose other than that for which it has been made.

### **Penalty**

14. (1) Whoever contravenes the provisions of this Ordinance or the rules shall be liable to imprisonment which may extend to one year or with fine or with both.

(2) The court trying an offence under sub-section (1) may direct that the whole or any part of the fine re-covered shall be applied for defraying the expenses of restoring the Special Premises to the condition in which it was before the commission of an offence relating thereto.

### **Jurisdiction to try Offences**

15. No court shall take cognizance of an offence punishable under this Ordinance except upon a complaint in writing made by an officer generally or specially empowered in this behalf by the Government and no court inferior to that of a magistrate of the first class shall try any such offence.

### **Rules**

16. The Government may frame rules to carry out the purposes of this Ordinance.

Dated Lahore, the  
25th February, 1985

## NOTIFICATIONS

*Lahore the 23rd November, 1994.*

No. SOCUL(INF)5-5/90. In exercise of the powers conferred on him under Section 16 of the Punjab Special Premises (Preservation) Ordinance, 1985, the Governor of the Punjab is pleased to make the following Rules:-

### THE PUNJAB SPECIAL PREMISES (PRESERVATION) RULES, 1993

1. These Rules may be called the Punjab Special Premises (Preservation) Rules, 1994.
2. In these rules, unless there is anything repugnant in the subject or context:-
  - (a) "Administrative Secretary" means the Secretary to Government incharge of the Department dealing with the subject of Archaeology.
  - (b) "Director General" means the Director General of Archaeology, Punjab and includes an officer authorized by him to exercise or perform all or any of the powers or functions of the Director General under these Rules.
  - (c) "Owner" includes existing owner or occupier or manager of the Special Premises.
3. To declare any premises as a Special Premises under the provision of Section 2(a) of the Ordinance, the following procedure shall be followed :-
  - (a) When a premises is to be examined a notice shall be given by the Director General to the owner of the Premises fixing a date on which the Director General or a person authorized by him shall examine the premises.
  - (b) If the Director General considers that a premises is to be declared a special premises he may prepare drawings, plans, photographic survey and collect any other information or material necessary for determining the feasibility of declaring the premises as a Special Premises.
  - (c) A notice shall be given to the owner of the premises requiring the owner to file objections, if any, with the Administrative Secretary within a month from the date of the notice against the proposed declaration of the building as a Special Premises.
  - (d) The objection if, any will be examined and disposed of by the Administrative Secretary and, if he deems appropriate, he may decide the same after consultation with the Committee appointed by the Government under Section 3 of the Ordinance:

Provided that if no objection is received within the period prescribed in

the notice the premises may be declared as Special premises on the expiry of the said period.

- (e) The owner may file an appeal to the Chief Secretary, Punjab, or an officer authorized by him against the decision of the Administrative Secretary within a period of one month from the date the order of Administrative Secretary is communicated to him. The decision of the Chief Secretary will be final.

4. All major repairs, additions and alterations in respect of a Special Premises shall be carried out by the owner under the guidance and directions of the Director General with prior approval of the Administrative Secretary.

5. Subject to the consent of the owner and the approval of the Government, the Director General may be appointed the Caretaker of a Special Premises in the terms and conditions agreed upon by the parties.

6. If a Special Premises owned privately is not being used as a commercial place or a residence, the Government through the Director General may take all such measures for the preservation of such Special Premises with its own resources.

7. If a special premises is owned by the Government, a statutory corporation or a body owned or controlled by the Government and is not being used for commercial purposes, the Government may through the Director General take all such measures as may be necessary for the preservation of the said premises with its own resources.