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THE PUNJAB SAFE CITIES AUTHORITY ACT 2016 (I of 2016)

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TEXT

THE PUNJAB SAFE CITIES AUTHORITY ACT 2016

(I of 2016)

[6th February, 2016]

**An
Act**

to provide for the establishment of Punjab Safe Cities Authority.

It is necessary to establish Punjab Safe Cities Authority for purposes of construction, development and maintenance of a city-wide integrated command, control and communications (IC3) system in the major cities of the Punjab in order to ensure safety and security of the people, and for other purposes;

Be it enacted by Provincial Assembly of the Punjab as follows:—

1. Short title, extent, commencement and application.— (1) This Act may be cited as the Punjab Safe Cities Authority Act 2016.

(2) Subject to subsection (4), it shall extend to whole of the Punjab.

(3) It shall come into force at once.

(4) It shall apply to the city of Lahore and such other cities as the Government may, from time to time, by notification in the official Gazette, specify.

2. Definitions.— (1) In this Act:

(a) “ancillary facilities” include the facilities and equipment provisioned or developed by the Authority including fences, cameras, poles, wiring, antennas, surveillance systems, control rooms, generators, lights, fans and other facilities;

(b) “asset” means moveable and immoveable property owned or controlled by the Authority;

(c) “Authority” means Punjab Safe Cities Authority established under the Act;

(d) “Chairperson” means the Chairperson of the Authority;

(e) “Chief Operating Officer” means the Chief Operating Officer of the Authority;

(f) “city” means the city of Lahore and includes such other city as the Government may specify under subsection (4) of section 1;

(g) “equipment” means all the equipment operated by the Authority throughout the city;

(h) “Executive Committee” means the Executive Committee of the Authority;

(i) “Fund” means the Fund established under the Act;

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

- (k) "IC3" means the Integrated Command, Control and Communication Centre established and maintained by the Authority;
- (l) "Management Committee" means the Management Committee of the Authority;
- (m) "Managing Director" means the Managing Director of the Authority; and
- (n) "prescribed" means prescribed by the rules made or regulations framed under the Act.

(2) An expression used in this Act but not defined shall have same meaning as assigned to it under the Police Order, 2002 (C.E. Order No.22 of 2002).

3. The Authority.– (1) The Government shall, by notification in the official Gazette, establish an Authority to be called Punjab Safe Cities Authority.

- (2) The Authority shall consist of the following:
- (a) Chief Minister of the Punjab; Chairperson
 - (b) Vice Chairperson to be nominated by the Chief Minister; Vice Chairperson
 - (c) Minister for Finance, Punjab; Member
 - (d) one member of National Assembly of Pakistan and four public representatives, including three members of Provincial Assembly of the Punjab of whom at least one shall be a woman member of the Assembly to be nominated by the Government; Members
 - (e) Chief Secretary, Punjab; Member
 - (f) Chairman, Planning and Development Board of the Government; Member
 - (g) Provincial Police Officer, Punjab; Member
 - (h) Secretary to the Government, Home Department or his nominee not below the rank of an Additional Secretary; Member
 - (i) Secretary to the Government, Finance Department or his nominee not below the rank of an Additional Secretary; Member
 - (j) Chairman, Punjab Information Technology Board; Member
 - (k) Heads of District Police of the cities to which the Act applies; Member(s)
 - (l) three eminent persons including at least one woman from the general public or academia, having knowledge of and exposure to law enforcement or other related information technology based projects to be nominated by Members

the Government for a specified period;

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| (m) | Managing Director; and | Member |
| (n) | Chief Operating Officer. | Member/ Secretary |

(3) The Authority shall be a body corporate, having perpetual succession and a common seal with power to acquire, hold and dispose of property and may, by the said name, sue and be sued.

(4) The Authority shall not dispose of any asset without prior permission in writing of the Government.

(5) The Authority shall meet at such time and place and shall observe such procedure with regard to transaction of business at its meetings as may be prescribed, and until so prescribed, as may be directed by the Chairperson.

(6) One half of the total members shall constitute the quorum for a meeting of the Authority.

4. Powers and functions.– (1) Subject to the provisions of this Act, the Authority may exercise such powers and perform such functions as may be necessary for carrying out the purposes of the Act.

- (2) In particular, the Authority shall perform the following functions:
- (a) To maintain and develop command, control and communication centers and other related facilities;
 - (b) to plan, construct and maintain IC3 for future expansion;
 - (c) to enter into contracts, grant licenses, leases, make other arrangements and to perform all tasks necessary for efficient functioning of IC3;
 - (d) to incur all necessary expenditure for planning, construction and maintenance of IC3 including administrative expenses;
 - (e) to acquire, hold and, subject to this Act, dispose of property;
 - (f) to make adequate arrangements for effective security of equipment and other ancillary facilities;
 - (g) to establish and maintain an effective oversight mechanism;
 - (h) to give directions to any person or agency for not interfering in any way with the infrastructure, facilities and smooth functioning of the Authority;
 - (i) to monitor and enforce contracts including concession agreements, licenses or leases entered into or granted by the Authority;
 - (j) to constitute a committee for performance of any of the functions of the Authority or to make recommendations to the Authority; and
 - (k) to perform such other related functions as the Government may assign.

5. Executive Committee.– (1) The Authority shall have an Executive Committee consisting of the following:

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| (a) | Chief Secretary, Punjab; | Chairman |
| (b) | Secretary to the Government, Home Department or his nominee not below the rank of an Additional Secretary; | Member |
| (c) | Provincial Police Officer, Punjab; | Member |
| (d) | Chairman Planning and Development Board, Punjab; | Member |
| (e) | Secretary to the Government, Finance Department or his nominee not below the rank of an Additional Secretary; | Member |
| (f) | Secretary to the Government, Communication and Works Department or his nominee not below the rank of an Additional Secretary; | Member |
| (g) | Chairman Punjab Information Technology Board; | Member |
| (h) | Managing Director; and | Member |
| (i) | Chief Operating Officer. | Member/ Secretary |

- (2) The Executive Committee shall perform the following functions:
- (a) to steer and monitor the projects undertaken by the Authority;
 - (b) to effect coordination between the Authority and other public sector agencies;
 - (c) to take appropriate decisions on proposals referred to it by the Management Committee and, if necessary, to refer the same to the Authority for consideration;
 - (d) to ensure that the functions and targets under the Act are achieved; and
 - (e) to perform such functions as may be delegated or assigned to it by the Authority.

6. Management Committee.— (1) The Authority shall have a Management Committee consisting of the following:

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| (a) | Provincial Police Officer, Punjab; | Chairman |
| (b) | Managing Director; | Member |
| (c) | Heads of District Police of the cities to which the Act applies; | Member |
| (d) | a representative of the Government, Home Department; | Member |
| (e) | a representative of the Government, Finance Department; | Member |
| (f) | a representative of the Government, | Member |

- Planning and Development Department;
- (g) a representative of the Government, Member
Communication and Works Department;
- (h) a representative of the Punjab Member
Information Technology Board; and
- (i) Chief Operating Officer. Member/ Secretary

(2) The Management Committee shall perform such functions and in such manner as may be prescribed and until so prescribed, as the Authority may assign or determine.

7. Managing Director.– (1) The Government shall appoint a police officer not below the rank of Deputy Inspector General of Police as Managing Director on such terms and conditions as may be determined by the Government.

(2) The Managing Director shall be the chief executive of the Authority and shall:

- (a) perform such functions and exercise such powers as the Authority may assign or delegate; and
- (b) ensure that each IC3 facility is ready and at the disposal of the Head of District Police for running police operations in the areas of responsibility.

8. Chief Operating Officer.– (1) The Government may appoint any person as the Chief Operating Officer on such terms and conditions as may be determined by the Government.

(2) The Chief Operating Officer shall be the secretary of the Authority, Executive Committee and Management Committee.

(3) The Chief Operating Officer shall:

- (a) summon meeting of the Authority, Executive Committee or Management Committee on direction of the Chairperson of the Authority or Chairman of the Executive Committee or Management Committee; and
- (b) perform such functions as may be assigned to him by the Authority, Executive Committee, Management Committee or Managing Director.

9. Employees etc.– (1) The Authority may appoint such officers, experts, consultants and other employees as it considers necessary for efficient performance of its functions, in such manner and on such terms and conditions as may be prescribed and, until so prescribed, as may be approved by the Government.

(2) The Authority may, by regulations, provide for efficiency, discipline and accountability of its employees or adapt any existing rules for the purpose, with such modifications as may be necessary.

10. Fund.– (1) There shall be established a fund to be known as the IC3 Fund, which shall vest in the Authority and shall be utilized by the Authority to meet all its

expenses and charges in connection with the discharge of its functions and powers under this Act, including the payment of salaries and remuneration to its employees.

(2) All monies credited in the Fund shall be deposited in an account with a Scheduled Bank approved by the Authority.

(3) The Fund shall consist of:

- (a) grants from the Government or Federal Government or any other body or organization;
- (b) foreign aid;
- (c) foreign loans raised by the Authority with the prior approval of the Government and on such terms and conditions as the Government may specify;
- (d) proceeds of all charges and income from sale of assets, and any recovery made under the Act; and
- (e) such other sums as may be received by the Authority.

11. Accounts.— The Authority shall maintain proper accounts and other relevant records and prepare annual statement of accounts in such form as may be prescribed.

12. Budget.— The Management Committee shall prepare, every year, a budget in respect of the next financial year showing the estimated receipts and expenditures of the Authority and shall submit the same to the Authority for approval in such form and at such time as may be prescribed.

13. Audit.— (1) The Auditor General of Pakistan shall audit the accounts of the Authority.

(2) The Managing Director shall, within six months of the close of the financial year, submit the annual statement of accounts along with the report of the auditor to the Authority.

14. Public servants and experts.— (1) The employees of the Authority shall be deemed as public servants in terms of section 21 of the Pakistan Penal Code 1860 (XLV of 1860).

(2) An employee of the Authority working with information technology related matters shall be deemed to be an expert within the meaning of Article 59 of the Qanun-e-Shahadat Order, 1984 (X of 1984), and shall be deemed to have been appointed under section 510 of the Code of Criminal Procedure, 1898 (V of 1898).

15. Delegation.— The Authority may, subject to such conditions as it deems appropriate, delegate to the Chairperson, Vice Chairperson, Executive Committee, Managing Committee, Managing Director or an officer of the Authority any of its functions under this Act, except the following functions:

- (a) framing of regulations;
- (b) approval of budget; and

- (c) determination of terms and conditions, efficiency and discipline of employees of the Authority.

16. Immunity.— No suit, prosecution or any other legal proceedings shall lie against the Authority, the Chairperson, Vice Chairperson, Managing Director, Secretary, any member, officer, employee, expert or consultant of the Authority, in respect of anything done or intended to be done in good faith under this Act.

17. Overriding effect.— In the event of any conflict or inconsistency between this Act and any other law, the provisions of the Act shall, to the extent of such conflict or inconsistency, prevail.

18. Rules.— The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

19. Regulations.— Subject to this Act and the rules, the Authority may, by notification in the official Gazette, frame regulations for giving effect to the provisions of the Act.

20. Power to remove difficulties.— If any difficulty arises in giving effect to the provisions of this Act, the Government may, by notification, not inconsistent with the provisions of the Act, remove the difficulty.

21. Validation.— Notwithstanding the repeal of the Punjab Safe Cities Authority Ordinance 2015 (XVI of 2015), any action of the Authority or of any person on behalf of the Authority taken from the date of repeal of the said Ordinance and till the date of commencement of this Act shall be deemed to have been taken under the Act.