

**A
DRAFT
of
the Agra Tourism Promotion & Cultural Heritage
Conservation Authority Bill, 2012
for its
kind consideration**

(for its enactment by State of U.P.)

Statement of Objects and Reasons of the Bill

Agra has its unique identity in the global tourism map. It has three UNESCO World Heritage Monuments – Taj Mahal, Agra Fort & Fatehpur Sikri. Besides these monuments, a large number of the centrally protected monuments of the national importance are also located here. Agra's cultural heritage is also rich, be it in the field of inlay works, carpets, *zardozi*, footwear and other handicrafts, which are known worldwide.

Agra merits to be developed and promoted as a '*model tourist destination*' to enhance Agra's prosperity besides opening new vistas of employment. Our cultural heritage and monuments need to be aggressively marketed, both nationally and internationally by adopting a cohesive and proactive approach by establishing inter-departmental coordination.

A statutorily empowered body is needed to coordinate by taking effective steps to project Agra as a tourist friendly city with all modern tourism infrastructure. The proposed Authority would also explore the immense tourism potential of the city, as it would have its full focus to work for the tourism sector and also to help to conserve Agra's rich cultural heritage, besides promoting its environment also.

Keeping this in view, the Bill also proposes for the preparation of a *Vision Plan* after public feedback, consultation and participation. It proposes for the annual calendar of the tourism related activities. The Bill also seeks to empower the proposed Authority to ensure amenities in the tourism areas.

The establishment of the proposed Authority would strengthen the existing infrastructure besides creating new ones in the surroundings of the tourists' places; it would also get created and constructed new permanent tourist venues; it would also get improved and beautified the surroundings of the monuments and heritage sites; it would also motivate and mobilize other concerned departments and agencies for framing the requisite schemes; it would take effective steps to curb anti-tourism activities; it would facilitate to enhance the experience of the tourists and would also market nationally and internationally the cultural heritages. The service, studies and researches by the accredited institutions at the instance of the proposed Authority would go a long way to address several complex issues of the tourism sector.

The State Level Empowered Committee, as proposed in the Bill, would help to streamline the efforts needed for the tourism by removal of the procedural and inter-departmental hurdles. The monitoring by such empowered Committee would also smoothen the implementation of the various projects. The District Level Advisory Councils would also be given a significant role by providing them a meaningful opportunity to give their valuable suggestions and feedback. A regular interaction with the stakeholders would also be a telling feature of the proposed legislation.

Moreover, the proposed Reviewing Authority, to be headed by the Chief Minister of the State, would prove instrumental in effective monitoring and implementation of the plans and projects.

In nutshell, the cohesive approach and concerted efforts is sought to be ushered through the proposed Authority for the exponential growth of tourism at Agra.

Hence, the Bill.

The Agra Tourism Promotion & Cultural Heritage Conservation Authority Bill, 2012

(Draft)

Section	Contents	Page
CHAPTER I – Preliminary		
1.	Short title, extent and commencement	
2.	Definitions	
CHAPTER II – Authority & its objects		
3.	Declaration of tourism area	
4.	Constitution of Authority	
5.	Member Secretary of the Authority	
6.	Staff of the Authority	
7.	Project Management Unit (PMU) of the Authority	
8.	Objects of the Authority	
9.	Authority Security Force	
10.	Requisitioning of services of officers or employee of other departments	
11.	District Level Advisory Councils	
12.	State Level Empowered Committee	
13.	Reference to the State Level Empowered Committee	
14.	Reviewing Authority	
CHAPTER III – Vision Plan of Tourism Area		
15.	Vision Plan for the development of tourism area	
16.	Calendar of annual activities and marketing campaign	
17.	Authority to prepare programs	
18.	Tourism projects on various models	
19.	Outsourcing studies and survey etc.	
20.	Regular interaction with stakeholders	
21.	Information about developments in tourism area	
22.	Authority's website	
CHAPTER IV – Finance, Accounts and Audit		
23.	Authority Fund	
24.	Budget	
25.	Subventions and loans to the Authority	
26.	Power of Authority to borrow	
27.	Accounts and Audit	
28.	Power to impose cess	
29.	Additional stamp duty on certain transfers of property	
30.	Toll for amenities	
31.	Power of the Authority to provide amenity or carry out development at the cost of owner	
32.	Mode of recovery of money due to Authority	

CHAPTER V – Acquisition and Disposal of Land		
33.	Compulsory acquisition of land	
34.	Disposal of land by the authority	
CHAPTER VI – Restrictions in Tourism Area		
35.	Declaration of parking and non-parking areas	
36.	Dress code	
37.	Signages, Outdoor Display & Hoardings	
38.	Regulation of building elevation	
39.	Ban on unauthorized vending of goods in the notified areas	
40.	Maintenance of cleanliness in notified areas	
41.	Ban on certain persons with notorious antecedents	
42.	Ban on vendors trying to forcefully sell goods	
43.	Ban on procession, rallies, road blockade, dharnas etc. in tourist area	
44.	Removal of encroachment	
45.	Maintenance and improvement of facade of certain building abutting road.	
46.	Encroachment or obstruction of public streets in the surroundings of monuments	
47.	Prohibition of keeping cattle	
CHAPTER VII – Penalties and Prosecution		
48.	Penalties	
49.	Penalty for breach of the provisions of the Act	
50.	Offences by companies	
51.	Sanction of prosecution	
52.	Fines when realised to be paid to the Authority	
53.	Composition of offences	
54.	Authority may compromise claims by or against it	
CHAPTER VIII – Supplemental and Miscellaneous provisions		
55.	Maintenance of Complaint Register by Authority	
56.	Unauthorized use of a premises as a hotel	
57.	Information about travel agents	
58.	Souvenir shops /emporia	
59.	Control by State Government	
60.	Directions by the Authority	
61.	Directions by the Authority regarding expenditure and development	
62.	Annual Report	
63.	Returns and Inspections	
64.	Authentication of orders and documents of Authority	
65.	Members and Officers to be public servants	
66.	Protection of action taken in good faith	
67.	Power to delegate	
68.	Right to call for information	
69.	Power to make rules	
70.	Power to make regulations	
71.	Dissolution of Authority	
72.	Overriding effect of this Act	
73.	Power to remove difficulties	

(Bill No. of 2012)

The Agra Tourism Promotion & Cultural Heritage Conservation Authority Bill, 2012

An Act to provide for the establishment of the 'Agra Tourism Promotion & Cultural Heritage Conservation Authority' with a view to provide a statutorily empowered body to promote and strengthen the tourism at Agra and to project it as a Model Tourist Destination of world class, besides conserving its rich cultural heritage.

Be it enacted by the Uttar Pradesh Legislature in the Sixty Third Year of the Republic of India as follows:

CHAPTER I – Preliminary			
1.	Short title, extent and commencement	(1)	This Act may be called the Agra Tourism Promotion & Cultural Heritage Conservation Authority Act, 2012.
		(2)	It shall come into force on such date as the State Government may, by notification, in the Official Gazette, appoint but in any case with in three months from the date of its commencement.
2.	Definitions	In this Act, unless the context otherwise requires,—	
		(a)	' <i>Authority</i> ' means the Agra Tourism Promotion & Cultural Heritage Conservation Authority constituted under S. 4 of this Act;
		(b)	' <i>Appointed day</i> ' means the day appointed for bringing into force any or all the provisions of the Act;
		(c)	' <i>Chairperson</i> ' means the chairperson of the Authority appointed under S. 4 of this Act;
		(d)	' <i>Cultural heritage</i> ' includes architecture, local arts & craftsmanship, buildings, artefacts, structures, streets, areas and precincts of historic or aesthetic or architectural or cultural or environmental significance and also those natural features of environmental significance and the sites of scenic beauty including, but not restricted to, sacred groves, hills, hillocks, water bodies (and the areas adjoining the same), open areas, wooded areas, points, walks, rides, bridle paths.
		(e)	' <i>District Level Advisory Council</i> ' means the council constituted under S. 10 of this Act.

		(f)	'Government' means the Government of Uttar Pradesh;
		(g)	'Land' includes benefits arising out of land and things attached to the earth or permanently fastened to anything attached to the earth;
		(h)	'Owner' means a person or body whether natural or juristic, having a legal interest in land and /or building thereon, which would include proprietors, lessee, sub-lessee, occupier, allottee or a person in possession of such land or building.
		(i)	'Prescribed' means prescribed by rules made under this Act.
		(j)	'Rule' means a rule made under this Act by the State Government;
		(k)	'Regulations' means the regulations framed under this Act;
		(l)	'State Level Empowered Committee' means the Committee constituted under S. 11 of this Act;
		(m)	'Tourism Development Authority' means an authority constituted under S. 4(1) of this Act;
		(n)	'Tourism area' means an area declared by the State Government under S. 3 of this Act, but excluding the area referred to as the protected area under the Ancient Monuments and Historical Sites and Remains Act, 1958 (Central Act No. 24 of 1958) as amended from time to time.
		(o)	'Vision Plan' means the plan prepared under S. 14 of this Act which would include as may be modified from time to time.
CHAPTER II – Authority & its objects			
3.	Declaration of tourism area		The State Government may, by notification in the official Gazette, declare any area or areas, falling within the district of Agra, having tourism potential in view of its location, monuments, cultural heritage or natural beauty and requiring conservation, development, regulation and monitoring, to be tourism area or areas.

		<p>Provided that the State Government may, time to time, vary the area so declared on being satisfied about the need for change.</p> <p>Provided that the area referred to as the protected area under the Ancient Monuments and Historical Sites and Remains Act, 1958 (Central Act No. 24 of 1958) as amended from time to time shall not form the part of the tourism area.</p>	
4.	Constitution of Authority	(1)	The State Government may, by notification in Gazette, constitute for the purposes of this Act, an Authority to be called Agra Tourism Promotion & Cultural Heritage Conservation Authority for an area declared as the tourism area under Section 3 of this Act.
		(2)	The Authority shall be a body corporate, having perpetual succession and a common seal with power to acquire, hold and dispose of property, both movable and immovable and to contract and shall by the said name sue and be sued
		(3)	The Authority, referred to in sub-section (1) shall meet every month with a view to consider pending issues and to monitor or supervise the implementation of the directions issued by it from time-to-time.
		(4)	The Authority for an area shall consist of the following members, namely, –
		(a)	a Chairperson, who would be the Commissioner of Agra Division, <i>ex officio</i> .
		(b)	the Inspector General of Police of Agra Zone, <i>ex officio</i> .
		(c)	the District Magistrate of Agra, <i>ex officio</i> .
		(d)	The Vice Chairman of the Development Authority constituted under the UP Urban Planning and Development Act, 1973
(e)	the Municipal Commissioner of the Agra Municipal Corporation.		
(f)	the Superintendent of Police, Agra, <i>ex officio</i> .		
(g)	an officer authorized by the Secretary of the State Government, incharge of the Department of Finance.		

			(h)	the Chief Town and Country Planner, Uttar Pradesh, <i>ex officio</i> or any other officer not below the rank of Associate Planner authorized in that behalf.
			(i)	an officer authorized by the Secretary to the State Government incharge of the department in which, for the time being, the business relating to tourism is transacted.
			(j)	an officer authorized by the Secretary to the Government of India in the Ministry of Tourism, <i>ex officio</i> .
			(k)	the Manager, Ministry of Tourism, Government of India, posted at Agra.
			(l)	Divisional Forest Officer, Agra, <i>ex officio</i> .
			(m)	the Scientist and Incharge, posted at Agra in the office of Central Pollution Control Board, <i>ex officio</i> .
			(n)	the Regional Officer of the UP Pollution Control Board having jurisdiction in respect of the territorial limits of the authority, as declared under S. 3 of this Act, <i>ex officio</i> .
			(o)	an officer authorized by the Secretary, Department of Culture of the State Government, to represent the affairs of the State Archaeology, <i>ex officio</i> .
			(p)	Chief Executive Officer of Agra Cantonment Board, <i>ex officio</i> .
			(q)	the Managing Director of <i>Dakshinanchal Vidyut Vitran Nigam Ltd.</i> or its successor body, <i>ex officio</i> .
			(r)	the Chief Engineer of the Jal Nigam established under the Uttar Pradesh Water Supply and Sewerage Act, 1975, <i>ex officio</i> .
			(s)	the Superintending Archaeologist, Archaeological Survey of India, Agra Circle, Agra, <i>ex officio</i> .
			(t)	four members to be elected by <i>Sabhasads</i> of the Agra Municipal Corporation for the city of Agra from amongst themselves.

			<p>Provided that such <i>Sabhasad</i> should be of the territorial area or part thereof as declared by the State Government under S. 3 of this Act.</p> <p>Provided that any such member shall cease to hold office as soon as he ceases to be <i>Sabhasad</i> of the Municipal Corporation.</p>
		(u)	such other members not exceeding three as may be nominated by the Government, having special knowledge or experience in the field of art, culture, architecture, heritage conservation, tourism, infrastructure development and other related and ancillary spheres.
		(v)	Such other person or persons from the public who may be invited to a meeting or meetings of the Authority by the Chairman of the Authority in view of their eminence, experience, qualification and interest but such person shall have no right to vote.
		(w)	The Additional Director, Department of Tourism of Uttar Pradesh Government, who would be Member Secretary.
		(5)	The member of Parliament and the Mayor of Agra would be the distinguished invitees of the Authority, to whom the authority shall sent a proper and timely invitation to them.
		(6)	The Chairman of the Authority shall be entitled to receive from the funds of the Authority such salaries, honorarium or allowances and be governed by such conditions of service as may be determined by general or special order of the State Government in this behalf.
		(7)	No act or proceedings of the Authority shall be invalid by reason of the existence of any vacancy in, or defect in the constitution of, the Authority.
5.	Member Secretary of the Authority		The Member Secretary of the Authority shall be the Additional Director of the Department of Tourism of UP Government, who shall be responsible for all planning, budgetary planning, enforcement and supervisory functions of the Authority and would also perform such

		other functions as the State Level Empowered Committee, Authority, Chairperson or the State Government may so direct.	
6.	Staff of the Authority	(1)	The State Government may appoint the Chief Accounts Officer of the Authority who shall exercise such powers and perform such duties as may be prescribed by regulations or delegated to them by the Authority or its Vice Chairman. Provided such officers shall be from the posted on deputation and belonging to the UP Financial services.
		(2)	Subject to such control and restrictions as may be determined by general or special order of the State Government, the Authority may appoint such number of other officers and employees as may be necessary for the efficient performance of its functions and may determine their resignations and grades.
		(3)	The Chief Accounts Officer and other officers and employees of the Authority shall be entitled to receive from the funds of the Authority such salaries and allowances and shall be governed by such other conditions of service as may be determined by regulations made in that behalf
		(4)	The Authority, at its discretion and in the interest of its activities, hire the services of professionals and other staff on contractual basis and the terms of contract would be settled by the Authority. After the expiry of the term, the person so hired shall have no right to continue with the Authority.
		(5)	After the expiry of three years of the constitution of the Authority, the Authority shall not spend more than 10 per cent of its total income towards administrative expenditure
7.	Project Management Unit (PMU) of the Authority	(1)	The Authority may constitute an unit for management of its projects, to be called as the project management unit (PMU). Provided that such unit would be primarily responsible for conceptualization, initiation, monitoring and implementation of the projects and programs undertaken by the Authority.

		(2)	<p>Such unit would comprise of the experts, specialists and retired government officers, possessing expertise and proficiency in the various fields of concern of the Authority such as art & culture, architecture, tourism, environment, traffic management, infrastructure, public relation <i>etc.</i></p> <p>Provided the persons so engaged would be on contract basis and their services would be at the will of the Authority and on such terms and conditions, as the Authority may decide keeping in view of the directions that may be issued by State Level Empowered Committee and the State Government from time to time.</p> <p>Provided further the Authority may requisition the services of officers and employees, serving in some department of the State Government or State Instrumentality or collateral agencies of national or international reputation.</p> <p>Provided further each of such expert, engaged by the Authority, may head the advisory committee constituted for the various purposes as mentioned in the Act.</p>
8.	Objects of the Authority	The objects of the Authority shall be:	
		(a)	to promote tourism of its area;
		(b)	to get conducted surveys, studies and researches relating to tourism, environment and best practices of tourism trade with a view to formulate strategies essential for plant growth of the tourism sector;
		(c)	to get conducted impact assessments, concerning environment, social and other spheres, having bearing upon the present status and future prospects of the tourism sector;
		(d)	to compile and publish reports time-to-time and also to collect and collate the data relating to tourism;
		(e)	to create a resource centre for placement and collection of various published and unpublished reports, surveys, researches, data, maps, photographs and other material, useful for preparation of plans and strategies of the growth of tourism and improvement of environment of Agra;

		(f)	to strengthen the existing infrastructure besides creating new ones in the surroundings of the tourist attraction venues and sites;
		(g)	to create and strengthen the road infrastructure leading to the places, sites and monuments of the tourists interest;
		(h)	to create and construct new permanent tourist venues and amenities;
		(i)	to improve, strengthen and beautify the surroundings of the monuments and heritage sites;
		(j)	to hold cultural and other events to showcase the art in culture of the area with a view to promote tourism at Agra.
		(k)	to mobilize and motivate other departments and agencies of the State and Central Government for framing the requisite schemes for achieving the objects of the Authority;
		(l)	to take effective and timely steps to curb anti-tourist activities and practices;
		(m)	to facilitate and enhance the experience of the tourists;
		(n)	to market nationally and internationally the monuments and heritage sites lying within the territorial limits of the authority;
		(o)	To endeavour to establish coordination with the different departments of the Central Government and the State Government with a view to ensure steady growth in the tourism sector by persuasion of the various issues pending at different levels including in the Courts in the wider interest of tourism sector at Agra.
		(p)	to impart training and exposure, by organizing camps and workshops, to the persons, engaged in the tourism sector, with a view to make them aware about the best global practices.
9.	Authority Security Force	(1)	There shall be constituted and maintained a force to be called the Authority Security Force–

			(a)	for the better protection and security of the public property within the tourism areas including prevention of encroachments and removal thereof;
			(b)	for security and safety of the tourists and visitors visiting various monuments and other places of public interest
			(c)	for aiding the officers of the Authority in the detection and investigation of any matter relating to leakage of revenue or any amount payable to the Authority;
			(d)	for effective communication and obtaining of any information regarding any design to commit or the commission of any offence by any person under this Act.
			(e)	to exercise such other powers and discharge such other functions as the State Level Empowered committee, Chairperson or the Authority may, from time to time, require it.
		(2)		The Authority Security Force shall consist of such number of supervisory officers and members as may be determined by the State Level Empowered Committee or the Authority and shall be requisitioned from the Department of Home of the State Government with its concurrence and subject to such terms and conditions as the Department of Home may specify impose.
		(3)		The Authority may, with the prior approval of the State Government, employ retired police or military personnel on such terms and conditions as may be decided by the Authority in consultation with the State Government and the directions that may be issued by the State Level Empowered Committee.
		(4)		The Chairman of the Authority or any other officer as may be authorized in that behalf shall exercise powers of superintendence and control over the Authority Security Force.
10.	Requisitioning of services of officers or employee of other			The Authority may, as and when considered proper, require any other department of the State Government or its instrumentality to make available its officer or employee for the performance of any specific work

	<p>departments</p>	<p>needed to be executed in connection with the activities of the Authorities within the tourism area.</p> <p>Provided the failure of such officer or employee to make his services available would be treated as a dereliction of his duties and the Authority may, at its option, require the department /instrumentality concerned to initiate disciplinary proceedings for such non-rendition of services.</p>
<p>11.</p>	<p>District Level Advisory Councils</p>	<p>(1) The Authority shall constitute one or more district level advisory council for the purpose of advising the Authority for matters relating to the planning or development or arising out of, or in connection with, the administration of this Act as may be referred to it by the Authority.</p> <p>Provided further that the term of each such Council would be three years but the Authority may, for the reasons recorded by it, dissolve such Council even before the expiry of its term and re-constitute another in its place for next three years.</p> <p>Provided further that each of the District Level Advisory Council shall invite the views of the Mayor of the city, the Member of Legislative Assembly, Member of Legislative Council and the <i>Sabhasads</i> in whose constituency the tourism area or part thereof, as declared under S. 3, falls, who would use their good offices for gathering the opinion and feedback of the stakeholders of the tourism sector.</p> <p>Provided further that the Advisory Committee may, if it deems necessary, invite any person who is an expert in the field of art & culture, heritage conservation, archaeology, tourism, environment or planning.</p> <p>Provided that the Advisory Committee may, co-opt not more than two persons, who are experts in the field of heritage, archaeology, tourism, environment or planning.</p> <p>(2) Such Councils shall consist of such members as may be determined by the Authority from time to time, keeping in view of the wider interest of tourism at Agra.</p> <p>(3) Such Councils shall advice the Authority about the subject specific referred to them such as planning, cleanliness, fair practices of tourism trade, creation</p>

			and management of parking spaces, public and private transportation, public conveniences, eating joints, human resource management and orientation, <i>e.g.</i> training of guides, photographers, scooter and taxi drivers and other persons connected with tourism sector, working of emporia and effective ways of redressing the complaints of the visitors and tourists.
		(4)	In particular, and without prejudice to the generality to the foregoing provisions, following councils shall be constituted by the Authority:
			(a) For cleanliness and public conveniences;
			(b) For parking spaces and their effective management including creation of new spaces keeping in view of increase in vehicular traffic;
			(c) For human resources, including guides, photographers, auto and taxi drivers, rickshaw pullers, vendors, shopkeepers and other persons connected with tourism trade;
			(d) For security and safety of the visitors and tourists as well as redressal of their complaints;
			(e) For new tourists attractions, improvement in planning and suggesting changes in the existing systems and infrastructure.
		(5)	Such councils shall necessarily meet every month and shall prepare its minutes alongwith its recommendations and a copy thereof shall be forwarded by the council to the Authority and the State Level Empowered Committee.
		(6)	That the recommendations of the council shall be placed before the Authority in its next meeting and an action-taken report in regard thereto, shall be prepared by the Authority or the person authorized on its behalf. Provided that the recommendations of such councils would be a matter of record of the authority and the council would be at liberty to

			enquire and seek the decision thereupon and /or action taken pursuant to such recommendations.	
		(7)	That the member-Secretary of each District Level Advisory Council would be the person of the Project Management Unit, referred to in S. 8 of this Act, who is appointed in this behalf by the Authority, and such member-Secretary shall be responsible for calling for and organizing the meetings of the council and also for the preparation of its minutes and recommendations.	
12.	State level empowered committee	(1)	There shall be a State Level Empowered Committee for the tourism area, consisting of the following members, namely,	
			(a)	a Chairperson, who would be the Chief Secretary of the State of UP, <i>ex officio</i> .
			(b)	a Vice Chairperson, who would be the Secretary of the Department of Tourism of UP, <i>ex officio</i> .
			(c)	the Secretary or any officer authorized by him (not below the rank of Joint Secretary) of the Government of India, Incharge of the Ministry in which, for the time being, the business relating to Culture is transacted, <i>ex officio</i> .
			(d)	the Secretary or any officer authorized by him (not below the rank of Joint Secretary) of the Government of India, Incharge of the Ministry in which, for the time being, the business relating to Tourism is transacted, <i>ex officio</i>
			(e)	the Secretary or any officer authorized by him (not below the rank of Joint Secretary) of the Government of India, Incharge of the Ministry in which, for the time being, the business relating to Home is transacted, <i>ex officio</i>
			(f)	the Director General, Archaeological Survey of India, or any other officer authorized by him not below the rank of Additional Director, <i>ex officio</i> .

			(g)	the Secretary, Department of Forest of Government of UP or a person authorized by him in this behalf but below the rank of the Joint Secretary.
			(h)	the Chairman, UP Pollution Control Board, Lucknow.
			(i)	the Additional Director General of Police (Law & Order), Incharge of Agra, as representative of the Department of Police of UP.
			(j)	the Mayor, Agra, <i>ex officio</i> .
			(k)	the Members of the Parliament and the Members of the State Legislature of Uttar Pradesh whose constituencies include any part of the tourism area of the Authority area., <i>ex officio</i> .
			(l)	the Divisional Commissioner of the Agra Division, <i>ex officio</i> .
			(m)	the Vice Chairman of the Development Authority constituted under the UP Urban Planning and Development Act, 1973.
			(n)	the Municipal Commissioner of the Agra Municipal Corporation.
			(o)	Commandant, Central Command, Lucknow.
			(p)	such other members not exceeding three as may be nominated by the Chief Secretary of the Government of UP, having special knowledge or experience in the field of art, culture, architecture, heritage conservation, tourism, infrastructure development and other related and ancillary spheres.
			(q)	Such other persons from the public who may be invited to the meetings of the Committee by the Chief Secretary in view of their eminence and experience but would have no right to vote.

			A member referred to in Clause (d) to (f) of sub-section (2) may instead of attending a meeting of the Authority himself depute an officer, not below the rank of Joint Secretary in the Department /Ministry, who shall have the right to take part in the proceedings of the meeting and also have the right to vote.
		(2)	No act or proceedings of the Authority shall be invalid by reason of the existence of any vacancy in, or defect in the constitution of, the Authority.
		(3)	The Committee, referred to in sub-section (1) shall meet time-to-time but not less than 3 times in a year at an interval of not more than four months.
13.	Reference to the State Level Empowered Committee		<p>The Authority may, at any time, refer a matter to the State Level Empowered Committee for seeking its guidance or for resolution of some dispute, having arisen with the department of the State Government and thereupon the Committee shall consider it in its next meeting and would endeavour to issue directions as it may deem fit.</p> <p>Provided no such directions shall be issued against any department or individual unless his version is first obtained by the Committee and the same is considered.</p> <p>Provided further the directions so issued by the Committee shall be binding upon the department or person concerned and shall not be challenged in any Court of law.</p> <p>Provided further if an issue pertains to a department or ministry of the Central Government, the Committee or any officer authorized on its behalf shall make its best effort to resolve it amicably.</p>
14.	Reviewing Authority	(1)	There shall be a Reviewing Authority to review and monitor the functioning of the Agra Tourism Promotion & Cultural Heritage Conservation Authority and the State Level Empowered Committee to ensure that the said Authority and the Committee achieves its objectives efficiently and in a time bound manner, which shall consist of the following members, namely,
		(a)	The Chief Minister of the State of UP or any other minister of the cabinet rank to whom the

			<p>Chief Minister empowers to act on his behalf to be the Chairman of the Reviewing Authority.</p> <p>Provided that the Chief Minister, at his discretion, may change the empowerment.</p>
		(b)	The minister holding the portfolio of the department of tourism of the State Government to be the Vice Chairman of the Reviewing Authority, who would act as the Chairman of the Reviewing Authority in the absence of its Chairman.
		(c)	The minister holding the portfolio of the department of Environment of the State Government.
		(d)	The Chief Secretary of the State Government.
		(e)	the Members of the Parliament and the Members of the State Legislature of Uttar Pradesh whose constituencies include any part of the tourism area of the Authority area., <i>ex officio</i> .
		(i)	The Mayor of the city of Agra
		(2)	The Reviewing Authority may invite in its meetings any expert, stake-holder, departmental head of any of any department of the UP Government or any other officer or person including an officer of the Central Government, whose presence is considered useful for the deliberations, discussions and decisions in regard to the points of consideration of the Reviewing Authority.
		(3)	The Secretary of the Department of the Tourism of the UP Government shall be the Member Secretary of the Reviewing Authority and shall be responsible to coordinate its meetings, issue its agendas and proceedings, besides taken the follow-up actions of the decisions of the Reviewing Authority.
		(4)	As far as possible, the Reviewing Authority shall meet once in six months.
		(5)	The decisions taken by the Reviewing Authority shall be binding on the State Level Empowered Committee and the Agra Tourism Promotion & Cultural Heritage Conservation Authority.

			Provided that the Reviewing Authority may issue direction for its compliance to various departments, including the statutory bodies created under the State laws for the planned growth of the tourism sector and for the achievement of the objectives of the Authority.
CHAPTER III – Vision Plan of tourism area			
15.	Vision Plan for the development of tourism area	(1)	The Authority shall, as soon as may be, prepare a Vision Plan for the tourism area
		(2)	The Vision Plan shall–
		(a)	indicate the vision of the Authority for developing the tourism area and such vision plan shall be for a minimum period of 10 years;
		(b)	specify the short, medium and long term steps and measures to promote tourism of the area concerned;
		(c)	specify the new tourist venues and attractions for being created by the Authority itself or at its initiative by some private or government agency or on public-private partnership model;
		(d)	specify the plans to strengthen the existing infrastructure (<i>e.g.</i> roads, lanes, sewerage, drainage, water harvesting, greenery, parks, parking, overhead and underground electric lines, pavements, crossings, bus-stops, signages <i>etc.</i>) needed for the places of public interest and tourism;
		(e)	specify the plans and measures for conservation of cultural heritages
		(f)	specify the measures for improvement of the environment including <i>flora and fauna</i> .
		(g)	specify the arrangement of finance to meet the estimated expenditure for creation /strengthening of the projects;
		(h)	specify priorities of various projects keeping in view of the time frame and available resources of finance.

			(i)	any other matter which is necessary for the proper development of the area for promotion of tourism.
		(3)		<p>Every Vision Plan shall be approved by the Authority, which may approve the proposal placed before it by the Vice Chairman with or without modification as it may consider necessary or reject the plan with the directions to the Authority to prepare a fresh plan according to such directions.</p> <p>Provided no such Vision Plan shall be approved by the Authority unless the Authority publishes a notice in atleast one newspaper having circulation in the tourism area inviting objections and suggestions from any person with respect to the proposed Vision Plan before such date as may be specified in the notice and shall consider all objections and suggestions that may be received by the Authority or the State Government.</p>
		(4)		The Authority may make any amendments in the Vision Plan as is think fit and the provisions of sub-section (3) shall <i>mutatis mutandis</i> apply to such amendment also.
		(5)		The Authority shall endeavour to act in furtherance of the Vision Plan so prepared within the time frame envisioned therein.
16.	Calendar of annual activities and marketing campaign			<p>The Authority shall well in advance prepare a calendar of the activities and marketing campaign, which it desires to undertake in the each forthcoming financial year, which shall include annual festivals, <i>melas, haats etc.</i> and the Authority shall advertise such activities to promote tourism connected with such activities.</p> <p>Provided that the Authority may at its discretion outsource any service to an agency.</p> <p>Provided further the Authority shall also organize such festivals and events as per its calendar of activities.</p>
17.	Authority to prepare programs	(1)		The Authority may, to the extent of availability of financial and other resources,—
			(a)	develop and organize educational programs for promotion of tourism in Agra;

			(b)	promote timely and effective dissemination of information about the activities and programs organized by the State Government and the Authority in the field of tourism.
			(c)	train the persons engaged in the tourism sector to learn the best practices of the said sector.
			(d)	Any other program of training relating to the tourism sector including opening of an institute for imparting education.
18.	Tourism projects on various models	The Authority may from time to time, formulate projects for promoting, strengthening and serving tourism in the tourism area.		
19.	Outsourcing studies and survey etc.	<p>The Authority may engage any private agency for conducting any study, survey or research pertaining to tourism sector at Agra and such engagement shall be in conformity with the fair and transparent procedure as may be decided by the Authority.</p> <p>Provided such agency shall be of national or international repute and having expertise in its field and the directions, as may be issued by the State Level Empowered Committee in that regard, shall be adhered to by the Authority while awarding any work to such agency and deciding its scope.</p>		
20.	Regular interaction with stakeholders	(1)	The Authority or any of its officer or the Advisory Councils to whom the power has been delegated by general or special order, shall regularly hold interaction once in three months with the representatives of the hoteliers, tour operators, emporia owners, local administration, police administration, Archaeological Survey of India, Tourism Department of the State Government concerned and other agencies and stakeholders working in the tourism area of the Authority with a view to have their feedback about the problems and proposed suggestions in tourism sector.	
		(2)	The feedback so received under sub-section (1) along with the proposed steps and actions shall be placed for consideration before the Authority and the Authority shall endeavour to resolve the issues most expeditiously and in a satisfactory manner.	

		(3)	The directions, issued by the Authority after consideration, as mentioned in sub-section (2), shall be binding upon all concerned.
21.	Information about developments in tourism area		<p>With a view to overview the developments being carried out within the tourism area, the various Government agencies like Development Authorities, Municipal Corporation, Jal Sansthan, Jal Nigam <i>etc.</i>, by whichever name it is known as, would inform the Authority, in writing, atleast 15 days before carrying out its proposed development work alongwith the estimated amount of the expenditure likely to be incurred by it and the Authority shall maintain such information in a register meant for it.</p> <p>Provided any person desiring to inspect such register may inspect it by moving an application on payment of such fee as the Authority may decide.</p> <p>Provided further, if the Authority finds such intended development to be not conducive for the overall development of the tourism sector and area specific, the Authority may, after giving an opportunity of hearing to the agency concerned require such agency not to carry out such development.</p> <p>Provided further, a copy of such direction shall be send by the Authority to the State Level Empowered Committee, which shall have the power to annul, modify or confirm such direction after ascertaining the views of the agency concerned.</p>
22.	Authority's website		The Authority shall maintain its website containing all essential information regarding the tourism area, including the available hotels, monuments and heritage sites, tourist maps, help desk, police & district administration, tour operators <i>etc.</i> with a view to provide necessary information and help to the tourists. Such website shall also necessarily indicate the available helpline of the Authority and also upload the available information brochures.
CHAPTER IV – Finance, Accounts and Audit			
23.	Authority Fund	(1)	The Authority shall have a fund to be called the Authority Fund which shall be operated by such officers as may be authorized by the Authority.
		(2)	The Authority may accept grants, subventions, contributions, donations and gifts from the Central Government, the State Government, a local

			authority, any International organization or any individual or body, whether incorporated or not, for all or any of the purposes of this Act.
		(3)	The State Government shall, every year, make a grant to the Authority of a sum equivalent to the administrative expenses of the Authority till the Authority is able to meet administrative expenses out of its own resources.
		(4)	All moneys received by or on behalf of the Authority by virtue of this Act, and all interests, profits, and other moneys accruing to or borrowed by the Authority, shall be credited to the Fund.
		(5)	Except as otherwise directed by the State Government, all moneys and receipts specified in the foregoing provisions and forming part of the Fund shall be deposited in any Scheduled Bank as defined in the Reserve Bank of India Act, 1934 or invested in such securities, as may be approved by the State Government.
		(6)	The Fund and all other assets vesting in the Authority shall be held and applied by it, subject to the provisions of and for the purposes of this Act.
		(7)	The entire amount realized by Agra Development Authority as toll tax under S. 39-A of the UP Urban Planning & Development Act, 1973 shall be transferred by the Agra Development Authority to the Agra Tourism Promotion & Cultural Heritage Conservation Authority for its utilization for achievement of its objectives. Provided further the State Government, may at its discretion, modify the extent of the amount transferrable by the Agra Development Authority to the Agra Development Authority to the Agra Tourism Promotion & Cultural Heritage Conservation Authority.
24.	Budget		The Authority shall prepare, every year, at least one month prior to the end of the financial year, an annual budget estimate in respect of the next financial year showing the estimated receipts and disbursements of the Authority and shall submit a copy thereof to the State Government.

25.	Subventions and loans to the Authority	(1)	The State Government may, from time to time, make subventions to the Authority for the purposes of this Act on such terms and conditions as the State Government may determine.
		(2)	The State Government may, from time to time, advance loans to the Authority on such terms and conditions; not inconsistent with the provisions of this Act, as the State Government may determine.
26.	Power of Authority to borrow	The Authority may from time to time, with the previous sanction of the State Government and subject to the provisions of this Act, and to such conditions as may be prescribed in this behalf, borrow any sum required for the purposes of this Act.	
27.	Accounts and Audit	(1)	The Authority shall cause to be maintained proper books of accounts and such other books as the rules made under this Act may require and shall prepare in accordance with such rules an annual statement of accounts.
		(2)	The Authority shall cause its accounts to be audited annually by such persons as the State Government may direct.
		(3)	As soon as the accounts of the Authority have been audited, the Authority shall send a copy thereof together with a copy of the report of the auditor thereon to the State Government and shall cause the accounts to be published and place copies thereof for sale at a reasonable price.
		(4)	The Authority shall comply with such directions as the State Government may, after perusal of the report of the auditor, think fit to issue.
28.	Power to impose cess	To raise funds for the Authority, the State Government may levy and collect an amount as cess in addition to the amount payable as the VAT, Luxury-tax, Toll for use of Expressways, National Highways (within the tourism area) and other taxes and the amount so levied and collected shall be remitted to the Authority by the departments concerned.	

		<p>Provided that the rate of such cess would not be more than 5 per cent of the amount of tax payable under the Principal Act and such amount of cess shall be utilized by the Authority for achieving its purposes and be not diverted to any other purpose.</p> <p>Provided further on a notification being published by the State Government, the said cess shall become payable at the rate of 2 per cent on the amount of tax payable on the sale of petrol, diesel, alcohol, eatables by restaurants & hotels, luxury tax, which may be increased by the State Government by notification to be published in the Gazette in exercise of the powers of the preceding proviso.</p>
29.	Additional stamp duty on certain transfers of property	<p>(1) The duty imposed by the Indian Stamp Act, 1899, on any deed of transfer of immovable property shall, in the case of an immovable property situated within a development area, be increased by half per cent on the amount or value of the consideration with reference to which the duty is calculated under the said Act.</p> <p>Provided that the State Government may, by notification in the Gazette, be enhanced, the aforementioned percentage of the increase in stamp duty up to one per cent.</p> <p>(a) For the purposes of this Section, S. 27 of the Indian Stamp Act, 1899, shall be read as if it specifically required the particulars referred to therein to be separately set forth in respect of property within the tourism area and property situated outside such area.</p> <p>(b) For the purposes of this Section, S. 64 of the Indian Stamp Act, 1899, shall be so read and construed as if it referred to the Development Authority as well as to the State Government.</p>
30.	Toll for amenities	<p>The Authority shall be entitled to charge and collect, toll for the use of approach roads and other amenities, at such rate and in such manner as may be approved by the Authority from visitors, to such places of popular resort (including any ancient and historical monuments and sites) within the tourism area declared under S. 2 of the Act:</p>

		<p>Provided that the Authority may, keeping in view of different class or classes of visitors, fixed different scale of such toll;</p> <p>Provided that the Authority may, exempt any class or classes of visitors from the payment of the toll and may fix any day or days on which no toll shall be chargeable.</p>	
31.	Power of the Authority to provide amenity or carry out development at the cost of owner	(1)	If the Authority is satisfied that any amenity in relation to any land in the tourism area ought to be provided, the authority may itself provide the amenity or get it carried out through such agency as it deems fit.
		(2)	All expenses incurred by the Authority or the agency employed by it in providing the amenity or carrying out the development may be recovered by the Authority from the beneficiary of such amenities and in case the beneficiaries failed to pay it, the Authority may direct the Collector of the District to recover the cost of providing the amenity as arrears of land revenue, and no suit shall lie in the Civil Court for recovery of such expenses.
32.	Mode of recovery of money due to Authority	Any money due to an Authority on account of any fee, or charges, or from disposal of property, moveable or immovable, by way of rent, premium, profit, toll or any amount receivable by the Authority, may, without prejudice to the right of recovery by any other mode of recovery provided by or under this Act or any other law for the time being in force, be realised as arrears of land revenue upon a certificate of the amount due sent by the Authority or the person authorized by it, to the Collector.	
CHAPTER V – Acquisition and Disposal of Land			
33.	Compulsory acquisition of land	(1)	If in the opinion of the State Government any land is required for the purpose of development, or for any other purpose, under this Act, the State Government may acquire such land under the provisions of the Land Acquisition Act, 1894 as may be in force from time-to-time.
		(2)	The Authority may also purchase or take on lease a property to further its objects in accordance with the guidelines that may be issued by the State Government from time to time.
		(3)	Where any land has been acquired by the State Government, the Government may, after it has

			taken possession of the land, transfer it to the Authority for the purpose for it has been acquired on payment of cost of acquisition and of charges incurred by the Government in connection with such acquisition.
34.	Disposal of land by the authority	(1)	Subject to any directions given by the State Government in that behalf, the Authority may dispose of–
		(a)	any land acquired by the State Government and transferred to it, without undertaking or carrying out any development thereon; or
		(b)	any such land after undertaking or carrying out such development as it thinks fit, to such persons, in such manner and subject to such terms and conditions as it considers expedient for securing the planned development of the tourism area according to the <i>Vision Plan</i> .
		(2)	Nothing in this Act shall be construed as enabling the Authority to dispose of land by way of gift but subject thereto, reference in this Act, the disposal of land shall be construed as references to the disposal thereof in any manner, whether by way of sale, exchange or lease or by the creation of any easement, right or privilege or otherwise.
		(3)	Notwithstanding anything contained in sub-section (2), the Authority may create a mortgage or charge over such land (including any building thereon) in favour of the Life Insurance Corporation of India, the Housing and Urban Development Corporation, or a banking company as defined in the Uttar Pradesh Public Moneys (Recovery of Dues) Act, 1972 or any other financial institution approved by general or special order in this behalf by the State Government or the State Level Empowered Committee.
CHAPTER VI – Restrictions in Tourism Area			
35.	Declaration of parking and non-parking areas	(1)	The Authority may, after consideration, declare an area to be earmarked for parking as well as non-parking within the tourism area declared under this Act and issue directions to the concerned station house officer of the police, who shall be liable to carry out such directions in accordance with law.

			<p>Provided that no such declaration shall be made without inviting suggestions and objections to such proposal from the public by a notice to be published in a local newspaper.</p> <p>Provided further, the Authority shall concerned the traffic wing of the police department of the government and shall consider the suggestions and objections received by it.</p> <p>Provided further, such parking and non-parking areas may be changed from time-to-time by the Authority keeping in view of the changes in the requirements.</p>
		(2)	<p>The Officer Incharge of the Police Department of the Government shall be liable to enforce the declaration under sub-section (1) in accordance with law.</p> <p>Provided violation of such declaration by person shall be an offence and a fine upto Rs. 2000/- may be imposed by such Officer-Incharge or any other officer authorized in that behalf by the Authority.</p>
36.	Dress code	(1)	<p>The Authority may issue directions as to the dress code for the Guides, Auto Drivers, Taxi Drivers, Bus Drivers, Conductors, Photographers, Tourism Police, Authority Security Force and other persons engaged in tourism sector and coming in contact with the tourists and visitors.</p> <p>Provided that no such direction shall be issued by the Authority without consultation with the Regional Transport Officer & Tourism Department.</p> <p>Provided further, that no such direction shall be issued without inviting suggestions and objections to such proposal and after their due consideration by the Authority.</p> <p>Provided further, that the Authority may issue directions for different dress codes for different seasons.</p>
		(2)	<p>The Regional Transport Officer shall be responsible for carrying out the directions as to dress code in respect of the Auto Drivers, Taxi Drivers, Conductors & Bus Drivers.</p>
		(3)	<p>The officer authorized by the Department of Tourism of the Government shall be responsible for</p>

			<p>carrying out the direction as dress code of the guides & photographers.</p> <p>Similarly, the directions as to the dress code of the Tourism Police and Authority Security Force shall be enforced by the officer of the Police Department authorized in that behalf.</p>
37.	Signages, Outdoor Display & Hoardings	(1)	The Authority may frame regulations or guidelines to regulate the display of signages, outdoor structures and street furniture, for being placed at private properties.
		(2)	The Authority may also frame regulations in regard to hoardings on buildings, streets and public places within the tourism area and such regulations may also include regarding their size, colour-scheme, structure <i>etc.</i>
		(3)	The Authority may declare any road or zone within the tourism area to be free from hoarding, wherein there would be complete ban on any kind of hoardings except road signages.
		(4)	<p>Notwithstanding the provisions of sub-section (1) to (3), no such regulation or declaration shall be made by the Authority with inviting suggestions and objections to such proposals and considering them.</p> <p>Provided that before making any such regulation or declaration, the Authority shall consult the Municipal Corporation of Agra, Agra Development Authority, Public Works Department of the Government and State Highway Authority and other such department as the Authority may consider necessary.</p> <p>Provided further, the Authority shall follow the directions issued from time-to-time in that regard by the State Level Empowered Committee.</p>
		(5)	The regulations or guidelines so made shall be enforced and complied with by the Municipal Corporation, if such signage, outdoor-structure <i>etc.</i> is to be placed within the local limits of the Municipal Corporation and in case such signage <i>etc.</i> is on a road maintained by the Public Works Department or by the Agra Development Authority, the compliance of the regulation or guideline shall be made by the respective department itself.

			<p>Provided that a status report as to the compliance of the regulations or guidelines shall be submitted by the department concerned to the Authority quarterly and if there has been any lapse or failure on its part, the reasons thereof shall also be stated in the status report by the department concerned.</p>
38.	Regulation of building elevation	(1)	<p>The Authority may, from time to time, issue directions for regulation of the architectural dignity and aesthetics in regard to the elevation of the new buildings keeping in mind the specific cultural nature of the region.</p> <p>Provided that the Authority may vary such directions from time to time.</p> <p>Provided further no such directions shall be issued by the Authority without effective consultation with the experts and stakeholders, having knowledge and expertise of the architecture of the region.</p> <p>Provided further, the Authority shall consult the Agra Development Authority, Department of Tourism,</p>
		(2)	<p>The directions so made shall be enforced and complied with by the Agra Development Authority or any officer authorized on its behalf by following the due process of law and the status report of compliance shall also be submitted to the Authority on behalf of the Agra Development Authority.</p>
39.	Ban on unauthorized vending of goods in the notified areas	(1)	<p>The Authority may, after consideration, declare any area to be notified area where vending of goods on footpath, pedestrians, public roads, public parkings, gardens, public area, crossings shall be prohibited.</p> <p>Provided that no such declaration shall be made without inviting suggestions and objections thereto and before their considered disposal.</p> <p>Provided further such areas may be changed from time-to-time</p> <p>Provided further the violation of such prohibition by any person shall be an offence and a fine upto Rs. 5000/- shall be imposable.</p>
		(2)	<p>The prohibition in sub-section (1) shall be enforced by the Municipal Corporation of Agra if such vending of goods is on the footpaths, pedestrians, roads, public-parking etc. is vested in the Municipal Corporation.</p>

			Provided that such duty of the enforcement of the prohibition of sub-section (1) shall <i>mutatis mutandis</i> also apply to other respective department e.g. Horticulture Department of the Government, Agra Development Authority, Public Works Department of the Government or other department if the vending of goods is made on the footpaths, pedestrians etc. vested to the respective department.
--	--	--	--

40.	Maintenance of cleanliness in notified areas	(1)	<p>The Authority may declare an area as an area where it shall be incumbent for the occupiers, residents, shopkeepers, vendors and the visitors to keep it clean.</p> <p>Provided the Authority shall not made any such declaration without first inviting suggestions and objections to such proposal and before their considered disposal.</p> <p><i>Explanation</i>—The power to declare an area under this sub-section shall include the power to change it from time-to-time.</p>
		(2)	<p>The declaration under sub-section (1) shall be enforced by the Municipal Corporation of Agra if the area declared falls within the local limits of the Municipal Corporation.</p> <p>Provided that if the area declared under sub-section (1) falls outside the limits of Municipal Corporation of Agra but within the development area of Agra Development Authority, the declaration, so made under sub-section (1), shall be enforced by the Agra Development Authority or the officer authorized on its behalf.</p> <p>Provided further, the Authority may direct enforcement of the declaration under sub-section (1) to some other agency also and the agency, on being so directed, shall be responsible for ensuring compliance of the declaration.</p>
		(3)	<p>If any person wilfully violates the declaration under sub-section (1), such person may be fined upto Rs. 2000/- by the Municipal Corporation, Agra Development Authority or the agency concerned for enforcement of the declaration under sub-section (1).</p>

41.	Ban on certain persons with notorious antecedents	(1)	<p>If Authority has reasons to believe in view of the information in its possession that any person who operates in the surroundings of a monument, has notorious antecedents with malpractices <i>qua</i> the visitors and tourists, the Authority or any officer authorized in that behalf may for the reasons to be recorded in writing ban the movement of such persons with in such area as may be specified by it.</p> <p>Provided that no such order shall be made without calling for a report from the Senior Superintendent of Police of Agra and before its due consideration.</p>
		(2)	<p>The order of the Authority under sub-section (1) shall be enforced by the station house officer of the Department of Police of the Government and its compliance report in writing shall be submitted to the Authority.</p>
42.	Ban on vendors trying to forcefully sell goods	(1)	<p>No vendor in the tourist area shall sell or attempt to sell any goods to a tourist or visitor by forcefully persuading him to buy such goods</p>
		(2)	<p>The effective steps to check the occurrences of forceful persuasion of the visitors to buy goods shall be taken by the Police Department of the Government in accordance with law.</p> <p>Provided that the security force of the Authority may also keep a strict watch with a view to prevent such occurrences.</p>
		(3)	<p>Any person who is found to be involved in an activity referred to in sub-section (1) shall be find upto Rs. 1000/- in accordance with the regulations made under this Act.</p>
43.	Ban on procession, rallies, road blockade, dharnas etc. in tourist area	(1)	<p>The Authority may declare an area where the carrying out of the processions (including marriage processions), rallies, road blockades, dharnas or any such activity affecting the flow of traffic and transportation would be regulated.</p> <p>Provided that no such declaration shall be made without inviting suggestions and objections to such proposal and before their considered disposal by the Authority or any officer authorized by it.</p>

			<p>Provided further the comments and suggestions of the Senior Superintendent of Police of the district shall also be called for by the Authority and shall be considered.</p> <p><i>Explanation</i>–The power to declare an area under this sub-section shall include the power to change it from time-to-time.</p>
		(2)	<p>It shall be the responsibility of the concerned police personnel to enforce such declaration by taking the requisite steps in accordance with law in force.</p> <p>Provided further for the violation of the prohibition under sub-section (1), the person concerned shall be fined upto Rs. 10,000/-, which shall be imposed and recovered from him in accordance with the regulations framed under this Act.</p>
44.	Removal of encroachment		<p>The Authority or an officer authorized in that behalf, may direct the Authority's Security Force, District Police, Municipal Corporation of Agra, Public Works Department or any other concerned agency to remove an encroachment from public road, parking place, public place and other space meant for the benefit of the tourists falling within the tourism area.</p> <p>On being so required, it shall be incumbent for such agency concerned, to whom such direction has been made to remove such encroachment and keep the concerned area to be encroachment free.</p>
45.	Maintenance and improvement of facade of certain building abutting road	(1)	<p>Where in any tourism area, any building abuts any road, the owner, lessee or the occupier, as the case may be, of such building shall be bound to repair, white-wash, colour-wash or paint the facade of such building at his own cost in accordance with the directions issued by the Authority in that behalf.</p>
		(2)	<p>It shall be the obligation of the Agra Development Authority to ensure compliance of the directions so issued by the Authority if the building in question falls within the development area of the Development Authority.</p>
		(3)	<p>Where the Authority, with a view to ensure symmetry with any colour-scheme or other specification made in that behalf, considers it necessary or expedient so to do, but any owner,</p>

		<p>lessee or occupier fails to repair, white-wash, colour-wash or paint the facade of any building in accordance with sub-section (1), the Agra Development Authority may by its order in writing require that the said work shall be carried out by the Agra Development Authority itself or by its authorized agency and the concerned owner, lessed or the occupier, who so ever in actual and physical possession of the property shall be liable to pay the cost incurred for such work to the Agra Development Authority.</p>
		<p>(3) The cost of any work referred to in sub-section (2) shall be calculated on a 'no profit no loss' basis and in case of any dispute about the reasonableness of the amount required to be deposited, the same shall be re-considered and decided afresh by the Authority, and subject thereto, the order of the Agra Development Authority or the officer authorized by it in that behalf, shall be final and shall not be called in question in any court.</p>
		<p>(4) In case of non-payment of the cost, referred to in sub-section (2), the Agra Development Authority may get such amount of cost recovered from the person, who defaulted in the payment, as arrears of land revenue.</p>
<p>46.</p>	<p>Encroachment or obstruction of public streets in the surroundings of monuments</p>	<p>No person shall place or deposit building material or any other thing whatsoever, or otherwise create an obstruction in any street, not being private property, in the surroundings of the monuments and places of interests of the visitors and if such area falls within the local limits of the Municipal Corporation of Agra, the Corporation shall take effective steps to ensure removal of such obstruction.</p> <p>Provided that the Municipal Corporation of Agra shall follow the instructions or directions as may be issued by the Authority or the State Level Empowered Committee, that may be issued from time-to-time.</p> <p>Provided further, any person aggrieved by such obstruction may also bring it to the notice of the Authority of such obstruction and thereupon the Authority shall take such steps as deemed fit.</p>

47.	Prohibition of keeping cattle	<p>No person shall keep cattle in the surroundings of the monuments and the places of interests of the visitors.</p> <p>Provided that if the place of keeping such cattle is within the local limits of the Municipal Corporation of Agra, the Corporation shall take appropriate steps in accordance with law to check the keeping of the cattle and the Corporation shall also follow the directions as may be issued by the Authority or the State Level Empowered Committee from time-to-time.</p>
-----	--------------------------------------	--

CHAPTER VII – Penalties and Prosecution	
--	--

48.	Penalties	<p>(1) Where the Authority is of the opinion that any Government agency or department, as the case may be, has, without any reasonable cause and persistently, failed to carry out the direction issued by the Authority within the time specified by it, the authority shall recommend for disciplinary action against the erring officer under the service rules applicable to him.</p> <p>(2) The Authority may, in the circumstances as mentioned in sub-section (1), may also at its discretion impose a penalty of Rupees Two Hundred Fifty each day till the direction issued by the Authority is complied with by the agency or department concerned.</p> <p>Provided that the Authority shall give a reasonable opportunity of being heard to the person concerned before any penalty as imposed upon him:</p> <p>Provided further, that the burden of proving that the concerned person acted reasonably and diligently shall be upon the person concerned.</p>
49.	Penalty for breach of the provisions of the Act	<p>Whoever contravenes any of the provisions of this Act or of any rule, regulation, or bye-law or scheme made or sanctioned thereunder shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to ten thousand rupees or with both and in the case of continuing contravention, with additional imprisonment for a term which may extend to one month or with fine which may extend to five hundred rupees or with both for each day after the first during; which the contravention continues.</p>

50.	Offences by companies	(1)	<p>If the person committing an offence under this Act is a company, every person who at the time the offence was committed was in charge of and responsible to the company for the conduct of its business as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against the punished accordingly:</p> <p>Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without this knowledge or that he exercised all due diligence to prevent the commission of such offence.</p>
		(2)	<p>Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against the punished accordingly.</p>
		Explanation: For the purpose of this Section—	
		(a)	"company" means a body corporate and includes a firm or other association of individuals; and
	(b)	"director" in relation to a firm, whether registered or unregistered, means a partner who is managing the affairs of the firm.	
51.	Sanction of prosecution	<p>No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Authority or any officer of the Authority authorized by it in this behalf.</p>	
52.	Fines when realised to be paid to the Authority	<p>All fines realised in connection with prosecutions under this Act shall be paid to the Authority.</p>	
53.	Composition of offences	(1)	<p>Any offence made punishable by or under this Act may either before or after the institution of proceedings, be compounded by the Authority or</p>

			any officer authorised by it in that behalf by general or special order on such terms, including any term as regards payment of a composition fee, which the Authority or such officer may think fit.
		(2)	Where an offence has been compounded, the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence compounded.
		(3)	Any direction issued by the State Government in regard to the amount payable for composition of offences shall be binding upon the Authority or such officer authorized.
54.	Authority may compromise claims by or against it		The Authority may compound or compromise any claim or demand arising out of any contract entered into by it under this Act or any action or suit instituted by or against it for such sum of money or other compensation as it shall deem sufficient. Provided that no such claim or demand exceeding five lac rupees shall be compounded or compromised except with the previous approval of the State Government.
CHAPTER VIII – Supplemental and Miscellaneous provisions			
55.	Maintenance of Complaint Register by Authority	(1)	The Authority shall maintain a register wherein all the complaints received from the tourists shall be entered and such complaint shall also include the complaints received through e-mails.
		(2)	The Authority shall take appropriate step on each complaint received by it under sub-section (1) either itself or by forwarding it to the concerned department with a direction to it to take appropriate action in accordance with law.
		(3)	The Authority shall annually prepare a statement of the total number of the complaints received by it and their status as to the redressal.
56.	Unauthorized use of a premises as a hotel	(1)	The Authority, through the Department of Tourism, would time-to-time ascertain the functioning of the hotels without having proper licence under the UP Sarai Act, 1867.
		(2)	On getting information of unauthorized and illegal functioning of a premises as a hotel, the Authority

			may direct the concerned agency to take action against the proprietor, lessee, manager, as the case may be and to ensure that such premises is not used as hotel without compliance of the provisions of law in force.
57.	Information about travel agents	(1)	Any person, working as a travel agent, shall inform the Authority in writing, giving necessary details about himself as per the regulations made under this Act.
		(2)	If any complaint against such travel agent is received by the Authority, the Authority shall get the same enquired from the concerned department including the Department of Tourism or Police and shall also direct an action to be taken against him in accordance with law.
58.	Souvenir shops /emporia	(1)	Any person, running a souvenir shop or emporia, shall inform the Authority in writing, giving necessary details about himself as per the regulations made under this Act.
		(2)	If any complaint against such souvenir shop /emporium owner by the Authority, the Authority shall get the same enquired from the concerned department including the Department of Tourism or Police and shall also direct an action to be taken against him in accordance with law.
59.	Control by State Government	(1)	The Authority and all its officers shall carry out such directions as may be issued to them from time-to-time by the State Government for the efficient administration of this Act.
		(2)	The Chairman may, at any time either on its own motion or on application made to him in this behalf, call for the records of any order passed by the Member Secretary of the Authority or any other officer for the purpose of satisfying himself as to the legality or propriety of any order passed or direction in relation thereto as it may think fit. Provided nothing in this sub-section shall preclude the Chairman of the Authority from delegating his powers exercisable therein.

<p>60.</p>	<p>Directions by the Authority</p>	<p>The Authority may, in order to carry out the development plans and schemes formulated by it, issue directions to the Local Authority, Agra Development Authority, Jal Sansthan, UP Jal Nigam, Agra Nagar Nigam, Police Authorities, Torrent Power Ltd., Department of Tourism & Police of UP Government, UP Power Corporation Ltd. and such other bodies, whether government or autonomous, as may be connected with the activities in the tourism area and such Authorities or Bodies shall, after due adherence to the procedures laid down by their departments and after their due clearance comply with such directions.</p> <p>Provided that if any of such body finds it unable to carry out the directions, it shall inform in writing with reasons for non-compliance with a copy thereof to the State Level Empowered Committee.</p> <p>Provided further such body may also give reasons for such non-compliance on account of non-availability of funds.</p> <p>Provided further the State Level Empowered Committee shall consider the reason, given by such body, and may take such decision as it deems fit and also issue directions, including a direction to comply with the direction of the authority either as it is or in a modified manner.</p>	
<p>61.</p>	<p>Directions by the Authority regarding expenditure and development</p>	<p>(1)</p>	<p>The Authority may, from time-to-time, issue directions to the Agra Development Authority, to spend the amount on the projects and programs, as the Authority may deem fit and it would be obligatory to the Agra Development Authority to comply with the directions by spending the amount out of their fund which may comprise of the sum collected as toll tax under S. 39-A of the UP Urban Planning and Development Act, 1973 (as amended from time-to-time), infrastructure fund, composition charges. city development charges, impact fee or any other fund as may be available to them under the provisions of the UP Urban Planning and Development Act, 1973.</p>
		<p>(2)</p>	<p>The Authority may, from time-to-time, issue directions to the Agra Municipal Corporation, UP Avas Evam Vikas Parishad, Agra Jal Sansthan and</p>

			other statutory bodies functioning within the area declared as tourism area to frame schemes with a view to promote tourism and such bodies shall, unless prevented by a sufficient cause to be recorded in writing and to be communicated to the Authority, execute such scheme.
62.	Annual Report	(1)	The Authority shall, as soon as practicable after the end of each year, prepare a report on the implementation of the provisions of this Act during that year and the actions taken by it to promote tourism and forward a copy whereof to the State Government.
		(2)	Each such report shall state in respect of the year to which the report relates all the matters as may be prescribed by Rules.
		(3)	The State Government may, as soon as practicable after the end of each year, cause a copy of the report of the Authority, referred to in sub-section (1) to be laid before each House of the State Legislature.
63.	Returns and Inspections	(1)	The Authority shall furnish to the State Government such reports, returns and other information as that Government may from time-to-time require.
		(2)	Without prejudice to the provisions of sub-section (1) the State Government or any officer authorised by the State Government in that behalf, may call reports, returns and other information from the Authority or any other department or agency or officer for the purposes of this Act.
		(3)	The Authority or any other officer authorised on its behalf, may call for reports and other information from the State Government or any other agency, as may be required by it for the efficient administration of this Act and it shall be incumbent for the State Government or other agency concerned to furnish the information so required.
64.	Authentication of orders and documents of Authority		All permissions, orders, decisions, notices and other documents of the Authority shall be authenticated by the signature of the Member Secretary to the Authority or any other officer authorised by the Authority in that behalf.

65.	Members and Officers to be public servants	Every member and every officer and other employee of the Authority shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code.	
66.	Protection of action taken in good faith	No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule or regulation made thereunder.	
67.	Power to delegate	The Authority may, by general or special order, direct that any power exercisable by it under this Act may be exercised by such officer or local Authority in such cases and subject to such conditions as may be specified therein.	
68.	Right to call for information	The Authority or any officer authorized in this behalf may, for the purposes of this Act, require any person, institution or body whether corporate or incorporated, department of government and it would be incumbent for such person or institution or department, as the case may be, to furnish the required information within a period of four weeks from the date of communication.	
69.	Power to make rules	The Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.	
70.	Power to make regulations	(1)	The Authority may, with the previous approval of the State Government, make regulations, not inconsistent with this Act and the rules made thereunder, for the administration of the affairs of the Authority.
		(2)	In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely—
		(a)	the summoning and holding of meetings of the Authority, the time and place where such meetings are to be held, the conduct of business at such meetings and the number of members necessary to form a quorum there at;
		(b)	to form of register of application for permission and the particulars to be contained in such register;

			(c)	the management of the properties of the Authority;
			(d)	the salaries, allowances and conditions of service of the Officers and employees of the Authority;
			(e)	the fee to be paid for inspection or obtaining copies of documents and maps;
			(f)	any other matters which has to be or may be prescribed by regulations.
71.	Dissolution of Authority	(1)	Where the State Government is satisfied that the purposes for which the Authority was established under this Act have been substantially achieved or for any other reason as may be considered proper, the State Government may by notification in the Gazette declare that the Authority shall be dissolved with effect from such date as may be specified in the notification; and the Authority shall be deemed to be dissolved accordingly.	
		(2)	From the said date—	
			(a)	all properties, funds and dues which are vested in, or realisable by the Authority shall vest in or be realisable by, the State Government;
		(b)	all liabilities which are enforceable against the Authority shall be enforceable against the State Government.	
72.	Overriding effect of this Act	(1)	The provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force;	
		(2)	Save as otherwise expressly provided in sub-section (1) of the provisions of this Act, shall be in addition to, and not in derogation of any other law for the time being in force.	

<p>73.</p>	<p>Power to remove difficulties</p>	<p>(1)</p>	<p>The Government may, for the purpose of removing any difficulty, by a notified order, direct that the provisions of this Act, shall, during such period, as may be specified in the order, have effect subject to such adaptation whether by way of modification, addition or omission, as it may deem necessary or expedient;</p> <p>Provided that no such order shall be made after the expiry of a period of two years from the date of the commencement of this Act.</p>
		<p>(2)</p>	<p>No order made under this section shall be called in question in any court on the ground that no such difficulty existed or was required to be removed.</p>