

Andhra Pradesh Tourism, Culture and Heritage Board Act, 2017

ANDHRA PRADESH

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Act 4 of 2017

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Andhra Pradesh Tourism, Culture and Heritage Board Act, 2017(Act No. 4 of 2017)Last Updated 31st July, 2019[Dated 26.04.2017]An Act to Provide for the Development and Promotion of Tourism, Development of Art and Culture, and Conservation and Promotion of Heritage in the State of Andhra Pradesh, and to Establish an Autonomous Board and Authorities to Achieve the Above Objectives and Matters Connected Therewith or Incidental thereto.Be it enacted by Legislature of the State of Andhra Pradesh in the Sixty-eighth Year of the Republic of India as follows:-

Part I – Preliminary

1. Short title and commencement.

(1)This Act may be called the Andhra Pradesh Tourism, Culture and Heritage Board Act, 2017.(2)It shall be deemed to have come into force with effect on and from the 31st October, 2016.

2. Definitions.

- In this Act, unless the context otherwise requires, -(1)"Authority" means an Authority constituted under section 6;(2)"Board" means the Andhra Pradesh Tourism, Culture and Heritage Board constituted under section 3;(3)"Chief Executive" means the Chief Executive of the Authority or Commission appointed under section 17 and includes any acting Chief Executive;(4)"Commission" means the Commission constituted under section 6;(5)"Company" means a body corporate registered under the Companies Act, 2013(Act No. 30 of 2013) and includes a firm or association of individuals;(6)"Constituent body" means any entity formed under sections 4 to 8;(7)"Director-General" means the Director - General of the Board referred to under section 16;(8)"Erstwhile departments" means the department of Tourism, the department of Culture, the department of Archaeology and such other departments as may be notified from time to time,

except the Administrative departments in the Andhra Pradesh Secretariat;(9)"Financial year" means a period of twelve months beginning on 1st day of April and ending on the last day of the March of the succeeding year;(10)"Fund" means a Fund established under section 20;(11)"Government" means the State Government of Andhra Pradesh;(12)"Local Body" means a Municipal Corporation constituted under the respective Act, or a Municipality or a Nagar Panchayat constituted under the Andhra Pradesh Municipalities Act, 1965 or a Gram Panchayat constituted under the Andhra Pradesh Panchayat Raj Act, 1994 or any other body constituted under the relevant Act to govern the urban services;(13)"Notification" means a notification published in the Andhra Pradesh Gazette and the word "notified" shall be construed accordingly;(14)"Prescribed" means prescribed by rules made by the Government under this Act;(15)"Regulations" means regulations made under section 41 of this Act;(16)"Rules" means rules made under section 42 of this Act;(17)"State" means the State of Andhra Pradesh;(18)"Successor Authority" means an Authority constituted under this Act in the place of an erstwhile department to perform its functions.

Part-II Constitution of Board, Executive Committee, Authorities, Commissions and Local Councils

3. Constitution of the Andhra Pradesh Tourism, Culture and Heritage Board.

(1)The State Government may by notification, constitute a body to be called the 'Andhra Pradesh Tourism, Culture and Heritage Board', for the State.(2)The Board shall consist of, -(a)The Chief Minister - Chairman;(b)Minister(s) for Tourism, Culture, and Heritage - Vice Chairmen;(c)The Minister for Finance- Member;(d)The Chief Secretary to Government - Member;(e)The Director - General and Secretary to Government in charge of Tourism and Culture - Member - Convener;(f)The Secretary to Government, Finance department- Member;(g)Two Secretaries to Government nominated by the Government - Members;(h)Chief Executive Officers of all the Authorities/Commissions created under this Act - Members(i)Four experts, who possess knowledge in tourism, culture and heritage to be appointed by the State Government-Members; and(j)Any other officer or expert whom the Board thinks necessary as special invitee.(3)The composition and reconstitution of Board resulting due to vacancies/absence of its members and proceedings shall be as per the First Schedule of this Act.(4)Subject to the general superintendence and control of the Board, the management of the affairs of the Board shall vest in the Executive Committee; and in the absence of an Executive Committee, the Director-General shall perform the functions and exercise the powers of the Executive Committee.

4. Constitution of the Andhra Pradesh Tourism, Culture and Heritage Executive Committee.

(1)The State Government may, Constitute an Executive Committee to be called the 'Andhra Pradesh Tourism, Culture and Heritage Executive Committee' in such manner as may be prescribed.(2)The Executive Committee shall consist of the following members:-(a)Director - General - Chairman(b)Chief Executive Officer of Tourism Authority - Member- Convener(c)All Chief Executive Officers of Authorities/Commissions - Members(d)Nominee of department of Finance - Member(e)Three experts one each from the fields of Tourism, Culture and Heritage nominated by the Board/Government - Members.(3)The functions, powers and other term of the Committee shall be as such may be prescribed.

5. Appointment of other committees.

(1)The Board may from time to time appoint committees consisting of such members as it thinks fit and associate with such committees in such manner and for such period as may be prescribed, any person or persons whose assistance or advice it may desire and refer to such committees for inquiry and report any subject relating to the purposes of this Act.(2)Every committee appointed under sub-section (1) shall conform to any instructions that may, from time to time, be given to it by the Board and the Board may at any time alter the constitution of any committee so appointed or rescind any such appointment. The Board shall nominate one of the members as the Chairman of every such committee.(3)The 'Andhra Pradesh Tourism, Culture and Heritage Committee', headed by the Chief Secretary, with the prescribed functions and powers including powers of delegation, may be constituted for coordinated implementation of plans/ programs at the Government level with the following members, -(i)Chief Secretary - Chairman;(ii)Secretary to Government in charge of Tourism and Director-General - member;(iii)Secretary to Government in charge of Finance Department - Member;(iv)Up to four Secretaries nominated by Chief Secretary - Members;(v)Chief Executive Officer, Tourism Authority - member-convener.(4)An Executive Committee headed by the Director-General, with the prescribed functions and powers including powers of delegation, may be constituted.

6. Constitution of Authority/Commission.

(1)The State Government may constitute as many Authorities/Commissions as it may deem necessary (hereinafter called as the 'Authority' or 'Commission' as the case may be), for the purpose of carrying out the functions of the Board and delegate powers to such Authorities or Commissions as may be prescribed.(2)In particular and without prejudice to the generality of the foregoing powers, the State Government may constitute Authorities or Commissions for performance of all or any of the functions of the Board including following matters, namely,-(a)Tourism;(b)Creativity and Culture;(c)Heritage; and(d)any other matter for which an Authority or Commission has to be constituted.(3)An Authority or Commission shall have a maximum of six members, including a chairman, two official members, not more than two experts in the related field, and a Chief Executive Officer who shall act as the Member-Secretary. The Director - General or Chief Executive Officer, as specified, shall act as the Chairman of Authority or Commission, constituted for dealing with matters at (a), (b) and (c) in sub section (2) under this section.(4)The composition and reconstitution of the Authority or Commission resulting due to vacancies/absence of its members and proceedings shall be as per First Schedule of this Act.(5)The Authority or Commission shall be a body corporate by the name of the Authority or Commission, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable and to contract and by the said name sue and be sued.

7. Appointment of other committees by the authority or Commission.

(1)The Authority or Commission may from time to time appoint committees consisting of such members as it thinks fit and associate with such committees in such manner and for such period as may be prescribed, any person or persons whose assistance or advice it may desire and refer to such

committees for inquiry and report any subject relating to the purposes of this Act.(2)Every committee appointed under sub-section (1) shall conform to any instructions that may, from time to time, be given to it by the Authority or Commission and the Authority or Commission may at any time alter the constitution of any committee so appointed or rescind any such appointment. The Authority or Commission shall nominate one of the members as the Chairman of every such committee.

8. Constitution of Local Councils.

(1)The Government may constitute one or more local councils, (hereinafter called as the 'council'), for a district or a city or a region, for the purpose of carrying out the functions of the Board and delegate the powers to such local councils as may be prescribed(2)There shall be a District Tourism and Culture Council for each district consisting of-(a)District Collector- Chairperson;(b)Four officials of whom one shall be a member-convener; and(c)Not more than four experts nominated by the District Collector;(3)There shall be a City Tourism and Culture Council for Visakhapatnam, Vijayawada, Tirupathi, Amaravati and such other cities notified by Government, consisting of-(a)Municipal Commissioner/Commissioner, Amaravati Capital City Area- Chairperson;(b)Four officials of whom one shall be a member-convener; and(c)Not more than four experts nominated by the Municipal Council;

9. Common seal and execution of documents.

(1)Every Authority or Commission shall have a common seal and such seal may from time to time be changed and altered as the Authority/Commission thinks fit.(2)All deeds, documents and other instruments requiring the seal of the Authority or Commission shall be affixed with the common seal of the Authority or Commission, as the case may be, and every instrument to which the common seal is affixed shall be signed by an officer of the Authority or Commission and shall be countersigned by a member of the Authority or Commission or by some other person duly authorised by the Authority or Commission for that purpose, and such signing shall be sufficient evidence that such seal was duly and properly affixed.(3)The Authority or Commission may by resolution or otherwise in writing appoint an officer of the Authority or Commission, as the case may be, either in general or in a particular case to execute or sign on behalf of the Authority or Commission an agreement or other instrument in relation to any matter concerned to the Authority or Commission.Part-III Functions of the Board, Authorities and Commissions

10. Functions of the Board.

(1)The functions of the Board shall be as may be prescribed in regard to the following matters
-(a)tourism matters including planning, development, regulation, notification/regulation/development control in special tourism zones, tourism promotion, investment promotion and so on;(b)creativity and culture matters including protection, preservation, development, promotion, creating awareness and enabling enjoyment of culture, art and creativity of Telugu people;(c)Heritage matters including protection, preservation, conservation, promotion of understanding and enjoyment of tangible and intangible

heritage;(d)Coordination between departments of Government such as-(i)facilitation of integrated planning with other departments;(ii)resolving inter-departmental issues;(iii)coordination and facilitation of infrastructure development such as roads, water supply, electricity and so on relating to other departments;(iv)monitoring the implementation of infrastructure projects, incentives and concessions; and(v)resolution of issues relating to pending clearances of other departments of Government; and(e)Any other function assigned to the Board by the Government from time to time.(2)Nothing in this section shall be construed as imposing on the Board, directly or indirectly, any form of duty or liability enforceable by proceedings before any court.

11. Functions of the Authorities or Commissions.

(1)The Authorities or Commissions constituted under this Act shall undertake the functions specified under sub-section (1) of section 10, on behalf of the Board.(2)In addition to the functions of the Board under sub-section (1), an Authority or Commission may undertake such other functions as the Government may assign and in so doing the Authority or Commission shall be deemed to be fulfilling the purposes of this Act, and the provisions of this Act shall apply to the Board and the Authority or Commission in respect of such functions.(3)The Board, Authorities or Commissions in performing their functions shall represent the State.

Part IV – Powers of the Board, Authorities, and Commissions

12. Powers of the Board.

(1)Subject to the provisions of this Act, the Board may carry on such activities as appear to the Board to be advantageous, necessary or convenient for it to carry on for or in connection with the discharge of its functions under this Act and, in particular, the Board may exercise one or more of the powers in regard to the following matters,-(a)tourism matters including planning and development, notification of special tourism zones, development regulation in special tourism zones, infrastructure development, registration and classification of tourism enterprises/hotels/tour operators/ travel agencies, tourism promotion, tourist police for safety and security of tourists, investment promotion, formulation and implementation of incentive policy, research etc;(b)creativity and culture matters including protection, preservation, development, promotion, creating awareness and enabling enjoyment of culture, art and creativity of Telugu people;(c)Heritage matters including protection, preservation, conservation, regulation, of tangible or intangible heritage; and(d)such other powers as may be prescribed.(2)In particular and without prejudice to the generality of the foregoing powers, the Board may,(a)supervise and issue directions to the Authorities or Commissions formed under this Act;(b)direct an authority/commission to produce any extract from any of its proceedings or any other committee constituted under this Act, record, correspondence or other document; or to furnish any return, plan, estimate, statement, account or statistics or to furnish or to obtain any report.(c)approve the policy, financial, staffing and such other proposals of the Authorities or Commissions;(d)review performance of authorities, companies, special purpose vehicles or such other entities formed under this Act;(e)coordinate the activities and programs of all the authorities and constituent bodies formed under this Act;(f)fix

annual performance targets and review performance of authorities, companies, special purpose vehicles or such other joint venture entities formed under this Act or otherwise;(g)approve the annual budgets of the Authorities or Commissions;(h)to accord sanction of expenditure to the Authorities/Commissions constituted under this Act as per annual budget approved;(i)permit formation of companies, special purpose vehicles, joint ventures, trusts and societies for meeting the objectives of this Act;(j)approve the annual budgets of the Authorities/ Commissions constituted under this Act;(k)associate with experts or organizations, public or private, national or international, for assistance or advice upon payment of fees as decided;(l)send any officer or employee of the Board or Authority or Commission to another state or country for capacity building or collaboration or promotional activities;(m)for purposes of functioning of the board, direct any Authority or Commission: to make remuneration/ payments to the members of the Board, to hire and provide required staff, to provide office space, and to provide incidental office expenditure/ material supplies/ office support;(n)accord permission for hiring skilled personnel at competitive market rates;(o)approve policies/ guidelines/ standards cutting across different authorities;(p)issue directions to the authorities or the constituent bodies or persons with regard to the implementation of any development project or scheme financed under this Act, and any such authority or constituent body or person shall be bound to comply with such directions;(q)ratify the action taken by the officers and constituent bodies to facilitate timely decision making;(r)notwithstanding anything contained in any other law for the time being in force, every such direction shall be complied with by the person to whom it is issued:Provided that if such person fails to carry out his directions, it shall be competent for the Director General to take necessary action to carry out the directions issued and recover expenses, if any incurred from the person/body concerned;(s)to undertake any other activity incidental or necessary to further the interests of the Board, duly recording the reasons thereto;(t)sanction incentives for tourism projects;(u)in the case of Public-Private-Partnership projects, it shall have powers,-(1)to direct an Authority or Commission to conceptualise projects, conduct feasibility studies, prepare detailed plans and designs, authorise invitation of tenders, select successful bidder, and appoint selected bidder; and(2)to undertake Public-Private-Partnership projects without reference to any authority established under any other Act for the time being in force or any non-statutory body;(v)allocate any land transferred to an Authority/ Commission on sale or lease basis either for government or private or public-private-partnership tourism projects; and(w)take any other decision or acts which are in consonance with the purposes of this Act.(3)The Board may, in addition to the powers vested in it by sub-section (1), exercise such other powers as the Government may authorise it in writing.(4)The Board shall, when it is exercising powers authorised by the Government under sub-section (2), be deemed to be exercising powers vested in it by sub-section (1).(5)This section shall not be construed as limiting any power of the Board conferred by or under any other law.

13. Powers of Authority or Commission.

(1)Subject to the provisions of this Act, an Authority or Commission may carry on such activities as appear to it to be advantageous, necessary or convenient for it to carry on for or in connection with the discharge of its functions under this Act and, in particular, an Authority or Commission may exercise one or more of the powers in regard to the following matters,-(a)Financial/ property related,-(i)to acquire, take on lease, hire, hold and enjoy movable and immovable property and to

convey, assign, surrender, charge, mortgage, demise, transfer or otherwise dispose of, or deal with, any movable or immovable property belonging to the Authority or Commission upon such terms as the Authority or Commission considers fit;(ii)to sanction and execute infrastructure and other works;(iii)to conceptualise plans/ schemes and programs;(iv)to enter into any contract or agreement for carrying out the purposes of this Act;(v)to receive, in consideration of the services rendered by the Authority or Commission, such commission or payment as may be agreed upon;(vi)with the approval of the Government, to subscribe for or acquire any stock, share, bond, debenture or other financial instrument in any company;(vii)with the approval of the Board or Government -[A] to enter into any joint venture with any person; or[B] to form or participate in the formation of any company, whether in India or elsewhere, for the purpose of carrying out all or any of the functions of the Board;(viii)with the approval of the Government, to borrow money for such of the purposes of the Authority or Commission as the Authority or Commission may from time to time deem fit;(ix)to dispose of capital assets and to use the proceeds from such disposal as the Authority or Commission deems fit;(x)to impose fees or any other charges it deems fit for carrying out any of its functions;(xi)to accept gifts, legacies or donations and apply them for one or more of its functions; and(xii)to exercise all powers and perform all duties which, under any other written law, are or may be or become vested in or delegated to the Authority or Commission;(b)General matters:(i)to undertake surveys, studies, research and training in fields relating to its functions;(ii)to enter into such negotiations and arrangements as the Authority or Commission considers necessary for the performance of its functions;(iii)with the approval of the Government, to make regulations for the establishment of any scheme for the payment of superannuation benefits to such employees or classes of employees as the Authority or Commission may determine, on their death or retirement from the service of the Authority or Commission or on their otherwise leaving the service of the Authority or Commission;(iv)to exercise all powers and perform all duties which, under or by virtue of any other written law, may be vested or delegated to it; and(v)generally to do all such matters and things as may be incidental to or consequential upon the exercise of the Authority's or Commissions powers or the discharge of its duties under this Act.(2)The Authority or Commission may, in addition to the powers vested in it by sub-section (1), exercise such other powers as may be prescribed by rules.(3)The Authority or Commission shall, when it is exercising powers authorised under sub-section (2), be deemed to be exercising powers vested in it by subsection (1).(4)This section shall not be construed as limiting any power of the Authority or Commission conferred by or under any other law

14. Powers of Government in relation to the Board.

(1)The Government may give to the Board or its constituent bodies such directions, not inconsistent with the provisions of this Act, as it thinks fit, as to the performance of the functions of the Board under this Act, and the Board and its constituent bodies shall give effect to all such directions.(2)The Board and its constituent bodies shall furnish the Government with such information or facilities for obtaining information with respect to its property and the performance of its functions in such manner and at such times as the Government may reasonably require

15. Powers of delegation.

- The Board, Director-General, Authority, Commission, Chief Executive Officer and Council may delegate its powers and direct that any power exercisable by it may also be exercised by any of the following, in such cases and subject to such conditions, if any, as may be specified therein. (a) any authority subordinate to it; (b) any of the officers or employees of the Board or its constituent bodies; (c) any of the officers or employees of a Local Body; and (d) any special purpose vehicle or company of any Authority or Commission.

Part V – Staff Provisions

16. Director General of the Board.

- The Secretary to Government in charge of department of Tourism, Culture and Archaeology, shall be the Director- General of the Board

17. Chief Executive of Authority.

(1) The Chief Executive Officer of an Authority or Commission shall be appointed by the Government. (2) The Chief Executive Officer shall receive such salary and other allowances from the Fund as the Government may determine from time to time. (3) The Director- General, may grant from time to time leave of absence and permission to travel within or outside the country, to the Chief Executive Officer. (4) The Chief Executive Officer shall be responsible to the Authority or Commission, as the case may be, for the proper administration and management of the functions and affairs of the Authority or Commission in accordance with the policy laid down by the Authority or Commission.

18. Appointment of staff.

(1) The Authority or Commission shall upon the recommendation of the Chief Executive Officer, from time to time- (a) create functional services departments and corporate services departments with such names as it may determine within the Authority or Commission with the approval of the Board; (b) create such positions with such designations in the departments as it may determine with the approval of the Board; (c) appoint such number of persons on such terms as to remuneration, duration, designation or otherwise against the positions created, as it may determine for effective performance and discharge of its functions notwithstanding any prohibition in any other Act with the approval of the Board; and (d) initiate disciplinary action or terminate appointment or dismiss the persons appointed and an appeal against such decision shall lie to the Board. (2) The Authority or Commission may make regulations, not inconsistent with the provisions of this Act or of any other law, for the appointment, promotion, dismissal, termination of service, disciplinary control and terms and conditions of service of all persons appointed by the Authority or Commission. (3) The appointed staff shall work under the overall supervision and control of the Chief Executive Officer. (4) The staff shall be entitled to receive from the funds of the Authority or Commission such

remuneration and shall be governed by such conditions of service, as may be determined by regulations made in this behalf.(5)The Director General may permit the Chief Executive Officer to hire skilled persons and experts for periods not exceeding five years as may be considered necessary, at competitive market rates, and permit delegation of such functions and powers as determined by the Authority/ Commission.Part-VI Financial Provisions

19. Payments to the Authorities or Commissions.

- For the purpose of enabling the Authorities or Commissions to carry out functions under this Act and any regulations made thereunder, the Government may, from time to time, authorise the payment to the Authorities or Commissions of such sums as it may determine.

20. Establishment and administration of Fund.

(1)There shall be established a fund for each Authority or Commission, to be called by the prescribed name, which shall, subject to the directions of the Government, be controlled and administered by the Authority or Commission, as the case may be.(2)All moneys collected under this Act or any regulations made thereunder and all moneys received by an Authority or Commission from any source whatsoever shall be paid into the Fund.(3)An officer of the Authority or Commission, authorized in this regard, shall be responsible for day to day administration of the Fund on behalf of the Authority or Commission, as the case may be.

21. Purposes of Fund.

- The Fund shall be devoted to the following purposes:(a)the payment of the expenses of, or connected with, the administration of the Authority or Commission; and(b)the payment of all expenses necessary for carrying out the purposes of this Act and any regulations made thereunder.

22. Annual estimates.

(1)The Authority or Commission shall every year cause to be prepared and shall adopt annual estimates of income and expenditure of the Authority or Commission, as the case may be, for the ensuing year.(2)Supplementary estimates may be adopted by the Authority or Commission at any of its meetings.(3)A copy of all annual and supplementary estimates shall, upon their adoption by the Authority or Commission, as the case may be, be sent forthwith to the Government under intimation to the Board.(4)The Authority or Commission may transfer all moneys or part thereof assigned to one item of expenditure to another under the same head of expenditure in supplementary estimates.(5)A summary of the annual estimates and supplementary estimates adopted by the Authority or Commission shall be published in the Andhra Pradesh Gazette.

23. Payments to the Authority or Commission.

(1)The Authority or Commission shall prepare its annual budget and submit the same to the Government for inclusion in the state budget.(2)For the purpose of enabling the Authority or Commission to carry out its functions under this Act and any regulations made thereunder, the Government shall every year, authorise the payment to the Authority or Commission of a lump sum grant and/or advance as it may agree to be required by the Authority or Commission for carrying out any of its functions under this Act, and may make such advances on such terms and conditions as it may, after consultation, deem appropriate. Any such grant may be made by the Government out of the Consolidated Fund of the State, and without further appropriation other than this Act, by a government order.

24. Annual plan and report.

(1)The Authority or Commission shall prepare for every year, and annual plan, and further shall as soon as practicable after the end of each financial year but not later than 30th September in each year furnish to the Government and the Board a report of its functions during the preceding year.(2)The Government shall cause a copy of every such report to be presented to State Legislature.

25. Pension and Provident Fund.

- The Authority or Commission shall direct its whole-time paid members, officers and other employees to subscribe to a pension scheme such as National Pension System regulated by the Pension Fund Regulatory and Development Commission Act, 2013, (Central Act 23 of 2013) and such provident fund as it may determine.

26. Expenditure Sanction.

(1)The powers of administrative sanction of expenditure shall be as follows subject to revision by the Board from time to time.(a)The Chief Executive Officer, Director General and Executive Committee shall have power to sanction expenditure as may be specified.(b)Council shall have powers to sanction expenditure within the budgetary amount allocated to it for the financial year by the Authority or Commission or Government.(2)The powers of technical sanctions for all works at sub-section (1) shall be as follows.(a)All works executed by the Authority or Commission shall be technically sanctioned by an engineer of the Authority/ Commission designated in this regard by the Authority/ Commission or an independent engineer engaged for the purpose, irrespective of the estimated amount.(b)All works executed by a Council may be technically sanctioned by any engineer as decided by the council irrespective of the amount.(3)Appropriate tender committees may be formed by the Director General or Chief Executive Officer or the Council, as the case may be, for overseeing procurements at sub-section (1) and concluding the agreements.

27. Other financial provisions.

(1)The financial provisions set out in the Second Schedule shall have effect with respect to an Authority or Commission.(2)A council shall be authorised to maintain an independent account, for receipt and expenditure of moneys from the Fund, conforming to the provisions of this Act.

Part VII – Miscellaneous

28. Authority or Commission symbol.

(1)Every Authority or Commission shall have the exclusive right to the use of such symbol or representation as it may select or devise and thereafter display or exhibit in connection with its activities or affairs.(2)A person who without the permission of the Authority or Commission uses a symbol or representation identical with that of the Authority or Commission symbol, or which so resembles the Authority or Commission symbol as to or be likely to deceive or cause confusion shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten thousand rupees or to imprisonment for a term not exceeding six months or to both.

29. Compounding of offences.

(1)The Chief Executive Officer or any officer of the Authority or Commission authorised by him may, at his discretion, compound any offence under this Act or any regulations made thereunder which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following:(a)one half of the amount of the maximum fine that is prescribed for the offence;(b)twenty thousand rupees.(2)On payment of such sum of money, no further proceedings shall be taken against that person in respect of the offence.(3)All sums collected under this section shall be paid into the Consolidated Fund of the State.

30. Recovery of financial penalties.

(1)Any person who fails to pay a financial penalty by the date he is required to do so under this Act shall be liable to pay, after that date, interest on the amount unpaid at the same rate as for a judgment debt.(2)Any financial penalty and any interest thereon payable by any person under this Act shall be paid to the Authority or Commission and shall be recoverable by the Authority or Commission as a debt due to the Authority from that person.(3)The Authority or Commission may, in any case it thinks fit, waive, remit or refund, wholly or in part, any financial penalty or any interest thereon payable under this Act.(4)The Authority or Commission shall pay into the Consolidated Fund of the State all financial penalties and interest thereon collected by the Authority or Commission under this Act.

31. Service of notice.

(1) Subject to sub-section (5), a notice may be served in the following manner: (a) in the case of an individual - (i) by delivering it to the individual personally; (ii) by leaving it with an adult person apparently resident at, or by sending it by prepaid registered post to, the usual or last known address of the place of residence of the individual; (iii) by leaving it with an adult person apparently employed at, or by sending it by prepaid registered post to, the usual or last known address of the place of business of the individual; (iv) by affixing a copy of the notice in a conspicuous place at the usual or last known address of the place of residence or place of business of the individual; or (v) by electronic communication, by sending an electronic communication of the notice to the last email address given to the Board by the individual as the email address for the service of documents on the individual; (b) in the case of a partnership other than a limited liability partnership - (i) by delivering it to any one of the partners or the secretary or other like officer of the partnership; (ii) by leaving it at, or by sending it by prepaid registered post to, the principal or last known place of business of the partnership in India; (iii) by sending it by facsimile transmission to the fax transmission number operated at the principal or last known place of business of the partnership in India; or (iv) by electronic communication, by sending an electronic communication of the notice to the last email address given to the Board by the partnership as the email address for the service of documents on the partnership; and (c) in the case of any limited liability partnership or any other body corporate - (i) by delivering it to the secretary or other like officer of the body corporate or, in the case of a limited liability partnership, the manager thereof, or to any person having, on behalf of the limited liability partnership or other body corporate, powers of control or management over the business, occupation, work or matter to which the notice relates; (ii) by leaving it at, or by sending it by prepaid registered post to the registered office or principal place of business of the limited liability partnership or other body corporate in India; (iii) by sending it by facsimile transmission to the fax transmission number operated at the registered office or principal place of business of the limited liability partnership or other body corporate in India or elsewhere; or (iv) by electronic communication, by sending an electronic communication of the notice to the last email address given to the Board by the limited liability partnership or other body corporate as the email address for the service of documents on the limited liability partnership or body corporate. (2) If the person on whom service is to be effected has an agent within India, the notice may be delivered to the agent. (3) Any notice which is to be served on the occupier of any premises - (a) may be served by delivering it to an adult person on the premises or, if there is no such person on the premises to whom it can with reasonable diligence be delivered, by affixing the notice to a conspicuous part of the premises; and (b) shall be deemed to be properly addressed if addressed by the description of the occupier of the premises without further name or description. (4) Where any notice is required to be served on any person is - (a) sent by registered post to any person, it shall be deemed to be duly served on the person at the time when it would, in the ordinary course of post, be delivered, whether or not it is returned undelivered, and in proving service of the notice, it shall be sufficient to prove that the envelope containing the same was properly addressed, stamped and posted by registered post; (b) sent by ordinary post to any person, it shall be deemed to be duly served on the person to whom it is addressed on the day succeeding the day on which it would, in the ordinary course of post, be delivered; (c) sent by a facsimile transmission to the fax transmission number operated at the last known place of residence or business or registered office or principal place of business, it

shall be deemed to be duly served on the person to whom it is addressed on the day of transmission, subject to receipt on the sending facsimile machine of a notification (by electronic or other means) of a successful transmission to the place of residence or business or registered office or principal place of business, as the case may be; and(d) sent by electronic communication to an email address, it shall be deemed to be duly served on the person to whom it is addressed at the time of entering the information system addressed to the email address.(5) Service of any notice under this section on a person by electronic communication may be effected only if the person gives as part of his or its address for service an email address.(6) Any person who on being required by notice under this section to furnish any particulars or information-(a) wilfully refuses or without lawful excuse (the proof of which lies on him) neglects to furnish the particulars or information within the time specified in the notice; or (b) wilfully furnishes or causes to be furnished any false particulars or information in respect of any matter specified in the notice requiring particulars or information to be furnished, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding rupees ten thousand or to imprisonment for a term not exceeding six months or to both.(7) Nothing in this section authorises the Board, or any employee thereof authorised by the Board in that behalf, to require the any Government department to furnish to the Board or the employee so authorised any particulars or information in the possession of the department obtained in the performance of any of its functions;

32. Public Notice how to be made known.

- Every public notice given under this Act or rules or standing orders made there under shall be in writing and shall be widely made known in the locality to be affected thereby affixing copies thereof in conspicuous public places within the said locality, by publishing it in the official web portal of the Authority or Commission, and by advertisement in one or more local newspapers.

33. Notices etc, to fix reasonable time.

- Where any notice, order or other document issued or made under this Act or any rule or regulations made thereunder requires anything to be done for the doing of which no time is fixed in this Act or rule or regulations made thereunder, the notice, order or other document shall specify a reasonable time for doing the same.

34. Obstructing officers of Board, Authority or Commission.

- Any person who obstructs or molests or hinders an officer or agent of the Board, an Authority or Commission acting in the discharge of his duty under this Act or any regulations made thereunder shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten thousand rupees or to imprisonment for a term not exceeding three months or to both.

35. Prosecution, Magistrate's power etc.

(1) No prosecution for any offence punishable under this Act shall be instituted except with the

previous sanction of the Chief Executive Officer.(2)No Court inferior to that of a magistrate of the first class shall try an offence punishable under this Act. Any proceedings in respect of an offence under this Act or any regulations made thereunder shall be tried summarily.(3)Notwithstanding anything contained in section 32 of Code of Criminal Procedure, 1973, it shall be lawful for any court of a magistrate of the first class to pass any sentence authorised by this Act, in excess of its power under the said section.

36. Exclusion of liability for errors or omissions in information supplied.

- Where the Board provides a service to the public whereby information is supplied to the public on payment of a prescribed fee, neither an Authority/ Commission nor any of its employees involved in the supply of such information shall be liable for any loss or damage suffered by members of the public by reason of any error or omission of whatever nature appearing therein or however caused if made in good faith and in the ordinary course of the discharge of the duties of such employees.

37. Offence by body corporate.

- Where an offence under this Act or any regulations made thereunder is committed by a body corporate and it is proved to have been committed with the consent or connivance of or to be attributable to an act or default on the part of a director, manager, secretary or other similar officer of the body corporate, or a person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

38. Bar of Legal proceeding.

- No suit, prosecution or the proceeding shall lie against the Government or Board or Authority or Commission or officer or person for any act done or purporting to be done under or in pursuance of this Act or the rules or regulations made there under.

39. Protection of acts done in good faith.

- No matter or thing done and no contract of any kind entered into by an Authority or Commission and no matter or thing done by a member or officer or employee of the Board, Authority or Commission or by any other person whomsoever acting under the direction of Board, Authority or Commission shall, if the matter or thing was done or the contract was entered into bona fide for the purpose of executing the provisions of this Act, subject such member, officer, employee or person acting under the direction of the Board, Authority or Commission personally to any action, liability, claim or demand whatsoever in respect thereof.

40. Members, Officers and Employees of the Authority or Commission to be public servants.

- All members of the Board, Authority or Commission, officers and employees of the Board, Authority or Commission and all other persons entrusted with the execution of any function under this Act, shall be deemed when acting or purporting to act in pursuance of any of the provisions of this Act or the rules or regulations made thereunder, to be public servants within the meaning of section 21 of the Indian Penal Code, 1860. (Central Act XLV of 1860).

41. Power to make regulations.

(1)The Board, and an Authority or Commission with the approval of the Board/Government, may make regulations, consistent with this Act and Rules made there under to carry out the provisions of this Act.(2)In particular and without prejudice to the generality of the power conferred in sub-section (1) such regulations may provide for all or any of the following:(a)the manner of preparation of annual budget and its approval by Government;(b)the delegation of powers to officers and employees of the Authority or Commission;(c)the opening, keeping, closing of and internal audit of accounts of the Authority or Commission;(d)allowances to the staff of the Authority or Commission;(e)the professional and technical training of staff of the Authority or Commission;(f)the job charts, duties, and responsibilities of various positions in the Authority or Commission along with skills, experience and qualifications required to hold them;(g)the method of entering into contract while hiring staff from the market or deputing staff from any Government organization;(h)the form and manner of preparation of annual reports of the Authority or Commission; and(i)any other matter which is required to be provided by the regulations.

42. Power to make rules.

(1)The Government, after consultation with the Board, an Authority or Commission, may by notification make rules to carry out the functions of the Board and to carry out the purposes of this Act:Provided that consultation with the Board, an Authority or Commission shall not be necessary on the first occasion of the making of rules under this section;Provided further that the Government shall take into consideration of any suggestions which the Board, an Authority or Commission may make in relation to the amendment of such rules after they are made.(2)In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely,-(a)the procedure of compounding offences;(b)the powers of inspection, and powers to examine and secure attendance;(c)the terms of office of members, their allowances and other conditions of service;(d)the functioning and conduct of meetings ;(e)the functions and powers of the Authority or Commission; and(f)any other matter which has to be or may be made by rules.(3)The Government may, in making any rules under this section, provide that a contravention of or failure to comply with the rules shall be an offence and penalize in respect of such offence a fine not exceeding the sum of one lakh rupees or imprisonment for a term not exceeding three months or both and, in the case of a continuing offence, a further fine not exceeding two thousand five hundred rupees for every day or part thereof during which such offence continues after

conviction in the court of Judicial First Class Magistrate.(4)Every rule made under this Act shall immediately after it is made, be laid before the State Legislature if it is in session, and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiration of the session in which it is so laid or the session immediately following, the Legislature agree in making any modifications in the rule or in the annulment of the rule, the rule shall, with effect from the date of notification of such modification or annulment in the Andhra Pradesh Gazette is notified have effect only in such modified form or shall stand annulled, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

43. Exemption.

(1)Notwithstanding the provisions of this Act, the Government may by order exempt any person or class of persons from all or any of the provisions of this Act.(2)Any order made under this section shall be presented to State Legislature as soon as possible after publication in the Andhra Pradesh Gazette.

44. Interpretation of the Act.

- When any difference of opinion arises in regard to any interpretation of the provisions of this Act or the rules or regulations made thereunder or any other law, the interpretation and the decision of the Government thereon shall be final.

45. Dissolution of the Board, Authority or Commission by the Government.

(1)Where the Government are satisfied that the purposes for which the Board, Authority or Commission is constituted under this Act, has been substantially achieved so as to render the continued existence of the Board, Authority or Commission in the opinion of the Government unnecessary, the Government may by Notification, declare that the said Board, Authority or Commission shall be dissolved with effect on and from such date as may be specified in the notification; and the Board, Authority or Commission shall be deemed to be dissolved accordingly.(2)From the said date -(a)All properties, funds and dues which are vested in or realizable by any Authority or Commission shall vest in, or be realizable by the Government;(b)All Government vacant lands placed at the disposal of the Authority or Commission shall revert to the Government;(c)All liabilities which are enforceable against an Authority or Commission shall be enforceable against the Government; and(d)For the purposes of carrying out any development which has not been fully carried out by an Authority or Commission and for the purposes of realizing properties, funds and dues referred to in clause (a) the functions of the Board shall be discharged by the Government.

46. Dissolution of erstwhile department.

- On and from the date of constitution of Authority or Commission under this Act, the erstwhile departments shall cease to exist. Upon issue of a notification under clause (8) of section 2 and constitution of an Authority / Commission under section 6 that department shall stand dissolved.

47. Transitional provisions.

(1)Any scheme, contract, document, licence, consent or resolution prepared, made, granted, approved or issued by or on behalf of an erstwhile department, shall, except as otherwise expressly provided in this Act or any other written law, continue and be deemed to have been prepared, made, granted or approved by the successor Authority.(2)Where anything has been commenced by or on behalf of an erstwhile department, before the date of commencement of this Act, such thing may be carried on and completed by or under the authority of a successor Authority.(3)In any written law and in any document, unless the context otherwise requires, any reference to an erstwhile department shall be construed as a reference to the successor Authority.(4)The provisions set out in the Third Schedule with respect to the transfer of assets, liabilities, functions and employees of an erstwhile department shall have effect.

48. Repeal of Ordinance No. 6 of 2016.

- The Andhra Pradesh Tourism, Culture and Heritage Board Ordinance, 2016 is hereby repealed.First Schedule(see Section 3)Proceedings

1. Temporary Chairman or Vice Chairman. - The Chairman may appoint Vice Chairman to be temporary Chairman or any member to be temporary Vice Chairman during the temporary incapacity from illness or otherwise, or during the temporary absence from India of the Chairman or the Vice Chairman, as the case may be.

2. Vacation of office of member. - The office of a member shall be vacated if the member becomes in any manner disqualified for membership of the Board;

3. Disqualification from membership. - No person shall be appointed or shall continue to hold office as a member if he-

(a)is mentally disordered and incapable of managing himself or his affairs;(b)is an un-discharged bankrupt or has made any arrangement or composition with his creditors; or(c)is convicted of an offence.

4. Member's interest to be made known. - (1) A member who is in any way, directly or indirectly, interested in a transaction or project of the Board shall disclose the nature of his interest at the first meeting of the Board at which he is present after the relevant facts have come to his knowledge.

(2) A disclosure under sub-section (1) shall be recorded in the minutes of the meeting of the Board and, after the disclosure, that member - (a) shall not take part in any deliberation or decision of the Board with respect to that transaction or project; and (b) shall be disregarded for the purpose of constituting a quorum of the Board for such deliberation or decision. (3) No act or proceedings of the Board shall be questioned on the ground that a member has contravened this section.

5. Meetings of Board. - (1) The Chairman shall summon meetings as often as may be required but not less than once in 6 months in case of the Board and 3 months in case of the Executive Committee/ Authority/ Commission at such place within the jurisdiction of the Board and at such time as the Chairman may decide.

(2) The quorum at every meeting shall be one-third of the total number of members or 3 members, whichever is higher. (3) Decisions at meetings shall be adopted by a simple majority of the votes of the members present and voting; and in the case of an equality of votes, the Chairman or in his absence the Vice Chairman shall have a casting vote. (4) The Chairman or in his absence the Vice Chairman shall preside at meetings. (5) The Board may act notwithstanding any vacancy in its membership. (6) The notice period for convening the Board shall not be less than 7 days and in case of short notice meetings not less than 2 days. (7) The agenda shall be approved by the Member-Secretary. (8) Subject to the provisions of this Act, the Board or Director General may make standing orders to regulate its own procedure, and, in particular, the holding of meetings, the notice to be given of such meetings, the proceedings thereat, the keeping of minutes and the custody, production and inspection of such minutes. (9) Where the Member - Secretary consider it necessary a decision on any important or urgent matter that should be taken in circulation to all the Members including the Chairman, the action shall be taken as per the decision of majority of the Members.

6. Validity of acts of members. - The acts of a member shall be valid notwithstanding any defect that may afterwards be discovered in his appointment or qualifications.

Second Schedule (See Section 27) Financial Provisions

1. The financial year of the Authority or Commission shall begin on 1st April of each year and end on 31st March of the succeeding year, except that the first financial year of the Authority or Commission shall begin on the date of commencement of this Act and shall end on 31st March 2017.

2. The Authority or Commission shall keep proper accounts and records of its transactions and affairs and shall do all things necessary to ensure that all payments out of its moneys are correctly made and properly authorised and that adequate control is maintained over the assets of, or in the custody of, the Authority or Commission and over the expenditure incurred by the Authority or Commission.

3.

(1)The accounts of the Authority or Commission shall be audited by the Accountant-General or such other auditor as may be appointed annually by the Government in consultation with the Accountant-General.(2)A person shall not be qualified for appointment as an auditor under sub-paragraph (1) unless he is an approved company auditor under the Companies Act, 2013

4. The remuneration of the auditor shall be paid out of the funds of the Authority or Commission.

5. The Authority or Commission shall, as soon as practicable but not later than 31st July in every year, prepare and submit the financial statements in respect of the preceding financial year to the auditor who shall audit and report on them.

6.

(1)The auditor shall in his report state -(a)whether the financial statements show fairly the financial transactions and the state of affairs of the Authority or Commission;(b)whether proper accounting and other records have been kept, including records of all assets of the Authority or Commission whether purchased, donated or otherwise;(c)whether the financial statements are prepared on a basis similar to that adopted for the preceding year;(d)whether the financial statements are in agreement with the accounting and other records;(e)whether the receipts, expenditure, investment of moneys, and the acquisition and disposal of assets by the Authority or Commission during the financial year have been in accordance with this Act; and(f)such other matters arising from the audit as he considers should be reported.(2)The auditor shall send an annual report of his audit to the Authority or Commission and Board not later than 30th September in each year.

7. The auditor may at any other time report to the Government through the Board upon any matter arising out of the performance of his audit.

8. The Accountant General or any person as may be appointed by him in connection with the audit of accounts of the Authority or Commission shall have the same rights, privileges and authority in connection with such audit as the Accountant-General has in connection with the State Government accounts and in particular shall have the right to, at all reasonable times, full and free access to all accounting and other records relating, directly or indirectly, to the financial transactions of the Authority or Commission.

9. The auditor or a person authorised by him may make copies of or extracts from any such accounting and other records.

10. The auditor may require any person to furnish him with such information in the possession of that person or to which that person has access as the auditor considers necessary for the purposes of his functions under this Act.

11. Any person who fails without any reasonable cause to comply with any requirement of the auditor under paragraph 10 or who otherwise hinders, obstructs or delays the auditor in the performance of his functions under this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding rupees ten thousand and, in the case of a continuing offence, to a further fine not exceeding rupees one thousand for every day during which the offence continues after conviction.

12. As soon as the accounts of the Authority or Commission and the financial statements have been audited in accordance with the provisions of this Act but not later than 30th September in each year, a copy of the audited financial statements signed by the Director and certified by the auditor, together with a copy of any report made by the auditor, shall be submitted to the Government.

13. Where the Accountant General is not the auditor of the Authority or Commission, a copy of the audited financial statements and any report made by the auditor shall be forwarded to the Accountant General at the same time they are submitted to the Authority or Commission.

14. The Government shall as soon as practicable cause a copy of the audited financial statements and of the report of the auditor to be presented to State Legislature.

Third Schedule(See Section 47)Transfer of Assets, Liabilities, Functions and Employees

1. Transfer of assets and liabilities. - As from the date of commencement of this Act all the lands, buildings and other property movable and immovable, vested in the erstwhile department immediately before that date and all assets, rights and interests vested in, and all outstanding debts, liabilities and obligations incurred by, the erstwhile department in connection therewith, shall be transferred to and shall vest in the Authority or Commission without further assurance.

2. Existing agreements, etc. - All deeds, bonds, agreements, instruments and working arrangements, subsisting immediately before the date of commencement of this Act, affecting any of the property, rights, interests, liabilities and obligations transferred to or vested in the Authority or Commission under this Act shall continue in force on and after that date and shall be enforceable by or against the Authority or Commission as if, instead of the erstwhile department or a person acting on behalf of the erstwhile department, the Authority or Commission had been named therein or had been a party thereto.

3. Pending legal proceedings. - (1) Any proceedings or cause of action pending or existing immediately before the date of commencement of this Act by or against the erstwhile department or any person acting on its behalf, may be continued and shall be enforced by or against the Authority or Commission.

(2)Sub-section (1) shall not apply to any proceedings or cause or action relating to any sums of money paid, or payable by way of instalments, to the erstwhile department.

4. Transfer of employees. - (1) As from date of commencement of this Act, every person who immediately before that date is employed by the erstwhile department, may be transferred to the Authority or Commission as the case may be.

(2) Notwithstanding subsection (1), Government shall have right to redeploy persons under the employment of the erstwhile department to any other government department or agency.

5. Conditions of service. - The terms and conditions of service of the erstwhile department shall continue to apply to every person transferred to the service of the Authority or Commission under this Act as if he were still in the service of erstwhile department.

6. Pension benefits. - (1) Nothing in the terms and conditions to be drawn up by the Authority or Commission shall adversely affect the conditions that would have been applicable to persons transferred to the service of the Authority or Commission as regards any pension, gratuity or allowance payable to them.

(2) Where any person in the service of the Authority or Commission whose case does not come within the scope and effect of any pension or other schemes referred to under this section, retires or dies in the service of the Authority or Commission or is discharged from such service, the Authority or Commission may grant to him or to such other person or persons wholly or partly dependent on him, as the Authority or Commission may think fit, such allowance or gratuity as the Authority or Commission may determine.

7. Continuation and completion of disciplinary proceedings. - (1) Where on the date of commencement of this Act any disciplinary proceedings were pending against any employee of the erstwhile department who has been transferred to the service of the Authority or Commission under this Act, the proceedings shall be carried on and completed by the Authority or Commission under and in conformity with this Act as far as practicable; but where on that date any matter was in the course of being heard or investigated or had been heard or investigated by the erstwhile department and no order or decision had been rendered thereon, the erstwhile department shall continue to exist, notwithstanding this Act, for the purpose of completing the hearing or investigation and the making of an order or rendering a decision, as the case may be.

(2) For the purposes of completing a hearing or investigation before it, or making an order or rendering a decision on a matter heard or investigated before the date of commencement of this Act, the erstwhile department shall complete the hearing or investigation in accordance with the authority vested in it immediately before that date and make such order or direction as the erstwhile department could have made under the authority vested in it immediately before that date. (3) Any order, rule or direction made or given by the erstwhile department pursuant to this section shall be

treated as an order or direction of the Authority or Commission and have the same force or effect as if it had been made or given by the Authority or Commission pursuant to the authority vested in the Authority or Commission under this Act.

8. Misconduct or neglect of duty by employee before transfer. - The Authority or Commission may reprimand, reduce in rank, retire, dismiss or punish in some other manner a person who had, whilst he was in the employment of the erstwhile department, been guilty of any misconduct or neglect of duty which would have rendered him liable to be reprimanded, reduced in rank, retired, dismissed or punished in some other manner by the erstwhile department or any other person acting under its authority or direction or otherwise, as if this Act had not been enacted.