

**THE KHYBER PAKHTUNKHWA] INTEGRATED WATER RESOURCES
MANAGEMENT BOARD ORDINANCE, 2002.**

KHYBER PAKHTUNKHWA] NO. LVIII OF 2002.

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**THE [3][KHYBER PAKHTUNKHWA] INTEGRATED WATER RESOURCES
MANAGEMENT BOARD ORDINANCE, 2002.**

[4][KHYBER PAKHTUNKHWA] NO. LVIII OF 2002.

[23rd November, 2002.]

AN

ORDINANCE

to provide for establishment of the [5][Khyber Pakhtunkhwa]

Integrated Water Resources Management Board.

WHEREAS water is a finite and scarce resource which is essential for sustenance of life;

AND WHEREAS it has a number of competing demands;

AND WHEREAS it is necessary to devise an integrated water resources management strategy and oversee its implementation that aims at maximizing the sustainable economic, social and environmental returns on the water resource development, its allocation among the competing demands, its use by consumers, and disposal of post-use effluents;

AND WHEREAS for the purpose aforesaid, it is expedient to provide for establishment of a Board to devise such a strategy and to oversee its implementation;

AND WHEREAS the Governor of the [6][Khyber Pakhtunkhwa] is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, as amended upto date, and the Provisional Constitution Order No. 1 of 1999, read with Article 4 of the Provisional Constitution (Amendment) Order No. 9 of 1999, and in exercise of all powers enabling him in that behalf, the Governor of the [7][Khyber Pakhtunkhwa] is pleased to make and promulgate the following Ordinance:

1. Short title, extent and commencement.— (1) This Ordinance may be called the [8][Khyber Pakhtunkhwa] Integrated Water Resources Management Board Ordinance, 2002.

(2) It shall extend to whole of the [9][Province of the Khyber Pakhtunkhwa].

(3) It shall come into force at once.

2. Definition.— In this Ordinance, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say-

- (a) "Board" means the Board established and constituted under sections 3 and 4 of this Ordinance;
- (b) "Chairman" means the Chairman of the Board;
- (c) "Government" means the Government of the [10][Khyber Pakhtunkhwa];
- (d) "Governor" means the Governor of the [11][Khyber Pakhtunkhwa];
- (e) "member" means a member of the Board;
- (f) "PIDA" means the Provincial Irrigation and Drainage Authority established under the [12][Khyber Pakhtunkhwa] Irrigation and Drainage Authority Act, 1997 ([13][Khyber Pakhtunkhwa] Act No. V of 1997);
- (g) "prescribed" means prescribed by rules made under this Ordinance;
- (h) "Province" means the Province of the [14][Khyber Pakhtunkhwa];
- (i) "SHYDO" means the [15][Khyber Pakhtunkhwa] Hydrel Development Organization established under the [16][Khyber Pakhtunkhwa] Hydrel Development Organization Act, 1993 ([17][Khyber Pakhtunkhwa] Act No. 1 of 1993);
- (j) "Vice-Chairman" means the Vice-Chairman of the Board; and
- (k) "WAPDA" means the Water and Power Development Authority established under the West Pakistan Water and Power Development Authority Act, 1958 (W.P. Act No. XXXI of 1958).

3. Establishment and incorporation.— (1) As soon as may be after the commencement of this Ordinance, there shall be established a Board to be known as

the [18][Khyber Pakhtunkhwa] Integrated Water Resources Management Board for carrying out the purposes of this Ordinance.

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

3. Constitution of the Board.— (1) The Board shall consist of the following:

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|--------|--|---------------------------|
| (i) | Chief Executive of the Province. | Chairman |
| (ii) | Irrigation. | Minister
Vice-Chairman |
| (iii) | Secretary to Government,
Works and Services Department. | Member |
| (iv) | Secretary to Government,
Irrigation and Power Department. | Member |
| (v) | Secretary to Government,
Industries Department. | Member |
| (vi) | Secretary to Government,
Local Government and Rural Development Department. | Member |
| (vii) | Secretary to Government,
Planning and Development Department. | Member |
| (viii) | Secretary to Government,
Agriculture Department. | Member |
| (ix) | Managing Director, PIDA | Member |

- | | | |
|---------|---|--------|
| (x) | Managing Director, SHYDO. | Member |
| (xi) | Director General,
Environment Protection Agency (EPA) | Member |
| (xii) | A representative of WAPDA. | Member |
| (xiii) | A public representative from Kabul and
Indus River Valley. | Member |
| (xiv) | A public representative from Swat River
Valley. | Member |
| (xv) | A public representative from Kohat Valley. | Member |
| (xvi) | A public representative from Kurram
River Valley. | Member |
| (xvii) | A public representative from Gomal River
Valley. | Member |
| (xviii) | A public representative from Chitral River
Valley. | Member |
| (xix) | A public representative from Siran River
Valley. | Member |

(2) The manner of selection of public representatives and their tenure shall be such as may be prescribed.

(3) The Secretary to Government, Irrigation and Power Department, shall also be the Secretary of the Board.

5. Meetings of the Board.—(1) The Board shall meet at such time and place and in such manner as may be prescribed; provided that till such time the manner is prescribed the Board shall meet as directed by the Chairman.

(2) The Chairman shall preside over the meetings of the Board. In the absence of the Chairman, the Vice-Chairman will preside over the meeting.

(3) Two-third of the total number of members shall be present to constitute a quorum at a meeting of the Board.

(4) The Chairman and each member shall have one vote, but in the event of equality of votes, the Chairman or, as the case may be, the Vice-Chairman, presiding at a meeting, shall have a second or casting vote.

(5) The minutes of every meeting of the Board, stating among other things, the names of the Chairman and the members present, shall be drawn up and recorded in a book to be kept for the purpose, and shall be signed by the person presiding at a meeting. Such book shall be open to inspection by the Chairman and the members.

6. Functions of the Board.—The following shall be the functions of the Board:

- (a) to acquire and maintain or cause to acquire and maintain upto date information and data that enables accurate resource assessment of precipitation, surface flows and ground water aquifers in the Province;
- (b) to conduct or cause to conduct studies to accurately assess the various demands of water for consumptive or non-consumptive uses with respect to—
 - (i) domestic, municipal and industrial consumption;
 - (ii) irrigation, including land reclamation;

- (iii) hydropower;
- (iv) navigation;
- (v) recreation;
- (vi) water related sports;
- (vii) fisheries;
- (viii) live-stock;
- (ix) environmental sustainability and up-gradation;
- (x) forestry, including social forestry; and
- (xi) lakes and water bodies.

(c) to allocate the resources for various consumptive uses, to specify mode of use of resources for various non-consumptive uses and to specify agencies empowered to issue licences for use of water, within the allocations made;

(d) to develop policies, rules and procedures so that water conservation is most efficient, wastages are minimized and demand is effectively managed and that this applies to all uses of water, including non-consumptive, and for all stages of the use cycle;

(e) to develop policies and procedures, in accordance with the environmental protection standards, so that the water resources in all its forms and locations is protected from pollution and contamination of all such types that renders water unfit for any of its intended uses;

- (f) to initiate steps towards a governance structure in which water rights are effectively enforceable, and disputes resolution mechanism is effective, time responsive and accessible to all complainants;
- (g) to specify the quality of water for various uses and of the effluents and waste water resulting from any uses of water before allowing it to flow into public drainage system and to specify mode of its final disposal;
- (h) to seek or cause to seek advice from advisors, consultants, experts or from any organization, institutions, company with reputed expertise in the areas of its jurisdiction;
- (i) to monitor or cause to monitor the status of compliance by various water users of the rules, policies and procedures prescribed or developed by or under this Ordinance; provided that in the event of non-compliance, the Board shall issue necessary and appropriate instructions for rectification of the non-compliance in accordance with the provisions of this Ordinance; and
- (j) to generally issue such directions and instructions to various Agencies, Department as may appear to be appropriate for furtherance of the objectives of this Ordinance.

7. *Implementing agencies.*—All the decisions of the Board shall be implemented in such manner and by such agencies as may be prescribed:

Provided that till such time as the manner is prescribed and the implementing agencies are established, the implementation of the decisions of the Board shall be the responsibility of the Secretary to Government, Irrigation Department, and the said Department, for all intents and purposes of this Ordinance, shall be the Secretariat of the Board.

8. *Power to make rules.*— Government may, for carrying out the purposes of this Ordinance, make rules by notification in the Official Gazette.

9. *Power to make regulation.*—Subject to rules made by Government, the Board may, with the prior approval of Government, make regulations on matters not provided by rules.

Peshawar,

Dated the 23rd Nov.,
2002.