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PART IV

PROVINCIAL ASSEMBLY OF SINDH

NOTIFICATION

Karachi, the 24th April, 1996

NO. PAS/Legis-B-6/96 - The Karachi Water and Sewerage Board Bill, 1996 having been passed by the Provincial Assembly of Sindh on 15th April, 1996 and assented to by the Governor of Sindh on 23rd April, 1996 is hereby published as an Act of the Legislature of Sindh.

THE KARACHI WATER AND SEWERAGE BOARD ACT, 1996

SINDH ACT NO X OF 1996

(First published after having received the assent of the Governor of Sindh in the Gazette of Sindh (Extra-Ordinary) dated 24th April, 1996).

AN

ACT

To provide for the establishment of a Board for supply of water and disposal of swerage in the Karachi Division.

WHEREAS it is expedient to provide for the establishment of a Board for Preamble supply of water and disposal of sewerage in the Karachi Division;

It is hereby enacted as follows:—

CHAPTER - I
PRELIMINARY

Short title
and commencement

1. (1) This Act may be called the Karachi Water and Sewerage Board Act, 1996.

(2) It shall come into force at once.

Definitions

2. In this Act unless there is anything repugnant in the subject or context.

(a) 'Authority' means the Karachi Development Authority established under President's Order No. V of 1957;

(b) 'Board' means the Karachi Water and Sewerage Board established under Sections 3;

(c) "Chairman" means the Chairman of the Board;

(d) "Corporation" means the Karachi Metropolitan Corporation ;

(e) "Government" means the Government of Sindh;

(f) "Managing Director" means the Managing Director of the Board and includes any persons discharging the duties of the Managing Director for the time being;

(g) "Member" means the member of the Board and includes its Chairman and Vice-Chairman ; and

(h) 'prescribed' means prescribed by rules or regulations made under this Act.

CHAPTER-II
CONSTITUTION OF THE BOARD

Establishment
of Board

3. (1) There shall be established a Board called the Karachi Water and Sewerage Board for carrying out the purposes of this Act.

(2) The Board shall be a body corporate, having perpetual succession and common seal with power subject to the provisions of this Act to acquire and hold property, both movable and immovable, and may by the said name sue and be sued.

(3) The Jurisdiction of the Board shall extend to the limits of the Corporation and such areas outside the limits as may be notified by the Government.

Constitution
of the Board

4. (1) The Board shall consist of a Chairman, and a Vice Chairman appointed by Government and the following members:-

1. Additional Chief Secretary (Development)
2. Secretary, Local Government Department
3. Secretary, Industries Department
4. Secretary, Finance Department
5. Secretary, Housing Town Planning Department
6. Mayors of the Karachi Metropolitan Corporation and District Municipal Corporations
7. Chairman, District Council Karachi.
8. Chairman, Karachi Port Trust
9. Chairman, Karachi Electric Supply Corporation
10. President, Karachi Chamber of Commerce and Industries
11. Managing Director, KW&SB.
12. Deputy Director, Military Lands & Cantonment, Karachi
13. Chairman, Defence Housing Authority, Karachi
14. Divisional Superintendent, Pakistan Railways, Karachi
15. Any other person nominated by Government.

(2) Government may at any time by notification change the Constitution of the Board.

(3) A non-official member appointed by Government shall hold office at pleasure of Government unless he is removed or has resigned earlier by addressing a letter to Government

(4) There shall be a Secretary of the Board, who shall be appointed by Government on such terms and conditions as it may determine.

(5) Subject to the general control of the Managing Director the Secretary shall exercise such powers and perform such functions as may be prescribed by regulations or assigned by the Board

CHAPTER—III

APPOINTMENT POWERS AND FUNCTIONS OF THE MANAGING DIRECTOR

5. (1) The Managing Director shall be appointed by Government on such terms and conditions as it may determine.

Managing
Director

(2) The Managing Director shall be the Chief Executive of the Board.

(3) Subject to the general control of the Chairman the Managing Director shall-

(a) exercise the financial powers mentioned in Appendix 'A'

(b) prepare and submit, with the approval of the Board, annual budget or revised budget to Government ;

- (c) submit audit reports to Government and take prompt steps to remove any irregularity pointed out by the auditor;
 - (d) supervise and control the acts and proceedings of the employees of the Board under this Act;
 - (e) furnish to Government or such other officer as Government may, from time to time, nominate in this behalf, a copy of every resolution passed at a meeting of the Board;
 - (f) supply any return, statement, account or report or a copy of any document in his charge, called by a committee or sub-committee set up by the Board and shall comply with any orders passed by the Board or committee or sub-committee in accordance with the provisions of this Act.
 - (g) report to Government, Chairman and the Board all cases of fraud embezzlement, theft, or loss of money or property;
 - (h) perform such other functions and exercise such other powers as may, from time to time be assigned by the Board.
- (4) Subject to such limitations as may be laid down by the Board, the Managing Director may delegate any of his powers to any officer or employee of the Board.

CHAPTER -IV POWERS AND FUNCTIONS OF THE CHAIRMAN OF THE BOARD

6. (1) Subject to sub-section (2), the Chairman shall exercise the following powers;
- (a) unless prevented by reasonable cause, preside at all meetings of the Board;
 - (b) watch over the financial and executive administration of the Board and perform such executive functions as are assigned to him by or under this Act.
 - (c) act on behalf of the Board in any emergency subject to obligation to report such action to the Board at its next meeting and to seek the Board's ratification of the action so taken;

- (2) when the Chairman by reasons of absence from Pakistan or any other cause, is unable to exercise his powers and perform his functions, the Vice Chairman shall unless, Government may by notification entrust the duties of the Chairman to some other person, exercise powers and perform functions of the Chairman.
- (3) The Chairman shall exercise the financial powers mentioned in Appendix 'B'.

CHAPTER-V POWERS AND FUNCTIONS OF THE BOARD

7. The Board shall –
 - (i) sanction in the manner and on payment of fees as may be prescribed by regulations—
 - (a) water connections,
 - (b) water supply to tankers; and
 - (c) sewerage connection.
 - (ii) Levy, collect or recover rates, charges of fees for water supply and sewerage service, including arrears thereof;
 - (iii) have the power to reduce, suspend or disconnect the water supply in the event of contravention of the provisions of this Act or regulations;
 - (iv) have the power to impose surcharge, not exceeding double the amount due, if rates, charges or fees for water supply or sewerage service or the arrears thereof are not paid within the time fixed by the Board;
 - (v) have full financial powers within the budget grant;
 - (vi) make regulations with the approval of the Government;
 - (vii) undertake construction, improvement, maintenance and operation of—
 - (a) water works including wells and recharge facilities for collecting, purifying, pumping, storing and distributing water to all types of consumers;
 - (b) sewerage works for collecting, pumping, treating and disposing of sewerage and industrial waste;
 - (viii) assess the position of water supply from time to time and regulate water supply;
 - (ix) review the existing schemes or prepare new schemes relating to water works and sewerage work and undertake execution thereof with the approval of the Government;
 - (x) regulate, control or inspect, water connections, sewer lines and service lines including internal fittings ;

- (xi) maintain accounts and records of the Board;
- (xii) prepare and submit to Government schedule of water and sewerage tariff, rates, charges or fees to be levied by it;
- (xiii) prepare and revise schedule of posts for the Board and submit it to the Government for approval ;
- (xiv) produce and supply potable water ;
- (xv) place, maintain aqueducts, conduits, sewers etc.

CHAPTER-VI

POWERS OF THE GOVERNMENT

8. (1) The budget of the Board, annual or revised shall be sanctioned by Government.
- (2) The annual budget shall be submitted to Government, at least sixty days before the commencement of the financial year.
- (3) Government shall, within thirty days of the receipt of the budget, approve it with or without modifications and convey the approval to the Board and if no approval is conveyed as aforesaid, the budget so submitted shall be deemed to have been approved by Government

(3) The Board shall arrange retail distribution of water within its jurisdiction excluding the areas receiving water supply through constituent Bodies.

(4) The Board may, subject to availability, supply water to any person or authority in the area or areas notified under this Act.

(5) The Board shall continue to make bulk water supply to the constituent Bodies at such rates and subject to such terms and conditions as may be determined by the Board.

(6) A Standing committee consisting of the Chairman or his nominee, Commissioner Karachi Division and the Managing Director shall allocate and determine quantity of water to be supplied to each constituent Body:

Provided that until such terms or conditions or quantity of water is determined, the Board shall continue the bulk water supply according to the arrangements existing immediately before the commencement of this Act.

(7) If the Board does not accept the decision of the Standing committee, the Managing Director shall report the matter to Government for appropriate orders and the orders issued by Government shall be complied with by the Board.

Explanation - The term "Constituent Bodies" shall mean and include the Authority, Karachi Port Trust, Cantonment Board of Karachi, Sindh Industrial & Trading Estate, Karachi, Pakistan Steel Mills Corporation, Defence Services or any other body or organization notified by Government.

(8) Until otherwise notified by Government, the Authority shall continue to execute the Hab Dam Water Supply Stage I and phase IV of the Greater Karachi Bulk Water supply Stage I and Sewerage Disposal Projects.

(9) The Board or any person authorised by it shall have right to place and maintain aqueducts, conduits and lines of mains, drains, sewers or pipes, over, under, along or across any immovable property without acquiring such property, and to enter on such property for the purpose of examining, repairing, altering or removing any aqueducts, conduits or lines of mains, sewers or pipes:

Provided that the Board shall not, except as otherwise required under this Act acquire any right other than the right as aforesaid.

- (10) The right conferred by sub-section (1) shall not be exercisable in respect of any property vested in or under the control or management of the Federal Government or any Provincial Government or any local authority or Railway Administration save with the prior permission of such Government or local authority or Railway Administration:

Provided that such permission shall not be necessary if any repair, replacement, removal or improvement in connection with water and sanitation works is required to be made urgently in order to maintain the service without interruption or for averting danger to human life or property.

- (11) The Board or any person authorised by it shall, while exercising the right under this section, cause as little damage and inconvenience as possible; and if any damage or inconvenience is actually caused, a reasonable compensation as may be determined by the Board or by a person appointed by it in this behalf shall be paid for such damages or inconveniences.

CHAPTER—VIII FINANCES

10. (1) There shall be established, by Government, a separate fund for the Board known as the Karachi Water and Sewerage Fund.
- (2) The Karachi Metropolitan Corporation shall contribute to the fund an amount as Government may fix but such amount shall not be more than ten percent of the total annual revenue income of the Corporation; provided that Government may by notification change the amount payable by the Corporation.
- (3) The fund shall include—
- (a) collection of water and sewerage charges, rates or fees payable to the Board;
 - (b) grants made and aids given to the Board;
 - (c) loans raised or obtained for the Board.
 - (d) all other sums that may be received by the Board.
- (4) The fund shall be operated by the Board
- (5) The sums credited to the fund shall be deposited in such banks as may be approved by Government.
- (6) The fund may be invested by the Board in any security of the Federal Government or the Provincial Government or in any other security approved by Government.

- (7) Accounts and record of the Board shall be maintained in the manner as may be prescribed by regulations.
- (8) Accounts of the Board shall be audited annually within six months of the expiry of financial year by the Auditor General of Pakistan or his nominee.
- (9) The pre-audit of income and expenditure of the Board shall be done by the Auditors of Local Fund Audit Department under Municipal Fund (Audit Rules), 1964.
- (10) A statement of the audited accounts, together with audit report shall be submitted to Government by the Managing Director, and if any orders are made in respect thereto, the Board shall comply with such orders.

CHAPTER—IX EMPLOYEES OF THE BOARD

11. (1) Appointments to the posts in the approved schedule may be made in the manner and on the terms and conditions as may be prescribed.
- (2) Employees of the existing Karachi Water and Sewerage Board including the employees of the Development Authority and Karachi Metropolitan Corporation and the Karachi Water Management Board absorbed and working in the Board may be transferred to serve under the newly created Board as Government may direct and on such terms and conditions as may be determined by Government:
Provided that such terms and conditions shall not be less favourable than those admissible to such employees immediately before such transfer:
Provided further that the employees so transferred shall, until the terms and conditions of service are determined under this Act, continue to be governed by the same terms and conditions as were admissible to them immediately before such transfer.
- (3) Pension, gratuity and other service benefits admissible to the employees referred to in sub-section (2) who retired or died before the commencement of this Act shall be the responsibility of the new Board.

CHAPTER—X MISCELLANEOUS

12. (1) All decisions of the Board shall be taken in its meetings by majority.

meeting of
the Board.

- (2) Meeting of the Board shall be held in such manner and at such time and place as may be prescribed by regulations, provided that until the regulations are framed, the meetings shall be held as directed by the Chairman.
- (3) No acts or proceedings of the Board shall be invalid merely by reason of any vacancy in or any defect in the constitution of the Board.
- (4) The Board may, by general or special order and subject to such conditions as the board may impose, delegate to the Chairman, Managing Director or its officers or employees its powers or functions.

Appeal

13.(1) An appeal shall lie to—

- (a) Government from a decision of the Board or Chairman;
 - (b) the Chairman from a decision of the Managing Director or any other officer subordinate to the Chairman.
- (2) The appeal or review petition shall be heard and disposed in such manner as may be prescribed.

14. Where any person—

Penalty.

- (a) willfully obstructs the setting out of any line or any works, or pulls up or removes any pillar, post or stake fixed in the ground for the purpose of setting out the line of such works or defaces or destroys any works made for that purpose; or
- (b) willfully or negligently breaks, injures or opens any lock, dock, valve, pipe or other water or sewerage works belonging to Government; or
- (c) willfully obstructs the flow of, draws off diverts or takes water from any Water works belonging to the Government or any sources of water which feeds such water works; or
- (d) unlawfully breaks or damages any electrical transmission on lines for water and sewerage works maintained by Government; or
- (e) obstructs any officer or servant of the Board in the discharge of his duties under this Act or refuses or willfully neglects to furnish him, upon his request, necessary access for making any entry, inspection, examination or inquiry in relation to any water or sewerage works; or
- (f) bathes in, at or upon any water works or washes, throws or causes enter therein any animals or throws any rubbish or other offensive matter into any water works or washes or cleans therein any cloth, wool, leather or skin or any animal or causes the water of any sink, sewer or drain or any steam engine, boiler or any other dirty water to return or be brought in to any water works or does any other act whereby the water in any water works is fouled or likely to be fouled, he shall be punished with imprisonment of either description for a term which may extend to six months or with fine which may extend to ten thousand rupees or with both.

Rules

15. Government may make rules for carrying out the purposes of this Act.

- 16 (1) Subject to the provisions of this act and the rules the Board may, with the approval of Government, make regulations for carrying out the purposes of this Act. Regulations
- (2) In particular and without prejudice to the generality of the foregoing powers, such regulations may provide for—
- (i) the meetings of the Board and conduct of business in such meetings;
 - (ii) procedure for applying for water and sewerage connections including payment of fee for making application in this behalf;
 - (iii) regulation, control or inspection of private sewers, water connections, service lines including internal fittings;
 - (iv) procedure for levying collecting rates, fees or charges for water supply and sewerage service and imposing surcharge in case of any default made in payment thereof;
 - (v) grant of licences and permissions under this Act.
 - (vi) any other matter required to be prescribed by regulations under this Act.
17. No suit or legal proceedings shall lie against Government, Board or any member, officer or employee of the Board in respect of anything done or intended to be done, in good faith, under this Act or rules or regulations framed thereunder; Indemnity
18. where any difficulty arises within twelve months of the coming into force of this Act, as to the implementation of any of the provisions of this Act, Government may give appropriate directions for removal of such difficulty. Remove of difficulties
19. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in the Sindh Local Government Ordinance or any other law for the time being in force.
20. (1) Sections 121 to 147 contained in Chapter XVI of the Sindh Local Government Ordinance 1979 are hereby repealed. Repeal
- (2) Notwithstanding the aforesaid repeal:—
- (i) all properties, movable and immovable, including all water works and installations held by the existing Karachi Water and Sewerage Board (hereinafter referred to as the old Board) shall vest in the new Board;
 - (ii) all sums due to the old Board shall be paid to and recoverable by the new Board;

- (iii) all debts and liabilities incurred by the old Board shall be the liability of the new Board;
- (iv) all contracts entered into or rights acquired by the old Board shall be deemed to have been entered into, acquired by the new Board;
- (v) everything done, orders issued, powers delegated, approval accorded, persons appointed, water charges and surcharge levied, actions taken by the old Board shall, if not inconsistent with the provisions of this Act, continue to be in force and be deemed to have been done, issued, delegated, accorded, appointed, levied, taken, conferred or made under this Act;
- (vi) all suits and other legal proceedings instituted by or against the old Board before the coming into force of this Act may be continued by or against the new Board;

APPENDIX "A"

(See section 5)

Financial powers of the Managing Director of the Board.

S.No. (1)	Nature of Power (2)	Extent of Power (3)
1.	Technical Sanction in respect of works.	Full powers.
2.	Sanction and acceptance of Tenders for works by contract.	upto Rs.25.0 lacs
3.	Sanction of amount in excess of the sanctioned estimates.	upto 5%
4.	purchasing Powers.	upto Rs 2.5 lacs
5.	Contingency	Full powers
6.	Emergency Works.	As provided in para 58 of the CPWD Code

APPENDIX "B"

(See section 6)

Financial powers of the Chairman of the Board.		
S.No.	Nature of Power	Extent of Power
(1)	(2)	(3)
1.	Sanction and acceptance of Tenders for works by contract.	upto Rs.50.00 lacs
2.	Sanction of amount in Excess of the sanctioned estimates.	upto 10%
3.	purchasing Powers.	upto Rs 5.0 lacs
4.	Contingency	Full powers
5.	Emergency Works.	Section 6(1)(c)

**BY ORDER OF THE SPEAKER
PROVINCIAL ASSEMBLY OF SINDH**

**KADIR BAKHSH UMRANI
SECRETARY
PROVINCIAL ASSEMBLY OF SINDH.**