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# SIND ORDINANCE NO.X OF 1981

# THE KARACHI WATER MANAGEMENT BOARD ORDINANCE, 1981

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# SIND ORDINANCE NO.X OF 1981

# THE KARACHI WATER MANAGEMENT BOARD ORDINANCE, 1981

[21st May, 1981]

**An Ordinance** to provide for the establishment of a Board for supply of water in Karachi Division.

**Preamble.**

**WHEREAS** it is expedient to provide for the establishment of a Board for supply of water in Karachi Division;

**NOW, THEREFORE,** in pursuance of the Proclamation of the fifth day of July, 1977 and the Provisional Constitution Order, 1981, the Governor of Sind is pleased to make and promulgate the following Ordinance:—

## CHAPTER—1

## PRELIMINARY

**Short title and commencement.**

1. (1) This Ordinance may be called the Karachi Water Management Board Ordinance, 1981.

(2) It shall come into force at once.

**Definitions.**

2. In this Ordinance 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 Management Board under section 3;

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

(d) "Government" means the Government of Sind;

(e) "General Manager" means the General Manager of the Board and includes any person discharging the duties of the General Manager for the time being;

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

(g) "Prescribed" means prescribed by rules or regulations made under this Ordinance.

## SIND ORDINANCE NO.X OF 1981

## THE KARACHI WATER MANAGEMENT BOARD ORDINANCE, 1981

### CHAPTER—II

### CONSTITUTION OF THE BOARD

**Establishment of the Board.**

3. (1) There shall be established a Board called the Karachi Water Management Board for carrying out the purpose of this Ordinance.

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

**Constitution of the Board.**

4. (1) The Board shall consist of such number of official and non-official members, as Government may appoint.

(2) The Chairman of the Divisional Coordination Committee, Karachi shall be the Chairman of the Board.

(3) The Director General of the Authority shall be the Vice-Chairman of the Board.

(4) The General Manager shall be the Secretary of the Board.

(5) A non-official member shall hold office for a period of two years, unless he resigns by addressing a letter to Government or, is removed by Government earlier for reasons to be recorded in writing.

(6) A member appointed in the casual vacancy shall hold office for the un-expired portion of the term.

**Chief Executive.**

5. The General Manager shall be Chief Executive of the Board and shall exercise such powers and perform such duties as may, from time to time, be assigned to him by the Board.

**General Manager.**

6. (1) Government shall appoint a person as General Manager possessing such qualifications and on such terms and conditions as may be prescribed.

(2) The General Manager shall be liable to such disciplinary action and in such manner as may be prescribed.

**Appointment of Officers, Advisers and other Staff of the Board.**

7. (1) The Board may, with approval of Government, prepare or form time to time revise schedule of Advisors, Officers and other staff for efficient performance of its functions and appoint such Advisors, Officers or staff, on such terms and conditions as may be prescribed.

(2) The employees of the Board appointed under sub-section (1) shall be liable to such disciplinary action and in such manner as may be prescribed.

(3) All such employees of the Corporation and the Authority serving in connection with the water supply, immediately before the coming into force of this Ordinance, may be transferred to serve under the Board, as Government may, in consultation with the Corporation or Authority direct and their transfer shall be on such terms and conditions as Government may determine; provided that such terms and conditions shall not be less favourable then those admissible to such employees before such transfer.

**Meetings of the Board.**

8. (1) All decisions of the Board shall be taken in its meetings in such manner as may be prescribed.

(2) One-third of the total membership of the Board shall be a quorum for a meeting.

(3) No act or proceedings of the Board shall be invalid merely by reason of any vacancy in, or any defect in the constitution of the Board.

## CHAPTER—III

## POWERS AND FUNCTRIONS OF THE BOARD

**Powers and functions of the Board.**

9. Notwithstanding anything contained in any other law for the time being in force, the Board shall, to the exclusion of the Corporation and the Authority—

(i) be responsible for the supply and distribution of water in Karachi Division form the filter plants of the Authority;

EXPLANATION.— It shall be the duty of the Authority to ensure production of water from the source to its filter plants;

(ii) manage and maintain all works in connection with water supply, after the filter plants;

(iii) from time to time assess the position of water supply and recommended new scheme or review of the existing scheme, to Government for increase in water supply;

(iv) in the prescribed manner, sanction water connections and water supply by tankers to consumers;

(v) levy, enhance, reduce or revise water charges, in the prescribed manner; provided that any such action shall be taken keeping in view the supply of water on "no loss no profit basis";

(vi) have the power to collect water charges including arrears of such charges from consumers;

(vii) have the power to impose penalty not exceeding double the amount due for recovery if the payment of water charges or the arrears is not made within the time fixed by the Board.

## CHAPTER—IV

## FINANCE, AUDIT AND ACCOUNTS

**Audit and Accounts.**

10. (1) There shall be a separate fund of the Board known as the Karachi Water Management Fund.

(2) The Funds shall consist of—

(a) grams and subsidy received from Government;

(b) loans raised or obtained by the Board;

(c) collection of water charges and other sale proceeds, fees, commission and other charges for services rendered under the Ordinance; and

(d) all other sums receivable by the Board;

(3) The amounts credited in the Fund shall be deposited in a Bank, approved by the Board.

(4) The Board may invest its fuds in any security of the Federal Government or Provincial Government or any other security approved by the Board.

**Budget.**

11. The annual Budget of the Board shall be prepared and approved in such manner as may be prescribed.

**Accounts and Audit.**

12. (1) The Board shall maintain or cause to be maintained its accounts and records in such manner as may be prescribed.

(2) The accounts of the Board shall be audited at least once in every financial year by such firm of Chartered Accountants as may be approved by Government.

(3) A statement of the audited accounts under sub-section (2) shall be furnished to Government within four months after the end of every financial year.

**Recovery of dues.**

13. All sums due to the Board from any person shall be recoverable as arrears of land revenue.

**Delegation of powers.**

14. The Board may, by general or special order and subject to such orders of Government, if any, and such conditions as the Board may impose, delegate to the Chairman, General Manager or its Officer or employee, any of its powers, or functions or the powers or functions exercisable by any officer or authority subordinate to it.

**Directions by Government.**

15. (1) Government may, from time to time, give such directions to, or call for any information or document from, the Board, as it considers necessary, and it shall be the duty of the Board to comply with such directions and furnish such information or document.

(2) Government may, subject to such conditions, if any, as may be specified, require the Board to undertake any other job or work in addition to its normal functions, as it may deem fit.

**Appeal.**

16. Appeal shall lie to—

(a) Government from a decision of the Board;

(b) Board from a decision of any officer or authority subordinate to it.

**Indemnity.**

17. No suit or legal proceedings shall lie against Government, Board or any member, officer or employees of the Board in respect of anything done or intended to be done, in good faith, under this Ordinance or rules or regulations framed thereunder.

**Rules.**

18. (1) Government may make rules for carrying out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for—

(i) terms and conditions of service of the General Manager, other officers, advisers and staff of the Board;

(ii) conduct, efficiency and discipline of the employees including the General Manager and the procedure for taking disciplinary action against them;

(iii) procedure for filing appeal from decisions of the Board and any officer or authority;

(iv) procedure for levying, enhancing, reducing or revising water charges;

(v) procedure for preparation of annual budget and maintenance of accounts and audit thereof.

**Regulations.**

19. (1) Subject to the provisions of this Ordinance and the rules, the Board may, with the approval of Government, make regulations for carrying out the purposes of this Ordinance.

(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 supply including the payment of fee for making applications in this behalf;

(iii) procedure for collecting water charges and imposing penalty in case of any default made in paying thereof.

**Removal of difficulties.**

20. Where any difficulty arises within twelve months of the coming into force of this Ordinance, as to the implementation of any of the provisions of this Ordinance, Government may give appropriate directions for removal of such difficulty.