

Water Resources Management Rules

NOTIFICATION

No..... In exercise of the powers conferred by section 84 of the Balochistan Water Resources Management Act (Balochistan Act No. xx of 202x), the Government of Balochistan is pleased to make the following rules regulating the management, development, use and protection of water resources in Balochistan, namely:-

THE BALOCHISTAN WATER RESOURCES MANAGEMENT RULES, 202X

PART I-GENERAL

Short title and commencement

1. (1) These rules may be called "the Balochistan Water Resources Management Rules, 202X".
- (2) They shall come into force at once save that Parts VIII, IX and X shall not enter into force in a main river basin or district until such time as Chapters 4 and 5 of the Act enter into force in respect of that main river basin or district.

Definitions

2. (1) In these rules, unless there is anything repugnant in the subject or context,
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 - (a) "Act" means the Balochistan Water Resources Management Act, 202X (Act No. xx of 202X);
 - (b) "Appendix" means an Appendix annexed to these rules;
 - (c) "Block" means a defined part of a co-management area;
 - (d) "Block Representative" means a person elected to represent a Block at a meeting of a co-management committee;
 - (e) "coastal waters" mean the marine waters under Balochistan's jurisdiction extending from the baseline from which Pakistan's maritime boundaries are determined to the outer limit of the territorial sea in accordance with the Territorial Waters and Maritime Zones Act, 1976 as well as all saline or partly saline internal waters landward of the baseline;
 - (f) "Electronic Register" means the electronic Permit Register;
 - (g) "Official website" means the website to be set up and maintained by the Director General in accordance with rule 4;

- (h) “Rules” mean the Balochistan Water Resources Management Rules, 202X;
- (i) “Water Registration Area” means an area so designated by the Government in which existing uses of water resources must be registered within a specified time period.
- (2) Words and expressions used but not defined herein above sub-rule (1), unless the context otherwise requires, shall have the same meanings as assigned to them in the Act.

Applications submitted pursuant of these Rules

- 3. Applications pursuant of these Rules may be submitted:
 - (a) directly to the Director General, Water Resources at the following address:
The Director General of Water Resources
Irrigation Department
Block #X, Room # X, Civil Secretariat, Zarghoon Road, Quetta;
 - (b) to the District Water Committee of the District in which the activity is to take place in which case such applications shall be addressed to the Superintending Engineer for that District.

Official website

- 4. (1) The Director General shall cause to be established an official website relating to the implementation of the and these Rules Act at <https://.....>
- (2) References in these Rules to the Official Website shall mean the website referred in sub-rule (1).

PART II - BALOCHISTAN WATER RESOURCES COMMISSION

Meetings of the Commission

- 5. Any matter required by any provision of the Act, or any rules made thereunder, to be decided by the Commission shall, unless otherwise provided, be decided at a meeting of the Commission to be held in accordance with these rules.

Types of meeting

- 6. (1) The meetings of the Commission may be ordinary meetings or additional meetings.
- (2) Ordinary meeting shall be held at least once every six months on a day, time and place to be fixed by the Chairperson of the Commission.
- (3) An additional meeting may be called at any time by the Chairperson of the Commission on his own motion following the submission to him of a written request of two or more members to consider a matter that they consider to be urgent.

- (4) On receipt of a written request for an additional meeting the Chairperson shall determine whether to call an additional meeting or to include the matter in the minutes of the next ordinary meeting.
- (5) There shall be given at least-
 - (a) seven days, notice for an ordinary meeting;
 - (b) four days, notice for an additional meeting.
- (6) A notice for a meeting shall specify the date, time and place of the meeting and shall be signed by the Secretary of the Commission and shall otherwise be in the format determined by the Commission.
- (7) The notice shall be accompanied by a list of business (hereinafter called "Agenda") to be considered at the meeting.

Meetings of the Commission

7. (1) The meetings of the Commission shall ordinarily be held at the principal seat of the Commission at Quetta, however, in the public interest a special meeting may be held at some other place with approval of the Chief Secretary Balochistan.
- (2) Meetings shall be chaired by the Chairperson or in his absence by the Chairperson.
- (3) The Secretary of the Commission shall be responsible for keeping the minutes of each meeting of the Commission who shall also be responsible to conduct all the correspondence for and on behalf of the Commission including issuance of notices, notification, declarations, forms, letters, summons

Business to be discussed in Meetings

8. (1) No business other than that which has been included in the agenda shall be discussed at a meeting of the Commission except with the permit of the Chairperson.
- (2) A brief note explaining the position in respect of each item, which is proposed to be brought to the Commission, shall be prepared by the Secretary and submitted to the Chairperson for approval.
- (3) As soon as an item note is approved by the Chairperson, the Secretary shall draw up the agenda or the supplementary agenda of a meeting in connection with the approved item notes as working papers and submit the same to the Chairperson for his approval and submission in the meeting of the Commission as scheduled for a date fixed with approval of the Chairperson.
- (4) A copy of the notice and the agenda, together with item notes included therein, shall be supplied by the Secretary to every member of the Commission well before the date fixed of a meeting.
- (5) No decision of the Commission shall be invited merely on the ground that the notice of meeting had not been served upon or received by any member: provided that the meeting convened had a quorum.

Quorum

9. (1) The quorum for a meeting of the Commission shall be one-third of the total number of members, a fraction being counted as one.
- (2) No business shall be transacted at a meeting unless a quorum of not less than 1/3 of the total members including the Chairperson is present throughout the meeting.
- (2) No meeting shall be adjourned for want of quorum until thirty minutes have elapsed from the time fixed for the commencement of the -meeting or when the defect is noticed.
- (4) Such meeting shall stand adjourned to such future date and time as the Chairperson may appoint and the business set down for that meeting shall be disposed of at the next meeting.
- (5) No quorum shall be necessary at an adjourned meeting.
- (6) Except as provided in sub-rule (4) business transacted in the absence of quorum shall be invalid and shall not appear in Minutes Book.
- (7) The Chairperson may, for any reason, with the consent of majority of members of a meeting, at which a quorum is present, adjourn the meeting to such future date and time as he may appoint.

Decisions by majority

10. (1) All questions for the determination of the Commission shall be decided by a majority of votes of the members present, and in event of an equality of votes, the Chairperson, or other person presiding over the meeting, shall have and exercise a second or casting vote.
- (2) The Chairperson shall have the power to divide of necessary, into two or more distinct proportion, any motion or amendment and to put each or a point separately to vote as he may thin fit.
- (3) A member voting against a proposition may request that his vote of dissent on any decision of the Commission may be recorded in the minutes.
- (4) The Chairperson shall decide all points of order which may arise, and his decision shall be final.

Minutes of the proceedings

11. (1) Minutes of the proceeding at each meeting shall be drawn up by the Secretary and shall comprise of the names of members who are present and the number of item notes and the decision thereon, unless the Commission specifically desire incorporation thereon of the gist of discussion on any important matter:

Provided that if the Secretary is absent from a meeting for any reason, the Chairperson may authorize any other person to record the minutes of the meeting.
- (2) Minutes so prepared shall be submitted through Secretary to the Commission for Signatures or amendments.

(3) A member, who was present at the meeting, to which the minutes relate, may object to the incorporation therein of any portion; and if such an objection prevails; a suitable amendment shall be made before the members put their signatures in token of confirmation.

(4) After amendments and perusal by every present member, the Chairperson of the meeting shall, thereupon affix his signatures on the minutes in token of their confirmation and all present members also affix their signatures in the last page of the minutes.

(5) The Secretary and Chairperson of the meeting shall affix their signature at each & every page of the minutes in token of confirmation of the minutes.

(6) Minutes of the proceedings, at each meeting, shall be taken as read at the succeeding meeting for evaluation of their compliance and further follow-up.

(7) A copy of the minutes of the proceeding at each meeting duly, confirmed, shall be recorded in a Minutes Book maintained for the purpose.

(8) Minutes shall deem to be a confidential document and shall be treated as such by all those persons to whom a copy thereof is supplied.

Presence of officers

12. (1) The Secretary shall attend every meeting unless on leave or prevented by sickness or other reasons. He shall assist the Chairperson in the disposal of Business at the meeting and may take part in discussions.

(2) The Chairperson may also direct any official or officer of his office to attend a meeting of the Commission in cases where this is necessary in terms of the disposal of business at a meeting.

Alternates

13. (1) A member of the Commission may propose an alternate member, being a civil servant who reports to him, to represent him at meetings of the Commission in accordance with criteria to be adopted by the Commission and provided the proposed person meets those criteria he shall be recognised by the Commission as an alternate member.

(2) The Commission shall establish criteria for the qualifications of alternate members, including their civil service grade, such that alternate members are able to effectively participate in meetings of the Commission.

(3) An alternate member shall be entitled to exercise the powers of a member of the Commission during a meeting of the latter and reference in these rules to members of the Commission shall be deemed also to apply to alternate members as and when appropriate.

(4) If a member of the Commission proposes an alternate member he shall:

- (a) brief the alternate member on agenda items to be discussed at an upcoming meeting of the Commission prior to such a meeting;

- (b) require the alternate member to fully brief him on the outcome of any meeting attended by the alternate member and decisions made;
- (c) remain responsible to the Commission for the conduct of the alternate member in terms of decisions made.

Attendance of person other than the members

14. The Commission or the Chairperson may invite any person to attend a meeting so as to assist them on any matter as a coordinating member or for ascertaining the actual fact of the matter involved in deciding an agenda item.

Members not to sit in matters involving personal interest

15. Every member who has either directly or indirectly any beneficial interest in any matter that may come up for discussion before the Governing Body shall before taking part in those deliberation, disclose the nature of such interest, and abstain from voting on such matter.

Supply of papers to other organizations

16. The agenda and the minutes of proceeding at, the meeting shall be supplied to such organizations and bodies as the Chairperson of the Commission may direct/ order in writing.

Action on decisions

17. (1) Action on the resolution of the Commission shall be taken after confirmation signatures by all members and Chairperson, save in exceptional cases where the Chairperson may, by an order in writing, otherwise direct.

(2) All orders as per decisions of the Commissions shall be signed by the Chairperson and issued by the Secretary for implementation to all concerned authorities:

Provided that on application and payment of such fees as provided for provision of copies in revenue matters, a certified copy of the order passed under sub-rule (2) may be given to any party interested under the orders of the Chairperson of the Commission.

(3) The Commission may invite an officer of any agency or Organization to participate in its meeting as coordinating member.

(4) No act or proceeding of the Commission shall be invalid merely on the ground of the existence of any vacancy ni or any defect in the constitution of the Commission.

(5) The Chairperson shall preside over the meetings of the Commission.

Standards and removal

18. (1) No person shall be appointed as member of the Commission or shall continue to be a member, who-

- (a) is or, at any time, has been, convicted of an offense involving moral turpitude; or
 - (b) is or, has at any time been disqualified for employment in or dismissed from Government service; or
 - (c) is or, at any time, has been adjudicated insolvent; or
 - (d) is found to be a lunatic or of unsound mind; or
 - (e) has a confliction interest directly or indirectly between his interest as member and his private interests and has failed to disclose such interest ni within, to the Commission;
 - (f) is acting in contravention of the provisions of the Ordinance; and
 - (g) if he is for the time being disqualified for membership of anybody established by or under any law for the time being in force.
- (3) Government shall, by notification remove a non-official member who has incurred any of the disqualifications mentioned in sub section (2).
- (4) A non-official member shall not be entitled for any remuneration, pay or allowances; however he will be entitled for the T.A. & DA.. of BPS-20, regarding the tours in connection with the inspection of a site or a special meeting of the Commission held at a place other than the principal seat.
- (5) A non-official member may, at any time, resign from membership by addressing a letter to the Government; however, the resignation shall not take effect until it is accepted by the Government.

General control and administration

19. (1) The general control and administration on all its affairs shall vest in the Commission, which will exercise all powers and do all acts and things that may be exercised or done by the Commission in accordance with the Act and such other powers as an administrative department have ordinarily under the Government control.
- (2) The Commission in discharging its functions shall act on all sound principles of justice, equity, science, technology and modern techniques for conserving and development of ground water resources in Balochistan, in the best interest of the general public, keeping ni view of their existing and future need for water, remaining as nearly as possible to the prevailing rights of the people..
- (3) The Commission may be guided in questions of policy by such directions as the Government may from time to time give.
- (4) Except as provided hereinabove sub-rule (1), the administrative and executive control on the affairs of the Commission shall be exercise by the Chairperson of the Commission, and in this respect the Secretary of the Commission shall be the executive officer to perform such duties as are assigned to him under any of the provision of the Ordinance or these rules or as may be assigned to him or to any official ni his subordination, by the Commission or the Chairperson.

PART III - DISTRICT WATER COMMITTEES

District Water Committees

20. (1) A District Water Committee shall be constituted for each Revenue District with such territorial Jurisdiction as is notified by the Government from time to time, under the provisions of the Balochistan Land Revenue Act, 1967.

(2) In addition to the officers specified in section 13(2) of the Act, the members of a District Water Committee shall include:

- (a) one general member of the relevant District Council and one member belonging to peasants, workers and women elected or appointed by the District Council;
- (b) one representative elected by and from among women's' development groups in the district;
- (c) one representative elected by and from among water user associations or other irrigators active in the district;
- (d) two representatives elected by and from among co-management committees active in the district;

(3) A District Water Committee may invite an officer of any agency or organization to participate in its meeting as coordinating member.

(4) No act or proceeding of the Water Committee shall be invalid merely on the ground of the existence of any vacancy in or any defect in the constitution of the Water Committee.

(5) The Chairperson shall preside over the meetings of the Water Committee.

(6) The Chairperson may, for any reason, with the consent of majority of members of a meeting, at which a quorum is present, adjourn the meeting to such future date and time as he may appoint.

Tasks of District Water Committees

21. (1) In addition to the tasks specified in section 13 of the Act, each District Water Committee shall:

- (a) identify customary water tenure arrangements
- (b) organise the specific registration of small scale commercial uses once the necessary legal framework is established;
- (c) identify investments at District level and develop, approve, implement and periodically review a District Water Investment Program;
- (c) identify flood management risks and ensure the implementation of flood management measures, including as regards land use planning, necessary to promote flood risk management; requirements to contribute to the river basin

- (d) under drought risk management planning at district level and implement drought mitigation and response measures. r
- (e) identify how the relevant River Basin Management Plan is to be implemented in the district concerned and oversee this process;
- (f) review and comment on applications for water use permits.

Meetings of District Water Committees

22. Rules 5-19 shall apply to each District Water Committee.

PART IV –WATER INSPECTORS AND AUTHORISED OFFICERS

Water Inspectors

23. (1) Water Inspectors shall be specifically appointed by the Director General on the basis of a training program.

(2) Every Water Inspector shall be issued with and carry an indemnity card showing him to be a Water Inspector in the format specified in form A in Schedule 1 of these Rules.

Authorised officers

24. (1) Irrigation Officers at the level of sub-engineer and above shall also be deemed to be authorized officers for the purposes of the Act.

(2) Following the establishment of a co-management area, the relevant co-management committee may nominate community wardens for appointment as authorised officers by the Director General for a period of up to 24 months.

(3) Criteria for the appointment of Community Wardens, including as regards the completion of necessary training activities, shall be determined by the Commission.

(4) A community warden shall be provided with an identification card which he shall produce on request and shall be entitled to exercise the powers of an authorised officer set out in section 75(1), (2) and (5) (e) and (f) of the Act.

Production or display of identity card

25. In exercising a power under the Act, an authorised officer, other than a police officer in uniform, shall—

- (a) in the case of a Water Inspector or a Community Warden produce their relevant identity card for the person's inspection before exercising the power; or
- (b) in the case of other authorised officers produce such identity cards or other documentation that shows them to be an authorised officer for the purpose of the Act.

PART V – RIVER BASIN MANAGEMENT

Preliminary identification of basin boundaries

26. (1) The Director General shall cause to be prepared a study on the identification of the main river basins and their boundaries.

(2) On the basis of the study referred to in sub-rule (1) the Director shall prepare a formal proposal regarding the main river basins and their boundaries for submission to the Commission.

(3) In preparing such a proposal, the Director may group together two or more small river basins with adjoining river small basins to create a manageable unit for water resources management having regard to the size of other main river basins.

(3) Where groundwaters do not fully follow a particular river basin, they shall be identified and assigned to the nearest or most appropriate main river basin.

(4) Coastal waters shall be identified and assigned to the nearest or most appropriate main river basin.

Review by the Commission

27. (1) The Commission shall review the formal proposal regarding the main river basins and their boundaries referred to Rule 22(1) and shall either:

- (a) request the Director General to make amendments; or
- (b) submit the proposal to the Government together with a formal request that the proposal be adopted by Order to be published in the official gazette.

River Basin Committee composition

28. (1) Every River Basin Committee shall have up to 25 members, including:

- a) the Deputy Commissioner of every district within the Main River Basin in his capacity as chairperson of the District Water Committee;
- b) one person nominated by Chamber of Commerce
- c) representatives from civil society
- d) one person elected from among environmental NGOs active in the main river basin.

(2) If a main river basin includes two or more districts, the secretariat of the relevant River Basin Committee shall be provided by a Water Inspector attached to the District Water Committee of the district in which the greatest part of the river basin lies.

Term of office

29. (1) A person who is appointed to a River Basin Committee ex-officio shall remain a member of that committee as long as he remains in office.
- (2) A person who is nominated to a River Basin Committee shall hold office as a member of the committee for a period of up to five years renewable once by the person who made the nomination.
- (3) A person who is elected to a River Basin Committee shall hold office as a member of that committee for a period of five years and shall then have the chance to stand for re-election.

Committee tasks

30. In addition to the matters specified in section 20 (6) of the Act, a Committee shall:
- (a) monitor and review the implementation of the River Basin Management Plan;
 - (b) establish any sub-committees as necessary and appropriate;
 - (c) approve the minutes of its previous meetings;
 - (d) undertake other tasks specified in these rules.

Meetings of a River Basin Committee

31. (1) During the period within which a River Basin Management Plan is being prepared the River Basin Committee shall meet at least once in every two months or more frequently as necessary.
- (2) A River Basin Committee shall meet at least once every 12 months once the relevant River Basin plan has been adopted but will meet more frequently during the period in which the plan is being prepared or reviewed.
- (3) Meetings of a Committee shall be quorate provided at least half of the members are in attendance.
- (4) Decisions of the WRM committee shall be made by consensus failing which a vote may be held with each member holding one vote.
- (5) Additional meetings of the WRM committee may be called by the chairperson as necessary and shall be called at the request of one third of its members.

Chairperson

32. (1) The Chairperson of a River Basin Committee shall be elected by and from among the members of that committee.
- (2) The Chairperson shall:

- (a) chair the meetings of the River Basin Committee;
- (b) call additional meetings of the River Basin Committee as necessary; and
- (c) undertake other tasks specified in these rules or the rules of procedure of the River Basin Committee.

Secretariat

33. (1) The Director General shall identify and appoint a Water Inspector to act as the secretary of each River Basin Committee.

- (2) The secretary of a River Basin Committee shall:
- (a) convene meetings of the River Basin Committee in consultation with the chairperson;
 - (b) act as the minute clerk at meetings of the River Basin Committee;
 - (c) maintain the correspondence of the River Basin Committee;
 - (d) maintain and update the records of the River Basin Committee;
 - (e) collect and submit all data and information as may be required by the River Basin Committee; and
 - (f) undertake such other duties that may be assigned by the chairperson.

Preparation of River Basin Management Plans

34. (1) Director General shall prepare:
- (a) a draft timetable for the preparation of each River Basin Management Plan including provision for public comment;
 - (b) a draft assessment of the quality and quantity of water resources within each the main river basin concerned including water contained in aquifers;
 - (c) a draft report setting out key consultation issues.

(2) The Director General shall submit the draft documents described in sub-rule to the River Basin Committee for discussion and comment and shall revise the draft documents in accordance with the instructions of the committee.

(3) The Director General shall ensure that documents required to be prepared under this part of the rules shall be published on the Official Website;

Public consultation

35. (1) The timetable for the development of River Basin Management Plans make provision for public consultation in connection with the following steps:

- (a) the definition of a strategy for the plan;
- (b) the definition of components of the plan, as specified in the Act;

- (c) the provisional adoption of the final draft River Basin Management Plan by the River Basin Committee prior to its transmission to the Government for final adoption.
- (2) For the purposes of sub-rule (1) of this rule, the River Basin Committee concerned shall prepare a notice setting out the particulars of the action which the committee intends to take and inviting written comments from the public and shall publish such notice twice in official publications circulating in the basin area.
- (3) The River Basin Committee shall, in addition, send such notice to:
- (a) all holders of a water use permit and/or an effluent discharge permit in the main river basin concerned;
 - (b) all such other users of water in the basin as are known to the Basin Council and to the Director General;
 - (c) relevant District Water Committees and other official agencies in areas that may be at risk of flooding;
- (4) The notice referred to in sub-rule (1) shall also mention that any documents supporting the action to which the notice relates shall be available for consultation, at one or more locations and on the hours specified in the notice, for a period of sixty days from the date of the notice, and that written comments shall be considered if they have been received within that same period.
- (5) Every River Basin Committee shall call at least one general meeting of the public, to further debate the action to which a notice under sub-section (1) relates and shall then prepare a notice convening the public at such place or places and on such date or dates as are specified in the notice and providing the agenda of the meeting or meetings.

Views of the public to be taken into account in forming final draft Basin Plans

36. (1) In preparing the final draft of a River Basin Management Plan for the approval of the Government, the relevant River Basin Committee shall take into account the views of the public which have been obtained in the manner set out in rule 35.

(2) In the relevant submission to the Government under section of the Act, the River Basin Committee shall document the comments received from the public and the extent to which and the manner in which these have been taken into account, and the Government may remand to the River Basin Committee a draft River Basin Management Plan which fails to comply with this rule, with a direction that the committee take remedial action.

Public consultation in the periodic review of approved Basin Plans

37. The provisions of rules 35 and 36 shall have effect in relation to the periodic review of approved River Basin Management Plans pursuant to section 22(4) of the Act.

PART VI – CO-MANAGEMENT COMMITTEE

Identification of the water source

38. For the purpose of this Part a “Water Source” shall mean a spate irrigation scheme, a *karez*, a spring or an over-exploited aquifer or a sub-basin.

Establishment procedure

39. (1) A co-management committee may be established to ensure the improved management of a water source:

- (a) on the application of users of the Water Source in accordance with rule 40;
- (b) on a mandatory basis pursuant to a decision of the Director General in accordance with rule 41.

(2) For the purpose of sub-rule 1 of this rule:

- (a) in the case of a spate irrigation scheme, the users of the water source shall be those owners, renters or users of land that can be irrigated from that spate irrigation scheme and who have contributed to the construction, maintenance and operation of that scheme;
- (b) in the case of a *karez*, the users of the water source shall be those owners, renters or users of land that can be irrigated from that spate irrigation scheme and who have contributed to the construction, maintenance and operation of that *karez*;
- (c) in the case of an over-exploited aquifer, the users of the water source shall be those owners of land situated above the aquifer who have constructed wells to abstract water from the aquifer;
- (d) in the case of a sub-basin, the users of the water source shall be those persons who routinely use water contained in that sub-basin.

Voluntary establishment procedure

40. (1) Five or more users of a water source who propose establishing a co-management area shall form an Initiative Group that shall, apply to the Director General in Form A in Schedule 2 of these Rules of their desire to initiate the establishment of a co-management area and co-management committee and such application shall include:

- (a) a description of the proposed co-management area;
- (b) a list of other users of the water source;
- (c) details of other relevant stakeholders including non-government organizations active in the proposed co-management area.

(2) The Director General shall review the written application and following consultation, if necessary, with the persons who submitted the notification may authorize the formation of an establishment committee for the proposed co-management area and co-management committee and shall cause notice of the creation of the establishment committee to be published on the Official Website.

(3) The establishment committee shall prepare:

- (a) the draft constitution of the proposed co-management committee;
- (b) a plan of the proposed co-management area that shows the water source and the land area that is currently supplied with water from that water source;
- (c) proposed blocks within the co-management area;
- (d) an application for the establishment of the proposed co-management committee in Form B in Schedule 2 of these Rules which shall include the correspondence address of the committee; and;
- (e) a draft budget and strategic plan for the proposed co-management committee.

(4) The establishment committee shall consult stakeholders and people who may be affected by the proposed co-management and invite their comments and observations.

(5) Based upon the feedback received pursuant to sub-rule (5) the establishment committee shall finalise the documents referred to in sub-rule (4) and submit it to the Director General for review together with a petition signed by the proposed members.

(6) The Director General shall review the documents submitted pursuant to sub-rules (2) and (4) within six weeks of the date of submission and if he is satisfied that the requirements of section 26(2) of the Act have been met, he shall submit the application to the Minister for approval.

Mandatory establishment procedure

41. (1) The Director General may, after consulting the relevant District Water Committee, decide to establish a co-management committee in cases where in his view this is necessary to ensure the sustainable management and use of water resources.

(2) If the Director General decides to establish a co-management committee, he shall appoint an establishment committee from among users of the resource concerned and shall support that committee to undertake the activities specified in section 17 of the Act.

Composition and structure of a co-management committee

42. (1) A co-management committee may have up to 45 members who shall be
- (a) elected directly by the users of the water source who shall be a majority of the members;
 - (b) members nominated by local government and civil society bodies.
- (2) Up to five members of a co-management shall be nominated by the relevant Union or District Council and shall serve for a period of up to five years, which term may be renewed once.
- (3) Up to five members of a co-management council shall be nominated by civil society organisations that area are active in the co-management areas including organisations that seek to promote the interests of women and youth, agriculture and economic development, education and such members shall serve for a period of up to five years, which term may be renewed once.
- (4) If a co-management committee relates to a water source with more than 100 users the co-management area shall be divided into Blocks with the users of the water source electing a Block Representative from among their number to represent them in meetings of the co-management committee.
- (5) In the event that a co-management committee has more than 15 members, that committee shall elect an executive committee from among its members that shall have no more than seven members including the Chairperson, the Treasurer, the Secretary, one member nominated by local government, one member nominated by civil society organisations and the nominated Water Inspector.
- (6) A co-management committee that has an executive committee shall meet at least once every twelve months at an annual general meeting to which all members shall be invited while the executive committee shall meet once every three months, save that additional or emergency meetings of the full committee and the executive committee may be called by the Chairperson as necessary and appropriate.

Nominated Water Inspector

43. (1) The Director General shall appoint a Water Inspector to be the Nominated Water inspector for each co-management committee.
- (2) The tasks of the Nominated Water inspector shall be:
- (a) to serve as a member of the co-management committee;
 - (b) to advise the co-management committee about water resources management issues;
 - (c) to jointly identify with the co-management committee areas in which the latter needs particular support;

(d) to act as the point of liaison between the Director General and the co-management committee;

(e) to undertake other tasks specified in these Rules.

Constitution

44. (1) Every co-management committee shall have its own constitution that shall:

(a) contain a statement as to the purpose and functions of the co-management committee;

(b) include a clear description of the co-management area by reference to plans or maps;

(c) describe the powers, responsibilities and duties of the co-management committee including and procedures for calling and holding meetings;

(f) set out procedures for the election of the elected members of the co-management committee and as necessary or appropriate their removal from office;

(g) in the case of a co-management committee that has an executive committee, set out the procedures for the election of the members of that committee, the functioning of that committee and set out its relationship with the full co-management committee;

(h) including provisions on the collection and management and fees and charges, if appropriate, as well as their distribution of; and

(i) include conditions for the termination of the activity of the co-management committee.

(2) A co-management committee may base its constitution on a model constitution prepared by the Director General that may be updated from time to time.

Co-management plan and co-management by laws

45. (1) A co-management plan shall identify how the Water Source is to be protected and managed in a sustainable manner.

(2) In the case of a *karez* or spate irrigation scheme a co-management plan shall:

(a) specify how maintenance of the irrigation scheme is to be undertaken and paid for;

- (b) specify how irrigation water is to be allocated among different users;
 - (c) describe how decisions are to be made regarding any modification of the irrigation scheme concerned.
- (3) A co-management plan relating to an aquifer may:
- (a) impose limits on the construction of new wells including as regards the depth of wells;
 - (b) set abstraction limits from existing wells;
 - (c) establish priorities for water use;
 - (d) require the sealing of existing wells and the establishment of a centralised water distribution system under the authority of the committee.
- (4) A co-management plan for a surface water source may:
- (a) set priorities for the use of waters;
 - (b) set out minimum flow requirements;
 - (c) establishment abstraction or withdrawal limits and mechanisms for implementing these.
- (5) Every draft co-management plan shall be accompanied by a draft set of by-laws that shall give effect to its provisions.
- (6) Before approving a co-management plan and draft by-laws every co-management committee shall provide an opportunity for persons who will be affected by its provisions to be consulted.
- (7) A co-management plan and co-management by-laws shall be binding within the relevant co-management area.

Co-management committee tasks

46. In addition to the matters specified in section 17 of the Act, a co-management committee shall:
- (a) elect its chairperson, secretary and treasurer;
 - (b) establish the executive committee and any sub-committees as necessary and appropriate;
 - (c) approve the minutes of its previous meetings;
 - (d) exchange information with other co-management committees and other relevant agencies;
 - (e) nominate candidates to be appointed as community wardens;
 - (f) undertake other tasks specified in these rules.

Term of office

47. (1) An elected member of the co-management committee:
- (a) shall hold office for an initial term of four years;
 - (b) may stand for re-election for a second four-year term;
 - (c) may not stand for re-election at the end of a second four-year term; but
 - (d) may stand again for election after a three-year period starting immediately after the end of the second four-year term.
- (2) An appointed member of a co-management committee shall hold office at the discretion of the nominating entity.

Meetings of a co-management committee

48. (1) A co-management committee that does not have an executive committee shall meet at least once every six months.
- (2) In the case of a co-management committee that has an executive committee, the full co-management committee shall meet at least once every 12 months, while the executive committee shall meet at least once every three months.
- (3) Meetings of a co-management committee or an executive committee shall be quorate provided at least half of the members are in attendance.
- (4) Decisions of a co-management committee or an executive committee shall be made by consensus failing which a-vote may be held with each member holding one vote.
- (5) Additional meetings of a co-management committee or an executive committee may be called by the chairperson as necessary and shall be called at the request of one third of the members of that committee.

Chairperson

49. (1) The chairperson of a co-management committee shall be elected by that committee from and among its members.
- (2) The chairperson shall:
- (a) chair the meetings of the co-management committee and executive committee if there is one;
 - (b) call additional meetings of the co-management committee or executive committee as necessary;
 - (c) represent the co-management committee in relationships with third parties; and
 - (d) undertake other tasks specified in these rules or the Constitution.

Secretary

50. (1) The secretary of a co-management may be a person appointed by the co-management committee from among its members or the Nominated Water inspector.

(2) The secretary of a co-management committee shall:

- (g) convene meetings of the co-management committee and the executive committee if there is one in consultation with the chairperson;
- (h) act as the minute clerk at meetings of the co-management committee and the executive committee if there is one;
- (i) maintain the correspondence of the co-management committee;
- (j) compile performance reports for presentation to the co-management committee;
- (k) maintain and update the records of the co-management committee;
- (l) collect and submit all data and information as may be required by the committee; and
- (m) undertake such other duties that may be assigned by the chairperson.

Treasurer

51. The Treasurer of a co-management committee shall:

- (a) maintain the accounts and a record of financial transactions entered into by the co-management committee;
- (b) prepare and make payments as authorized by the co-management committee;
- (c) receive cash and make deposits to the co-management committees bank account;
- (d) keep records of assets and liabilities of the co-management committee;
- (e) prepare quarterly and annual financial reports;
- (f) submit and present financial reports to the co-management committee for scrutiny and approval; and

- (g) undertake any other duty as may be assigned by the chairperson.

Formation of sub-committees

52. (1) A co-management committee may, in accordance with its constitution establish sub-committees depending on its particular requirements.
- (2) Ordinary members of the co-management committee shall be elected by the co-management committee to head the sub-committees so created.
- (3) The chairperson of the co-management committee shall be an ex-officio member of all sub-committees.

Duties of co-management committee members

53. Every co-management committee member shall at all times have regard to the objective and guiding principles of the Act and shall at all times act in the best interests of the co-management committee as a whole.

Dismissal of co-management committee members

54. (1) A co-management committee may vote to remove a member of the co-management committee member, or any sub-committee, on the grounds that he:
- (a) has failed without convincing reasons to attend three consecutive scheduled meetings;
 - (b) has engaged in or condoned the use of water resources contrary to the co-management plan or co-management by-laws;
 - (c) has failed to perform the duties required of his office as specified in these rules or the constitution of the co-management committee;
 - (d) is of unsound mind or has been convicted of a criminal offence.
- (2) A meeting of the co-management to consider the dismissal of any member of the co-management committee shall be convened in response to a written request signed by a third of the co-management committee members, citing the grounds for dismissal.
- (3) A decision to dismiss a member of the co-management committee shall taken by secret ballot requiring a simple majority of votes in favour of dismissal.
- (4) The Nominated Water inspector shall confirm the dismissal in writing.
- (5) A member of the co-management committee who has been dismissed pursuant to sub-paragraph (4) of this rule may within 14 days of the decision, appeal in writing by notice to the Director General stating the basis for the appeal.
- (6) The Director General shall determine any such appeal within 14 days of receipt of the notice of appeal and shall promptly inform the co-management committee and the Nominated Water inspector.

Rights to expenses or sitting allowances

55. Elected officers of the co-management committee shall serve on an honorary basis but may, in accordance with the constitution of the co-management committee and its agreed budget:

- (a) be paid a token sitting allowance in respect of time spent in meetings;
- (b) be reimbursed their reasonable expenses incurred in the performance of co-management committee work.

Community wardens

56. (1) A co-management committee may nominate fit and proper persons from within its co-management area to be candidates for appointment as Community Wardens.

(2) Candidates for nomination as Community Wardens shall:

- (a) not have a criminal record;
- (b) be literate;
- (c) be respected and upstanding members of the community.

(3) Nominations pursuant to sub-regulation (1) shall be made in writing to the Director General and shall include a justification for the nomination of each candidate.

(4) The Director General shall review the submitted nominations and shall as appropriate appoint Community Wardens in writing for a period of not more than [24] months.

(5) The appointment of a Community Warden may be subsequently extended on the written request of the relevant co-management committee.

Tasks and powers of Community Wardens

57. (1) Community Wardens shall report to the co-management committee and to the Competent Water Inspector

(2) Community Wardens shall:

- (a) undertake patrols within the relevant co-management area to ensure compliance with the co-management bylaws;
- (b) participate in data collection;
- (c) raise awareness within the co-management area regarding the contents of the co-management plan and co-management bylaws;
- (d) advise the co-management committee on their perceptions of the effectiveness of the relevant co-management plan and co-management bylaws.

(3) Community Wardens shall be entitled to exercise the powers set out in rule 24.

Co management fund

58. (1) In order to generate revenues to cover its operating costs, a co-management committee may establish a co-management fund in accordance with these rules.

(2) Possible sources of income to a co-management fund may include:

- (a) water use fees levied against its members;
- (b) gifts or grants;
- (c) grants or subsidies, if available;
- (d) the proceeds of fines and other sanctions of a pecuniary nature imposed by the co-management committee;
- (e) interest on any money held in bank accounts or equivalent.

(3) A co-management committee may open a bank account in its own name with the committee members acting as trustees and the chairperson and treasurer acting as co-signatories.

(4) The Treasurer of a co-management committee shall maintain full accounts of receipts and expenditures and shall prepare an annual balance sheet and income and expenditure statement in a format specified by the Director General.

(5) The annual balance sheet and income and expenditure statement shall be approved annually by the co-management committee.

Books and records

59. A co-management committee shall maintain the following books and records:

- (a) a register of members containing the name, address, telephone number and email address of each member;
- (b) a record of the minutes of the meetings of the co-management committee and any sub-committees;
- (c) a list of Community Wardens;
- (d) a record of inspections and enforcement activities;

- (e) financial accounts in accordance with rule 30.

Reporting requirements

60. (1) A co-management committee shall by 30 March each year file with the Director General an annual report for the previous calendar year in the format set out Form C in Schedule 2 of these Rules, together with a copy of its annual balance sheet and income and expenditure statement as well as an updated list of wardens.

(2) On receipt of a report submitted under sub-rule (1), the Director General may require a co-management committee to provide information or explanations concerning its activities, which information or explanations shall be provided within 60 days.

(3) If after reviewing information or explanations provided under sub-rule (2) the Director General, is has reasonable grounds to believe that the co-management committee is not correctly fulfilling its mandate or is in other ways functioning in a manner that is contrary to the objective and principles of this Act he may send a formal warning to the co-management committee describing the issues that must be addressed within a specified time period and specifying the further measures that will be undertaken should those issues not be addressed to his satisfaction.

(4) If following a formal warning issued pursuant to sub-rule (3) the Director General still has reasonable grounds to conclude the co-management committee is not correctly fulfilling its mandate or is in other ways functioning in a manner that is contrary to the objective and principles of this Act he may advise the Minister to temporarily suspend or permanently abolish the co-management committee.

PART VII – BALOCHISTAN WATER PERMIT REGISTER

Balochistan Water Permit Register

61. (1) The Director General shall establish and maintain the Permit Register in accordance with section 20 of the Act.

(2) The Permit Register shall contain a copy of the following instruments issued pursuant to the Act:

- (a) water use permits issued pursuant to section 30 of the Act;
- (b) declarations made pursuant to section 29(2) of the Act if any;
- (c) wastewater discharge permits;
- (d) well drilling permits;
- (e) technical well-drilling licences.

- (3) The Permit Register shall also contain details of drilling rigs registered in accordance with article 42 of the Act.
- (4) The Permit Register shall be divided into six separate parts as follows:
- (a) Part One – Water use permits issued pursuant to section 30 of the Act;
 - (b) Part Two – Water use declarations made pursuant to section 29(2) of the Act;
 - (c) Part Four - Wastewater Discharge Permits;
 - (d) Part Five – Technical Well-drilling Licences;
 - (e) Part Six – Well Drilling permits;
 - (e) Part Six – Registered Drilling Rigs.
- (5) In respect of each permit, declaration, licence or drilling rig the Permit Register shall also contain:
- (a) a copy of every related application; and
 - (b) details of any enforcement measures taken.

Form of register

62. (1) The original of the Permit Register shall be kept in paper form.
- (2) The original Permit Register shall be maintained in a secure place and except during office hours shall be stored in a fireproof safe.
- (3) A copy of the Permit Register (the Electronic Register) shall be created in electronic form and every entry into the original Permit Register or modification to or removal of such an entry in the physical register shall also be recorded in the electronic register.
- (4) A copy of the Electronic Register shall be displayed on the Official Website.

Access to the permit register

63. (1) The Permit Register shall be available for inspection by the public, free of charge, at all reasonable hours at the office of the Director General.
- (2) Certified and uncertified extracts from the Permit Register shall be obtainable on payment of the fee specified in Schedule 4 of these Rules.

Certificate evidence of permit entry

64. A certificate in the format set out in Form A in Schedule 3 of these Rules shall be evidence of an entry in the Permit Register.

PART VIII – USE OF WATER RESOURCES

Application for a water use permit

65. (1) An application for a water use permit shall be made in writing in Form B in Schedule 36 to these rules.
- (2) An application for a water use permit shall be accompanied, by—
- (a) a map or plan of the location of the site of the proposed water use drawn to a scale of 1:10,560;
 - (b) evidence that the applicant has the legal right to use the land
 - (c) evidence that the applicant has obtained an environmental authorisation or that an application for such an authorisation has been submitted;
 - (d) the fee specified in Schedule 4 of these Rules.
- (3) If the activity to which the water use permit application relates also includes the discharge of waste or wastewater, an applicant shall at the same time apply for an effluent discharge permit which shall be included as part of the water use permit.
- (4) An application under sub-rule (3) shall be accompanied by the documents and other matters specified in rule 99.
- (5) An application for a water use permit shall be submitted directly to the Director of Water Resources or to the relevant District Water Committee in accordance with rule 3.

Procedure on receipt of an application

66. (1) On receiving an application, the Director General shall—
- (a) cause the application and the accompanying documents to be stamped with the date of their receipt; and
 - (b) examine the application to determine whether it complies with the requirements of rule 65.
- (2) Where an application complies with the requirements of rule 65, the Director General shall:
- (a) send to the applicant written acknowledgement stating the date of receipt of the application, the official application number and details of the nominated Water Inspector whom the applicant is to contact to arrange a site inspection;
 - (b) include a copy of the application in the permit register and publish a copy of the application on the Official Website.
- (3) Where an application fails to comply with the requirements of Rule 5, the Director General, having regard to the extent of the failure, may, by written notice—
- (a) require the applicant to furnish such further particulars, plans, charts, drawings, maps or environmental impact statement as may be necessary to comply with those requirements; or

- (b) inform the applicant that the application is invalid and will not be considered by the Director General.

(4) Where the applicant is informed that the application is invalid, all particulars, plans, charts, drawings or maps submitted by the applicant shall be returned to the applicant.

Inspection

67. (1) Within 14 days of receipt of a written acknowledgement in accordance with rule 9, the applicant shall contact the nominated Water Inspector identified in accordance with rule 66(2) to make arrangements for site inspection.

(2) The site inspection can take the form of:

- (a) a meeting at the site between the applicant and the Water Inspector; or
- (b) a meeting at the site between the applicant, the Water Inspector and other relevant stakeholders.

(3) The Director General shall inform the applicant, in writing, of any information required to compile a technical report for a water use permit application within 28 days of the site inspection.

(4) Failure by the applicant to confirm a date for site inspection and to make himself or herself available on agreed date will result in the Director General rejecting the application.

Further information

68. Notwithstanding that an application complies with the requirements of Rule 5, the Director General may, by written notice, require that, within a period specified in the notice, the applicant—

- (a) furnish any further information (including any plans, charts, maps or drawings, or any information as to any estate or interest in or right over land) which may be reasonably required to enable the application to be considered; or
- (b) produce any evidence which may be reasonably required to verify any particulars or information given by the applicant in relation to the application.

Applicant to give public notice of application

69. (1) On the instruction of the Director General and in any case not later than 2 weeks after the issue of that instruction, the applicant shall publish in at least two leading daily Urdu Newspapers circulating in the province, a notice in the format set out in the Form C of Schedule 3 of these Rules.

(2) Within one week after the date of publication of the notice of application, the applicant shall send to the Director General a complete copy of the newspaper in which that notice was published.

(3) Where an environmental authorisation has been submitted under rule 65, the applicant shall make copies of the statement, available—

- (a) for inspection by interested persons at the address specified in the notice of application; or
- (b) for purchase by them from the applicant for a fee not exceeding the reasonable costs of making a copy.

Right to make observations or comments concerning the application

70. (1) Within 4 weeks after the date of publication, in accordance with Rule 8, of a notice of application, any person may make written observations or comments to the Director General concerning the permit application.

(2) Written observations or comments shall—

- (a) state the name and address of the person by whom it is made;
- (b) state the grounds for the observations or comments and any considerations and arguments on which they are based; and
- (c) be accompanied by any documents, particulars or other information which the person making the observations or comments considers necessary or appropriate.

(3) The Director General shall promptly acknowledge receipt of written observations or comments under this Rule.

(4) The Director General shall not consider written observations or comments received after the expiry of the period referred to in paragraph (1).

Notice to certain bodies of receipt of application and their right to make submissions

71. (1) In considering an application which complies with the requirements of Rule 4 the Director General shall, by written notice, inform the following of the receipt of the application-

- (a) the relevant District Water Committee;
- (b) the Balochistan Environmental Protection Agency;
- (c) the Irrigation Department.

(2) A notice under paragraph (1) shall specify—

- (a) the name and address of the applicant;
- (b) the location of the site to which the application relates;
- (c) a description of the proposed activity;
- (d) the date of receipt by the Director General of the application; and

- (e) any other information which the Director General considers relevant.
- (3) Within 6 weeks after a body is notified under this Rule of receipt of an application, that body may make written observations or comments to the Director General concerning the application.

Public meetings

- 72. (1) The Director General may, depending on the number and nature of observations or comments received, organise one or more public meetings to be held in the vicinity of the proposed use of water resources or in the nearest substantial settlement.
- (2) During such a public meeting the applicant shall be given an opportunity to present the application to members of the public who shall in turn be entitled to raise questions and make comments regarding the meeting.
- (3) Meetings shall be chaired by the Director General or an authorised person nominated in writing by the Director General.

Applicant's response to written observations or comments

- 73. (1) The Director General shall send to the applicant a copy of any written observations or comments received under rules 71 or 72 concerning an application.
- (2) Within 3 weeks after the date the written observations or comments are sent to the applicant, the applicant may submit to the Director General the applicant's written response to the observations or comments.
- (3) Where no written response has been received from an applicant within the period mentioned in paragraph (2), the Director General may, without further notice to the applicant, consider the written observations or comments received pursuant to rules 71 and 72
- (4) An applicant shall not be entitled to elaborate on any comments made in accordance with paragraph (2) or to make any further comments, unless requested to do so under 74.

Power to request further submissions, etc., and to declare submissions withdrawn

- 74. (1) Where the Director General is of the opinion that it is appropriate in the interests of justice to request a person who made written observations or comments under comment under rule 71 or an observation under rule 72 to make a submission concerning any matter which has arisen in relation to the submission, observation or comment, the Director General may, in his or her discretion, by written notice —
 - (a) request the person to make a written submission concerning that matter within the period specified in the notice (being a period of not

less than 2 and not more than 4 weeks beginning on the date of issue of the notice); and

- (b) inform that person that, if a written submission is not received before the expiry of the period specified in the notice, the Director General will, after the expiry of that period and without further notice, proceed with considering the submission, observation or comment and make a decision on the application.

(2) Where the Director General is of the opinion that any document, particulars or other information is necessary to enable him to consider a submission, observation or comment made by any person, the Director General may by written notice —

(a) require the person to submit to the Director General within the period specified in the notice (being a period of not less than 2 and not more than 4 weeks beginning on the date of issue of the notice) the document, particulars or other information specified in the notice, and

(b) inform that person that, if he or she fails to comply with the requirements of the notice, the Minister will, after the specified period expires and without further notice, make a decision on the application

Withdrawal of application

75. (1) An applicant may, by written notice, withdraw an application for a water use permit at any time before the publication of the Director General's decision on the application.

(2) The withdrawal of an application shall not entitle the applicant to a refund of any fee paid to the Director General in relation to the application.

Issuance of a permit

76. (1) If the having regard to the matters specified in section 30(4) and (5) of the Act, Director General the Director is satisfied that an application for a water use permit complies with the requirements of the Act and that the issuance of a permit will not adversely affect the use of water by any existing water use permit holder or other lawful user of water or prevent compliance with environmental flow requirements established pursuant to section 48 of the Act he shall:

- (a) in the case of an application for an ordinary water use permit, issue such a permit in the Form D in Schedule 3 of these Rules;
- (b) in the case of a long-term water use permit, decided to recommend to the Commission that it issue a long term water use permit Form D in Schedule 3 of these Rules.

(2) In the case of permits that authorise the construction of aquifer recharge structures, the reclamation of wetlands or the construction of dykes, the relevant permit shall specify the time period within which construction must be started and

provided the construction activities are completed by the expiry date of the permit concerned, the permit holder shall not be required to obtain a new permit thereafter.

(3) The Director General may inform an applicant that he is minded to issue a permit on a provisional basis or to recommend the issuance of a permit on a provisional basis, pending the issuance of any other statutory licence, authorization or consent in which the applicant shall promptly transfer such instrument to the Permit on issuance.

(4) Following a decision of the Director General to recommend the issuance of a long-term permit, including a provisional issuance, he shall promptly send a copy of the draft long term water use permit together with his reasons for making the recommendation and a copy of the complete file relating to the application to the Commission which shall consider the matter at its next meeting.

Transfer of a permit

77. (1) An application to transfer a permit shall be submitted by the permit holder to the Director General in the Form E of Schedule 3 of these Rules accompanied by the fee specified in Schedule 4 to these rules.

(2) A application to authorise the transfer of an ordinary water use permit shall be determined by the Director General while a decision to authorise the transfer of a long term water use permit shall be made by the Commission.

(3) In determining whether or not to approve the transfer of a permit or to recommend such a transfer, the Director General shall have regard to the matters specified in section 32(1) of the Act.

(3) If the Director General approves an application to transfer a water use permit he shall:

- (a) notify the applicant forthwith;
- (b) amend the relevant entry in the permit register;
- (b) send an amended copy of the permit to the transferee.

(4) If the Director General recommends the transfer of a permit he shall promptly notify the Commission which shall consider the matter during the course of its next regular meeting and notify the Director General accordingly.

(5) On receipt of notification that the Commission has approved the transfer of a permit, the Director General shall undertake the measures specified in sub-rule (3) whereas if the Commission does not approve such a transfer he shall promptly inform the applicant in writing.

Suspension, variation or cancellation of permit

78. (1) Where it appears to the Director General that a water use permit should be suspended, varied or cancelled, in accordance with section 33 of the Act, he shall notify the holder of the permit, in writing Form F of Schedule 3 of these Rules, of its intention to do so, which notice shall state that the holder of the permit may make objections to the proposed suspension, variation or cancellation within sixty days from the receipt of the notice.

(2) The Director General shall consider all the objections duly received in accordance with the preceding sub-section, and may suspend, vary or cancel the permit.

(3) Water use permits that include an authorization to discharge wastes or wastewater shall be suspended, varied or cancelled in the manner provided for by this rule, provided however that the relevant decision shall be taken by the Director General in consultation with the Balochistan Environmental Protection Agency, and that the latter's advice shall be binding on the Director General insofar as the part of the water use permit which relates to the discharge of wastes or wastewater is concerned.

(5) When a permit is cancelled or varied to accommodate a new applicant, the original permit holder shall be paid compensation by the new permit holder either in kind or, if payment in kind is not possible, or at the request of the original permit holder, in cash, in such amount as appears to the Director General to be fair and reasonable under the circumstances.

(6) The Director General shall enter a record of any action taken in pursuance of this rule in the Register of Water use permits.

Renewal of permits

79. (1) In accordance with section 32 of the Act, a water use permit may be renewed by the Director General upon a written request to be filed in Form G of Schedule 3 of these Rules not later than twelve months prior to expiration, accompanied by the permit renewal fee specified in schedule 4 to these rules.

(2) Failure of the permit holder to file for the renewal of a permit within twelve months prior to expiration will result in the relevant application being dealt with by the Director General as though it were an application for a new water use permit or, if no application has been filed prior to the expiration date of the permit, in the termination thereof.

(3) Upon receiving an application for the renewal of a permit, the Director General shall notify in writing the applicant that:

- (a) the application is granted; or, under the circumstances described in section 32 of the Act;
- (b) the application is granted subject to the permit being varied by:
 - (i) the amendment of any one or more of the terms or conditions; or
 - (ii) the revocation of any one or more of the terms or conditions; or
 - (iii) the addition of one or more terms or conditions; or
 - (iv) reducing the amount of water that the holder of the permit is entitled to use; or
 - (v) a combination of two or more of the foregoing methods of variation; or
- (c) the application is rejected.

(3) The Director General shall notify in writing the applicant of its decision and, where it decides to grant a renewal under sub-paragraph (b) of sub-section (2) above, or to refuse a renewal, it shall state its reasons in writing.

(4) Water use permits including an authorization to discharge wastes or wastewater shall be renewed subject to the approval of the Balochistan Environmental Protection Agency certifying to the Director General the satisfactory performance of the part of the permit relating to the discharge.

(5) The Director General shall enter a record of any action taken in pursuance of this rule in the Permit Register.

Suspension, variation, cancellation or transfer of permit on application of relevant holder

80. (1) In accordance with section 33 of the Act, the holder of a water use permit may at any time apply in writing to the Director General to cancel the permit, and on such application the Director General shall cancel the permit accordingly, subject to such terms and conditions as it thinks fit.

(2) In accordance with section 33 of the Act, the holder of a water use permit may apply to the Director General to temporarily or permanently vary the permit, and the provisions of rules 71 and 72 shall apply (with the necessary modifications) to applications under this rule save that, where the proposed variation is limited to reducing the quantity of water authorised to be abstracted under the permit, the provisions of sub-section (1) of rules 71 and 72 shall not apply.

(4) Water use permits comprising an authorization to discharge wastes, wastewater or pollutants into a water body shall be suspended, varied, cancelled or transferred in the manner provided for by this rule, provided however that the relevant decision shall be taken by the Director General in consultation with the Balochistan Environmental Protection Agency, and that the latter's advice shall be binding on the Director General insofar as the part of the water use permit which relates to the discharge of wastes, wastewater or pollutants into a water body is concerned.

(5) The Director General shall enter a record of any action taken in pursuance of this rule in the Permit Register.

Appeals

81. (1) An appeal against a decision of the Director General concerning the issuance, suspension, variation, cancellation or transfer of a water use permit shall lie to the Commission.

(2) An appeal from against a decision of the Director General concerning the issuance, suspension, variation, cancellation or transfer of a water use permit shall lie to the Commission and shall lie to the High Court.

(3) An appeal in accordance with this rule shall be conducted in the form a re-hearing.

PART IX - INTRODUCTION OF WATER USE PERMITTING ARRANGEMENTS

Application for recognition of existing customary water rights

82. (1) An application for the recognition of existing customary water rights relating to a spate irrigation scheme, a *karez*, a spring or a surface water source shall be submitted to the Director in accordance with this rule by:

- (a) a co-management committee established to manage that water source; or
- (b) an entity established pursuant to customary law having the legal capacity to submit such an application

(2) An application pursuant to subsection shall be submitted to the Director General in form H in Schedule 3 of these rules together with supporting documentation.

(3) The Director General shall review every application pursuant to subsection (2) and if he finds that the application is made out he shall issue the applicant with a water use permit.

Declaration of an existing water use

83. (1) Following the declaration of a Water Registration Area pursuant to section 36 of the Act, every existing user of water resources other than a person who use is classed as a small-scale uses of water or declared small-scale commercial use of water, or a use involving the extraction of aggregates shall declare their use of water to the Director General of Form H of the Schedule 3 of these Rules.

(2) The declaration shall be further accompanied by written evidence and, if necessary and available, maps and drawings, documenting:

- (a) the quantities of water abstracted and used or the rate of abstraction,
- (b) the kind of use or uses made,
- (c) the point or points of abstraction, and of return of unused water and of wastewater, and
- (d) the location, capacity and operating rules of any water constructions and facilities.

(3) If written evidence supporting the declaration is not available, the Director General may accept such oral evidence, notably from eyewitnesses, as the person filing a declaration is able to muster.

Procedure on receipt of a declaration

84. (1) On receiving an declaration, the Director General shall—

- (a) cause the application and the accompanying documents to be stamped with the date of their receipt; and
- (b) examine the declaration to determine whether it complies with the requirements of rule 83.

- (2) Not later than sixty days from the filing of a declaration under this rule, the Director General will, if it deems it desirable and necessary to do so, ascertain the veracity of the facts to which the evidence referred to in rule 85(2) relates, through an on-site investigation of the facts represented in the declaration, which shall be conducted in the presence of the person filing the declaration and of the eye witnesses, if any, mustered by him.
- (3) The Director General shall keep a record of all declarations received and of action taken on them.
- (4) It is an offence to procure documents and to make statements in support of a declaration made under this rule, which the person filing a declaration and the person offering oral supporting evidence know to be false.
- (5) If a declaration is found to have been based on false supporting evidence, the person who filed the declaration shall automatically forfeit his right to use water under the Act.
- (6) Where it appears to the Director General that the declaration and supporting documents provide prima facie evidence of the use of water resources, the Director shall issue a provisional use certificate in Form J of Schedule 3 of these Rules.
- (7) A provisional use certificate shall be valid for a period of 5 years.

PART X – WELL DRILLING AND WELL DRILLERS

Sub-part 1 – Well drilling permit

Scope of this Part of the Rules

85. (1) Without prejudice to the provisions of sub-rule (2) of this rule, this Part of the Rules shall apply in respect to the drilling of wells or boreholes for the purpose of searching for groundwater.
- (2) Upon the successful completion of the well drilling operations to which this Sub-part of the Rules refers:
- (a) any well may be put into production, and groundwater may be extracted and used, subject to the prior grant of a water use permit by the Director General pursuant to section 30 of the Act shall apply to the granting of a water use permit in accordance with rule 76; and
 - (b) the drilling of new wells for the purpose of extracting and using the groundwater which has been documented as a result of the well drilling operations authorized under this Sub-part of the Rules will be subject to the prior grant of a well drilling permit by the Director General under section 41 of the Act, and will be governed by the provisions of Part X of these Rules.

Applications for a permit to drill a well for groundwater exploration purposes

86. (1) Applications for the drilling of wells under this rule shall be made to the Director General in Form A in Schedule 5 of these Rules.

(2) The application shall be accompanied by the fee specified in schedule 4 to these rules and the Director General shall not process an application until payment of the prescribed fee has been affected.

(3) A well drilling permit under this Part of the Rules shall not be granted unless and until the applicant provides evidence of having secured access to the relevant land from the legitimate owner or occupier, by mutual agreement or through the establishment of a compulsory servitude, in the manner provided by the law.

(4) A permit under this Part of the Rules shall be in the prescribed form set out in Form B in Schedule 5 of these Rules.

(5) The Director General shall keep a record of permits granted under this Part of the Rules, and of all action taken in regard to such permits

Duties of permit holders

87. (1) Every holder of a well drilling permit shall, upon commencement of works, maintain a journal of the progress of such works, which shall include measurements of the underground strata passed through and of the levels at which water is struck and subsequently rests, and of the quality of the water and shall, when so required by the Director General, keep specimens of the material excavated from the well, and shall allow any person authorized in writing by the Director General for the purpose at all reasonable times:

- (a) to have free access to any such well;
- (b) to inspect the well and the material excavated therefrom;
- (c) to take specimens of such material and of water extracted from the well; and
- (d) to inspect and take copies of, or extracts from, the journal required to be kept under this sub-section.

(2) The holder of a permit to drill a well shall, within thirty days after completion or abandonment of the work, send a complete copy of the journal kept under sub-section (1) to the Director General and shall also send to the Director General particulars of any test made, before such completion or abandonment, of the flow and quality of water.

(3) Where the holder of a permit to drill a well is not the occupier of the land, the obligation to allow a person authorized by the Director General to exercise the rights specified in paragraphs (a) to (d) of sub-section (1) shall be the obligation of the occupier as well as of the permit holder.

Duration of well drilling permits

89. In accordance with section 41 of the Act, permits to drill a well shall be valid for a period of up to one year, as the Director General may determine, and may be renewed in the manner provided for in rule 23 of these Rules.

Renewal of well drilling permits

90. (1) A well drilling permit may be renewed once only, for a further period of up to one year, provided an application has been received at least within one month of the due expiration date of the permit, and that the prescribed fee has been paid.

(2) Applications under this rule shall be dealt with in the manner set out in sub-rule 86(3).

Suspension and cancellation of well drilling permits

91. Permits under this Part of the Rules may be suspended or cancelled, at the request of the permit holder or at the initiative of the Director General, in the manner set out, respectively, in rules 9, sub-section (1) and 10, sub-sections (1) and (2), of these Rules.

Appeals

92. The provisions of rule 11 of these Rules shall have effect in relation to well drilling permits, and the renewal, suspension or cancellation thereof.

Sub-Part 2. Technical well drilling licence

Application for a technical well drilling licence

93. (1) An application for a new technical well drilling licence or the renewal of an existing technical well drilling licence shall be submitted to the Director General in Form C of Schedule 5 of these Rules and shall be accompanied by:

- (a) the fee specified in Schedule 4;
- (b) evidence of the qualifications of the applicant;
- (c) details of the experience of the applicant;
- (d) in the case of a renewal application, the log book maintained by the licence holder.

Determination of application for a technical well drilling licence

94. (1) On receiving an application, the Director General shall—

- (a) cause the application and the accompanying documents to be stamped with the date of their receipt; and
- (b) examine the application to determine whether it complies with the requirements of rule 94.

(2) In cases where an application does not comply with the requirements of rule 93, the Director General shall inform the applicant in writing and shall specify the remedial measures to be taken.

(3) In cases where an application complies with the requirements of rule 93, the Director General shall send to the applicant an acknowledgement in writing, and it

shall notify him of the date and place where testing of the applicant's professional skills will take place.

(4) Testing under sub-section (3) above shall be arranged and conducted within thirty days of receipt of an application.

(5) A well driller's license shall not be granted unless and until the applicant has been successfully tested under sub-section (2) above.

(6) In determining whether or not to issue a technical well drilling licence, the Director General shall have regard to:

- (a) the formal qualifications of the applicant;
- (b) the practical experience of the applicant;
- (c) the outcome of the test under sub-rule (x) above;
- (d) in the case of a renewal application, the past conduct of the applicant in terms of compliance with licence requirements.

(7) In the event that the Director General refuse to issue a technical well drilling licence, or renew an existing licence, he shall promptly inform the applicant in writing

Form of technical well drilling licence

95. (1) A successful applicant shall be issued with a licence in Form D set out in Schedule 5 of these rules.

(2) A technical well drilling licence shall be valid for a period of 10 years following which it may be renewed.

(3) Every technical will licence will be subject to the following general conditions:

- (a) only to drill a well if there is a well drilling permit in force;
- (b) to maintain a personal log of all wells drilled by the licence holder;
- (c) to submit an annual report to the Director General.

Suspension and cancellation of a technical well drilling license

96. (1) The holder of a technical well drilling license may at any time surrender his license to the Director General, which shall be cancelled without delay.

(2) Where it appears to the Director General that a license under this sub-Part of the Rules should be suspended or cancelled, for breach by the license holder of the law and/or of the terms and conditions of the license or for any improper use of the license, including in particular use of the same by another person with the consent or knowledge of the license holder, the Director General shall act in the manner prescribed by sub-sections (1) and (2) of rule 10 of these Rules.

Appeals

97. The provisions of rule 92 shall have effect in relation to well driller's licenses, and the renewal, suspension or cancellation thereof.

Balochistan Well Drillers' Examination Committee

98. (1) The Director General, in consultation with the Commission, shall appoint the Balochistan Well Drillers' Examination Committee for the testing and certification of the professional skills of well drillers.

(2) The Balochistan Well Drillers' Examination Committee shall consist of so many members as the Director General determines, in consultation with the Commission, chosen from among professionals possessing the required competencies.

(3) The Balochistan Well Drillers' Examination Committee shall devise the professional well driller's tests required under rule 94, and it shall administer such tests at least twice a year. The committee shall otherwise regulate its own affairs as it sees fit.

(4) The members of the Balochistan Well Drillers' Examination Committee shall be paid such salaries and/or indemnities as the Government may determine.

PART XI - EFFLUENT DISCHARGE PERMITS

Application for an effluent discharge permit

99. (1) Every person discharging effluent at the date of entry into force of this Act, shall within 12 months apply for an effluent discharge permit.

(2) Every person who intends to discharge effluent to a watercourse shall apply for an effluent discharge permit or an effluent discharge endorsement to a water use permit.

(3) An application for an:

- (a) effluent discharge permit shall be made in writing in Form A of Schedule 6 of these Rules;
- (b) an effluent discharge endorsement to a water use permit shall be made in an the relevant part of Form of C of Schedule 3 of these Rules.

(4) An application under sub-regulation (1) shall include

- (a) a description on of the expected physical, chemical and biological composition of the effluent to be discharged;
- (b) a laboratory analysis report of the effluent from a laboratory certified pursuant to the Environmental Protection Act, where an effluent treatment plant has been in existence before the commencement of these Rules;
- (c) a description of the receiving watercourse;
- (d) a site lay-out plan of the effluent treatment plant;
- (e) a contingency plan specifying measures that shall be taken by the applicant in case of an accident, spillage of effluent, operational shut

down or breakdown or failure in the effluent treatment works or process;

- (f) a copy of a certificate of approval of environmental and social impact assessment, where applicable, issued in accordance with the Balochistan Environmental Protection Agency (Review of IEE and EIA) Regulations, 2020; and
- (g) any other information that the Director General may require.

Procedure on receipt of an application

100. The procedure set out in rule 66 shall also be applied to an application for an effluent discharge permit.

Consultations

101. (1) Before determining an application under this Part the Director General:
- (a) shall consult the Balochistan Environmental Protection Agency.
 - (b) may consult any other relevant agency.
- (2) Every agency consulted under sub-rule (1) shall review the application and submit its comments and recommendations on the application within period of six weeks.

Publication of notice of intention to issue an effluent discharge permit

102. (1) The Director General may, where he deems it necessary before the issuance of the effluent discharge permit and at the cost of the applicant, publish its intention to issue an effluent discharge permit on the Official Website and in a newspaper of provincial circulation or other media.
- (2) The notice referred to in sub-rule (1) shall contain—
- (a) the name and address of the applicant;
 - (b) the proposed site and activity;
 - (c) where applicable, the invitation to the public to make comments within the period specified in the notice; and
 - (d) any other information the Director General may deem necessary.

Determination of applications for an effluent discharge permit

103. (1) The Director General shall process applications under this Part, taking into account comments and recommendations received from the Balochistan Environmental Protection Agency and any other agencies consulted under and, where applicable, from the public under rule 102.
- (2) The Director General may, in processing the application, conduct inspections that are necessary to enable him to make an informed decision regarding:

- (a) the availability of adequate and appropriate facilities and equipment to manage the effluent for which the application is made;
 - (b) measures for the protection of human health and the environment; and
 - (c) any other specific measure that may be deemed necessary.
- (3) The Director General shall, before issuing an effluent discharge permit under rule 104:
- (a) verify that the applicant has adequate technical capacity to manage the effluent;
 - (b) where applicable, verify that the applicant has obtained consent from the relevant local government;
 - (c) consider the potential impacts of the effluent discharge on human health or the environment;
 - (d) verify that the applicant meets any other relevant requirements of the Act, the Balochistan Environmental Protection Act, these Rules, any other applicable law and environmental standards; and
 - (e) take any other measures as are necessary to ensure compliance with the relevant requirements of the Act and any other applicable legal and environmental standards.
- (4) The Director General shall not issue an effluent discharge permit if to do so would harm the legitimate use of water by existing water users.

Issuance of effluent discharge permit

104. (1) The Director General may, after being satisfied that the applicant meets the requirements of this Part, issue an effluent discharge permit.

(2) An effluent discharge permit shall be in the format set out Form B of Schedule 6 of these Rules.

Conditions in an effluent discharge permit

105. (1) Every effluent discharge shall contain the following general conditions related to:

- (a) the activity or facility for which the permit is issued;
- (b) the maximum volume of effluent that may be discharged daily;
- (c) the maximum rate at which effluent may be discharged at any given time;
- (d) the method of sampling and location of sampling points of the effluent;
- (e) the discharge point;
- (f) the parameters to be analysed and monitored;
- (g) the frequency of analysis to be conducted in respect of the effluent; and
- (h) reporting requirements.

- (2) An effluent discharge permit shall in addition contain special conditions relating to:
- (a) applicable discharge standards relating to the concentration of pollutants that may be discharged;
 - (b) treatment and pre-treatment technologies to be used; and
 - (c) any other condition as the Director General may deem necessary to ensure compliance with applicable environmental quality standards.

Duration of effluent discharge permit

106. An effluent discharge permit shall be valid for a period not exceeding three years.

Suspension or revocation of effluent discharge permit

107. (1) The Director General may suspend or revoke the effluent discharge permit if:
- (a) information or data given by the applicant in the application or during consultations was false, substantially incorrect or intended to mislead;
 - (b) information related to the conduct of the applicant which could have precluded the approval of the application had it been available to the decision maker, is brought to the attention of the Director General;
 - (c) repeated failure to comply with permit conditions;
 - (d) it is necessary to protect human health or to prevent harm or further harm to the environment, due to a situation that was not foreseen during the grant of the permit; or
 - (e) there is a substantial change or modification of the process or technology, the basis on which the permit was granted, which may lead to adverse environmental impacts or endanger human health or undermine safety.
- (2) Where the Director General intends to suspend or revoke an effluent discharge permit, he shall—
- (a) notify the permit holder of the intention before the decision; and
 - (b) inform the permit holder of his right to show cause why the permit should not be suspended or revoked.
- (3) A holder of the permit given notice under rule (2) may give a written response to the Director General within 28 days, stating reasons why the effluent discharge permit should not be suspended or revoked.
- (4) The Director General may, after the expiration of the period specified under sub-rule (3), suspend or revoke the effluent discharge permit where—

- (a) he is not satisfied with the reasons given by the permit holder as to why the permit should not be suspended or revoked; or
- (b) he has not received a response from the holder of the permit.

(5) Notwithstanding sub-rule (2), the Director General may, depending on the gravity of the matter, suspend or revoke an effluent discharge permit issued in accordance with these Rules without notice and immediately stop operations of the holder of the permit.

(6) Where an effluent discharge permit is suspended or revoked under sub-rule (4) or (5), the permit holder shall stop any further operations and undertake necessary remediation measures in a manner determined by the Director General.

(7) Where an effluent discharge permit has been suspended and a permit has undertaken remediation measures under sub-rule (6) to the satisfaction of the Director General, the permit holder may apply to the Director General for reconsideration of the decision to suspend the permit.

Renewal of effluent discharge permit

108. (1) A person granted an effluent discharge permit under these Rules may, before the expiration of the permit, apply to the Director General for renewal of the permit.

(2) An application under sub-rule (1) shall be made in the form set out in Form C of Schedule 6 of these Rules and shall be accompanied by the fee specified in Schedule 4.

(3) The Director General may, in renewing a permit under this regulation, impose additional or more stringent conditions in accordance with rule 105.

Transfer of facility and permit

109. (1) Where the holder of an effluent discharge permit wishes to transfer a facility whose production processes or operations cause effluent to be discharged, that person shall, within 90 days—

- (a) notify the Director General of the intention to transfer the facility; and
- (b) advise the transferee to apply to the Director General for a new permit.

(2) The transferee referred to under sub-rule (1) shall, within the period stipulated under sub-rule (1), apply to the Director General for a new permit.

(3) Where the Director General makes the decision to issue a new effluent discharge permit, he shall first cancel the old permit

Effluent discharge recording and reporting

110. (1) The holder of an effluent discharge permit issued under these Regulations shall keep and maintain a record of volumes, quality and concentration of effluent discharged into the environment.

- (2) The records and documents generated under these Rules shall be kept for a minimum of ten years.
- (3) The Director General, in coordination with the Balochistan Environmental Protection Agency, may develop an electronic tracking system for the records and reports required under these Rules.

Independent laboratory analysis

111. (1) The Director General may subject samples of effluent taken from the source of the effluent to independent laboratory analysis to ascertain if the effluent meets the standards prescribed under these Rules and any other applicable law.
- (2) For the purpose of sub-rule (1)—
- (a) the sampling shall be carried out in accordance with the Act, the Balochistan Environmental Protection Act, acceptable national and international standards or any other environmental standards approved by the Balochistan Environmental Protection Agency or the Director General; and
- (b) the methods of storage and analysis of samples shall be in accordance with standards approved by the Balochistan Environmental Protection Agency or the Director General.

Pollution response

112. (1) In the event of acute pollution caused by the effluent discharge, the holder of an effluent discharge permit, shall immediately notify the nearest police station and the Director General.
- (2) The holder of an effluent discharge permit shall as soon as possible and in any case not later than twenty-four hours, notify the Director General where there is imminent threat of pollution to the environment or harm to human health by effluent.
- (3) The duty in sub-rule (1) or (2) shall not release the permit holder from the obligation to take immediate action to mitigate the damage resulting from effluent discharge.

PART XII - ENFORCEMENT

Issuance of Enforcement Notice

113. (1) An Enforcement Notice issued pursuant to section 76 of the Act shall be in the form set in form A of Schedule Seven of these Rules.
- (2) An Enforcement Notice may be served:
- (a) by the Water Inspector delivering the notice in person to the recipient;
or

- (b) in a case involving the implementation of a water use permit, by the delivery of the notice to the address of the permit holder as specified in the Permit Register.
- (3) A person on whom an Enforcement Notice has been served may within 21 days of the date of issuance appeal in writing by making representations in a letter to the Director General of Water Resources against the issuance of that Notice.
- (4) The Director General shall within 28 days of receipt of such a letter review the Enforcement Notice and the review the so representations made and shall either:
 - (a) re-affirm the issuance of the Enforcement Notice;
 - (b) order the concerned Water Inspector to withdraw the Enforcement Notice.
- (4) The Director General shall inform the recipient of the Enforcement Notice of his decision in writing within 14 days of making that decision.
- (5) If no appeal is made against the issuance of an Enforcement Notice or if an appeal is made and rejected, the person on whom that notice was served shall comply with the requirements of that Enforcement Notice and notify the Water Inspector in writing within 14 days of the expiry of the deadline for compliance specified in the notice.
- (6) On receipt of a notification pursuant to sub-rule (5) or if no such notification is received, the Water Inspector shall re-inspect the land or premises concerned to verify whether or not there has been compliance with the Enforcement Notice.

Form of Administrative Penalty Notice

114. (1) An Administrative Penalty Notice issued pursuant to section 82(1) of the Act shall be in the form set out in form B of Schedule Seven of these Rules.
- (2) The recipient of such an Administrative Penalty Notice, shall if he admits the alleged offence, shall within 28 days of the date of the notice transfer the fixed penalty sum to the following official bank account:

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