

Balochistan Water Resources Management Bill

A

Bill

to provide for the management of water resources in the Province of Balochistan

PREAMBLE

WHEREAS it is expedient and necessary in the public interest to consolidate the existing legislation and to establish an effective legal framework for integrated water resources management and the sustainable development of the water resources of the province

AND WHEREAS the promotion of the sustainable development, management and use of the water resources of the province, is needed to benefit the people of Balochistan and to facilitate the fulfilment of the human right to water;

AND WHEREAS it is necessary to implement integrated water resources management (IWRM) as a process to ensure the coordinated development and management of water resources alongside land and related resources to maximize economic and social welfare in an equitable manner without compromising the sustainability of vital ecosystems and the environment;

AND WHEREAS it is also necessary to promote adaptation to the negative impacts of climate change in terms of flood and drought risk management, catchment protection and the promotion of water saving measures.

CHAPTER 1 **PRELIMINARY**

Short title, Extent and Commencement.

1. (1) This Act may be called the Balochistan Water Resources Management Act.
- (2) It extends to the whole of Balochistan.
- (3) It shall come into force at once, save that Chapters 4 and 5 may:
 - (a) enter into force on such dates or times as the Government shall specify by notice in the official Gazette;

- (b) may enter into force at different times depending on the main river basin or district concerned.

Definitions

- 2.** In this Act, unless there is anything repugnant in the subject or context, -
- (a) “Act” means the Balochistan Water Resources Management Act, 202X;
 - (b) “aquifer” means subsurface layers of rock or other geological strata of sufficient porosity and permeability to allow a significant flow of groundwater or the abstraction of significant quantities of groundwater;
 - (c) “authorised officer” means a Water Inspector and any person appointed as an authorised officer pursuant to this Act or any rule made thereunder;
 - (d) “Commission” means the Balochistan Water Resources Commission established pursuant to section 8 of this Act;
 - (e) “co-management committee” means a body established pursuant to section 15 of this Act to co-manage a spate irrigation scheme, a *karez*, a spring or an over-exploited aquifer or a sub-basin;
 - (f) "District Water Committee" means a body consisting of such official and non-official members of the District as may be notified by the Government for carrying out the functions mentioned in this Act;
 - (g) “dam” means any structure which is capable of containing, storing or impounding water whether or not that water contains any waste;
 - (h) “Director General” means the Director General of Water Resources appointed pursuant to section 12(1) of this Act;
 - (i) “Government” means the Government of Balochistan;
 - (j) “groundwater” means water naturally occurring in an underground aquifer;
 - (k) “*karez*” means a traditional structure used to collect groundwater through a horizontal tunnel and to transfer it to a particular land area for drinking, irrigation and other purposes;

- (i) “main river basin” means the river basin of a main river designated as such by the Government pursuant to section 6(2) of this Act;
- (m) “Permit Register” means the Balochistan Water Permit Register established pursuant to section 19 of this Act;
- (n) “pollutant” means any substance, energy or thing, or combination of these which causes or has the capacity to cause pollution, and anything deemed by regulations to be a pollutant;
- (o) “pollution” means, in the context of this Act, the direct or indirect introduction into a water source as a result of human activity of any substance, energy or thing or combination of these which has or may have a harmful effect on human health, living resources and ecosystems, or which causes or may cause damage to the amenity of a water source or interfere with legitimate uses of that source and the water it contains;
- (p) “prescribed” means prescribed in rules or regulations;
- (q) “river basin” means the land area in which run off and other water flows through a series of streams, rivers and other watercourses to a single point or terminus;
- (r) “river basin committee” means a consultative committee established at the level of main river basins to participate in the development of River Basin Management Plans and to undertake other functions specified in this Act;
- (s) “spate irrigation scheme” a network of structures to aggregate surface water run-off and to divert the water in rivers and streams following a period of rainfall through a system of channels or canals to irrigate a defined area of land that is usually constructed managed and operated in accordance with customary rules;
- (t) “Water Inspector” means any person appointed as a Water Inspector pursuant to section 12(1) of this Act;
- (u) “waste” shall have the meaning specified in section 2 fff of the Balochistan Environmental Protection Act, 2012;
- (v) “wastewater” includes liquid waste, effluent, used water and other types of wastewater, whether treated or not;

- (w) “watercourse” means a temporary or permanent stream, river, lake, pond or wetland;
- (x) “water use permit” means a water use permit issued pursuant to section 29 of this Act and which may be an ordinary water use permit or a long-term water use permit;
- (y) “water utility” means the Quetta Water and Sanitation Authority or any other public agency or department involved in the supply of potable water;
- (z) “well” includes a borehole; and
- (aa) “wetland” means an area of mangrove, swamp, marsh, or bog whether permanent or temporary, where water is standing or flowing, fresh, brackish or salt, with a depth not exceeding 6 metres.

Scope of application

3. (1) This Act applies to the water resources of Balochistan meaning water in the natural environment contained in ponds, lakes, permanent and ephemeral rivers and streams, atmospheric water, glaciers, snow fields and groundwater as well as surface water run-off, water contained in wetlands and the coastal waters under Balochistan’s jurisdiction.

(2) The management and distribution of water within:

(a) irrigation schemes shall continue to be regulated in accordance with the Balochistan Canal and Drainage Ordinance and the Balochistan Water Users’ Association Ordinance;

(b) water supply systems shall continue to be regulated in accordance with the Balochistan Water and Sanitation Authority Act and the Balochistan Local Government Act.

(3) This Act applies to those parts of transboundary rivers that lie within the boundaries of Balochistan in respect of which Balochistan enjoys the right of abstraction and use in accordance with Pakistan’s obligations under international law and such Federal agreements as may be concluded from time to time.

Vesting in trust

4. (1) Subject to this Act and notwithstanding any other law, instrument or document, the water resources of Balochistan are vested in trust in the Government on behalf and to the benefit of the people of Balochistan.

(2) Existing lawful rights to use water shall be recognised pursuant to the provisions of this Act.

(3) After the entry into force of this Act no new rights to use water resources shall be created otherwise than pursuant to this Act.

Principles for integrated water resources management

5. (1) This Act shall be implemented in accordance with the following principles to give effect to integrated water resources management:

- (a) participation, meaning that water users shall have the opportunity to participate in the process of planning and decision making regarding the use, development and protection of water resources;
- (b) sustainability, meaning that the use, development and protection of water resources shall take into account the needs of both present and future generations;
- (c) gender equality, recognizing the specific role of women in water use and management and the need to include and empower them with regard to decision making;
- (d) equity, in terms of access to water and water resources, investment and training opportunities, the sharing of benefits and the operation of participatory decision-making mechanisms to benefit all members of society;
- (e) the precautionary principle, meaning that where there are risks of serious or irreversible harm to water resources, lack of full scientific certainty shall not be used as justification to avoid taking action;
- (f) the polluter pays principle, meaning that the costs of preventing or remediating pollution to water resources shall be borne by the polluter;
- (g) the economic value of water, meaning that the economic value of water resources and water resources management should be recognized through the introduction of cost recovery mechanisms relating to the use of water resources and the costs of water resource management.

(2) Every person exercising powers or functions pursuant to this Act shall give effect to the principles described in subsection (1) in the discharge of their duties.

River Basin Management

6. (1) River basins, rather than administrative boundaries, shall be the principal unit for the management of the water resources of Balochistan.

(2) The Government shall by Order published in the official Gazette identify the main river basins of Balochistan and their boundaries and may, for reasons of practicality, group together a number of smaller river basins into a single management unit that shall also be described in this Act as a main river basin.

(3) Local governments shall cooperate with each other and with the institutional arrangements for water resources management established pursuant to this Act.

CHAPTER 2 **INSTITUTIONAL ARRANGEMENTS**

Government

7. (1) The Government, as trustee of the water resources of Balochistan, shall exercise such powers and duties as are specified in this Act.

(2) The Government shall:

- (a) identify the main river basins of Balochistan and their boundaries;
- (b) establish the Balochistan Water Monitoring and Information System and data sharing mechanisms;
- (c) approve the Balochistan Integrated Water Resources Management Policy and supervise the dissemination of information regarding IWRM;
- (d) establish the Balochistan Water Resources Commission;
- (c) appoint authorised officers for the purpose of the Act;
- (d) establish River Basin Committees and, as appropriate, co-management committees;
- (e) approve River Basin Management Plans, co-management plans and co-management by-laws and oversee the performance of co-management committees;

- (f) approve a declaration scheme for the small-scale commercial uses of water resources and grant clearance for the issuance of long term water user permits and new developments involving the use of groundwater;
- (g) participate with other Provincial Governments and the Federal Government in the management of transboundary rivers; and
- (h) undertake such other tasks as are specified in this Act.

Establishment of the Balochistan Water Resources Commission

8. (1) As soon as may be possible after the commencement of this Act, the Government shall, by notification establish a Commission known as “The Balochistan Water Resources Commission”.

(2) The task of the Commission shall be to oversee the implementation of IWRM in the Province and to coordinate the activities of different departments and sectors that have responsibilities relating to the management and use of water resources.

Constitution of the Commission

- 9.** (1) The Commission shall consist of –
- (a) the Chief Secretary, or in his absence the Additional Chief Secretary, Planning and Development, who shall be the Chairperson;
 - (b) the Secretary, Irrigation who shall be the Vice Chairperson of the Commission;
 - (c) the Secretary, Agricultural Department;
 - (d) the Secretary, Local Government;
 - (e) the Secretary, Forests and Wildlife;
 - (f) the Secretary, Women’s Development;
 - (g) the Secretary, Livestock and Dairy Development;
 - (h) the Secretary, Public Health Engineering;
 - (i) the Secretary, Finance;

- (j) the Secretary, Roads and Highways;
- (k) the Secretary, Industry and Commerce;
- (l) the Secretary, Environment; and
- (m) the Director General, Provincial Disaster Management Authority.

(2) The Commission may also co-opt one or more additional members on a temporary basis if and when this is considered necessary.

(3) A member of the Commission may appoint an alternate member to represent him at a meeting of the Commission in case he is unable to attend provided that person has suitable experience and authority in accordance with guidelines to be agreed by the Commission.

(4) The Director General shall act as the secretary to the Commission and shall prepare for and attend the meetings of the Commission but without a right to vote.

Meetings of the Commission

10. (1) The Commission shall meet at least once every six months in an ordinary session and shall adopt its own rules of procedure.

(2) The Chairperson of the Commission may call additional meetings as necessary at the request of other Commission members.

Powers and functions of the Commission

11. The Commission shall:

- (a) oversee the transformation and strengthening of each individual department and organizations so as to make a larger contribution to IWRM;
- (b) recommend the establishment of River Basin Committees and determine the composition and terms of service of their members;
- (c) develop and strengthen water data sharing mechanisms and oversee the implementation of the Balochistan Water Monitoring and Information System;

- (d) oversee the implementation of the Balochistan Integrated Water Resources Management Policy, report on this annually and organize its periodic revision;
- (e) approve the Balochistan IWRM Implementation Strategy and oversee its execution;
- (f) approve the issuance of long-term water use permits;
- (g) oversee the implementation by the Director General of the water user permitting scheme;
- (h) recommend the establishment of co-management areas;
- (i) propose water quality standards and environmental flow requirements to the Government for adoption;
- (j) coordinate the demarcation of wetlands and natural resource planning activities that may impact water resources;
- (k) review the progress on the measures for addressing the Gender Component; and
- (l) undertake such other actions as are specified in this Act.

Appointment of officers

12. (1) There shall be appointed a Director General of Water Resources, who shall be assisted by two or more Assistant Directors General of Water Resources and such Water Inspectors as shall be necessary for the implementation of this Act.

(2) The Director General of Water Resources shall be appointed by the Chief Minister.

- (3) The Director General shall:
- (a) prepare and implement draft river basin management plans;
 - (b) provide the secretariat for the Commission and for River Basin Committees;
 - (c) oversee the establish and functioning of co-management committees;
 - (d) operate and maintain the Balochistan Water Monitoring and Information System;

- (e) establish and maintain the Balochistan Water Permit Register;
- (f) prepare the draft IWRM Implementation Strategy and first drafts of the River Basin Management Plans;
- (g) evaluate and as appropriate determine water use permit applications;
- (h) identify functioning *karezes* and support the establishment of co-management committees;
- (i) determine applications for effluent discharge permits;
- (j) develop and implement a gender action plan;
- (k) undertake such other tasks as are specified in this Act.

(2) Water Inspectors may be employed on a contract basis or in accordance with civil service rules and shall include appropriately qualified persons in relevant fields such as hydrology, hydro-geology, engineering, hydro-ecology, administration, and gender studies.

(3) The following persons shall be authorised officers for the purposes of this Act —

- (a) Water Inspectors;
- (b) Officers of the Balochistan Environmental Protection Agency;
- (c) Police Force and Levies officers;
- (d) District Commissioners; and
- (e) such other persons, or classes of person, as the Government may, by notification in the Gazette, appoint.

District Water Committee

13. (1) Every District shall have a District Water Committee that shall be constituted by the Government.

(2) A District Water Committee consist of:

- (a) the Deputy Commissioner of the District concerned who shall be the chairperson;
- (b) the Executive Engineer, Irrigation Division of the District concerned:
- (c) the Executive Engineer, Water Supply Division of the District concerned;
- (d) the Deputy Director, Agriculture Division of the District concerned;
- (e) such other members as shall be prescribed by the Government on the advice of the Commission.

(3) For the purpose of this section, "District" means a 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.

- (4) Every District Water Committee shall -
 - (a) coordinate the implementation of policies and directions given to it by the Commission from time to time;
 - (b) participate in the relevant River Basin Committees and oversee the implementation of the relevant River Basin Management Plan within the District;
 - (c) undertake such additional tasks as may be specified in rules adopted pursuant to this Act.

River Basin Committees

14. (1) A River Basin Committee shall be established by the Government, on the recommendation of the Commission, for each main river basin to assist the Director General and to participate in the preparation, implementation and revision of the River Basin Management Plan for that main river basin.

(2) The composition, and terms of service of each River Basin Committee shall be determined by the Commission on the proposal of the Director General and shall include a broad representation of stakeholders, local and central government administrations, women and civil society including non-governmental organizations.

(3) Each River Basin Committee shall meet as necessary and shall elect its chairperson on a rotational basis from among its members.

- (4) The tasks of each main river basin Committee shall be:
- (a) to participate in the preparation of the River Basin Management Plan;
 - (b) to approve the draft River Basin Management Plan;
 - (c) to oversee and monitor the implementation of the River Basin Plan;
 - (d) to participate in the periodical review and as necessary revision of the River Basin Management Plan.

(5) The secretariat of each River Basin Committee shall be provided by the Director General, or such other local government body as shall be prescribed.

Co-Management Committee establishment

15. (1) The Government may, by Order published in the official Gazette, establish a co-management committee to be responsible for the co-management of water resources or as the case may be water within a defined co-management area.

- (2) The Order referred to in subsection (2) shall also:
- (a) describe the boundaries of the co-management area by reference to a plan or map;
 - (b) set out the water management tasks of the co-management area concerned;
 - (c) specify the name of the co-management committee and related co-management area;
 - (d) describe the composition of the co-management committee.
- (3) A co-management area may be established to co-manage:
- (a) a spate irrigation scheme;
 - (b) a *karez*, or a spring;
 - (c) an aquifer that is over-exploited or at risk of exploitation;
 - (d) the water resources within a sub-basin.

(4) The Government shall adopt rules setting out the procedure for the establishment of co-management committees.

Co-management committee composition

16. (1) The elected members of a co-management committee shall be persons elected by and from among users of water resources within the co-management area and who shall form a majority of committee members and shall include at least two women water users.

(2) Additional co-management committee members shall include:

- (a) one or more elected or nominated civil society representative;
- (b) one or more representative of local government;
- (c) one Water Inspector nominated by the Director General.

(3) Every co-management committee shall be a body corporate and shall have its own constitution that shall be approved by the Government and shall specify its tasks, the manner in which its members are to be appointed or elected and as necessary removed from office, how meetings are to be called and held, how decisions are to be made and enforced and other matters as may be prescribed.

(4) A co-management committee with more than 11 members shall elect an executive committee comprising not more than five persons, including the Water Inspector, from among its members which shall be responsible for overseeing co-management in the co-management area in between the annual general meetings of the full co-management committee.

(5) In determining the composition of a co-management committee, consideration shall be given to the importance of ensuring gender balance.

(6) Every co-management committee shall have a secretary who shall be a person elected by and from among the members of that committee.

(7) Every member of a co-management committee shall hold office for a period of no longer than three years renewable once.

(8) The governance arrangements within co-management committees as well as the procedure for their establishment, including consultation requirements, shall be prescribed.

Co-management committee tasks

17. (1) A co-management committee shall be responsible to the Government for the effective management of the water or water resources within its co-management area and to that end shall:

- (a) within 12 months of its establishment, adopt a co-management plan for the co-management area, addressing such matters as shall be prescribed, accompanied by a draft set of co-management by-laws;
- (b) oversee and periodically review the implementation of the co-management plan;
- (c) organise the collection of data and information as well as consultation and awareness raising activities in connection with the preparation and implementation of the co-management plan;
- (d) ensure compliance with the co-management by-laws;
- (e) liaise and interact with the Director General and other public agencies responsible for activities relating to or which may affect the co-management area including any other adjacent or nearby co-management committee;
- (f) undertake other actions pursuant to the provisions of this Act and as may be prescribed in order to ensure the sustainable co-management of the water and water resources within the co-management area.

(2) Draft co-management by-laws adopted by a co-management committee shall be submitted to the Government for approval and publication in the Gazette.

(3) Every co-management committee shall periodically submit a report on its activities in the prescribed format to the Director General and shall furnish data and information concerning its activities to the Director General on request.

(4) If on receipt of a report submitted pursuant to sub-section (3) or complaints from the public, the Government, on the advice of the Director General, may require a co-management committee to provide information or explanations concerning the manner in which it has sought to fulfil its mandate.

(5) If the Government, on the advice of the Director General, is satisfied that a co-management committee is not correctly fulfilling its mandate or is in other ways functioning in a manner that is contrary to the purpose and principles of this Act the Government may temporarily suspend or permanently abolish such a committee.

CHAPTER 3
DATA, POLICY AND PLANNING

Balochistan Water Monitoring and Information System

18. (1) The Government shall establish the Balochistan Water Monitoring and Information System which shall be operated and maintained by the Director General.

(2) The Balochistan Water Monitoring and Information System shall:

(a) contain the aggregated and dis-aggregated data necessary for the management of water and water resources, including flood and drought risk management, in the Province;

(b) be based on the principles of decentralization of the production, collection and management of data and open access to such data;

(c) be linked to equivalent systems of line Ministries and other public bodies that collect water relevant data; and

(d) be linked to a publicly accessible website maintained by the Ministry from which data can be accessed in accordance with the Balochistan Right to Information Act, 2021.

(2) The Government shall, on the proposal of the Commission, establish a coordination mechanism to facilitate the timely sharing of periodically updated water resources data and information between relevant ministries.

(3) Procedures and protocols shall be established for the collection, management, sharing and use of water resources data and information, including historical data and information, as well as quality assurance mechanisms.

(4) For the purposes of the Balochistan Water Monitoring and Information System, the Director General may, in writing, require any person or government department or international organisation operating within the territory of Balochistan, to provide him with specified water resources data and information or related documents, samples or materials within a reasonable time or on a regular basis.

(5) The Director General may install equipment for measuring water on public and private land together with associated access rights and shall pay compensation if the effect of such an installation is tantamount to an act of expropriation.

Balochistan Water Permit Register

19. (1) The Director General shall establish and maintain the Balochistan Water Permit Register.

(2) The Permit Register shall be a physical register of permits and licences issued pursuant to this Act and shall:

(a) contain details of permits and licences issued pursuant to this Act and applications for such permits and licences;

(b) contain details of any enforcement action taken in respect of such permits and licences;

(c) be open to public inspection during office hours.

(3) The Director General shall ensure that the contents of the Permit Register can be accessed from the publicly accessible pages of the Ministry's website.

(4) A certificate signed by the Director General in the prescribed form shall be admitted as evidence of a register entry.

Balochistan Integrated Water Resources Management Policy

20. (1) The Commission shall cause to be prepared a draft Balochistan Integrated Water Resources Management Policy for approval by the Government.

(2) The Balochistan Integrated Water Resources Management Policy shall:

(a) identify additional information and data management needs relating to water resources management;

(b) establish criteria, compatible with projected demand and potential, for equitable water allocation;

(c) prioritise and plan the preparation and adoption of River Basin Management Plans such that over a reasonable period of time, such a plan is adopted for each main river basin;

(d) set out procedures for improved stakeholder participation in water resources management decision making to promote social inclusion and gender equality;

(e) evaluate provincial priorities for sustainable water resources development necessary to satisfy projected water demand for domestic

use, agriculture, hydropower and other economic activities taking account of the need to establish environmental flows;

- (f) contain a review of institutional arrangements necessary for the implementation of this Act and recommend necessary reforms at national and sub-national level;
- (g) make recommendations for water education and awareness raising regarding such matters as the importance of water, the value of water and efficient water use;
- (h) evaluate plans and proposals for proposed inter-basin transfers, if at all, and make recommendations to ensure that such transfers are undertaken in a fair and equitable manner to benefit the whole country; and
- (i) identify resourcing and technical support needs for improved cooperation on transboundary water resources management.

(3) Every person exercising powers or functions pursuant to this Act shall have regard to the Balochistan Integrated Water Resources Management Policy in the discharge of their duties.

(4) Following its adoption, the Balochistan Integrated Water Resources Management Policy shall be widely disseminated and shall be reviewed and as necessary updated every ten years.

Balochistan IWRM Implementation Strategy

21. (1) The Director General shall prepare the draft Balochistan IWRM Implementation Strategy for approval by the Commission.

(2) The Commission shall establish the procedures to be followed by the Director General in preparing the Balochistan IWRM Implementation Strategy including in connection with consultation.

(3) The Balochistan IWRM Implementation Strategy shall set out a detailed and costed roadmap for the successful implementation the Balochistan Integrated Water Resources Management Policy to that end shall:

- (a) set out implementation priorities;
- (b) identify staffing, training and other human resource needs;

- (c) set out a detailed plan for the implementation Balochistan Water Monitoring and Information System including with regard to data collection and management equipment, training needs, staff requirements, and public awareness raising having full regard to the promotion of gender equality;
- (d) identify, prioritize and cost technical and equipment needs including information technology equipment, vehicles, machinery;
- (e) establish objectively verifiable indicators to enable the implementation of the strategy to be effectively monitored.

(4) Following its adoption, the Balochistan IWRM Implementation Strategy shall be widely disseminated, and the strategy shall be reviewed and as necessary updated every five years.

River Basin Management Plans

22. (1) The Director General shall, in consultation with the Commission, relevant line ministries and stakeholders, cause a draft River Basin Management Plan to be prepared for each main river basin including the groundwater beneath that basin.

(2) Every River Basin Management Plan shall be developed having regard to the principles set out in section 5 of this Act and shall:

- (a) give effect to the Balochistan Water Resources Management Policy and the Balochistan IWRM Implementation Strategy;
- (b) include an assessment of the quality and quantity of water resources within each River Basin including water contained in aquifers;
- (c) identify existing and future water demand and potential infrastructure requirements needed for the sustainable use of water resources;
- (d) include an assessment of the risks of water shortages, droughts, floods, pollution and dam failure within the main river basin and the costs of preventing, reducing or mitigating such risks;
- (e) identify, as appropriate, maximum limits for small scale commercial uses of water resources involving the use of permanent structures or pumps that may be undertaken on the basis of a declaration in accordance with section 28 of this Act;

(f) identify the areas within the main river basin in which there are particular risks of diffuse source pollution and sedimentation as a result of erosion and to identify and prioritize necessary intervention areas and measures;

(g) contain a review of existing protected areas established on the basis of other legislation as well as protection zones and water protection areas established pursuant to this Act and wetlands of river basin importance and identify needs for the establishment of new protection areas or zones or the modification of existing ones;

(h) identify areas within watercourses that are potentially suitable for the extraction of gravel, sand and other aggregates areas within which extraction shall not take place;

(i) establish priorities for the use of water resources;

(j) as appropriate and necessary, identify how matters relating to transboundary and inter-provincial water resources are to be addressed;
and

(k) address other issues specified in this Act or as may be prescribed.

(3) The Government may, on the proposal of the Commission, specify other issues to be addressed in a Water Resources Management Plan.

(4) A River Basin Management Plan shall be reviewed and, as necessary, revised every ten years.

Sub-basin and aquifer management plans

23. (1) The Director General may, on the advice of the Commission or the relevant River Basin Committee, prepare or caused to be prepared a management plan at the level of an individual sub-basin or a particular aquifer in cases where this is necessary to safeguard the water resources therein.

(2) Factors that may be considered in determining whether or not prepare a plan pursuant to subsection (1) may include:

(a) the over-abstraction of water resources;

(b) conflict between different users or different water use sectors;

(c) significant erosion or land degradation problems arising as a result of poor land use practices;

(d) saline intrusion as a result of groundwater over-abstraction in coastal areas.

(3) A sub-basin management plan may:

(a) address issues of land degradation, deteriorating water quality, catchment restoration or conservation and the need for binding measures and local regulations;

(b) identify mechanisms and procedures to improve coordination and to resolve contradictions between existing land and natural use plans that are resulting in catchment degradation;

(c) develop a series of actions for the management of natural, agricultural and human activities within the sub-basin to provide required and appropriate goods and services to society;

(d) establish procedures to better coordinate aspects of forestry, agriculture, land, water resources, wetlands and environmental management to strengthen integrated management;

(e) promote climate change adaptation measures; and/or

(f) promote gender sensitive socio-economic development to reduce pressure on land and natural resources within the concerned sub-basin or aquifer.

(4) The procedures for the preparation and adoption of sub-basin management plans and aquifer plans, including with regard to consultation requirements and publication, shall be prescribed by the Government.

Public awareness and education

24. (1) The Government shall, on the advice of the Commission:

(a) ensure the broad dissemination of the Balochistan Water Resources Management Policy, the Balochistan IWRM Implementation Strategy and River Basin Management Plans;

(b) promote the development of public awareness programs regarding the management of water resources and measures being undertaken by the Government; and

(c) prioritise the timely dissemination of information relating to flood and drought management and climate change adaptation measures.

(2) To give effect to subsection (1) the Director General shall, under the guidance of the Commission, establish and maintain an online internet portal to be called the Balochistan IWRM Portal to ensure the timely dissemination of the data and information specified in that subsection.

CHAPTER 4 **USE OF WATER RESOURCES**

Use of water resources

25. (1) The right to use water resources shall be in accordance with the provisions of this Act.

- (2) For purposes of this Act, the use of water resources shall include
- (a) the abstraction or diversion of water from a surface water source using a pump or a permanent structure;
 - (b) the abstraction of groundwater from an aquifer including mine dewatering activities;
 - (c) the extraction of sand, gravel and other aggregates from a watercourse;
 - (d) the impoundment of water involving the construction of dams, check dams, weirs, dykes, embankments or other structures that may impact the flow of surface water in a temporary or permanent watercourse;
 - (e) the construction of groundwater recharge structures;
 - (f) the use, reclamation or development of a wetland including drainage and construction activities within a wetland; and
 - (g) the construction of dykes and flood defence structures.

Priorities for the use of water resources

26. (1) Water resources may be used according to the provisions of this Act to meet the needs of the population of the Province for drinking water, livelihood, agriculture, industry, public services, energy production, transportation, navigation, fisheries, environment and other purposes.

(2) Priority for use of water resources shall be given to drinking water, meeting peoples' livelihood needs and achieving minimum environmental flows.

(3) Subject always to subsection (2), unless the River Basin Management Plan specifies a different order of priorities for, water resources shall be allocated for other uses in accordance with the following priorities:

- (a) the use of water for the purpose of irrigation and the watering of livestock;
- (b) the use of water for industrial activity, including mining and agro-industry;
- (c) the use of water for the purpose of fish farming;
- (d) the use of water for the purpose of hydropower generation;
- (e) the use of water for the purposes of sport and recreation;
- (f) the use of water for other purposes.

Small-scale use of water resources

27. (1) Subject to this Act, any person may use water resources without a water use permit for domestic purposes, bathing and for non-commercial purposes that do not involve the use of a permanent structure,

(2) The Commission, on the proposal of the Director General, may prohibit bathing and the recreational use of water on specified watercourses, or parts of specified watercourses, and the abstraction and use of water from such watercourses for domestic purposes where this is necessary to protect human health, property or the environment including within a water protection area established pursuant to section 50 of this Act.

(3) The use of water resources for the purpose of firefighting shall not require a water use permit.

Small-scale commercial uses

- 28.** (1) In accordance with the need for a water use permit provided they:
- (a) are periodically declared by the user to the Director General in the prescribed format;
 - (b) do not involve the abstraction or use of water above prescribed limits; and

(b) are undertaken in accordance with such conditions as may be prescribed.

(2) The Director General shall maintain a record of declarations made pursuant to subsection (1)(a) in the Permit Register.

(3) A person who uses water on the basis of a declaration otherwise than in accordance such conditions as may be prescribed commits an offence and is liable on conviction to a fine not exceeding the sum of [XXX] rupees.

Water use permits

29. (1) Subject to sections 27 and 28 of this Act, no person shall use water resources otherwise than in accordance with a water use permit issued pursuant to this section.

(2) A water use permit may be:

(a) an ordinary water use permit which may be valid for a period not exceeding 12 years; or

(b) a long-term water use permit which may be valid for a period not exceeding 25 years.

(3) A long-term water use permit may only be issued in connection with:

(a) a water treatment plant used for public drinking water supply purposes;

(b) a large scale publicly funded irrigation scheme;

(c) a multi-purpose dam; or

(d) a hydropower dam.

(4) Notwithstanding paragraph (2) a water use permit that authorizes the extraction of sand and aggregates from a water course shall be valid for a period not exceeding 3 years.

(5) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding the sum of [XXX] rupees or to imprisonment for a period not exceeding two years or both.

Issuance of water use permits

30. (1) A water use permit shall be issued by the Director General save that a water use permit exceeding a period of 12 years shall be issued by the Commission on the recommendation of the Director General, subject to the prior Government clearance.

(2) An application for a permit to use water resources shall be made to the Director General in the prescribed form and shall be accompanied by:

- (a) the prescribed non-refundable application fee; and
- (b) such other information as shall be prescribed including an environmental assessment if required by the relevant legislation.

(3) Within the prescribed period the Director General shall inspect the site to which the application relates, or cause such an inspection to be undertaken, and shall:

- (a) publish a notice of the application in any appropriate medium of communication, in the prescribed manner at the cost of the applicant; and
- (b) depending on the scale or scope of the project to which the application relates, as prescribed, organize and hold public meetings to which potentially affected stakeholders shall be invited to comment on the application.

(4) In determining whether or not to issue a permit or to recommend the issuance of a permit, the Director General have regard to:

- (a) public comment on the application including comments made at any public meetings;
- (b) the priorities for water use contained in the relevant River Basin Management Plan as well as the relevant water allocation plan;
- (c) the environmental assessment if required;
- (d) the need to maintain environmental flows; and
- (e) such other matters as shall be prescribed.

(5) The Director General shall, where he is satisfied that an application made under this section complies with the requirements of the Act, issue or recommend the issuance to the applicant of a water use permit save that he shall not issue or recommend the issuance of such a permit if to do so would:

(a) adversely affect the use of water by any existing water use permit holder or other lawful user of water;

(b) prevent compliance with environmental flow requirements established pursuant to section 48 of this Act.

(6) Where two or more applications are made for one and the same water use and the resources are insufficient to justify the issue of two permit, the applications shall be considered on merit and on the basis of the respective needs of the applicants.

(7) The Director General may, where an application made under this section does not comply with the requirements of the Act, refuse to issue a water use permit or to recommend the issuance of such a permit.

(8) Where the Director General refuses to issue a water use permit or to recommend the issuance of a permit pursuant to subsection (7), he shall notify an applicant, in writing, of his reasons within thirty days of determining the application.

Contents of a water use permit

31. (1) A water use permit issued pursuant to section 29 of this Act shall be in the prescribed form and shall be subject to general and special conditions that shall specify:

(a) the volume of water which may be defined as a proportion of the flow that may be used at different times or during different seasons;

(b) a condition addressing the treatment and discharge of wastewater if relevant;

(c) a condition requiring prompt payment of any water resource levy applicable.

(2) A water use permit does not guarantee a permit holder availability of a water resource.

(3) The Director General shall, where he has issued a permit under this section, not be liable for any loss or damage sustained as a result of non-availability of water.

(4) The holder of water use permit who uses water resources in contravention of the conditions of that permit commits an offence and is liable on

conviction to a fine not exceeding [XXX] rupees or to imprisonment for a period not exceeding two years or both.

Transfer and renewal of a water use permit

32. (1) A permit holder may apply to transfer a water use permit another person and such a permit may be transferred on the written consent of the person who issued it provided that person or is satisfied that the proposed transferee has the necessary technical skills, or access to such skills, and the financial means to be able to correctly comply with the conditions of that permit.

(2) No more than 24 months before the date of expiry of a water use permit, the permit holder may apply in writing in the prescribed form for the renewal of the permit.

(3) In determining whether or not to renew a water use permit, the person who issued it shall have regard to the matters specified in section 30 of this Act and shall be entitled to issue, or to recommend the issuance of, a new permit that in comparison to the existing permit:

- (a) authorises the use of a lesser volume of water;
- (b) is subject to different conditions; or
- (c) is valid for a lesser period of time.

(4) A person who transfers or purports to transfer a water use permit contrary to subsection (1) commits an offence and is liable on conviction to a fine not exceeding [xxx] rupees.

Suspension, Cancellation and Variation of Water Use Permits

33. (1) The Director General may suspend, vary or cancel a water use permit where a permit holder –

- (a) has made a material statement in an application or in any report or statement of fact required to be furnished in terms of this Act which is false;
- (b) violates or contravenes any of the conditions to the permit;
- (c) contravenes any of the provisions of this Act;
- (d) does not use the permit within six months of the issuance of the permit without good cause; or

(e) has abandoned or surrendered the permit.

(2) A water use permit may be cancelled or permanently varied in cases where it is necessary to re-allocate the water for another purpose in the public interest and in accordance with the relevant River Basin Management Plan in which case the permit holder shall either be provided with:

(a) an equivalent volume of water from an alternative source; or

(b) compensation calculated on the same basis as a lawful expropriation in the public interest.

(3) A water use permit may be permanently varied or cancelled in accordance with subsection (2):

(a) by the Director General in the case of a permit issued by the Director General;

(b) by the Commission, on the advice of the Director General, in the case of a permit issued by the Commission.

(4) In cases where a water use permit is suspended, permanently varied or cancelled, the Director General shall serve a notice, on the permit holder, setting out the facts or the conduct alleged and shall afford him an opportunity to be heard.

(5) The Director General may temporarily suspend or vary a water use permit:

(a) at the request of the permit holder;

(b) in order to give effect to environmental flow requirements established pursuant to section 48 of this Act;

(c) following the issuance of a declaration of drought pursuant to section 63 of this Act.

Appeal

34. (1) An applicant for a permit and a permit holder shall have the right to appeal any decision made under this Act concerning the refusal to issue a permit or the variation, cancellation or renewal of a permit.

(2) An appeal from:

- (a) a decision of the Director General shall lie to the Additional Chief Secretary;
- (b) a decision of the Commission shall lie to the District Court.

(3) An appeal pursuant to subsection (1) shall be dealt with as a re-hearing of the substantive application.

Recognition of customary rights to use surface water

35. (1) Within 24 months of the entry into force of this Act, the Director General shall in consultation with the Commission identify all functioning and intermittently used spate irrigation schemes within the province.

(2) A long-term water use permit shall be issued in connection with every functioning or intermittently used spate irrigation scheme in accordance with such procedure as shall be prescribed.

(3) A permit issued pursuant to subsection (2) shall be held by:

- (a) the relevant body established under customary law or local practice that is responsible for the spate irrigation scheme;
- (b) a co-management committee established for the management of that spate irrigation scheme pursuant to section 15 of this Act.

Introduction of the water use permitting arrangements

36. (1) The Government may by notice in the official Gazette declare a main river basin, or parts thereof, to be a “Water Registration Area”.

(2) Within [90] days of the declaration of a Water Registration Area, existing users of water resources, other than for uses classed as small-scale uses of water or small-scale commercial uses of water, shall declare their use of water to the Director General together with such additional information concerning the use of water as may be prescribed.

(3) Any person who has declared his use of water pursuant to subsection (2) shall have the right to continue using water for a period of up to [five] years from the date of the declaration.

(4) At the end of the [five] year period specified in subsection (3), the Commission may either instruct the Director General to extend the use rights for a further period or periods not exceeding [five] years or may require the water user to

obtain an appropriate water use permit case any such user shall be entitled to a permit as of right.

(5) Water use permits created under this article may only be cancelled or suspended on the grounds laid out in Article 33 of this Act.

(6) The Government may adopt rules concerning the use of water for different purposes within Water Registration Areas.

CHAPTER 5 **MANAGEMENT AND USE OF GROUNDWATER**

Aquifer Recharge

37. (1) Every River Basin Management Plan shall:

- (a) identify potential aquifer recharge zones together with a list of prioritized investments for aquifer recharge structures;
- (b) set out a costed program for the construction of aquifer recharge structures.

(2) The Director General shall, in consultation with the Commission, submit draft rules on the operation and maintenance of aquifer recharge structures for adoption by the Government.

(3) Without limiting the generality of subsection (2), rules may be made for all or any of the following purposes —

- (a) aquifer recharge techniques;
- (b) aquifer recharge standards;
- (c) measures to protect groundwater quality;
- (d) payment schemes for improved land use practices.

Water rights pertaining to *karez*s, and springs

38. (1) Within [24] months of the entry into force of this Act, the Director General shall in consultation with the Commission identify all functioning *karez*s including *karez*s that have the potential to function after recharge, and springs within the Province.

(2) A long-term water use permit shall be issued in connection with every *karez*, and spring of the type specified in subsection (1) in accordance with such procedure as shall be prescribed.

(3) A permit issued pursuant to subsection (2) shall be held by:

(a) the relevant body established under customary law or local practice that is responsible for the *karez*, or spring;

(b) a co-management committee established for the management of the *karez*, or spring pursuant to section 14 of this Act.

(4) In the event that a co-management area is established for the better management of a *karez* or spring the co-management area shall be:

(a) the land area in which water can be provided from the *karez*, or spring;

(b) and the infiltration zone above the *karez*, or spring.

(5) Co-management by-laws shall apply throughout the co-management area.

Groundwater Co-Management Area

39. (1) In areas where there is significant groundwater overdraft or whether the management of groundwater is particularly important for socio-economic reasons the Government may, on the proposal of the Commission, establish a “Groundwater Co-management Area” and “Groundwater Co-management Committee” for the management of groundwater in accordance with section 14 of this Act.

(2) The water user members of a Groundwater Co-management committee shall be those landholders who are abstracting groundwater at the time of establishment of the co-management committee.

(3) The co-management plan that shall be prepared in respect of a Groundwater Co-management Area that shall:

(a) specify limits for total level of annual abstractions of groundwater within the co-management area with the objective of bringing those abstractions within the sustainable yield of the aquifer;

- (b) identify how abstractions are to be regulated within the co-management area including through the gradual introduction of water use permits;
- (c) propose new infrastructure arrangements including the possibility of centralised pumping stations to enable piped water supply;
- (d) identify those parts of the co-management area where new wells may or may not be drilled;
- (e) include an assessment availability of surface water as an alternative to ground water and for aquifer recharge;
- (f) identify measures to promote the effective and efficient use of groundwater;
- (g) identify the potential for reuse of treated wastewater for commercial, non-domestic and agricultural use so as to minimize fresh water use.

(4) Draft by-laws for the implementation of a groundwater co-management plan shall be developed by the relevant co-management committee that shall, once they have been adopted by the Government, be responsible for ensuring compliance with their provisions.

Technical well drilling licence

40. (1) No person shall drill a well unless that person is in possession of valid technical well drilling licence issued by the Director General.

(2) The Director General shall only issue a technical well drilling licence on application to a person with such technical qualifications as shall be prescribed.

(3) The Director General shall maintain a register of holders of technical well drilling licences as a separate chapter within the Permit Register.

(4) A person not in possession of a valid technical well drilling licence who drills a well commits an offence and shall be liable on conviction to pay a fine of up to [XXX] rupees.

Authorisation of well drilling

41. (1) The drilling of a well for any purpose, including scientific, research or commercial purposes, shall be undertaken only on the basis of a well drilling permit issued by the Director General.

(2) In determining whether or not to issue a well drilling permit the Director General shall have regard to:

- (a) the relevant River Basin Management Plan;
- (b) the relevant co-management plan and the Director General shall not issue a well drilling permit unless and to the extent to that such a permit is authorised by the co-management plan.

(3) A well drilling permit shall last for a period of one year and shall as a minimum:

- (a) describe the land area in which drilling is permitted;
- (b) specify the number and maximum depth of wells that maybe drilled;
- (c) indicate the types of drilling equipment to be used;
- (d) specify measures to protect groundwater quality, including the covering of exploratory and unused wells;
- (e) requiring the drilling to be undertaken by a person who holds a technical well drilling licence using a drilling rig that is registered in accordance with section 41 of this Act.

(4) Within 30 days after the end of each drilling operation, the holder of the well drilling permit shall provide the detailed data on the drilling operation including hydro-geological characteristics to the Director General.

(5) A person who drills a well otherwise than in accordance with a well drilling permit commits an offence and shall on conviction be liable to pay a fine of up to [XXX] rupees.

Registration of drilling rigs

42. (1) Every drilling rig used or intended to be used for the drilling of wells within the Province shall be registered in a separate chapter in the Permit Register within the prescribed period.

(2) For the purpose of this Chapter the term drilling rig means machinery and ancillary equipment used for drilling wells and/or for working over wells.

(3) The owner of a drilling rig who fails to register a drilling rig within the prescribed period or who uses an un-registered drilling rig to drill a well commits an offence and shall on conviction be liable to pay a fine of up to [XXX] rupees.

(4) Following a conviction under subsection (3) the drilling rig shall forthwith be destroyed.

Developments involving the use of groundwater

43. (1) Any person intending to construct a new industrial, commercial, cantonment or residential development that will not or cannot be supplied with water by a water utility shall obtain Government clearance before the start of construction.

(2) The Government-

(a) shall withhold clearance pursuant to sub-section (1) if the relevant River Basin Management Plan or sub-basin plan or aquifer plan shows that there is insufficient water for the new development;

(b) may either-

- i) grant clearance and authorize the drilling of one or more wells to satisfy the water requirements of the development;
- ii) grant clearance subject to the condition that the developer to constructs at his own expense the infrastructure necessary to connect the development to an existing water source or the creation of a new water sources such as a reservoir.

(3) In granting clearance pursuant to subsection (2) the Government may require the developer to lodge a bond or guarantee to ensure compliance with a condition under subsection (2)(b) ii).

CHAPTER 6 **PROTECTION OF THE WATER ENVIRONMENT**

Water quality

44. The Government may, on the proposal of the Commission, adopt standards relating to the protection of water resources including:

- (a) wastewater discharge standards, that specify the type, concentration and quantity of pollutants that may be discharged to a watercourse at different times of the year;

- (b) environmental quality standards in the form of binding water quality objectives for watercourses by reference to the purpose to which water abstracted from such watercourses is put or to maintain healthy aquatic ecosystems;
- (c) product standards, relating to products that may be used within or adjacent to watercourses;
- (d) process standards, setting out procedures and technologies to be used in the treatment of wastewater.

Effluent Discharge Permits

45. (1) No person shall directly or indirectly discharge waste or wastewater into a watercourse or onto an area of land from which it is reasonably likely to flow into a watercourse otherwise than in accordance an effluent discharge permit issued in accordance with this Act.

- (2) An effluent discharge permit shall:
 - (a) be in the prescribed format;
 - (b) be valid for a period of up to three years after which it may be renewed for a further three-year period;
 - (c) describe the place or places where effluent may be discharged;
 - (d) specify the type, concentration and volume of effluent that may be discharged during specified time periods;
 - (e) describe requirements for the treatment of the effluent prior to discharge as well as monitoring and reporting requirements;
 - (f) be subject to such general conditions as may be prescribed; and
 - (g) be subject to such special conditions as shall be included.

(3) An effluent permit may be a stand-alone document, or it may form part of a water user permit save that in such a case that part shall be valid for three-year periods in accordance with subsection (2)(b) even if the water use permit itself is valid for a longer period

(4) A person who directly or indirectly discharges waste or wastewater into a water course or on to land onto an area of land from which it is reasonably likely to flow into a watercourse commits an offence and shall on conviction be liable to pay a fine of [XXX] rupees or to imprisonment for a term not exceeding [XXX] years or both.

Application for an effluent discharge permit

46. (1) An application for an effluent discharge permit shall be submitted in writing to the Director General in the prescribed form and shall be accompanied by:

- (a) the prescribed fee; and
- (b) such other information as shall be prescribed including an environmental assessment if required by the relevant legislation.

(2) In determining an application for an effluent discharge permit the Director General shall:

- (a) consult with the Director General of the Balochistan Environment Protection Agency;
- (b) have regard to any environmental assessment that is required to be prepared;
- (c) have regard to, and give effect to relevant standards including effluent discharge standards or treatment technology standards adopted pursuant to this Act or to the Balochistan Environment Protection Act 2012;
- (d) only issue a permit if he is satisfied that to do so will enable compliance with environmental quality standards applicable to the watercourse into which effluent is proposed to be discharged or as may be prescribed pursuant to this Act or other relevant legislation including the Balochistan Environment Protection Act 2012;
- (e) not issue an effluent discharge permit if to do so would adversely affect the rights of an existing lawful use of water resources.

(3) Every effluent discharge permit shall contain such:

- (a) general conditions as shall be prescribed including a condition requiring payment of an effluent discharge fee;

- (b) special conditions as shall be necessary to ensure compliance with the quality parameters prescribed pursuant to section 43 of this Act including requirements as to effluent treatment.

(4) On receipt of a written application to renew an effluent discharge permit in the prescribed form, the Director General may:

- (a) renew the effluent discharge permit with the same conditions;
- (b) vary the permit conditions of the effluent discharge permit where this is necessary to give effect to stricter effluent discharge or treatment technology standards or to ensure compliance with the quality parameters of the watercourse concerned;
- (c) refuse to renew the effluent discharge permit if the permit holder has consistently failed to comply with the conditions of the permit.

(5) The holder of an effluent discharge permit who fails to comply with the conditions of that permit contrary to subsection (5) commits an offence and is liable on conviction to a fine not exceeding the sum of [XXX] rupees or to imprisonment for a term not exceeding [XXX] years or both.

Clean up powers

47. (1) In the event that pollutants, wastewater or wastes have been unlawfully discharged to a watercourse thereby causing pollution or are likely to be so discharged, the Director General may:

- (a) serve a written notice on the person responsible, ordering that person to undertake specified measures to prevent or remedy the pollution of water resources within a specified time period;
- (b) undertake such measures himself.

(2) If the Director General carries out measures to prevent or remedy water pollution of water pursuant to subsection (1)(b), he shall be entitled to recover its reasonable costs incurred by it in doing so from person responsible.

Environmental flows

48. (1) The Commission shall, on the advice of the Director General, propose binding environmental flow requirements for selected rivers in each main river basin necessary to ensure the health of aquatic ecosystems.

(2) Environmental flow requirements established pursuant to subsection (1) shall reflect seasonal variations in water availability.

(3) Once an environmental flow requirement has been set for a given watercourse or part of a watercourse, every person exercising powers or functions under this Act shall use all reasonable efforts to give effect to such flow requirements.

Protection strips

49. (1) The Government shall, on the proposal of the Commission, prescribe protection strips alongside the banks of watercourses, in which potentially polluting activities or activities that might otherwise negatively impact such watercourses shall be prohibited/restricted.

(2) The breadth of protection strips prescribed pursuant to subsection (1) shall be calculated by reference to the breadth of the watercourse concerned.

Water protection areas

50. (1) Water protection areas may be established by the Government in cases where this is necessary in the public interest to:

- (a) protect existing or planned sources for water supply;
- (b) protect the quality of groundwater;
- (c) prevent the harmful effects caused by rainwater run-off as well as by erosion and the introduction of soil components, fertilisers, herbicides and pesticides surface waters;
- (d) protect aquatic biodiversity.

(2) Every River Basin Management Plan shall identify potential water protection areas in the relevant main river basin for formal designation as water protection areas through a decision of the Government.

(3) Within a water protection area specified activities may be prohibited or restricted in accordance with rules in order to protect water resources including commercial, industrial, construction and other development activities and structures as well as the use of fertilizers, pesticides, herbicides and other chemicals.

(4) A person who unlawfully engages in a prohibited or restricted activity contrary to rules adopted pursuant to sub3 (4) commits an offence and shall on

conviction be liable to pay a fine of up to [XXX] rupees or imprisonment for a term of up to [two] years.

Wetlands

51. (1) Every River Basin Management Plan shall identify wetlands of river basin importance and Provincial importance by reference to their ecological functions and contribution to livelihood needs and shall specify appropriate protection measures.

(2) The Director General, on the recommendation of the Commission and in consultation with relevant stakeholders shall demarcate the boundaries of wetlands identified pursuant to subsection (1) and shall declare such wetlands to be a water protection area in accordance with article 51 of this Act, in which economic activities, in particular the construction of permanent structures, may be prohibited or restricted.

(3) Relevant land use plans, natural resource management plans and socio-economic development plans shall recognize and protect the vital functions performed by wetlands in terms of ecosystem services and flood protection and shall support the wise use of wetlands accordingly.

Development in Wetlands

52. The conversion of wetlands and the construction of permanent structures, including roads and hard surfaces, in wetlands of river basin and national importance may only lawfully be undertaken on the basis of a water use permit issued pursuant to section 29 of this Act.

Restoration and rehabilitation of wetlands

53. (1) Every River Basin Management Plan shall:

- (a) identify damaged and degraded wetlands in need of restoration or rehabilitation in order to fulfil vital ecosystem services, relating to flood defence and the protection of water quality, or livelihood needs;
- (b) contain a detailed and costed restoration and rehabilitation program that shall identify potential funding sources, including the state budget, in respect of wetlands identified pursuant to paragraph (a).

(2) The Commission shall, in consultation with the relevant River Basin Committee, oversee the implementation of wetland restoration and rehabilitation programs.

Coordination of natural resource planning

54. (1) The Commission shall use all reasonable efforts to ensure that River Basin Management Plans are clearly coordinated with other natural resource sector plans, including plans relating to agriculture, forest, rangeland plans/activities.

(2) In giving effect to its duty pursuant to subsection (1), the Commission shall ensure that:

- (a) other plans, as well as activities regulated by such plans, do not negatively impact water resources;
- (b) River Basin Management Plans and other plans adopted pursuant to this Act address specific sector needs of other sectors; and
- (c) the various plans are mutually supportive.

CHAPTER 7 **CLIMATE CHANGE ADAPTATION MEASURES**

Land use planning and new developments

55. (1) Every land use plan, economic sector development plan and natural resources use plan shall take into consideration the availability of water resources necessary for the activities under the purview of such a plan.

(2) New development activities, including the construction of military camps and facilities that involve the use of water resources shall be subject to clearance by the Commission.

Green infrastructure

56. (1) The Government shall, on the proposal of the Commission, prescribe standards for green infrastructure including town planning and building standards for urban structures and residential dwellings so as to promote rainwater harvesting and aquifer recharge.

(2) Every River Basin Management Plan shall identify priority areas for re-forestation and catchment protection activities to be followed up with a prioritized investment program at main river basin level.

Desalination

57. (1) Any person wishing to invest in the construction of a desalination plant shall obtain a long-term water use permit.

(2) A long-term water use permit for desalination will be subject to conditions:

- (a) governing to the abstraction of salty or brackish water for use in the desalination process;
- (b) relating to the safe discharge or other disposal of saline sludge and other waste products arising from desalination;
- (c) requiring the use of sustainable and renewable energy sources; and
- (d) such other matters as shall be prescribed.

Re-use of wastewater

58. (1) Every water utility shall:

- (a) promote the re-use of wastewater for such purposes other than for drinking water as may be prescribed;
- (b) prepare and implement priority investment plans for wastewater treatment and re-use by reference to water availability and the relevant River Basin Management Plan.

(2) The Government shall in connection with the re-use of waste water on prescribe standards for:

- (a) the treatment of wastewater for re-use;
- (b) the quality of treated wastewater intended for re-use including monitoring and requirements;
- (c) the transport, storage, application and use of treated wastewater;
- (d) risk management and assessment procedures including records and documents to be maintained.

CHAPTER 8
FLOODS AND DROUGHTS

Flood risk management

59. (1) A draft flood risk management plan shall be prepared for each main river basin by the Director General for approval by the relevant River Basin Committee and clearance by the Government on the recommendation of the Commission.

(2) A Flood Risk Management Plan shall:

- (a) contain an evaluation of flood risks in the main river basin concerned using flood risk maps that identify areas that are subject to flooding;
- (b) identify measures and methods to mitigate the risk of floods including the construction of dykes and flood defence structures and non-structural flood preparedness measures;
- (c) identify measures and possible investments to beneficially use excess water during floods, not in violation with other authorized uses of water on the same streams;
- (d) establish a budget for works identified in accordance with the previous paragraph;
- (e) identify areas within the main river basin in which construction should be restricted or prohibited due to flood risk; and
- (f) make recommendations regarding early warning mechanisms and necessary linkages with the response and planning mechanisms foreseen under relevant disaster risk management legislation.

(3) A Flood Risk Management Plans shall be reviewed and updated every 10 years or as necessary.

(4) A Flood Risk Management Plan may be a stand-alone plan for a main river basin where there are known to be flood risks or may form part of a River Basin Management Plan.

Flood warning

60. The Government, on the recommendation of the Commission shall establish and fund flood prediction and flood warning mechanisms to be operated in close

coordination with the legal and institutional framework for disaster risk management.

Provincial drought management plan

61. (1) The Commission shall, in consultation with relevant stakeholders, prepare a draft Provincial drought management plan for adoption by the Government.

(2) The Provincial drought management plan shall-

(a) specify indicators to identify the onset of droughts;

(b) describe specific monitoring systems to identify droughts;

(c) identify management objectives and measures for mitigating the effects of droughts including measures to rationalize water demand, to ensure the prioritization of water use supporting basic human needs including food requirements and to safeguard aquatic ecosystems; and

(d) identify possible water reserves or alternative sources to be used in times of drought.

Drought management planning at main river basin Level

62. (1) The Director General shall in conjunction with the relevant River Basin Committee and under the supervision of the Commission prepare a drought management for each main river basin.

(2) Every main river basin drought management plan shall address the issues mentioned in section 61 (2)(a), (c) and (d) of this Act.

(3) The Commission shall –

(a) adopt criteria for the development of main river basin drought management plans including measures for public participation;

(b) coordinate and oversee the linkages between main river basin drought management plans and the development of sectoral drought management activities.

Declaration of drought

63. (1) Where indicators contained in the Provincial Drought Management Plan or a river basin drought management plan permit the identification of a drought, the Government shall on the recommendation of the Director General, issue a declaration of drought.

(2) A declaration of drought shall indicate whether its provisions apply throughout the whole Province or to a main river basin or sub-basin, as well as other relevant information regarding a particular drought situation.

(3) A declaration of drought adopted pursuant to paragraph (1) may provide:

- (a) for the temporary restrictions on some or all activities that involve the use of water resources on the basis of a water use permit;
- (b) the temporary restrictions or prohibition of activities involving the use of water resources that do not require a water use permit;
- (c) temporary new priorities for the use of water resources within the area that is subject to the drought;
- (d) the use of water reserves;
- (e) the release of emergency funding mechanisms.

CHAPTER 9 **WATER RESOURCES INFRASTRUCTURE**

Government water works

64. (1) In this Chapter, “government water works” shall mean such infrastructure as may be necessary for

- (a) the management, development and use of water resources including structures for the impoundment, abstraction, treatment and conveyance of water such as dams, weirs, headworks, aquifer recharge and water retention structures; and
- (b) structures for protection from the harmful effects of water such as dykes and flood defense structures.

(2) The Government may acquire, establish, construct, control, manage and operate and maintain government water works.

(3) The power conferred by subsection (2) to construct new infrastructure shall:

- (a) be exercised in every case in accordance with a water use permit issued pursuant to section 29 of this Act;
- (b) not be commenced until such as the requirements of section 14 of the Environmental Protection Act have been satisfied in terms of Initial Environmental Examination and Environmental Impact Assessment.

(4) The Government may control or prohibit access and use of government waterworks.

Expropriation of land in certain cases

65. (1) In any case under this Chapter in which the Government considers land should be acquired for public purposes including the construction of government waterworks, the Government may proceed to acquire it in the manner provided by the Land Acquisition Act, 1894.

(2) The owner of any land comprised in any notification under subsection (1) may, at any time not less than three or more than twelve years from the date thereof, require that such land shall be acquired for public purposes, and the Government shall acquire such land accordingly.

Performance contracts

66. (1) The Minister may enter into a performance contract with any public authority that operates government water works or which is supplied through such water works.

(2) For the purpose of this section, “public authority” means any department or organization of the Provincial or Federal Government or Local body, and includes a corporation, or other autonomous or semi-autonomous body set up by the Provincial or Federal Government.

- (3) A performance contract shall include among other matters –
 - (a) set out a common vision and clear obligations, roles, and responsibilities for the parties involved;
 - (b) establish performance indicators and targets;
 - (c) contain an incentive framework and a penalty framework;

- (d) set out a monitoring and evaluation framework and a dispute resolution framework.

(4) In the performance of the contract, a public authority shall periodically report to the Minister on the achievements of the authority since the making of the contract or the last report by the authority at such intervals and in such manner as may be prescribed in relation to that authority.

(5) No performance contract shall dispense with or qualify any duty or obligation imposed upon a public authority under this Act or any other law.

Dam safety

67. (1) The Commission shall, on the advice of the Director General, propose criteria to the Government for the classification of dams by reference to the risk of dam failure and the impacts of such a failure.

(2) The Government shall by regulation establish **criteria for the classification** of dams in accordance with subsection (1).

(3) Every dam shall be classified into one of three categories as follows:

- (a) high risk;
- (b) medium risk;
- (c) low risk.

(4) Factors to be taken into account pursuant to sub-section (1) shall include:

- (a) the height of the dam;
- (b) the volume of water stored behind the dam;
- (c) the type of construction of the dam;
- (d) the population living downstream of the dam;
- (e) the proximity of the dam to other structures or places.

Dam safety sub-committee

68. In order to fulfilling its duties relating to dam safety, the Commission may establish one or more specialist dam safety sub-committees.

Dam safety standards and guidelines.

69. The Government may prescribe standards and may adopt guidelines with respect to any matter relating to the safety, design, construction, commissioning, operation, surveillance, modification, maintenance, or removal of dams.

Obligations of the owners of dams

70. (1) The owner of a dam classed as dam classified as a high-risk dam or a medium risk dam shall –

- (a) operate the dam in a safe manner in accordance with the conditions of the water use permit and any regulations issued pursuant to this Act and guidelines adopted by Commission;
- (b) establish and document a dam safety management system for the dam, periodically review that system and ensure that it remains effective throughout the life of the dam;
- (c) organise the routine monitoring and maintenance of the dam in accordance with the dam safety management system;
- (d) ensure that an annual inspection of the structural integrity of the dam is undertaken by a qualified professional person and promptly implement any recommendations arising from that inspection;
- (e) ensure that a periodic assessment of the safety of the dam, including a dam break analysis and an assessment of upstream risks to the dam, is undertaken by a qualified independent professional person and promptly implement the recommendations contained in that assessment;
- (f) cause the preparation and periodic updating of an emergency preparedness plan for the dam to enable the notification and evacuation of the population living downstream of the dam in case of a heightened risk of imminent dam failure;

- (g) provide any reports information, drawings, specifications, design assumptions, calculations, documents and test results for the dam to the Commissioner on request or as may be prescribed;
- (h) give access to the dam to a Water Inspector to inspect the dam to determine the safety of the dam and a possible need for repairs or alterations;
- (i) submit a copy of the dam safety management documentation under paragraph (b), the annual inspection report under paragraph (d), the assessment report under paragraph (e) and the emergency preparedness plan under paragraph (f) to the Commission within such time periods as shall be prescribed.

(2) For the purposes of this section, a qualified professional person means a qualified civil engineer with relevant expertise and qualifications in dam safety as shall be prescribed and such a person shall have a duty of care towards the Province of Balochistan and the general public.

(3) The Commission may on the advice of the Director General direct an owner, at the owner's cost, to undertake repairs or alterations to a dam which are necessary to protect the public, property and the resource quality from any risk of structural failure of the dam or to give effect to an inspection report under subsection 1 (d) or an assessment report under subsection 1 (e).

(4) If the owner of a dam fails to comply with a directive issued pursuant to subsection (2), the Commissioner may:

- (a) undertake the repairs or alterations necessary to give effect to any recommendations and recover the costs from the owner;
- (b) in consultation with the Director General, modify the operating regime of the dam;
- (c) undertake such other measures as may be necessary to safeguard the population living downstream from the dam or the environment and recover the costs from the owner.

(5) The owner of dam who fails to submit documentation, reports and plans pursuant to subsection (4)(i) commits an offence and is liable on conviction to a fine not exceeding [xxx] rupees or to imprisonment for a period not exceeding two years or both.

(6) The owner of a dam classed as dam classified as a low-risk dam shall comply with such dam safety requirements as shall be prescribed.

Registration of Dams with Safety Risk

71. (1) The Director General shall establish and maintained a register of dams that shall specify their categorisation as high risk, medium risk or low risk.

(2) For the purpose of dam safety, flood risk prevention and flood management and control, an owner of a dam shall register that dam with the Director General in accordance with the prescribed procedure.

(3) The owner of dam who fails to register that dam contrary to subsection (2) commits an offence and is liable on conviction to a fine not exceeding [XXX] rupees.

CHAPTER 10 **FINANCIAL MATTERS**

Water resources charging scheme

72. (1) On the recommendation of the Commission, the Government prescribe charging schemes in respect of:

- (a) any applications pursuant to this Act relating to permits or licences;
- (b) the use of water resources.

(2) A charging scheme made pursuant to subsection (1) (a) may provide that charges are payable in respect of:

- (a) an application for certified extracts of entries in the Permit Register;
- (b) an application for the issue, variation, renewal, transfer or surrender of a permit or licence;
- (c) the issue, variation, renewal, transfer or surrender of a permit or licence;
- (c) the engagement by the Director General or the Commission of external expertise where reasonably necessary to evaluate an application; and

- (e) inspections carried out in order to ensure compliance with permit or licence conditions.

(3) A charging scheme made pursuant to subsection (1) (b) may provide that charges are payable in respect of one or any combination of the following matters:

- (a) the volume of water that is used;
 - (b) the purpose for which water is used;
 - (c) the volume of pollutants discharged;
 - (d) the type of pollutants discharged;
 - (e) the concentration of pollutants discharged.
- (4) The Government may on the recommendation of the Commission:
- (a) revoke, vary or amend any previous charging scheme; and
 - (b) establish transitional or consequential provisions for the purposes of any charging scheme.

Water Resources Management Fund

73. (1) There shall be established the Water Resources Management Fund which shall be held in trust and applied for the purpose of managing water resources in accordance with this Act.

(2) The sources of income of the Water Resource Management Fund shall include:

- (a) water resources use fees under recovered pursuant to any water resources charging scheme;
- (b) budget allocations;
- (c) grants; and
- (d) gifts and legacies.

(3) The proceeds of the Water Resources Management Fund may be applied in accordance with a policy to be determined by the Commission:

- (a) towards the routine operating costs of the Director General in terms of implementing this Act;
- (b) investment in water resources management equipment and infrastructure; and
- (c) for schemes to encourage and support land and natural resource use programs that contribute to improving the status of water resources.

(4) The Trustees of the Water Resources Management Fund shall be appointed by the Government on the recommendation of the Commission.

(5) The Government shall establish a transparent decision-making framework for the functioning and governance of the Water Management Resources Fund.

Investment planning

74. (1) The Commission shall prepare and periodically update a draft provincial water resources investment plan that shall rank and prioritize investment requirements necessary to achieve the objectives of this Act and to implement the Balochistan Integrated Water Resources Management Policy and the IWRM Implementation Strategy.

(2) Investments included in the water resources investment plan shall include investments in:

- (a) water resources infrastructure;
- (b) equipment including laboratory equipment, vehicles, offices and information technology; and
- (c) training and capacity building.

(3) The Commission shall forward the draft provincial water resources investment plan to the Government for approval and that plan shall be used to guide budget planning as well as the making of investments from the Water Resources Fund and other funding sources.

CHAPTER 11 **INSPECTION AND ENFORCEMENT**

Powers of an authorised officer

75. (1) An authorised officer shall have the power to enter any land or premises for the purpose of enforcing the provisions of this Act.

(2) Users of wells or natural springs shall allow an authorised officer at all reasonable times, access to the wells, or natural springs in order to -

- (a) inspect such wells or natural springs; or
- (b) measure or obtain information in relation to the quality and quantity of water used.

(3) An authorised officer who enters any land or premises for purposes of exercising his duties under this section shall identify himself to an owner or occupier of land or premises by producing an identification document, or in the case of a non-public servant acting pursuant to delegated powers, a certificate of authorisation signed by or on behalf of the Minister.

(4) A document produced pursuant to subsection (3) shall have the name and surname of a person, institution or department, a photo and a stamp of the institution and department and indicate the purpose of entry.

(5) An authorised officer who enters any land or premises pursuant to this section-

- (a) shall inform an owner or occupant of the land or premises about the purpose of his entry;
- (b) shall, where precautionary measures are required, take reasonable steps to ensure the safety of persons and property on the land or premises;
- (c) may, where necessary, enter with another person, vehicle, equipment or material;
- (d) may take samples or remove any material or substance from the land or premises if necessary;
- (e) may require the owner or occupant of the land or premises to produce a permit or certificate issued or required pursuant to this Act;
- (f) may require the holder of any permit or certificate issued pursuant to this Act to provide data and information regarding activities authorised by the permit or certificate;

- (g) may request a police officer to arrest a person who he reasonably believes has committed an offence under this Act.

(6) An authorised officer shall before entering any land or premises pursuant to this section, give notice where possible, but may still enter at any reasonable time without prior notice.

(7) A person who obstructs an authorised officer in performing his functions under this section commits an offence and is liable on conviction to a fine not exceeding [xxx] rupees or to imprisonment for a period not exceeding [two] years or both.

(8) Notwithstanding any provision of this section, an authorised officer may not, under any circumstances, enter a private dwelling without a written consent of the occupier or without a warrant obtained from the courts of law authorising entry.

Enforcement notice

76. (1) Following an inspection of land or premises pursuant to section 75 of this Act, a Water Inspector may serve a written enforcement notice in the prescribed form upon the owner or occupant of that land or those premises, requiring that person to:

- (a) apply for a permit in circumstances where such a permit is required pursuant to this Act within a specified time period;
- (b) remedy any breach of the conditions of a permit issued pursuant to this Act with a specified time period.

(2) A person who fails to comply with an enforcement notice issued under subsection (1) within the time period specified, commits an offence and is liable on conviction to a fine not exceeding [xxx] rupees or to imprisonment for a period not exceeding two years or both.

(3) If there is a failure to comply with an enforcement notice, the court shall be entitled to impose an additional daily fine of up to 10% of the value of the fine imposed pursuant to subsection (2) during the period in which the enforcement notice remains outstanding up until the date of conviction.

Immunity from Liability

77. (1) No action lies against an authorised officer for the commission, or an omission of an act done in good faith in the exercise of his functions under this Act.

(2) Notwithstanding the provisions of this section, in the event that a commission or omission of an act was unlawful, negligent and in bad faith, liability shall apply.

CHAPTER 12 **OFFENCES**

Offences in relation to Employer and Employee Relationships

78. Where the commission of an act or an omission to act by an employee or agent constitutes an offence in terms of this Act and takes place with the express or implied permission of the employer or principal, as the case may be, the employer or principal is, in addition to the employee or agent, liable to conviction for that offence.

Corporate liability

79. (1) If a corporation is guilty of an offence under this Act, every director of the corporation shall also be guilty of an offence and liable to the same penalty foreseen for the principal offence unless the director proves that he could not by the exercise of due diligence have prevented the commission of the offence.

(2) For the purpose of this section, a director includes a person occupying or acting in the position of director of the corporation whether validly appointed to occupy or duly authorised to act in the position or not.

General Provision on Offences and Penalties

- 80.** (1) No person shall –
- (a) use water otherwise than as permitted under this Act;
 - (b) make a statement that that person knows to be false or misleading, or make reckless statement that is false or misleading in connection with an application for a permit or a licence under this Act;
 - (c) fail to comply with the conditions of a permit issued under this Act;
 - (d) fail to produce or allow access to books of accounts, documents or assets when required to do so under this Act;
 - (e) unlawfully tamper or interfere with any waterworks or seal or measuring device attached to waterworks;

- (f) fail or refuse to give data or information, give false information or misleading data or information when required to give such information under this Act;
- (g) refuse to perform duties or obstruct any other person in the exercise of his power or duty under this Act;
- (h) unlawfully commit any act which detrimentally affects or is likely to affect a watercourse;
- (i) fail to comply with a temporary restriction on the use of water pursuant to this Act; or
- (j) commit any other breach against the provisions of this Act.

(2) A person who contravenes the provisions of this section commits an offence and is liable on conviction to a fine not exceeding the sum of [XXX] rupees or to imprisonment for a period not exceeding two years or both.

Powers of inspection and trial

81. Offences under this Act or rules made thereunder shall be investigated by the Water Inspectors and trialled in accordance with the provisions of the Code of Criminal Procedure, 1898 (V of 1998), and *Qannon-e- Shadat* Order in force in the province of Balochistan.

Administrative penalties

82. (1) If the Director General, on the advice of an authorised officer, has reasonable cause to believe that an offence under this Act has been committed by any person and having regard to all the circumstances relating to the alleged offence and to the previous conduct of that person, it would be appropriate to impose a penalty under this section, he may serve a written administrative penalty notice in the prescribed form upon that person.

- (2) An administrative penalty notice under subsection (1) shall contain —
 - (a) the date and nature of the alleged offence;
 - (b) a summary of the facts on which the allegation is based, which is sufficient to inform the person of the allegation against him;
 - (c) the amount of the fixed penalty payable;

- (d) a copy of this section; and
 - (e) any other matters that the Director General considers relevant to the imposition of a penalty notice.
- (3) A person served with an administrative penalty notice shall give notice in writing within 14 days that he —
- (a) requires any proceedings in respect of the alleged offence be dealt with before the court; or
 - (b) admits the offence.
- (4) A person who fails to respond to an administrative penalty notice within 14 days of the date of service or admits the offence shall be liable to pay the penalty specified in the administrative penalty notice within 28 days of the date of service of that notice.
- (5) A penalty that has been imposed under this section is recoverable in the same manner as a fine is recoverable on conviction for an offence.
- (6) Where a person admits an offence and pays the administrative penalty, no information or charge may be laid against that person in respect of the offence.
- (7) The amount of an administrative penalty shall be no more than 50% of the penalty specified in this Act.

CHAPTER 13 **MISCELLANEOUS**

Power to make rules

83. The Government, on the proposal of the Commission, shall make rules necessary for the implementation of this Act including but not limited to:-

- (a) procedures for identifying the main river basins and evaluating and delineating their boundaries;
- (b) the establishment of mechanisms to enable local government to participate in water resources management;
- (c) matters relating to the establishment and functioning of the Commission;
- (d) prescribing and limiting the powers and duties of authorised officers under this Act;

- (e) the establishment and functioning of River Basin Management Committees;
- (f) the establishment and functioning of co-management committees;
- (g) the operation of the Balochistan Water Monitoring and Information System and Permit Register;
- (h) the content of River Basin Management Plans, sub-basin and aquifer management plans and procedures for their elaboration, adoption and periodic revision;
- (i) public awareness and education measures relating to water resources conservation and IWRM;
- (j) authorising small-scale commercial uses to take place on the basis of a declaration and setting out procedures and requirements for this;
- (k) procedures for the issuance, transfer, renewal, suspension, cancellation and variation of water use permits, appeals relating to such decisions, and the content of such permits;
- (l) rules for licensing of well drilling operators
- (m) the recognition of customary water rights to use surface water and the introduction of the water use permitting regime;
- (n) groundwater management and development including aquifer recharge, water rights pertaining to *karez*es, the co-management of groundwater and matters relating to well drilling including the issuance of technical well drilling licences, the registration of well drilling rigs and the authorisation of well drilling;
- (o) the protection of the water environment including the setting of water quality standards, procedures and requirements for effluent discharge permitting, the exercise of clean up powers, the setting of environmental flows, the establishment of protection strips and water protection areas, the protection of wetlands, development within wetlands as well as wetland rehabilitation and restoration as well as coordination with natural resources planning activities;
- (p) climate change adaptation measures including the planning of new development impacts, green infrastructure, desalination and wastewater reuse;
- (q) flood and drought risk management and dam safety;

- (r) the establishment and functioning of a water resources charging scheme, the establishment of a water resources fund and investment planning; and
- (s) inspection and enforcement measures including enforcement mechanisms.

Repeals and savings

84. (1) The following enactments and rules framed thereunder are hereby repealed:-

- (a) The Balochistan Ground Water Rights Administration Ordinance, 1978;
- (b) The Balochistan Ground Water Rights Administration Rules, 2014.

(2) Section 12 (e) of the Quetta Water and Sanitation Authority Act, 2004 is repealed in its entirety and replaced with the following wording: “to monitor water resource both surface and underground”.

(3) Notwithstanding the repeal of the enactments referred above:

- (a) District Water Committees established pursuant to the Ground Water Rights Administration Ordinance, 1978 shall continue to function as District Water Committees pursuant to this Act; and
- (b) any appointments made, orders passed, notification issued, rules made contracts entered into, proceedings commenced, right acquired, liabilities incurred, penalties, rates, fees or charges levied, forfeitures made, things done or action taken under any of the provision of the repealed enactments shall, so far as they are not inconsistent with the provision of this Act, be deemed to have been respectively made, passed, issued, entered into, commenced, acquired, incurred, done, taken or levied under this Act.

Removal of difficulties

86. If any difficulty arises in giving effect to any of the provisions of this Act, Government may make such orders, not inconsistent with the provision of this Act, as may appear to it to be necessary for the purpose of removing such difficulty.