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SIND ORDINANCE NO. II OF 1983

THE SIND LOCAL GOVERNMENT (AMENDMENT) ORDINANCE, 1983

[25th January, 1983]

An Ordinance to amend the Sind Local Government Ordinance, 1979.

Preamble.

WHEREAS is expedient to amend the Sind Local Government Ordinance, 1979, in the manner hereinafter appearing;

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

Short title and commencement.

1. (1) This Ordinance may be called the Sind Local Government (Amendment) Ordinance, 1983.

(2) It shall come into force on such date as may be notified by Government.

Addition of Chapter XVI to Sindh Ordinance XII of 1979.

2. In the Sind Local Government Ordinance, 1979, after Chapter XV, the following Chapter XVI shall be added I—

"CHAPTER XVI
KARACHI WATER AND SEWERAGE BOARD
PART-I
Establishment and Constitution of the Board

Establishment of the Board.

121. (1) There shall be established a Board in the Karachi Metropolitan Corporation called the Karachi Water and Sewerage Board.

(2) The jurisdiction of the Board shall extend to the limits of the Karachi Metropolitan Corporation and such area or areas out-side the said limits as may be notified by Government.

(3) The Board shall consist of the following members:-

(i) Mayor, Karachi Metropolitan Corporation.

(ii) Deputy Mayor, Karachi Metropolitan Corporation.

(iii) Two members of the Karachi Metropolitan Corporation elected by the Corporation by proportional representation.

(iv) One member appointed by Government.

(v) Managing Director of the Board appointed by Government.

Explanation.— For the purpose of the "proportional representation", the election of all the candidates shall be held at one and the same time, one member having only one vote to be cast in favour of only one candidate, and the requisite number of the candidates receiving higher votes in descending order shall stand elected; and if there is tie between two or more candidates, the result shall be pronounced by drawing lot.

(4) The Mayor, Karachi Metropolitan Corporation shall be the Chairman of the Board.

(5) The Mayor, Deputy Mayor or a Member of the Karachi Metropolitan Corporation shall, on vacating the office of the Mayor, Deputy Mayor or Member, cease to hold office of Chairman or member as the case may be.

(6) The member appointed by Government shall hold office at the pleasure of Government unless he resigns earlier by addressing a letter to Government.

(7) The Managing Director shall be appointed on such terms and conditions as may be determined by Government.

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

(9) The Secretary shall exercise such powers and perform such functions as may be prescribed by regulations or assigned by the Board.

PART – II

Powers and functions of the Managing Director.

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

(2) Subjection to the general control of the Chairman of the Board, the Managing Director shall--

(i) exercise the powers other than financial powers as are exercisable by the Municipal Commissioner in relation to the Karachi Metropolitan Corporation;

(ii) exercise the financial powers mentioned in Appendix 'A';

(iii) Prepare and submit, with the approval of the Board, annual budget and if necessary revised budget to the Karachi Metropolitan Corporation;

(iv) submit audit reports to Government and the Karachi Metropolitan Corporation;

(v) perform such other functions and exercise such other powers as may, from time to time, be assigned by the Board.

PART-III

Powers and functions of the Chairman of the Board.

Powers of Chairman,

123. (1) Subject to sub-section (2), the Chairman of the Board shall exercise the same powers as are exercisable by the Mayor in relation to the Karachi Metropolitan Corporation.

(2) The Chairman shall exercise the financial powers mentioned in Appendix 'B'.

PART-IV

Powers and functions of the Board.

Powers and functions of the Board.

124. The Board shall---

(i) sanction, in the manner and on payment of fees as may be prescribed by regulations---

(a) water connections;

(b) water supply by tankers; and

(c) sewerage connections;

(ii) collect or recover rates, charges or fees for water supply and sewerage service, including arrears thereof;

(iii) have the power to reduce, suspend or disconnect the water supply in the event of contravention of the provisions of this Ordinance or regulations;

(iv) have the power to impose surcharge, not exceeding double the amount due, if rates, charges or fees for water supply or sewerage service or the arrears thereof are not paid within the time fixed by the Board;

(v) have full financial powers within the budget grant;

(vi) make regulations with the approval of the Karachi Metropolitan Corporation;

(vii) undertake construction, improvement, maintenance and operation of –

(a) Water works including wells and recharge facilities for collecting, purifying, pumping, storing and distributing water to all types of consumers;
(b) Sewerage works for collecting, pumping, treating and disposing of sewerage and industrial waste;

(viii) assess the position of water supply from time to time and regulate water supply;

(ix) review the existing schemes or prepare new schemes relating to water works and sewerage work and undertake execution thereof with the approval of the Karachi Metropolitan Corporation;

(x) regulate, control or inspect water connections, sewer lines and service lines including internal fittings;

(xi) maintain accounts and records of the Board;

(xii) prepare and submit to the Karachi Metropolitan Corporation schedule of water and sewerage tariff, rates, charges or fees to be levied by it;

(xiii) prepare or revise schedule of posts for the Board and submit it to the Karachi Metropolitan Corporation, for approval;

(xiv) produce and supply potable water;

(xv) Place, maintain aqueducts, Conduits sewers, etc.

PART-V
Powers of the Karachi Metropolitan Corporation.

Budget.

125. (1) The budget of the Board, annual or revised shall be sanctioned by the Karachi Metropolitan Corporation.

(2) The annual budget shall be submitted to the Karachi Metropolitan Corporation, as least sixty days before the commencement of the financial year.

(3) The Karachi Metropolitan Corporation shall, within thirty days of the receipt of the budget, approve it with or without modifications and convey the approval to the Board; and if no approval is conveyed as aforesaid, the budget so submitted shall be deemed to have been approved by the Karachi Metropolitan Corporation, without any modification.

Approval of water and sewerage tariff, rates etc.

126. The Karachi Metropolitan Corporation shall, sanction with or without modification schedule of water and sewerage tariff, rates, charges or fees to be levied for the supply of water and maintenance of sewerage service, within ninety days of its submission.

Approval of Schemes.

127. The Karachi Metropolitan Corporation may approve any scheme submitted to it in respect of water supply and sewerage with or without modification or reject it.

Loans

128. The Karachi Metropolitan Corporation may raise long or short term loans including foreign exchange loans for the Board as may be prescribed.

Aid or grant

129. The Karachi Metropolitan Corporation may obtain any aid or grant for the Board; provided that the aid shall be obtained in the manner and subject to such terms and conditions as may be

prescribed.

130. The Karachi Metropolitan Corporation may approve with or without modification schedule of advisers, Officers and other staff for the Board.

Schedule of advisers Officers etc.

PART-VI
Supply of water and Execution of Schemes.

131. (1) The Board shall be responsible for bulk production of potable water and its distribution in accordance with the provisions of this Chapter.

Supply of water.

(2) The Board shall ensure that the water supplied by it is duly filtered, treated and tested and is fit for human consumption.

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

(4) The Board may, subject to availability, supply water to any person or authority in the area or areas notified under sub-section (2) of section 121.

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

Supply of water to Constituent Bodies.

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

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

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

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

Execution of existing scheme.

133. Until otherwise notified by Government, the Karachi Development Authority shall continue to execute the Hab Dam Water supply Stage I and Phase IV of the Greater Karachi Builk Water Supply Stage I and Sewerage Disposal Projects.

Mains, aqueducts, etc.

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

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

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

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

(3) The Board or any person authorized by it shall, while exercising the right under this section, cause as little damage and inconvenience as possible; and if any damage or inconvenience is actually caused a reasonable compensation as may be determine by the Board or by a

person appointed by it in this behalf shall be paid for such damages or inconvenience.

PART-VII
Finances.

Finances.

135. The finances required by the Board shall be provided by the Karachi Metropolitan Corporation.

Fund.

136. (1) There shall be established, by Karachi Metropolitan Corporation, a separate fund for the Board known as the Karachi Water and sewerage Fund.

(2)The fund shall include

(a)collection of water and sewerage charges, rates or fees payable to the Board;

(b) grants made and aids given to the Board;

(c) loans raised or obtained for the Board;

(d) All other sums that may be received by the Board.

(3) The fund shall be operated by the Board.

(4) The sums credited to the Fund shall be deposited in such banks as may be approved by the Karachi Metropolitan Corporation.

(5) The fund may be invested by the Board in any security of the Federal Government or the Provincial Government or in any other security approved by the Karachi Metropolitan Corporation.

Accounts and audit

137. (1) Accounts and record of the Board shall be maintained in the manner as may be prescribed by regulations.

(2) Accounts of the Board shall be audited annually within six months of the expiry of financial year by such organizations or chartered Accountants as may be approved by Government.

(3) The internal audit of income and expenditure of the Board

shall be done by the Auditors of the Board.

(4) A statement of the audited accounts, together with audit report, shall be submitted to the Karachi Metropolitan Corporation and Government by the managing director; and if any orders are made in respect thereto, the Board shall comply with such orders.

PART-VIII
Employees of the Board.

Appointments.

138. Appointments to the posts in the approved schedule may be made in the manner and on the terms and conditions as may be prescribed.

Transfer of certain employees.

139. (1) Employees of the Karachi Development Authority and Karachi Metropolitan Corporation serving in connection with the water supply and sewerage service and the Karachi Water Management Board, may be transferred to serve under the Board as Government may direct and on such terms and conditions as may be determined by Government:

Provided that such terms and conditions shall not be less favourable than those admissible to such employees immediately before such transfer:

Provided further that the employees so transferred shall, until the terms and conditions of service are determined under this Ordinance, continue to be governed by the same terms and conditions as were admissible to them immediately before such transfer.

(2) The service rendered by such employees in the Karachi Development Authority, the Karachi Metropolitan Corporation or the Karachi Water Management Board, as the case may be, shall be deemed to be the service rendered in the Board.

(3) Pension, gratuity and other service benefits admissible to the employees of the Karachi Development Authority, the Karachi Metropolitan Corporation and the Karachi Management Board, who retired or died while serving in relation to water supply or sewerage service before the commencement of this Ordinance, shall be the responsibility of the Board.

PART-IX
Miscellaneous.

Meetings of the Board.

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

(2) Meetings of the Board shall be held in such manner and at such time and place as may be prescribed by regulations.

(3) One-half of the total number of members of the Board shall form quorum for a meeting of the Board.

(4) Each member of the Board shall have one vote; and in the case of tie, the Chairman shall exercise a casting vote.

(5) Until the regulations are framed, the meetings shall, subject to the foregoing provisions, be held as directed by the Chairman.

Defect in the constitution of the Board

141. No acts or proceedings of the Board shall be invalid merely by reason of any vacancy in or any defect in the constitution of the Board.

Delegation of Powers

142. The Board may, by general or special orders and subject to such conditions as the Board may impose, delegate to the Chairman, Managing Director or its Officer or employees any of its powers or functions.

Appeal

143. (1) An Appeal shall lie to---

(a) Government from a decision of the Board or Chairman;

(b) the Chairman from a decision of the Managing Director or any other officer subordinate to the Chairman.

(2) The appeal shall be heard and disposed in such manner as may be prescribed; and until such manner is prescribed, the procedure applicable to appeals under section 108 shall apply to the appeals under sub-section (1).

Penalty

144. Where any person---

(a) Wilfully obstructs the setting out of any line or any works, or pulls up or removes any pillar, post or stake fixed in the ground for the purpose of seeting out the line of such works or defaces or destroys any works made for that purpose; or

(b) willfully or negligently breaks, injures or opens any lock, dock, valve, pipe or other water or sewerage works belonging to the Karachi Metropolitan Corporation; or

(c) willfully obstructs the flow of, or flushes, draws off, diverts or takes water from water works belonging to the Karachi Metropolitan Corporation or any source of water which feeds such water works; or

(d) unlawfully breaks or damages any electrical transmission lines for water and sewerage works maintained by the Karachi Metropolitan Corporation; or

(e) obstructs any officer or servant of the Board in the discharge of his duties under this Chapter or refuses or willfully neglects to furnish him, upon his request, necessary access for making any entry, inspection, examination or inquiry in relation to any water or sewerage works; or

(f) bathes in, at or upon any water works or washes, throws or causes to enter therein any animals or throws any rubbish or other offensive matter into any water works or washes or cleans therein any cloth, wool, leather or skin or any animal or causes the water of any sink, sewer or drain or any steam engine or boiler or any other dirty water to return or be brought into any water works or does any other act whereby the water in any water works is fouled or likely to be fouled, he shall be punished with imprisonment of either description for a term which may extend to six months or with fine which may extend to ten thousand rupees or with both.

Power to frame regulations.

145. (1) Subject to the provisions of this Chapter, the Board may, with the approval of the Karachi Metropolitan Corporation, make regulations for carrying out the purposes of this Chapter.

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

(i) the meetings of the Board and conduct of business in such meetings;

(ii) procedure for applying for water and sewerage connections including payment of fee for making applications in this behalf;

(iii) regulation, control or inspection of private sewers, water connections, service lines including internal fittings;

(iv) procedure for collecting rates, fees or charges for water supply and sewerage service and imposing surcharge in

case of any default made in payment thereof; and

(v) any other matter required to be prescribed by regulations under this Chapter.

Removal of difficulty.

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

Repeal.

147. (1) Chapter VII of the Karachi Development Authority Order 1957; and the Karachi Water Management Board Ordinance, 1981, are hereby repealed.

(2) Notwithstanding the aforesaid repeal---

(i) all property, movable and immovable, including all water works and installations held by the Karachi Development Authority in relation to bulk water supply, inventory whereof shall be prepared by the Chartered Accountants appointed by Government, with the help of a representative each of the Karachi Metropolitan Corporation and Karachi Development Authority, shall vest in the Karachi Metropolitan Corporation;

(ii) all sums due to the Karachi Development Authority in relation to bulk water supply shall be payable to and recoverable by the Board; provided that the sums recovered by the Board for the period prior to 1st April, 1980 shall be paid to the Karachi Development Authority;

(iii) the Karachi Metropolitan Corporation shall pay to the Karachi Development Authority the charges for bulk water supply to it till the transfer of bulk water supply to the Karachi Metropolitan Corporation as shall be determined by the Chartered Accountants less the amount already paid; provided that the charges for the period from 1st April, 1980 , shall be determined at revised rates at relevant times;

(iv) the amount payable under clause (iii) shall be paid in three equated annual installments, the first installment being payable by 30th April, 1983, the second installment by 30th April, 1984, and the third installment by 30th April,1985; and in case the Karachi Metropolitan Corporation fails to pay any installment as aforesaid, it shall be paid by Government from the

moneys payable by Government to the Karachi Metropolitan Corporation;

(v) the liabilities of debentures and loans in respect of capital water works, shall rest against the capital water works transferred by the Karachi Development Authority to the Karachi Metropolitan Corporation and their discharge shall mutually be determined by Government and the Karachi Metropolitan Corporation in accordance with the Memorandum of understanding executed between Government and the Karachi Metropolitan Corporation on 19th December, 1982;

(vi) all property including all water works and installations held by the Karachi Water Management Board shall vest in the Karachi Metropolitan corporation;

(vii) all debts and liabilities incurred by the Karachi Water Management Board shall be the liability of the Karachi Metropolitan Corporation;

(viii) all contracts entered into or rights acquired and all matters and things engaged to be done by, with or for the Karachi development Authority in relation to bulk water supply, and the Karachi Water Management Board shall be deemed to have been entered into, acquired or engaged to be done by, with or for the Karachi Metropolitan corporation;

(ix) everything done, orders issued, powers delegated, approval accorded, persons appointed, water charges and surcharge levied, actions taken by the Karachi Development Authority in relation to bulk water supply, and the Karachi Water Management Board, powers and jurisdiction conferred, rules and regulations made, and in general all other acts done, deeds executed under any of the provisions of the repealed enactments or under the directions or decisions of Government or resolutions of the Karachi Water Management Board shall, if not inconsistent with the provisions of this Ordinance, continue to be in force and be deemed to have been done, issued, delegated, accorded, appointed, levied, taken, conferred, made under this Ordinance;

(x) all suits and other legal proceedings instituted by or against the Karachi development Authority in relation

to bulk water supply, and the Karachi Water Management Board, before the coming into force of this Chapter may be continued by or against the Karachi Metropolitan Corporation;

(xi) references to the Karachi development Authority in relation to bulk water supply, and the Karachi Water Management Board in any instrument executed before the coming into force of this Chapter shall, unless a different intention appears, be construed as references to the Karachi Metropolitan Corporation.

148. The provisions of the Chapter shall have effect notwithstanding anything to the contrary contained in this Ordinance **Over-riding effect.**

SIND ORDINANCE NO. II OF 1983

THE SIND LOCAL GOVERNMENT (AMENDMENT) ORDINANCE, 1983

APPENDIX "A"
(See Section 122)
Financial Powers of the Managing Director of the Board

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

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THE SIND LOCAL GOVERNMENT (AMENDMENT) ORDINANCE, 1983

APPENDIX "B"
(See Section 123)
Financial Powers of the Chairman of the Board

S.No.	Nature of Power	Extent of Power
(1)	(2)	(3)
1.	Sanction and acceptance of Tenders for works by contract.	Upto Rs.50.00 Lacs
2.	Sanction amount in excess of the sanctioned estimates.	Up to 10%
3.	Purchasing powers	up to Rs. 5.0 lacs
4.	Contingency.	Full powers
5.	Emergency works	As provided in clause (d) of sub-section (1) of section 48.