

THE '[KHYBER PAKHTUNKHWA] RURAL AREA DRINKING WATER SUPPLY
SCHEME ACT, 1985.

*[KHYBER PAKHTUNKHWA] ACT NO. VI OF 1985.

[10th September, 1985]

AN
ACT
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' Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

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Pakhtunkhwa] in the Gazette of "[Khyber Pakhtunkhwa] (Extraordinary), dated the 10th
September, 1985].

AN
ACT

to make provisions for facilitating the execution of schemes for supply of drinking water in
rural areas.

WHEREAS it is expedient to make provisions for facilitating Preamble.
the execution of schemes for supply of drinking water in rural area;

It is hereby enacted as follows:—

1. (1) This Act may be called the *[Khyber Pakhtunkhwa] Rural Short title,
Drinking Water Supply Scheme Act, 1985. extent and

commencement.

(2) It shall extend to the whole of the Province of the °[Khyber
Pakhtunkhwa].

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,— Definitions.

(a) "Department" means the Public Health
Engineering Department of Government;

(b) "Executive Engineer" means the Executive
Engineer concerned of the Department;

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° Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

(c) "Government" means the Government of the 'Khyber Pakhtunkhwa];

(d) "rural areas" shall have the same meaning as assigned to it in the [Khyber Pakhtunkhwa] Local Government Ordinance, 1979 [Khyber Pakhtunkhwa] Ord. IV of 1979);

(e) "Scheme" means a scheme made under this Act for the supply of water for drinking purposes to individuals in the rural areas; and

(f) "Superintending Engineer" means the Superintending Engineer concerned of the

Department.

3. Subject to availability of funds, there shall be executed and

administered schemes for the supply of water for drinking purposes in rural areas.

4. (1) For the purposes of section 3 Government shall perform all functions and exercise all powers as may be necessary to implement and administer the schemes, including the power to imposed and collect rates, fees and charges for water supply, in such manner as may be prescribed.

(2) The Department shall maintain proper account of the receipts under sub-section (1) and credit the same to the Provincial revenue under the proper head of account.

(3) Any rate, fee or charge imposed for water supply under this Act but not paid by the due date specified in that behalf shall be recoverable from the person or persons against whom it is outstanding as arrears of land revenue.

5. (1) No person shall damage or cause to be damaged any scheme made under this Act or unauthorisedly connect, disconnect or cut the pipe-lines meant for supply of water or commit any other act disturbing or damaging the water supply arranged under this Act.

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(2) No person shall use or apply water made available to him under this Act for irrigation purpose.

(3) No person shall install or cause to be installed any kind of pump or mechanical device on the water supply line of drawing water.

6. (1) Any person desirous of having a water connection in a rural Application area where a scheme under this Act has been executed shall, in the fr water prescribed manner and on payment of the prescribed fee, apply to the Sect Executive Engineer for the purpose.

(2) All connections of water supply given under sub-section (1) shall be subject to payment of water charges at such rate as Government may from time to time fix or determine under section 4.

7. (1) The Executive Engineer shall disconnect or cause to be Disconnection of disconnected water supply of persons who fail to pay water charges in Water supply. the prescribed manner.

(2) Water supply disconnected under sub-section (1) shall not be restored unless the defaulter makes payment of the arrears outstanding against him and also pays the fee, if any, prescribed for reconnection.

8. Any person aggrieved by an order passed under this Act may, Appeal. within thirty days of the passing of the order, prefer an appeal to the Superintending Engineer and the decision of the Superintending Engineer on such appeal shall be final.

9. (1) Contravention of any of the provisions of this Act or the Offence. rules made thereunder shall be punishable with simple imprisonment

which may extend to three months or with fine which may extend to

five hundred rupees or with both.

(2) Offences under this Act shall be bailable.

10. No court shall take cognizance of an offence under this Act Cognizance of except upon a complaint made in writing by the Executive Engineer or °ffence. any other person authorised by him in this behalf.

11. No suit, prosecution or other legal proceeding shall be taken Indemnity. against any person or Government for anything which is in good faith

done or intended to be done under or in pursuance of this Act or any

tule or order made thereunder.

12. Government may make rules for carrying into effect the Power to provisions of this Act. make rules.

13. The '[Khyber Pakhtunkhwa] Rural Areas Drinking Water Repeal. Supply Scheme Ordinance, 1985 (*[Khyber Pakhtunkhwa] Ord. XI of 1985), is hereby repealed.

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