

PUNJAB AAB-E-PAK AUTHORITY ACT 2019
(XII of 2019)

CONTENTS

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Short title, extent and commencement.
Definitions.

Establishment of the Authority.

Functions and powers of the Authority.
Governing Body.

Business of the authority.

Meetings of the Governing Body.

Chairman.

Removal of Chairman or member of the Governing Body.
Chief Operating Officer.

Secretary.

Appointment of Advisors and Consultants.
Committees.

Transfer of water supply function to the Authority.
Appointment of Officers of the Authority.
Immunity of the Chairman and Employees of the Authority.
Fund.

Budget, Audit and Accounts.

Report to be furnished to the Government.

Rules.

Regulations.

Removal of difficulties.

TEXT

‘PUNJAB AAB-E-PAK AUTHORITY ACT 2019

(XII of 2019)

[25" April, 2019]

An

Act

to provide for the establishment of the Punjab Aab-e-Pak Authority.

‘It is necessary to establish the Punjab Aab-e-Pak Authority responsible for provision of clean drinking water to the people of the Punjab, in consultation with the relevant entities including the local governments; and for the matters connected therewith and ancillary thereto.]

Be it enacted by Provincial Assembly of the Punjab as follows:

1. Short title, extent and commencement.— (1) This Act may be cited as the Punjab Aab-e-Pak Authority Act 2019.

(2) It shall extend to whole of the Punjab.

(3) It shall come into force at once.

2. Definitions.— In the Act:

(a) “Act” means the Punjab Aab-e-Pak Authority Act 2019;

(b) “advisor” means an advisor appointed to assist the Authority;

(c) “Authority” means the Punjab Aab-e-Pak Authority established under section 3 of the Act;

(d) “Chairman” means the Chairman of the Governing Body;

‘[(dd) “Code” means the Code of Criminal Procedure, 1898 (V of 1898):]

(e) “employee” means an employee of the Authority;

‘[(ee) “facilities” means the premises, installations, equipment, storage, packaging, static or mobile, piped or otherwise supply networks, materials registered or licensed under the Act for purposes of provision of clean drinking water;]

(f) “Fund” means the fund established under section °[17] of the Act;

‘This Act was passed by the Provincial Assembly of the Punjab on 14 March 2019; assented to by the Governor of the Punjab on 23 April 2019; and, was published in the Punjab Gazette (Extraordinary), dated: 25 April 2019, pp.3027-3032.

Substituted by the Punjab Aab-e-Pak Authority (Amendment) Act 2019 (XXVII of 2019), published in the Punjab Gazette (Extraordinary), dated: 13" December 2019, pp. 2555-2560, s.2

SInserted by the Punjab Aab-e-Pak Authority (Amendment) Act 2019 (XXVII of 2019), published in the Punjab Gazette (Extraordinary), dated: 13" December 2019, pp. 2555-2560, s.3

‘Inserted by the Punjab Aab-e-Pak Authority (Amendment) Act 2019 (XXVII of 2019), published in the Punjab Gazette (Extraordinary), dated: 13" December 2019, pp. 2555-2560, s.3

5Substituted for the figure “19” by the Punjab Aab-e-Pak Authority (Amendment) Act 2019 (XXVII of 2019), published in the

(g) "Governing Body" means the Governing Body constituted under section 5 of the Act;

(h) "Government" means Government of the Punjab;

(i) "local government" means a local government established under the law for the time being in force;

(j) "member" means the member of the Governing Body and ___ includes the Chairman;

(k) "Patron in Chief" means Governor of the Punjab;

(l) "prescribed" means prescribed by the rules or the regulations made under the Act;

(m) "regulations" means the regulations framed under the Act; and

(n) "rules" means the rules made under the Act.

3. Establishment of the Authority.— (1) The Government shall, by notification in the official Gazette, establish an Authority to be known as the Punjab Aab-e-Pak Authority.

(2) | The Authority shall be a body corporate, having perpetual succession and a common seal with power to acquire, hold and dispose of property subject to the approval by the Government, and shall by the said name sue and be sued.

4. Functions and powers of the Authority. (1) The Authority shall [in the prescribed manner,] perform the following functions with regard to one or more areas entrusted to it by the Government or the relevant local government with the agreement of the Authority:

(i) to provide sustainable supply of clean drinking water to each and every individual;

(ii) | to undertake or engage in such activities as are necessary for sustainable efficient and affordable clean drinking water;

(iii) | to conduct surveys, studies and research;

(iv) | to devise strategy, plan and actionable parameters for survey of water contamination and for provision of clean drinking water by installation of water filtration and purification plants;

(v) | to reduce, suspend or disconnect the water supply in the event of contravention of the provisions of the Act or the rules or regulations made thereunder;

(vi) [to design, fabricate, construct, install, build, commission, test, operate and maintain or cause to design, fabricate, construct, install, build, commission, test, operate and maintain schemes and water filtration plants for drinking water;]

"Substituted by the Punjab Aab-e-Pak Authority (Amendment) Act 2019 (XXVII of 2019), published in the Punjab Gazette (Extraordinary), dated: 13" December 2019, pp. 2555-2560, s.4

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(xvi)

'[to develop or cause to develop an infrastructure as needed to provide drinking water, including setting up of bottling plants, and testing laboratories;]

to safeguard human health including reduction in the mortality rate associated with lack of access of safe drinking water, inadequate sanitation and poor hygiene by improving the quality and access to clean drinking water which shall lead to reduction of water borne diseases;

to educate and involve the community in the development of filtration plants and water supply schemes to devise suitable arrangements for improving access to clean drinking water;

to carry out improvements, management, administration, supervision, execution and control of works and projects for providing clean drinking water;

'[to devise and develop a model of designing, supervision, monitoring and evaluation of the execution of clean drinking water projects and their quality assurance system;]

to increase participation in international collaborative projects wherever necessary or desirable '[; and]

to register or cause to register facilities for provision of clean drinking water;

to issue licenses to facilities engaged for provision of clean drinking water;

to maintain or cause to maintain a record including an electronic database of all registrations, licenses, inspections, and matters related or ancillary thereto; and

to prescribe standards for clean drinking water.]

"1(2) The Authority may also perform the following functions in such manner as may be prescribed:

(i) to liaise with companies, bodies, associations, societies, corporations, authorities, agencies, trust, charities, organizations, institutions whether in Pakistan or elsewhere, engaged in providing clean drinking water;

(ii) to aid, benevolent, charitable, national or other institutions or the objects which are engaged in providing clean

®Substituted by the Punjab Aab-e-Pak Authority (Amendment) Act 2019 (XXVII of 2019), published in the Punjab Gazette (Extraordinary), dated: 13" December 2019, pp. 2555-2560, s.4

°Substituted by the Punjab Aab-e-Pak Authority (Amendment) Act 2019 (XXVII of 2019), published in the Punjab Gazette (Extraordinary), dated: 13" December 2019, pp. 2555-2560, s.4

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by Punjab Aab-e-Pak Authority (Amendment) Act 2019 (XXVII of 2019), published in the Punjab

Gazette (Extraordinary), dated: 13" December 2019, pp. 2555-2560, s.4

"Inserted by the Punjab Aab-e-Pak Authority (Amendment) Act 2019 (XXVII of 2019), published in the Punjab Gazette (Extraordinary), dated: 13" December 2019, pp. 2555-2560, s.4

"Substituted by the Punjab Aab-e-Pak Authority (Amendment) Act 2019 (XXVII of 2019), published in the Punjab Gazette (Extraordinary), dated: 13" December 2019, pp. 2555-2560, s.4

drinking water and which in the opinion of the Authority warrant support;

(iii) | to prepare, print, publish, broadcast and issue or cause to prepare, print, publish, broadcast and issue papers, surveys, journals, magazines, periodical reports, articles, bulletins, short message service, newsletters or conferences, audio-visual programmes, materials, graphics, statistics, advisories for circulation and communication, through any appropriate means, including electronic means, for the information, guidance, awareness, and education of the general public;

(iv) to provide a platform for research and development regarding provision of clean drinking water; and

(v) to prepare or cause to prepare databank, spatial data infrastructure, and disruptive technologies' model for the transparency and optimization of services' delivery in the discharge of its functions under the Act;

(vii) to execute specific drinking water supply projects of the Government or the concerned local governments with the agreement of the Authority;

(viii) to utilize existing surveys and databases of public health, including ONE-HEALTH of departments and agencies of the Government for matters related thereof or ancillary thereto, for the purpose of the Act; and

(ix) capacity building of the relevant institutions and the human resource to carry out its functions under the Act.]

5. Governing Body.— (1) The management and administration of the affairs of the Authority shall vest in the Governing Body.

(2) | The Governing Body shall consist of "[eleven] members including the Chairman, and the members shall be appointed in the manner as may be prescribed and until so prescribed as may be determined by the Government.

"1(3) The Patron in Chief may provide strategic guidance to the Authority, and he may, from time to time, review the performance of the Authority to achieve the purposes of the Act.]

"1(4) The Chief Executive Officer of the Authority shall act as Secretary of the Governing Body and the Governing Body shall have the following five ex officio members:

(a) Principal Secretary to Governor of the Punjab;

"Substituted for the word "nine" by the Punjab Aab-e-Pak Authority (Amendment) Act 2019 (XXVII of 2019), published in the Punjab Gazette (Extraordinary), dated: 13th December 2019, pp. 2555-2560, s.5

"Substituted by the Punjab Aab-e-Pak Authority (Amendment) Act 2019 (XXVII of 2019), published in the Punjab Gazette (Extraordinary), dated: 13th December 2019, pp. 2555-2560, s.5

"Substituted by the Punjab Aab-e-Pak Authority (Amendment) Act 2019 (XXVII of 2019), published in the Punjab Gazette (Extraordinary), dated: 13" December 2019, pp. 2555-2560, s.5

(b) Secretary to the Government, Planning and Development Department;

(c) Secretary to the Government, Finance Department;

(d) Secretary to the Government, Housing, Urban Development and Public Health Engineering Department; and

(e) Secretary to the Government, Local Government and Community Development Department.]

(5) © A member of the Governing Body shall hold office for a period of three years and _ shall be eligible for re-appointment for another term.

(6) A member, other than an ex-officio member, may by writing under his hand, resign from his office.

(7) | The Government may, if it considers expedient to do so, remove any non-official member of the Authority without assigning any reason.

(8) |The member, other than an ex-officio member, shall cease to hold office if he absents himself from three consecutive meetings of the Governing Body or from all the meetings of the Governing Body for a continuous period of three months, whichever is longer.

6. Business of the authority— (1) The meetings or the business of the Authority shall be conducted in such manner and procedure as may be prescribed.

(2) No act or proceedings of the Authority shall be invalid by reason of any vacancy or defect in the constitution of the Governing Body.

7. Meetings of the Governing Body.— (1) The Chairman, or in his absence a member elected by the members present, shall preside at the meetings of the Authority.

(2) |The quorum for any meeting of the Governing Body shall be five members.

8. Chairman.— “[(1) The Chairman shall be elected from amongst the non-official members of the Governing Body for a non-extendable term of one year.

(2) | The Chairman shall perform such functions as may be entrusted to him by the Governing Body from time to time.]

(3) a * * * * *

(4) ha * * * * *

(5) = The Chairman shall draw such salary or remuneration as the Government may determine.

"@Substituted by the Punjab Aab-e-Pak Authority (Amendment) Act 2019 (XXVII of 2019), published in the Punjab Gazette (Extraordinary), dated: 13" December 2019, pp. 2555-2560, s.6

"Omitted by the Punjab Aab-e-Pak Authority (Amendment) Act 2019 (XXVII of 2019), published in the Punjab Gazette (Extraordinary), dated: 13" December 2019, pp. 2555-2560, s.6

Omitted by the Punjab Aab-e-Pak Authority (Amendment) Act 2019 (XXVII of 2019), published in the Punjab Gazette (Extraordinary), dated: 13" December 2019, pp. 2555-2560, s.6

9. Removal of Chairman or member of the Governing Body.—

Notwithstanding anything contained in section 5, the Government shall remove the Chairman or an appointed member from office if he:

(a) in the opinion of Government, fails to discharge his duties or becomes incapable of discharging his duties under the Act;

(b) has become insolvent;

(c) has been convicted of an offence involving moral turpitude;

(d) has knowingly acquired or continued to hold without the permission in writing of the Government or the Patron in Chief directly or indirectly or through a partner, any share or interest in any contract or employment with or on behalf of Authority, in any land or property which in his knowledge, is likely to be beneficial for him as a result of operation of the Authority.

10. “[Chief Executive Officer].- (1) There shall be a “[Chief Executive Officer] of the Authority, who shall be appointed by the Government on such terms and conditions as the Government may determine.

(2) | Subject to the direction and control of the Chairman, the “[Chief Executive Officer] shall have the general and active management of the business of the Authority and shall see that all orders and resolutions of the Governing Body are carried into effect.

(3) | The [Chief Executive Officer], may execute contracts, deeds and other instruments on behalf of the Authority as are necessary and appropriate, subject to approval of the Chairman.

(4) The “[Chief Executive Officer] shall also exercise such powers and perform such functions as may be prescribed by regulations or assigned by the Authority.

(5) The Government shall determine the remuneration for the “[Chief Executive Officer].

“(6) In addition to the powers and functions mentioned in subsection (2), (3) and (4), the Chief Executive Officer shall:

(a) prepare and submit to the Governing Body a strategic plan for operation, management and functioning of the Authority and

"Substituted for the words “Chief Operating Officer” by the Punjab Aab-e-Pak Authority (Amendment) Act 2019 (XXVII of 2019), published in the Punjab Gazette (Extraordinary), dated: 13th December 2019, pp. 2555-2560, s.7

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"Substituted for the words “Chief Operating Officer” by the Punjab Aab-e-Pak Authority (Amendment) Act 2019 (XXVII of 2019), published in the Punjab Gazette (Extraordinary), dated: 13th December 2019, pp. 2555-2560, s.7

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Substituted for the words “Chief Operating Officer” by the Punjab Aab-e-Pak Authority (Amendment) Act 2019 (XXVII of 2019), published in the Punjab Gazette (Extraordinary), dated: 13th December 2019, pp. 2555-2560, s.7

Added by the Punjab Aab-e-Pak Authority (Amendment) Act 2019 (XXVII of 2019), published in the Punjab Gazette (Extraordinary), dated: 13th December 2019, pp. 2555-2560, s.7

annual updates of the plan with respect to the major functions and operations of the Authority;

(b) prepare and submit to the Governing Body proposals with respect to such grants and allotments, contracts, other financial assistance, and designation of positions as are necessary or appropriate to carry out the objectives of the Authority;

(c) after receiving an approved proposal from the Governing Body, make such grants and allotments, enter into such contracts, award such other financial assistance, make such payments in lump sum or installments, and in advance or by way of reimbursement, and in the case of financial assistance otherwise authorized under the Act with necessary adjustments on account of overpayments and underpayments, and designate such positions as are necessary or appropriate to carry out the effective functioning of the Authority;

(d) prepare and submit to the Governing Body a proposal regarding, the regulations and such other standards, policies, procedures, programs, and initiatives as are necessary or appropriate for management and operations of the Authority, and after receiving and reviewing of an approved proposal shall establish and administer such standards, policies, procedures and programs as may be approved;

(e) prepare and submit to the Governing body an annual report on actions taken to achieve the goal of the authority under the Act, including an assessment of the progress made toward achieving those goals and the actions to be taken in the coming year toward achieving those goal; and

(f) prepare and submit to the Governing Body an annual report, and such _ interim reports as may be necessary, describing the major actions with respect to the Officers of the Authority, and with respect to implemented standards, policies, procedures, programs, and initiatives.]

“111. Registration and licensing of facilities.- (1) The Authority may, on such fee, register or license such number of facilities in such manner as may be prescribed to ensure provision of clean drinking water.

(2) A facility registered or licensed under subsection (1) shall comply with such standards of clean drinking water as may be prescribed.]

12. Appointment of Advisors and Consultants.— The Authority may employ suitably qualified advisors and consultants to transact any business or to do any act required to be transacted or done in exercise of powers or performance of its functions under the Act.

Substituted by the Punjab Aab-e-Pak Authority (Amendment) Act 2019 (XXVII of 2019), published in the Punjab Gazette (Extraordinary), dated: 13" December 2019, pp. 2555-2560, s.8

13. Committees.— (1) Subject to the Act and the rules, the Authority may appoint such committees as may be necessary for the efficient discharge of its duties and performance of its functions under the Act.

(2) The Authority shall have the powers to co-opt as members of any committee appointed under subsection (1), such number of persons who are not members of the Governing Body as it may think fit and the person so co-opted shall have the right to attend the meetings of the committee, and take part in the proceedings of the committee.

14. Transfer of water supply function to the Authority.— (1) Where an area has been entrusted to the Authority for purposes of water supply, the respective local government shall not undertake drinking water supply functions for such period as the Government may notify:

Provided that such period shall not exceed two years without permission of the relevant local government.

(2) Notwithstanding anything contained in subsection (1), the Authority shall be responsible to the respective local government or where no _ local government is present to the Government for the due discharge of its water supply functions.

(3) | The Authority shall perform its functions in liaison with Housing, Urban Development and Public Health Engineering Department of the Government whenever and wherever required.

15. Appointment of Officers of the Authority.— (1) The officers of the Authority shall be appointed in the prescribed manner.

(2) Direct appointments in the Authority shall be made through open competition.

16. Immunity of the Chairman and Employees of the Authority.— (1) No suit or prosecution shall lie:

(a) against the Authority for any act which in good faith is done or purported to be done by the Authority under this Act; or

(b) against the Chairman, member of the Governing Body, officer, servant, Employee or agent for any act which in good faith is done or purported to be done by him under the Act or on the direction of the Governing Body.

(2) Any expense incurred by such person as is referred to in subsection (1) in any suit or prosecution brought against him before any court in respect of any act which is done by him under the Act or on the direction of the Governing Body shall, if the court holds that the act was done in good faith, be paid out of the funds of the Authority.

17. Fund.— “[1) There shall be established a Fund to be known as the Punjab Aab-e-Pak Authority Fund which shall be administered and controlled by the Authority.

(2) | The Fund shall consist of:

(a) budgetary releases from the Government;

(b) grants made by the Federal Government, the Government or any other authority or agency, including international agencies and donors;

(c) all such sums of money as may be determined from time to time by the Government;

(d) all such sums of money as may be received by the Authority in the exercise, discharge and performance of its powers, functions and duties, including levies, cess, taxes, penalties etc.;

(e) money received through sale of clean drinking water;

(f) donations, if received from Pakistanis, including expatriate Pakistanis;

(g) | fee and charges collected and profits earned by the Authority;

(h) and income from any other source.]

(3) | The Fund shall be kept in such custody, utilized and regulated in such manner as may be prescribed by the Government.

“1(4) There shall be paid out of the fund of the Authority all such sums of money required to defray the expenditures incurred by the Authority in the exercise, discharge and performance of its powers and functions.]

18. Budget, Audit and Accounts.— (1) The Authority shall prepare, in such form and at such time in each financial year, as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Authority.

(2) | The Authority shall cause its accounts to be kept in such form and manner as may be determined by the Government.

(3) | The books of accounts of the Authority shall be kept at the head office of the Authority.

(4) In addition to the requirement of the Government, the Authority shall also have its annual Audit done by an independent Chartered Accountant to be appointed by the Authority.

“118A. Appointment of Inspectors.— (1) The Authority may appoint or designate as many persons as Inspectors as may be necessary to carry out the purposes of the Act in such manner as may be prescribed.

(Extraordinary), dated: 13" December 2019, pp. 2555-2560, s.9

?Substituted by the Punjab Aab-e-Pak Authority (Amendment) Ordinance 2019 (VIII of 2019), published in the Punjab Gazette
(Extraordinary), dated: 17 August 2019, pp. 309-315, s.9

(2) An Inspector shall have such qualifications and experience as may be prescribed but a person who has any financial interest in any matter regulated under the Act shall not be appointed or designated as an Inspector.

(3) | The Authority may, with the approval of the Government, place the control and administration of an Inspectors with a local government to such extent as it may deem appropriate.

18B. Penalties. (1) A person in charge of a registered or licensed facility, who contravenes any provision of the Act, the rules, the regulations or any order made under the Act, shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to rupees two hundred thousand or with both.

(2) If a facility which contravenes any of the provisions of the Act is a company, every director, manager, secretary or other officer or agent of such company shall be deemed to be guilty of such contravention.

18C. Tribunal. (1) The Government may, by notification in the official Gazette, constitute, for the whole or any part of the Province, a Tribunal consisting of not less than one technical and one judicial member in such manner and to perform such functions as may be prescribed.

(2) An offence punishable under the Act shall be exclusively triable by a Tribunal constituted under the Act

(3) | A person who is sentenced by the Tribunal, may, within thirty days of the sentence, prefer an appeal to the Lahore High Court.

18D. Procedure.— (1) An offence under the Act shall be cognizable and bailable.

(2) | The procedure for trial of offences under the Act shall generally be the same as is laid down in the Code for trials on the basis of a police report.

(3) Nothing in this section shall preclude the Tribunal from following the procedure laid down in the Code for summary trials.

18E. Bar of jurisdiction.— No order made in exercise of any power conferred by or under the Act shall be called in question in any Court except in the manner provided for under the Act.

18F. Burden of proof.— Where any person is prosecuted for contravening any order made under the Act or for contravening the Act, the burden of proof that he acted in accordance with the Act shall be on that person unless such a burden is inconvenient for the person to discharge.

18G. Act to have overriding effect— The provisions of the Act shall have effect notwithstanding anything contrary contained in any other law for the time being in force.]

Inserted by the Punjab Aab-e-Pak Authority (Amendment) Act 2019 (XXVII of 2019), published in the Punjab Gazette (Extraordinary), dated: 13" December 2019, pp. 2555-2560, s.10

“19. Annual report.— (1) The Authority shall submit an annual report of its activities to the Government at the end of each financial year.

(2) [The Government shall lay the annual report of the Authority in the Provincial Assembly of the Punjab within ninety days of its receipt from the authority.]

“[20. Power to make rules.— (1) The Government may, by notification in the official Gazette, make rules for carrying out the purpose of the Act.

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

(a) | the manner of keeping of accounts;

(b) qualification and procedure to be followed for appointment or recruitment of advisers, consultants, experts, technical staff, inspectors and analysts;

(c) terms and conditions of employment or service of employees;

(d) date on which and the form in which the annual budget statement of the Authority shall be submitted to the Government each year;

(e) procedure for appropriation and re-appropriation of moneys at the disposal of the Authority;

(f) form and manner in which the accounts of receipts and expenditure of the moneys shall be kept;

(g) such other matters relating to the administration of the Authority as the Government may think fit; and

(h) procedure to be followed in the conduct of business by committees constituted under the Act.]

“[21. Power to frame regulations.— Subject to the Act and the rules, the Authority may, by notification in the official Gazette, frame regulations as may be necessary to ensure prescribed standards and quality in the provision of clean drinking water and sustainability of its provision to the public.]

22. Removal of difficulties. If any difficulty arises in giving effect to any provision of the Act, the Chairman may, with the approval of the Government, make such order, not inconsistent with the provisions of the Act, as may appear to him to be necessary for the purpose of removing such difficulty.

Substituted by the Punjab Aab-e-Pak Authority (Amendment) Act 2019 (XXVII of 2019), published in the Punjab Gazette (Extraordinary), dated: 13" December 2019, pp. 2555-2560, s.11

Substituted by the Punjab Aab-e-Pak Authority (Amendment) Act 2019 (XXVII of 2019), published in the Punjab Gazette (Extraordinary), dated: 13" December 2019, pp. 2555-2560, s.12

“Substituted by the Punjab Aab-e-Pak Authority (Amendment) Act 2019 (XXVII of 2019), published in the Punjab Gazette (Extraordinary), dated: 13" December 2019, pp. 2555-2560, s.13