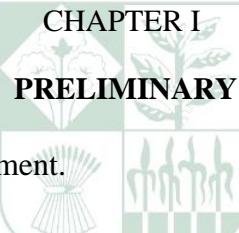




THE INDUS RIVER SYSTEM AUTHORITY ACT, 1992



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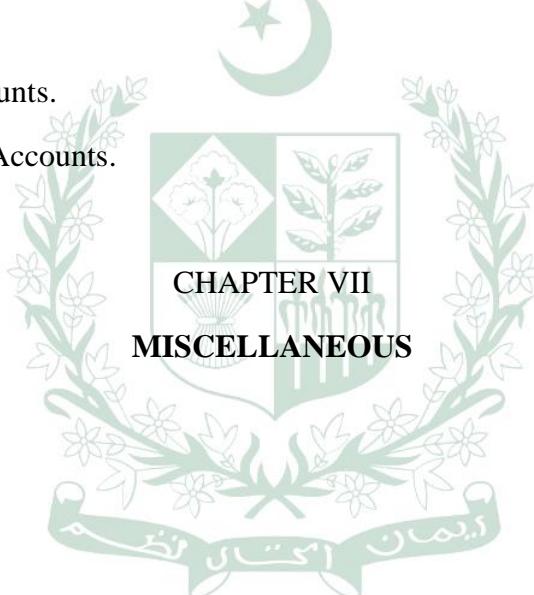
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THE PAKISTAN CODE

THE INDUS RIVER SYSTEM AUTHORITY ACT, 1992

ACT No. XXII OF 1992

[6th December, 1992]

An Act to provide for the establishment of the Indus River System Authority

WHEREAS it is expedient to establish the Indus River System Authority for regulating and monitoring the distribution of water sources of Indus River in accordance with the water accord amongst the Provinces and to provide for matters connected therewith and ancillary thereto;

It is hereby enacted as follows:—

CHAPTER I PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Indus River System Authority Act, 1992.

(2) It shall come into force at once.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

- (a) “Authority” means the Indus River System Authority established under section 3;
- (b) “Chairman” means the Chairman of the Authority;
- (c) “member” means a member of the Authority ;
- (d) “prescribed” means prescribed by rules made under this Act;
- (e) “rules” means rules made under this Act; and
- (f) “Water Accord” means the agreement entitled “Apportionment of the Waters of the Indus River System Between the Provinces” signed by the Provinces on the sixteenth day of March 1991, and approved by the Council of common Interest on the twenty-first day of March, 1991.

CHAPTER II

AUTHORITY AND ITS FUNCTIONS

3. Constitution of the Authority.—(1) As soon as may be after the commencement of this Act, the Federal Government shall, by a notification in the official Gazette, establish an authority to be known as the Indus River System Authority for carrying out the purposes of this Act.

(2) The Authority shall be a body corporate having perpetual succession and a common seal with power subject to provisions of this Act to acquire and hold property, both moveable and immovable, and shall sue and be sued by the name assigned to it under sub-section (1).

4. Appointment and term of office of Chairman and members.—(1) The Authority shall consist of five members, one each to be nominated by each Province and the Federal Government from amongst high-ranking engineers in irrigation or related engineering fields.

(2) The first Chairman shall be the member nominated by the Government of Balochistan to be followed by the nominees of the Government of North-West Frontier Province, Punjab, Sindh and the Federal Government and thereafter in that order.

(3) The term of office of the Chairman shall be one year and that of a member three years.

(4) Any member shall be eligible for re-appointment for one or more term or for such shorter term as the Provincial Government or, as the case may be, the Federal Government may decide.

(5) The Chairman and any member may, by writing under his hand, addressed to the Secretary to the Government of Pakistan, Water and Power Division, resign from his office:

Provided that the resignation shall not take effect until it is accepted by the Federal Government.

(6) In the absence of the Chairman, the member next due for appointment as Chairman shall act as the Chairman.

(7) In the absence of a member representing a Province, the Secretary, Irrigation Department of the Province shall represent that Province.

(8) In the absence of member nominated by the Federal Government the Chief Engineering Adviser or his nominee shall represent the Federal Government.

(9) The Chairman of the Water and Power Development Authority and Chief Engineering Adviser or their nominees shall be *ex-officio* members of the Authority, but they shall have no right to vote.

5. Remuneration and conditions of service.—The Chairman and every member shall receive such salary and allowances and be subject to such conditions of service as may be prescribed and shall perform such duties and functions as are assigned to them under this Act or by rules.

6. Removal of Chairman or Members.—The Federal Government may, by notification in the official Gazette, after providing an opportunity of being heard and in consultation with the Provincial Government concerned, remove the Chairman or any member, where—

- (a) he refuses or fails to discharge or, in the opinion of the Federal Government, becomes incapable of discharging his responsibilities;
- (b) he is declared insolvent by a competent court; or
- (c) he is declared to be disqualified for employment in, or has been dismissed from, the service of Pakistan or of Province, or has been convicted by a competent court of an offence involving moral turpitude.

7. Meetings of the Authority.—(1) The Authority shall meet at least once in every month at such time and in such manner as may be specified by regulations:

Provided that until regulations are made in this behalf, such meetings shall be convened by the Chairman as he deems necessary.

(2) The Chairman and two other members entitled to vote shall constitute a quorum for a meeting of the Authority.

8. Powers and Duties of the Authority.—(1) The duties of the Authority shall be to—

- (a) lay down the basis for the regulation and distribution of surface waters amongst the Provinces according to the allocations and policies spelt out in the Water Accord;
- (b) review and specify river and reservoir operation patterns and periodically review the system of such operation;
- (c) coordinate and regulate the activities of the Water and Power Development Authority in exchange of date between the Provinces in connection with the gauging and recording of surface water-flows;

Explanation.—Actual observation and compilation of the data shall be the responsibility of the respective Provinces, Water and Power Development Authority and other allied organisations, while the process shall be monitored by the Authority;

- (d) determine priorities with reference to sub-clause (c) of clause 14 of the Water Accord for river and reservoir operations for irrigation and hydro-power requirements;
- (e) compile and review canal withdrawal indents as received from the Provinces on 5-daily or, as the case may be, on 10-daily basis and issue consolidated operational directives to Water and Power Development Authority for making such releases from reservoirs as the Authority may consider appropriate or consistent with the Water Accord;

Explanation.—The directives issued under this clause shall be binding upon Water and Power Development Authority and the Provinces, and shall be followed in letter and spirit;

- (f) settle and question that may arise between two or more Provinces in respect of distribution of river and reservoir waters; and
- (g) consider and make recommendations on the availability of water against the allocated shares of the Provinces within three months of receipt of fully substantiated water accounts or all new water projects for the assistance of the Executive Committee of the National Economic Council.

(2) Any question in respect of implementation of Water Accord shall be settled by the Authority by the votes of the majority of members and in case of an equality of votes, the Chairman shall have a casting vote.

(3) A Provincial Government or the Water and Power Development Authority may, if aggrieved by any decision of the Authority, make a reference to the Council of Common Interests.

CHAPTER III

ADVISORY COMMITTEE

9. Advisory Committee.—The Authority shall have an Advisory Committee consisting of the following:—

- (a) Chairman of the Authority, who shall also be the Chairman of the Advisory Committee;
- (b) members of the Authority;
- (c) Chief Engineering Advisor to the Government of Pakistan;
- (d) Members, Water and Power Development Authority, in-charge of Water and Power Wings;
- (e) Secretaries, Agriculture Departments of the Provinces; and
- (f) Secretaries, Irrigation Departments of the Provinces.

10. Meetings of the Committee.—The Advisory Committee shall meet at such time and place to consider such matters as the Authority may from time to time, refer to it:

Provided that the Advisory Committee shall, at the start of each cropping seasons of Kharif and Rabi, hold its meetings without such reference.

CHAPTER IV

THE PAKISTAN CODE

11. Headquarter of the Authority.—The Authority shall have its headquarters at¹[Islamabad].

12. Employment of officers and staff.— The Authority may from time to time, employ such officers and other members of staff or appoint such experts and consultants as it may consider necessary for the performance of its functions, as it may be prescribed.

(2) The Authority shall prescribe the procedure for appointment, terms and conditions of service of its officers and members of staff, experts and consultants and shall be competent to take disciplinary action against its officers and members of staff.

13. Immunity of the Authority and its employees.—(1) The Chairman, members, officers and members of staff shall, be deemed to be public servants, within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

¹Subs. by Ord. XLI of 2000, s.2.

(2) No suit, prosecution or other legal proceedings shall lie against the Authority, the Chairman, members or officers and members of staff of the Authority in respect of anything done or intended to be done in good faith under this Act.

14. Delegation of powers to and by Chairman.—The Authority may, by general or special order, delegate to the Chairman, a member or officer of the Authority, all or any of its powers, duties or functions under this Act subject to such conditions as it may consider fit to impose.

CHAPTER V

REPORTS AND STATEMENTS

15. Submission of yearly reports and returns.—(1) The Authority shall, after the close of each cropping seasons of Kharif and Rabi, furnish a Water Account Report to the Federal Government with copies thereof to the Provincial Governments and Water and Power Development Authority indicating Summary of the quantities of inflows and supplies utilised by the Provinces in relation to their authorised shares.

(2) Observations on the seasonal water forecast reports prepared by Water and Power Development Authority and other issues faced during all seasons shall be incorporated in the Water Accounts Report.

(3) As soon as may be, after the end of every financial year but before the last day of September next following, the Authority shall submit to the Federal Government, a report with copies thereof to the Provincial Government on the conduct of its affairs for that year.

(4) The Federal Government may require the Authority to furnish it with—

- (a) Any return, statement, estimate, statistics or other information regarding any matter under the control of the Authority; and
- (b) copies of every documents in the charge of the Authority.

CHAPTER VI

THE PAKISTAN CODE

FINANCING

16. Fund of Authority.—(1) There shall be a fund to be known as the “Authority Fund” vested in the Authority which shall be utilised by it to meet all expenses and charges in connection with its functions under this Act including the payment of salaries and other remunerations to the Authority and to its officers and members of staff.

(2) The Authority Fund shall consists of—

- (a) Grants made by the Government;
- (b) loan obtained by the Authority ; and
- (c) all other sums received by the Authority.

17. Limited liability.—The liability of the Federal Government to the creditors of the Authority shall be limited to the extent of grants made by the Federal Government and the loans raised by the Authority as guaranteed by the Federal Government.

18. Maintenance of Accounts.—The Authority shall maintain complete and accurate books of accounts in the form to be prescribed by the Auditor-General of Pakistan.

19. Annual statement of Accounts.—In the month of January each year, the Authority shall submit to the Federal Government, for approval, a statement of the estimated receipts and expenditures in respect of next financial year.

20. Audit.—(1) The accounts of the authority shall be audited every year by the Auditor-General of Pakistan in such manner as may be specified.

(2) Copies of the audit report shall be sent to the Authority which shall, alongwith its comments, present to the Federal Government and shall also make it available for public inspection.

(3) The Authority shall carry out any directive issued by the Federal Government for rectification of an audit objection.

CHAPTER VII

MISCELLANEOUS

21. Rules.—The Federal Government may make rules to carry out the purposes of this Act.

22. Regulations.—(1) The Authority may make regulations consistent with this Act and the rules framed thereunder for the purpose of giving effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions, such regulations may provide for all or any of the following matters, namely:—

- (a) the manner in which the meetings of the Authority may be convened and held and the procedure to be followed thereat; and
- (b) formation of committees and conduct of business in such committees.

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