

EXTRAORDINARY

REGISTERED No.S.—2771



THE BALUCHISTAN GAZETTE

PUBLISHED BY AUTHORITY

NO. 159 QUETTA WEDNESDAY SEPTEMBER 27, 1989.

BALUCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT.

NOTIFICATION.

Dated Quetta, the 27th September, 1989.

No.PAB/LEGIS: III (8)/89. *The Balochistan Water and Sanitation Authority Bill, 1989 having been passed by the Provincial Assembly of Balochistan on 10th July, 1989 and assented to by the Governor of Balochistan, is hereby published as an Act of the Provincial Assembly.*

THE BALUCHISTAN WATER AND SANITATION AUTHORITY ACT, 1989.

(BALUCHISTAN ACT NO. IX OF 1989).

(First published after having received the assent of the Governor of Balochistan in the Balochistan Gazette (Extra Ordinary) dated 27th September, 1989 .

AN

ACT

to provide for the establishment of a Water and Sanitation Authority for cities in Balochistan.

Printed by the Manager, Printing and Stationery Department, Government of Balochistan, Quetta.

Price Rs.40/-

(G.P.Q)335—100—Copies—10/89.

Preamble.

WHEREAS it is expedient in the public interest to make provisions for the development of water supply, sewerage and sanitation in large cities within an integrated master plan by coordinating planning, design, construction, operation and maintenance of water supply, sewerage and sanitation, and for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:—

**CHAPTER—I
PRELIMINARY**

**Short title,
Extent and
Commencement.**

1. (1) This Act may be called the *Balochistan Water and Sanitation Authority Act, 1989*.

(2) It extends to all cities in the Province of Balochistan having a population of one lac or more, and to such other areas which the Government may by notification in the official Gazette notify from time to time.

(3) It shall come into force at once, and shall be deemed to have taken effect from 16th April, 1989.

Definitions.

2. (1) In this Act unless there is anything repugnant in the subject or context :—

(a) "Area" means the extent of applicability of the Act as provided under Section 1 (2);

(b) "Authority" means the Balochistan Water and Sanitation Authority;

(c) "Balochistan Development Authority" means the Authority constituted under the Balochistan Development Authority Act, 1974 (X of 1974);

(d) "Board" means the Board of the Authority constituted under Section 5;

(e) "Chairman" means the Chairman of the Board, appointed under Section 6;

(f) "Deputy Commissioner" means the Deputy Commissioner of a Revenue District;

- (g) "Government" means the Government of Balochistan;
- (h) "Government Agency" means a statutory body created by and responsible to the Provincial Government;
- (i) "Industrial waste" means any liquid, either with or without particles of matter in suspension therein, which is wholly or in part produced in the course of any trade or industry, but does not include domestic sewage;
- (j) "Licence" means a licence granted under this Act;
- (k) "Member" means a member of the Board including the Chairman and the Managing Director;
- (l) "Province" means the Province of Balochistan;
- (m) "Quetta Development Authority" means the Authority constituted under the Quetta Development Authority Ordinance, 1978 (IV of 1978);
- (n) "Regulations" means regulations made under this Act;
- (o) "Rules" means rules framed under this Act;
- (p) "Sanitation" means self-contained systems for the removal of sewage from properties and includes latrines;
- (q) "Sewage" means any liquid, either with or without particles of matter in suspension therein, which is wholly produced by the domestic use of water in a community;
- (r) "Sewerage" means the system of pipes or sewers used for conveyance of sewage or industrial waste from domestic, trade or industrial properties.

(2) All words and expressions not defined in this Act and defined in the Balochistan Local Government Ordinance, 1980, (II of 1980), shall have the same meanings as respectively assigned to them under the said Ordinance.

CHAPTER-II
CONSTITUTION OF THE AUTHORITY

*Establishment
of an
Authority.*

3. There shall be an Authority which shall be a body corporate in the name of the Balochistan Water and Sanitation Authority having perpetual succession and a common seal, with powers to acquire and hold property, both movable and immovable, and be sue or be sued by the said name.

Management.

4. (1) The general direction and administration of the affairs of the Authority and the determination of its general policy shall vest in the Board which may exercise all such powers and functions which may be exercised or done by the Authority in accordance with the provisions of this Act.

(2) The Board in discharging its functions shall act on generally accepted principles of development, execution, regulation, operation and maintenance of water supply, sewerage and sanitation schemes to improve the levels of service to persons in the Authority's area with special regard to the improvement of health and hygiene.

*Constitution
of a Board.*

5. (1) The Board shall consist of a Chairman, a Managing Director, Secretary and six other Members; viz:

- (a) Secretary, Local Government Department;
- (b) Secretary, Public Health Engineering Department;
- (c) Secretary, Finance Department;
- (d) Commissioner, Quetta;
- (e) Mayor, Quetta Municipal Corporation; and
- (f) Director General, Quetta Development Authority.

(2) If any of the Government Departments or Agencies referred to in sub-section (1) above shall cease to exist by virtue of a change of name or by dissolution, the Provincial Government shall appoint a representative of such successor, Government Departments or Agencies as it deems fit.

(3) The Government shall appoint a representative of such other Municipal Corporations as may come under the jurisdiction of this Act in addition thereto as and when it deems fit.

(4) The Managing Director shall be a whole time Member.

(5) The Secretary of the Board shall be the Director Administration of the Authority.

**Appointment
of a Chairman.**

6. The Government of Balochistan may appoint the Additional Chief Secretary (Development), Planning and Development Department, as Chairman of the Board.

**Meetings of
the Board.**

7. (1) The meetings of the Board shall be held :—

(a) at intervals of not less than once in each month; and

(b) at such times and at such places as may be prescribed by regulations;

Provided that until such regulations are made, such meetings shall be convened by the Chairman.

(2) No business shall be transacted :—

(a) at an ordinary meeting, unless a quorum of one-third of the total number of the members is present;

(b) at a special meeting, unless a quorum of one-half of the total number of members is present.

(3) The Chairman shall preside over every meeting in which he is present, and if the Chairman is absent from a meeting, a member of the Board present and chosen by the Members present for the purpose shall preside over the meeting.

(4) Each Member, including the Chairman, shall have one vote, and in the event of an equality of votes, the Chairman shall have a casting vote.

**Appointment
of Managing
Director.**

8. (1) The Managing Director shall :—

(a) be appointed by the Government on such terms and conditions as may be determined by the Government;

- (b) hold office for a period of three years, except for the first appointment following the enactment of this Act which should be for a period of six years;
- (c) exercise such powers and perform such functions as may be prescribed by the Board.

(2) When the Managing Director is on leave or is absent or outside Pakistan, the Chief Engineer (Deputy Managing Director, Balochistan Water and Sanitation Authority) shall exercise the functions of the Managing Director.

Appointment of Members.

9. (1) Every Member other than the Chairman and Managing Director shall :-

- (a) hold office for a period of three years unless earlier removed, and may be reappointed thereafter for such period or periods, not exceeding three years at a time, as the Government may in each case determine;
- (b) receive such remuneration, fees or allowances as may be prescribed by regulations of the Board or as the Government may determine; and
- (c) perform such functions and duties as may be prescribed by regulations of the Board or as the Government may determine.

(2) A casual vacancy in the office of a Member shall be filled in by the Government and the person appointed against such vacancy shall hold office for the unexpired period of the term of his predecessor.

(3) No persons may be, or may continue to be a member who :-

- (a) is or, at any time, has been convicted of an offence involving moral turpitude;
- (b) is or, at any time, has been adjudicated insolvent;
- (c) is a minor; or

- (d) has a financial interest or a conflicting interest in any scheme of the Authority, directly or indirectly, and has failed to disclose such interest in writing to the Government.

Offices of the Authority.

10. The Authority shall establish its head office in Quetta and may establish regional offices in other cities with the prior approval of the Government.

CHAPTER III

POWERS AND FUNCTIONS OF THE AUTHORITY

Guiding principle for actions and decisions of the Authority.

11. The Authority shall, in exercising powers and functions under this Act, have regard to the health and welfare of all the people in its area, for the importance of providing an adequate supply of potable water to meet the basic needs of all people, and for eliminating water-borne diseases through the provision of effective sewerage and sanitation systems.

Functions of the Authority.

12. The functions of the Authority shall be to :—

- (a) initiate and maintain a continuous process of comprehensive development planning of water supply, sewerage and sanitation in the Area;
- (b) plan, design, construct, operate and maintain water supply, sewerage and sanitation systems within the service area of the Balochistan Water and Sanitation Authority to be established under Section 3 of this Act;
- (c) establish, maintain and periodically revise as necessary, planning controls, design and construction criteria, and regulations for water supply, sewerage and sanitation services for the Area to :—
 - (i) provide appropriate design standards and protect public health;
 - (ii) ensure compliance with the development plans of the Authority;

- (d) approve all proposed new, extension or rehabilitation works on the water supply, sewerage and sanitation systems in the Area whether owned and carried out by the Authority, Government Departments or Development Agencies, private developers or individual consumers;
- (e) monitor and control water resources in the Area, both surface and underground, and issue licences for abstraction of water from such resources in the Area in accordance with regulations made by the Authority;
- (f) take over ownership and responsibility for all services pertaining to water supply, sewerage and sanitation from Municipal Corporations of cities, as defined in this Act, Quetta Development Authority and any other organisations within the Area, except such systems controlled by the Cantonment Board or Pakistan Railways;
- (g) prepare and implement any other scheme assigned to the Authority by the Provincial Government; and
- (h) appropriate, collect or recover rates, charges or fees for water supply, sewerage and sanitation services, including so far as practicable arrears thereof.

Power of the Authority to make Rules and Regulations.

13. (1) The Authority may make rules and regulations, with the previous approval of the Government, not inconsistent with this Act, to provide for all Regulations matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Act;

(2) in particular and without prejudice to the generality of the power in sub-section (1) the Authority may make regulations to provide for the installation, operation and maintenance of water supply, sewerage and sanitation service including:—

- (i) procedures for applying for and providing connections for water supply, sewerage and sanitation systems in the Area;
- (ii) specification of design standards, construction methods and materials for water supply and sanitary pipe-work, fixtures and fittings;

- (iii) *specifications and procedures for installation and maintenance of internal pipework, fixtures and fittings;*
- (iv) *measures to protect water resources and water supply systems from sources of contamination or pollution;*
- (v) *control of the discharge of industrial wastes to sewerage and sanitation systems;*
- (vi) *powers of inspection and enforcement; and*
- (vii) *licensing of contractors.*

Power to issue Licences.

14. *The Authority shall have the power to issue, refuse to issue, alter or revoke licences in respect of any matter for which licences are required under this Act.*

Government Agencies and Departments.

15. (1) *Government Agencies and Departments carrying out water supply, sewerage and sanitation works under the authority of statutory powers and functions or the Rules of Business of the Government shall do so in accordance with such regulations as are made by the Authority in pursuance of this Act.*

(2) *The Authority shall have powers to issue directives to Government Agencies and Departments to ensure compliance with the regulations made by the Authority in pursuance of this Act.*

Powers to set Charges and recover Revenue.

16. *The Authority shall have all necessary powers to set charges and recover revenues for the services it provides under this Act and shall :—*

- (a) *sanction and implement schedules of water supply, sewerage and sanitation tariff rates and charges with the approval of the Government;*
- (b) *collect or recover rates, charges or fees for water supply, sewerage and sanitation service, including arrears thereof;*
- (c) *have the power to reduce, suspend or disconnect the water supply in the event of contravention of the provisions of this Act or regulations;*

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

Provision of Services.

17. (1) The Authority may undertake construction, improvement, maintenance and operation of :—

(i) water supply works including wells and recharge facilities for collecting, purifying, pumping, storing and distributing water to all types of customer;

(ii) sewerage works for collecting, pumping, treating and disposing of sewage and industrial waste;

(iii) sanitation works for collecting and disposing of sewage from properties not having access to sewerage service.

(2) The Authority may review the existing schemes or prepare new schemes relating to water supply, sewerage and sanitation works and undertake execution thereof.

Powers of Entry.

18. (1) The Authority shall have the powers to authorise its employees and contractors to enter any land, house or other building and to carry out, in, on, under or over that land, house or other building any action necessary to facilitate the execution of its duty under Section 12 and enforce rules or regulations made under Section 13.

(2) Where entry under sub-section (1) above is refused by the owner or occupier of the said land, house or building, the Authority may apply to a Magistrate for an order to enable such entry to be carried out.

Control of Discharges.

19. (1) No industrial waste shall be discharged into the Authority's sewerage or sanitation systems without the consent of person or persons responsible for or having control of that industrial waste first obtaining a licence from the Authority permitting the discharge of that industrial waste into the systems.

(2) No sewage, treated or untreated, or industrial waste shall be discharged into surface or underground waters in the Area without the consent person or persons' responsible for the discharge

of those wastes first obtaining a licence from the Authority permitting that discharge.

**Regulation of
Water Supply.**

20. In times of water shortage or other emergency thereby limiting the availability of water supplies, the Authority may take such action as is necessary to regulate the water supply to consumers in the Area.

Delegation.

21. The Board may, by general or special order, delegate to the Chairman, Managing Director, a Committee constituted under Section 22, a Member or officer of the Authority any of its powers, duties or functions under this Act or the rules and regulations made thereunder subject to such conditions as it may deem fit to impose.

Committees.

22. The Board may constitute such financial, technical and advisory committees as may be deemed necessary for carrying out the purposes of this Act and such committees shall exercise such powers and perform such functions as may be delegated or assigned to them by the Board.

CHAPTER IV

FINANCE

**Water and
Sanitation
Authority Fund.**

23. (1) There shall be formed a fund to be known as the "Balochistan Water and Sanitation Authority Fund" which shall vest in the Authority and shall be utilised by the Authority in connection with its functions under this Act including the payment of salaries and other remunerations to the duly appointed members, officers, servants, experts and consultants of the Authority.

(2) There shall be credited to the Balochistan Water and Sanitation Authority Fund :—

(a) grants and loans made by the Provincial Government;

(b) all moneys received from Federal Government or any international agency by way of grants, loans, advances or otherwise;

(c) all fees, rates and charges received by the Authority under the Act;

- (d) *all moneys received by the Authority from the disposal of lands, buildings and other properties movable and immovable; and*
- (e) *all other sums receivable by the Authority.*

Revenue from Government.

24. *In the case of a deficit in the revenue of the Authority, the Government shall provide from its own revenues or from any other sources, such sum as may be necessary for the efficient performance of the functions of the Authority under this Act.*

Powers to Invest.

25. *The Authority may keep in the current account of any scheduled bank or banks such sums as may be prescribed by Provincial Government and any amount in excess of the said amount shall be invested on deposit in any scheduled bank or banks or in any security of the Federal Government or Provincial Government or in any security that has been declared as approved security by the Provincial Government and the Authority shall receive the interest on such deposits and securities.*

Powers to Borrow money.

26. *The Authority may, from time to time, with the previous sanction of the Government, and on such terms and conditions as may be approved by the Government borrow money necessary for the purpose of defraying any cost, charges or expenses incurred or to be incurred :—*

- (a) *for the execution of any works authorised by or under this Act;*
- (b) *for payment of compensation for any land acquired for the purpose of this Act;*
- (c) *for the payment of any loan raised under this Act or transferred to the Authority under the provisions of this Act; or*
- (d) *for any other purpose within the intent of this Act.*

Accounts.

27. *The Authority shall maintain proper accounts and other relevant records in such form as may be prescribed by the Board and approved by the Government.*

Audit.

28. (1) *The Authority shall appoint Auditors who shall be chartered Auditors within the meaning of the Chartered Accountants Ordinance, 1961 (X of 1961).*

(2) A statement of accounts in the prescribed form audited by the Auditors referred to in the preceding sub-section shall be furnished to the Government as soon as conveniently possible and not later than three months after the end of every financial year.

(3) It shall be open to the Government to authorise the Government Auditors to conduct a test or other audit of the accounts submitted to it in the form prescribed under Section 27 on such terms and conditions as the Government may determine.

Annual Report
and Budget
Proposals.

29. The Authority shall, within three months after the end of every financial year, submit to the Government an annual report on the conduct of its affairs for the year. It shall also prepare and submit its proposals and budget estimates for the next ensuing year at least one month before the commencement of such year.

CHAPTER V

SUPPLY OF WATER AND EXECUTION OF SCHEMES

Bulk Water
Supply.

30. The Authority may make bulk water supply available to consumers outside its area at such rates and subject to such terms and conditions as may be determined by the Authority:

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

Mains, Aqueducts
etc.

31. (1) The Authority or any person authorised by it shall have the power 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 Authority shall not, except as otherwise required under this Act, acquire any right other than the power aforesaid.

(2) The power conferred by sub-section (1) shall not be exercisable in respect of any property vested in or under the control

of management of the Federal Government or 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 or for averting danger to human life or property.

(3) The Authority or any person authorised by it shall, while exercising the power 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 determined by the Authority, or by a person appointed by it in this behalf, shall be paid for such damages or inconvenience.

(4) In the case of disagreement between the Authority and the person to whom damages are due, the amount of compensation shall be determined by arbitrator, appointed for the purpose by the Authority and the claimant, and shall be binding on the parties.

Preparation of Schemes.

32. (1) All water supply, sewerage and sanitation schemes prepared by the Authority in accordance with Section 12 of this Act shall be submitted to the Government for its approval, except those schemes, the provisional estimated cost of which does not exceed such limit as may be prescribed by or for which no loan or grant is required from the Government.

(2) The Authority shall publish the sanctioning of any such schemes in the official Gazette and shall forthwith proceed to execute the same.

(3) The publication of a sanction under sub-section (2), shall be conclusive evidence that the scheme has been duly framed and sanctioned.

(4) No planning or development scheme shall be prepared by any person or local body or Government Department/Agency within the area except with the concurrence of the Authority.

**Modification
of Schemes.**

33. Any scheme prepared under this Act may, at any time, be amended or modified by the Authority in the same manner as may be prescribed for the preparation of a scheme.

**Power to
Execute any
Scheme.**

34. (1) Where the Authority is satisfied that any approval given by it under Section 12 of this Act with regard to any water supply, sewerage or sanitation scheme carried out by Government Departments or Development Agencies has not been carried out by the Government Department or Agency; the Authority may, itself, undertake any works for the execution of that scheme and the cost thereof shall be borne by the Government Department or Agency and in the event of disagreement, as may be determined by the Government.

(2) Where any work is undertaken by the Authority under sub-section (1), it shall be deemed to have, for the purposes of execution of such work, all the powers which may be exercised, under any law for the time being in force, by the Government Department or Agency concerned.

**Land
Acquisition.**

35. Any land within the Area may be liable for acquisition by the Authority at any time for discharging of any of its functions under this Act in accordance with the provision of the Land Acquisition Act, 1894.

CHAPTER VI

EMPLOYEES OF THE AUTHORITY

Employment.

36. (1) The Authority may employ such officers, advisers, experts, consultants, deputationists and employees, as it considers necessary for the efficient performance of its functions.

(2) The terms and conditions of employment under sub-section (1) above shall be determined by rules framed under this Act by the Authority for this purpose.

**Transfer of
certain
Employees.**

37. (1) Employees of Municipal Corporations serving in connection with the water supply and sewerage service may be transferred to serve under the Authority as Government may direct and on such terms and conditions as may be determined by the Authority:

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 Act, continue to be governed by the same terms and conditions as were admissible to them immediately before such transfer.

(2) The previous service of employees transferred from the Municipal Corporations shall be deemed to be service in the Authority.

(3) Pension, gratuity and other service benefits admissible to the employees of the Municipal Corporations, who retired or died while serving in relation to water supply or sewerage service before the commencement of this Act, shall be the responsibility of the Authority.

CHAPTER VII

PENALTY AND PROCEDURE

Penalty.

38. Whoever contravenes any provision of this Act or rules or regulations or licences made thereunder shall, if no other penalty is provided for such contravention, be punishable with imprisonment for a term which may extend to six months or with fine or with both.

Causing Damage to Property and Disobedience of Offenders.

39. (1) Whoever wilfully causes damages or allows damage to be caused to any property which vests in the Authority, or which is intended to be acquired by the Authority, or unlawfully converts it to his own or any other person's use, shall be punishable with imprisonment for a term which may extend to one year, or with a fine not exceeding Rupees two thousands, or with both.

(2) Whoever refuses or wilfully neglects to provide any officer or servant of the Authority with the means necessary for entering into any premises for the purpose of collecting any information or making an examination or enquiry in relation to any functions of the Authority under this Act, shall be punishable with imprisonment extending to one year or with a fine not exceeding Rupees two thousands or with both.

(3) *Whoever attempts to commit or abets the omission of an offence punishable under this Act, shall be deemed to have committed that offence.*

(4) *Any Magistrate empowered for the time being to try in a summary way the offences specified in sub-section (1) of Section 260 of the Code of Criminal Procedure, 1898, may, if such Magistrate thinks fit, on application being made in this behalf by the prosecution, try an offence punishable under this Act, in accordance with the provisions contained in Sections 262 to 265 of the said Code.*

Cognisances of Offence by Courts. 40. *No court shall take cognisance of any offence punishable under this Act except on a complaint made in writing by an officer authorised for the purpose by the Authority.*

Eviction and Removal. 41. (1) *The Deputy Commissioner, or any person or the Authority authorised by the Deputy Commissioner to act on his behalf, may summarily evict any person who is in un-authorised occupation of any land or property vested in the Authority, and may for such eviction use such force as may be necessary.*

(2) *If any structure, work or land is erected or used in contravention of the provisions of this Act or any regulation made thereunder, the Deputy Commissioner, or any person or the Authority authorised by the Deputy Commissioner to act on his behalf, may by order in writing require the owner, occupier, user or person in control of such structure, work or land to remove or alter the structure or work or cease the use of the land.*

(3) *If the owner, occupier, user or person in control fails to comply with an order made under sub-section (2) above, the Authority may carry out such actions as are necessary to ensure compliance with the said order and may recover the costs of such action from the said owner, occupier, user or person in control thereof.*

CHAPTER VIII

MISCELLANEOUS

Members, Officers and Employees to be Public Servants. 42. *The Chairman, Members of the Board, Managing Director, officers, servants, experts and consultants of the Authority shall when acting or purporting to act in pursuance of any of the provisions of this Act be deemed to be public servants within the meaning*

of Section 21 of the Pakistan Penal Code, 1860 (Act XLV of 1860).

Immunity of the Authority and its Employees.

43. No suit, prosecution or any other legal proceeding shall lie against the Authority, the Chairman, the Managing Director, any Member, officer, servant, expert or consultant of the Authority in respect of anything done or intended to be done in good faith under this Act.

Declaration of Fidelity and Secrecy.

44. (1) Every Member of the Board, Chairman, Managing Director, officer, servant, expert and consultant of the Authority, before entering upon his duties, shall make such declaration of fidelity and secrecy as may be prescribed by regulations.

(2) Any Member of the Board, including the Chairman, Managing Director, officer, servant, expert and consultant of the Authority who in the opinion of the Authority has violated the declaration of fidelity or secrecy made by him under sub-section (1) shall be liable, after being given a reasonable opportunity of showing cause against the action proposed to be taken with respect to him, to be forthwith removed from his office or post.

(3) An appeal against an order or decision of the Authority under sub-section (2) above may be made by any party aggrieved or affected by the order or decision to the Government within thirty days of the date of communication of the order or decision.

Dissolution of the Authority.

45. The Government may by an Act or Ordinance dissolve the Authority. On and from the date of dissolution :—

- (a) (i) all properties, funds and dues placed at the disposal of the Authority by the Government; and
- (ii) all properties, funds and dues exchanged for, derived from, or otherwise attributable to the properties, funds and dues referred to in paragraph (i), which, immediately before said date, were held by or were realisable by the Authority, shall vest in and be realisable by the Government;

- (b) all properties, funds and dues, other than referred to in sub-section (a), which, immediately before the said date, were vested in or were realisable by the Authority shall vest in and be realisable by such agency as the Government may determine, and its decision thereon shall be final;

- (c) *all liabilities which, immediately before the said date, were enforceable against the Authority shall be assumed by and be enforceable against the Government, or such agency as the Government has determined under sub-section (b), as the case may be;*
- (d) *for the purpose of completing the execution of any scheme sanctioned under this Act which has not been fully executed by the Authority and of realising properties, funds and dues referred to in sub-section (a) and (b), the functions of the Authority and the Chairman of the Authority under this Act shall be discharged by the Government or by the agency determined by the Government under sub-section (b), and (c), as the case may be.*

Saving.

46. *Any rules, regulations and orders made, or notifications issued, or land acquired, schemes prepared or executed, rates and fees imposed, penalties or other charges levied, contracts made, suits instituted by or against the Quetta Water and Sewerage Authority, created vide the Government of Balochistan notification No. P&D-RO(QDA) 9 (4) 72/86/6691-72 dated 20th March 1986, or any other right accrued, or liability incurred or action taken, or proceedings initiated, shall so far as they are consistent with the provisions of this Act, continue in force and be deemed to have been made, imposed, levied, entered into, instituted, prepared, executed, accrued or incurred, taken and initiated by the Authority under this Act.*

Repeal.

47. *The Balochistan Water and Sanitation Authority Ordinance, 1989 (XII of 1989), is hereby repealed.*

AKHTAR HUSAIN KHAN
Secretary,
Provincial Assembly of Balochistan.
