

Question No. 326

From: Ahmad Kundi, MPA

Will the Minister for Public Health Engineering state that:

Question	Departmental Reply
(a) Is it true that the department enacted laws/acts from time to time related to the department/attached departments and subordinate bodies & authorities?	(a) Yes it is true that Public Health Engineering Department has passed only one Act from Provincial Assembly Khyber Pakhtunkhwa i.e. “The Khyber Pakhtunkhwa Rural Area Drinking Water Supply Scheme Act, 1985” . Rules under the Act have been notified vide Notification No. SO(PHE) 3-11/90/V: dated 08.11.1992.
(b) Whether the latest copy of each of the enacted Acts is available on the official website of the department/ subordinate department? If so the details there of, if not the reasons thereof:	(b) The Act, 1985 as well as Rules are available on Department’s website as well as on KPcode.kp.gov.kp/homepage/lawdetails/647 .
(c) Is it the fact that the department or its subordinate departments who were required to frame the rules under the enacted Acts. Despite the passage of years they have not been framed such rules? If so the reasons thereof	(c) Drinking water Supply Scheme Rules, 1992 has already been notified as mentioned vide Para (b)
(d) What step is being taken to make laws in line with the above Acts at an earliest?	(c) As above

THE ¹[KHYBER PAKHTUNKHWA] RURAL AREA DRINKING WATER SUPPLY
SCHEME ACT, 1985.

²[KHYBER PAKHTUNKHWA] ACT NO. VI OF 1985.

[10th September, 1985]

AN
ACT

CONTENTS

PREAMBLE

SECTIONS:

1. Short title, extent and commencement.
2. Definitions.
3. Water supply scheme.
4. Implementation of scheme.
5. Prohibition to damage or disrupt water supply.
6. Application for water connection.
7. Disconnection of water supply.
8. Appeal.
9. Offence.
10. Cognizance of offence.
11. Indemnity.
12. Power to make rules.
13. Repeal.

¹ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

² Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

THE ¹[KHYBER PAKHTUNKHWA] RURAL AREA DRINKING WATER SUPPLY
SCHEME ACT, 1985.
²[KHYBER PAKHTUNKHWA] ACT NO. VI OF 1985.

[10th September, 1985]

[First published after having received the assent of the Governor of the ³[Khyber Pakhtunkhwa] in the Gazette of ⁴[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 the execution of schemes for supply of drinking water in rural area; Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the ⁵[Khyber Pakhtunkhwa] Rural Drinking Water Supply Scheme Act, 1985. Short title, extent and commencement.

(2) It shall extend to the whole of the Province of the ⁶[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;

¹ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

² Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

³ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

⁴ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

⁵ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

⁶ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

- (c) "Government" means the Government of the ¹[Khyber Pakhtunkhwa];
- (d) "rural areas" shall have the same meaning as assigned to it in the ²[Khyber Pakhtunkhwa] Local Government Ordinance, 1979 (³[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. Water supply scheme.

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. Implementation of scheme.

(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. Prohibition to damage or disrupt water supply.

¹ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

² Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

³ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

(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 area where a scheme under this Act has been executed shall, in the prescribed manner and on payment of the prescribed fee, apply to the Executive Engineer for the purpose. Application for water connection.

(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 disconnected water supply of persons who fail to pay water charges in the prescribed manner. Disconnection of water supply.

(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, 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. Appeal.

9. (1) Contravention of any of the provisions of this Act or the 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. Offence.

(2) Offences under this Act shall be bailable.

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

11. No suit, prosecution or other legal proceeding shall be taken 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 rule or order made thereunder. Indemnity.

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

13. The ¹[Khyber Pakhtunkhwa] Rural Areas Drinking Water Supply Scheme Ordinance, 1985 (²[Khyber Pakhtunkhwa] Ord. XI of 1985), is hereby repealed. Repeal.

¹ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

² Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

**GOVERNMENT OF ¹[Khyber Pakhtunkhwa]
IRRIGATION AND PUBLIC HEALTH ENGINEERING DEPARTMENT**

NOTIFICATION.

8th November, 1992.

No. SO (PHE) 3-II/90/V:—In exercise of the powers conferred by section 13 of the ²[Khyber Pakhtunkhwa] Rural Areas Drinking Water Supply Schemes Act, 1985, read with section 4 thereof the Government of ³[Khyber Pakhtunkhwa] is pleased to make the following rules, namely:—

**THE ⁴[Khyber Pakhtunkhwa] RURAL AREAS
DRINKING WATER SUPPLY SCHEME RULES, 1992.**

1. Short title and commencement:—(1) These rules may be called the ⁵[Khyber Pakhtunkhwa] Rural Areas Drinking Water Supply Scheme Rules, 1992.

(2) The shall come into force at once.

2. Definition:—(1) In these rules, unless the context otherwise requires: —

- (a) "Act" means the ⁶[Khyber Pakhtunkhwa] Rural Areas Drinking Water Supply Schemes Act, 1985 (⁷[Khyber Pakhtunkhwa] Act VI of 1985);
- (b) "Government" means Government of ⁸[Khyber Pakhtunkhwa]
- (c) "Department" means the Public Health Engineering Department;
- (d) "Superintending Engineer" means the Superintending Engineer, concerned of the Department;
- (e) "Executive Engineer" means the Executive Engineer, concerned of the Department;
- (f) "Sub-Divisional Officer" means the Sub-Divisional Officer, concerned of the Department;

¹ Subs. by the Khyber Pakhtunkhwa Act No IV of 2011.

² Subs. by the Khyber Pakhtunkhwa Act No IV of 2011.

³ Subs. by the Khyber Pakhtunkhwa Act No IV of 2011.

⁴ Subs. by the Khyber Pakhtunkhwa Act No IV of 2011.

⁵ Subs. by the Khyber Pakhtunkhwa Act No IV of 2011.

⁶ Subs. by the Khyber Pakhtunkhwa Act No IV of 2011.

⁷ Subs. by the Khyber Pakhtunkhwa Act No IV of 2011.

⁸ Subs. by the Khyber Pakhtunkhwa Act No IV of 2011.

- (g) "Form" means a form appended to these rules;
- (h) "Service Charges" means the Charges specified in Rule 6.

(2) Words and expression used in these rules but not defined shall have the same leanings as assigned to them in the Act.

3 Application for connection:—(1) Every person desirous to have a connection of water supply in his house under a scheme shall apply on Form RW-01 to the Sub-Divisional Office of the area concerned, who shall, within 14 days of the receipt of the application, forward the, application to the Executive Engineer alongwith his recommendations and a sketch showing location of the house, location of the main pipe line and the size length of the connecting pipe line.

(2) On receipt of the application under sub rule (1), the Executive Engineer shall record his orders thereon and return the application to the Sub-Divisional Officer with him 14 days of its receipt.

(3) The Sub-Divisional Officer shall keep sufficient stock of application form in his office and supply the same, free of cost, to the interested persons on demand.

4. Demand Notice :—(1) When an application for water supply connection made under rule (3) has been approved by the Executive Engineer, the Sub-Divisional Office shall immediately inform the person concerned and serve him with a demand notice Form RW-02 requiring him to deposit the connection fee, at the rates specified in rule 6, within the period mentioned in the demand notice.

(2) If the connection fee under sub-rule (1) is not deposited within the period mentioned in the demand notice, the approval of the water connection shall be deemed to have been cancelled and the person interested shall have to apply afresh, if he so desires.

5. Installation process:— (1) Internal installation will be done by the applicant himself and the Department will be responsible only to connect the water supply with the main pipe line,

(2) No person, except an authoirsed official of the Department and in the manner provided for in these rules, shall take extension from the pipe lines.

(3) The consumer shall supply ferrul, tee, saddle, etc., for installation of connection.

(4) The installation process shall be completed within fifteen days of the deposit of the connection for, failing which such future is due to the non-supply of ferrul, tee, saddle, etc., by the consumer, the approval for water supply connection will be treated as cancelled, the fee

deposited shall stand forfeited and the person interested shall have to apply afresh, if he so desires.

6. Fee and Service charges:--- (1) The fee and service charges for a domestic water supply connection under these rules shall be at the following existing rates subject to revision from time to time by the Government.

- | | | |
|-------|--|---------------------|
| (i) | Connection Fee | Rs.100.00 |
| (ii) | Charges for first ^{1/2} " connection, | Rs.20.00 per month. |
| (iii) | Charges for each additional ^{1/2} " connection. | Rs. 5.00 per month |

(2) House connection fee and service charges, as specified in sub-rule (1), recoverable from the coinsurers shall be credited to the account of the Department under the head **1242000-PH Receipt**.

7. Maintenance and connection register :—(1) A house connection register on form RW-03 shall be maintained by the Sub-Divisional Officer reserving pages for every scheme. Each connection shall be recorded in the Register as soon as the connection is given. Each connection will be allotted a serial number with the first capital word of the town concerned. For example, a connection in water supply scheme Terri, shall be T-1, T-2 and so on. In case where first capital word of two schemes/villages are the same, the last word shall be added alongwith the first, such as for Lakki and Landiva, the account number against these schemes will be LI-1 and LI-2 and LA-1, LA-2 respectively. The consumer number shall be recorded on the original application.

(2) All original application approved for connection will be recorded in Sub-Divisional

8. Maintenance Of account register:—Consumers account register in respect of each consumer shall be maintained in the Sub-Divisional Office on for RW-04. The payment received shall be entered in blue ink in consumer's account and in case of non-payment the column for that month shall be left blank. If, during a subsequent month, the arrears of the past month are received, the amount shall be entered in the consumers account in blue ink during the month it has been received and an entry to this effect shall also be recorded in red ink in the column for the month to which the amount relates.

9. Mode Of payment: (1) On the expiry of every quarter, the Sub-Divisional Officer shall send quarterly bills on form RW-05, which will be in three parts, i.e. first part, second part and third part. The bill will be presented to a Branch of the Bank mentioned in the Bill. The Bank will return first part to the consumer duly stamped in token of acknowledgement. The second part will be sent to the Executive Engineer alongwith the statement of receipts and third part will be retained on Banks record.

(2) The bill will be issued for each quarter in advance by the Sub-Divisional Officer before 15th July, 15th October, 15th January and 15th April for payment before the last day of the month.

(3) If a consumer fails to pay the bill by the due date, he shall be issued a notice on form RW-06 by the Sub-Divisional Officer and in case consumer again fails to pay the arrear, by the 15th of the following month, his supply line will be disconnected and disconnection report shall be sent to Sub-Divisional Officer by the Sub-Engineer. Reconnection will only be allowed on payment of arrears and connection fee as provided in rule 6.

10. Disconnection:—In the event of disconnection an entry in red ink shall be made in the register of house connection and also in the consumers account. On reconnection new account number shall be allotted. A reference shall, however, be made in the register of house connection regarding the previous account number of the consumer.

11. Exemption: Employees of the Department are exempted from payment of monthly water charges.

12. Banks to be authorised to receive payment:—(1) Banks for receiving payment on behalf of the Department under these rules shall be appointed by the Chief Engineer who shall be competent to settle the terms and conditions with the Bank.

(2) Banks will submit monthly return of receipts to the concerned Executive Engineer who will arrange credit of the realized amount to Government under proper receipt head on the last day of the month concerned.

13. Appeal:—Any person aggrieved by any order or decision of the Executive Engineer under these rules may, within thirty days of receipt of the order or decision prefer an appeal to the Superintending Engineer concerned. The decision of the Superintending Engineer on such appeal shall be final.

Sd/- XXX

Secretary to Government of⁹[Khyber Pakhtunkhwa],
Irrigation & Public Health Engineering
Department.

⁹ Subs. by the Khyber Pakhtunkhwa Act No IV of 2011.

Form No. RW-01

پبلک ہیلتھ انجینئرنگ ڈیپارٹمنٹ گورنمنٹ آف این ڈبلیو ایف رپی

درخواست برائے نلکا پانی

میں _____ اپنے گھر واقع _____ میں نلکا پانی سائنز _____

لگوانا چاہتا ہوں میں محکمہ کی مقرر کردہ پانی کی ماہانہ قیمت (فیس) ادا کرتا رہوں گا، بصورت دیگر محکمہ کو پانی کاٹنے کا

پورا پورا حق حاصل ہوگا، اور میرا اس سلسلے میں کوئی دعویٰ یا عذر نہیں ہوگا۔

_____ دستخط درخواست گزار

_____ نام والد

_____ پتہ

No.....

Date.....

Connection is recommended. The location of the connection shall be as given below.
 is not (connection location sketch)

Sub-Divisional Officer

No.....

Date.....

Connection approved
 not approved

Executive Engineer

Connection fee of Rs. _____ deposited vide Receipt

No.....

Date.....

The Applicant's Account No.....

Sub-Divisional Officer.

دفتر سب ڈویژنل افسر پبلک ہیلتھ انجینئرنگ سب ڈویژن

مورخہ

خط نمبر

جناب عالی!

آپ کو اطلاع کی جاتی ہے، کہ آپ کی درخواست برائے نلکا پانی سائز ——— محکمہ ہڈانے منظور کر لی ہے۔
لہذا آپ برائے مہربانی مندرجہ ذیل نلکا فیس دفتر ہڈا میں ایک ماہ کے اندر اندر جمع کروائیں۔ تاکہ مزید کارروائی کی جاسکے۔
بھورت دیگر آپ کی درخواست نام منظور تصور کی جائے گی۔

نلکا فیس ۱۰۰/- روپے ناقابل واپسی

ایڈوائس فیس برائے ایک سال بحساب ۲۰/- روپے ماہوار

ٹوٹل :- ۳۲۰/- روپے

آپ کا مخلص

سب ڈویژنل آفیسر
پبلک ہیلتھ انجینئرنگ سب ڈویژنل

REGISTER OF HOUSE CONNECTIONS

FORM RW-03

(Rule 7)

name of Consumer	Address	Account No.	No. and Date of receipt with which Connection Fee was paid.	REMARKS

OFFICE COPY FORM RW-05
(Rule 9).
PUBLIC HEALTH ENGG. DEPTT.
Water Bill Due Date
W. S. S..... A/C No
Name of Consumer.....
Billing Date Quarter.....
Current Bill Rs.....
Arrears Rs.....
Collection Charges Rs.....
Total Payable amount Rs.....

SUB-DIVISIONAL OFFICER
PUBLIC HEALTH ENGG. S/DIVISION
NO. 1, PESHAWAR.
FOR BANK USE ONLY.

BANK COPY FORM RW 05
(Rule 9)
PUBLIC HEALTH ENGG. DEPTT.
Water Bill Due Date.....
W. S. S..... A/C No.....
Name of Consumer
Billing Date Quarter
Current Bill Rs.....
Arrears Rs.....
Collection Charges Rs.....
Total Payable amount Rs.....

SUB-DIVISIONAL OFFICER
PUBLIC HEALTH ENGG. S/DIVISION
NO. 1, PESHAWAR.
FOR BANK USE ONLY.

S.D.O. COPY FORM RW-05
(Rule 9)
PUBLIC HEALTH ENGG. DEPTT.
Water Bill Due Date.....
W. S. S..... A/C No.....
Name of Consumer
Billing Date Quarter.....
Current Bill Rs
Arrears Rs.....
Collection Charges Rs.....
Total Payable amount Rs.....

SUB-DIVISIONAL OFFICER
PUBLIC HEALTH ENGG. S/DIVISION
NO. 1, PESHAWAR.
FOR BANK USE ONLY.

CONSUMER'S COPY FORM RW-05
(Rule 9)
PUBLIC HEALTH ENGG. DEPTT.
Water Bill Due Date.....
W. S. S..... A/C No.....
Name of Consumer.....
Billing Date Quarter.....
Current Bill Rs.....
Arrears Rs.....
Collection Charges Rs.....
Total Payable amount Rs.....

SUB-DIVISIONAL OFFICER
PUBLIC HEALTH ENGG. S/DIVISION
NO. 1, PESHAWAR.
FOR BANK USE ONLY.

دفتر سب ڈویژن پبلک ہیلتھ انجینئرنگ سب ڈویژن

Form RW. 06

مورثہ

خط نمبر

جناب

جناب عالی!

آپ نے اپنا پانی کابل مسلخ _____ روپیہ برائے ماہ _____ ابھی تک
محکمہ کو ادا نہیں کیا ہے۔ آپ کی اطلاع کے لئے عرض ہے کہ اگر آپ نے بل کی ادائیگی ماہ _____ کی دس تاریخ
تک نہ کی تو بغیر کسی مزید نوٹس کے آپ کو پانی کی سپلائی بند کر دی جائے گی۔

آپ کے مخلص
سب ڈویژنل آفیسر
پبلک ہیلتھ انجینئرنگ سب ڈویژن

نقل برائے ضروری کارروائی سب انجینئر _____ کو بھیجی جاتی ہے۔ اگر بل کی ادائیگی مقررہ تاریخ تک
نہیں کی جاتی تو سندرجہ بالا جائیداد کو پانی کی سپلائی کاٹ کر ضروری اطلاع کی جائے۔

سب ڈویژنل آفیسر
پبلک ہیلتھ انجینئرنگ سب ڈویژن