

Safe Drinking Water Act 2007

Act No. [---] of 2007



*PREPARED UNDER JOINT PROGRAM REVIEW
(JPRM)*

FEDERAL MINISTRY OF HEALTH

AND

WORLD HEALTH ORGANIZATION



HEALTH SERVICES ACADEMY

ISLAMABAD

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Summary

It is our great pleasure that on behalf of Federal Ministry of Health, the task of drafting first ever Safe Drinking Water Act for Pakistan has been completed under Joint Program Review Mission (JPRM) has been completed. This draft is continuation of drafting Drinking Water Quality Standards for Pakistan conceptualizing making safe drinking water available to the people of Pakistan.

This draft will also go through extensive consultation with the experts, provincial governments and stakeholders including Pak EPA in order to get their views on the Act in December 2007. The deliberation of which will be duly considered and further changes will be made accordingly.

I would like to thank World Health Organization, for their continued support and Ministry of Health trust vested in Health Services Academy (HSA). I would also like to acknowledge and thank efforts of Dr Ejaz Ahmad Khan, Instructor HSA for his meticulous efforts towards addressing core Environmental Health issues in the country and bringing solutions for them.

I hope this draft will enable the authorities to finally devise a mechanism in order to bring down the water-borne diseases, especially diarrhea which is the second leading responsible culprit for infant mortality in Pakistan.

Prof Dr Shakila Zaman MD PhD

Director/ National Coordinator

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PART 1—PRELIMINARY

1. Purpose and outline

- (1) The purpose of this Act is to:
 - (a) make the provision for the supply of safe drinking water; and
 - (b) recognise the provision of safe drinking water as a fundamental human right. Therefore, this Act is being promulgated to ensure adherence to technical and supply standards for water supply and hold the bodies involved in the supply and storage of drinking water, accountable to the general public.
- (2) In outline, this Act—
 - (a) requires water suppliers, service providers and water storage managers to prepare and implement plans to manage risks in relation to drinking water and some types of non-potable water; and
 - (b) provides for the auditing of those plans by approved auditors; and
 - (c) requires water suppliers and providers to ensure that the drinking water they supply meets quality standards; and
 - (d) requires water suppliers to disclose to the public information concerning the quality of drinking water; and
 - (e) provides for the variation, after community consultation, of water quality standards that relate only to aesthetic factors; and
 - (f) requires the reporting of known or suspected contamination of drinking water to the Ministry of [**Health or/and Ministry of Environment**]; and
 - (g) empowers the Ministry to enforce this Act.
- (3) Sub-section (2) is intended only as a guide to readers as to the general scheme and effect of this Act.

2. Short title, extent and commencement

- (a) This Act may be called the Safe Drinking Water Act, 2007;
- (b) It extends to the whole of Pakistan;
- (c) It shall come into operation at once.

3. Definitions

In this Act—

"approved auditor" means a person approved to conduct risk management plan audits under section 13;

"authorised officer" means a person who holds an appointment as an authorised officer under section 48;

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"council" means a municipal council;

"court" means a District Court or a Court of Session;

"drinking water" is water that is intended for human consumption or for purposes connected with human consumption, such as the preparation of food or the making of ice for consumption or for the preservation of unpackaged food, whether or not the water is used for other purposes;

"local government" is the government as provided in the Local Government Ordinance 2001.

"Ministry" means the[**Health or/and Ministry of Environment**];

"regulated water" is water that is the subject of a declaration made by the Federal Government under section 6;

"retention period" means a period of 60 days after the seizure of a thing under this Act;

"risk management plan" has the meaning set out in section 9;

"risk management plan audit" has the meaning set out in section 10;

"TMA" means the Tehsil Municipal Administration;

"water quality standard" means quality standards specified for drinking water in Schedule I to this Act for the purposes of section 17;

"water storage manager" means—

- (a) any person or body that supplies water to a water supplier under a water licence issued by the Federal Government; and
- (b) any other person or body declared by the Federal Government to be a water storage manager for the purposes of this Act;

"water supplier" means any of the following that supplies drinking water or regulated water to the public—

- (a) any person or body that supplies water to the public under a water licence issued by the Federal Government; and
- (b) any other person or body declared by the Federal Government to be a water supplier for the purposes of this Act;

"water supply premises" means any premises that has been, is being, or is to be, used in connection with the supply, storage, treatment, transport, harvesting, sale or analysis of drinking water, other than a premises that only stores or treats drinking water for the purposes of those using the premises.

4. "Supply" includes to release water

- (1) For the purposes of this Act, a water storage manager also supplies water to a water supplier if the water storage manager—
 - (a) releases water to the water supplier; or
 - (b) permits the water supplier to take water from the water storage.
- (2) For the purposes of this Act, a water storage manager also supplies water to a water supplier if—
 - (a) the water supplier has a right to take water from the water storage or from any point downstream of the water storage; and
 - (b) the water storage manager is aware that the water supplier may exercise that right.

5. A water supplier must provide potable water

A water supplier must provide, to the users, drinking water that

- (a) is potable water, and
- (b) meets any additional requirements established by the regulations or by its water licence.

6. Application

Nothing in this Act applies to the supply of water for irrigation purposes.

7. Declaration concerning regulated water

- (1) The Federal Government may, by notice published in the Government Gazette, declare any water that is not drinking water to be regulated water for the purposes of this Act.
 - (2) The Federal Government may only make a declaration in relation to particular water if the Federal Government is satisfied that the water may be supplied to the public in circumstances in which it may be mistaken as being drinking water.
 - (3) In making a declaration, the Federal Government may identify the water that is the subject of the declaration by reference to its source, its method of supply, its composition or in any other way the Federal Government considers to be appropriate.
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PART 2—RISK MANAGEMENT PLANS

Division 1—Requirement to Have Plan

8. Water suppliers must prepare, implement and review risk management plans

- (1) A water supplier must—
- (a) prepare a risk management plan in relation to its supply of drinking water and regulated water to the public; and
 - (b) implement the plan and comply with any requirements set out in the plan; and
 - (c) keep the plan under continuous review with a view to updating and improving it; and
 - (d) revise any aspect of the plan that is found, on review, to need revision.

Note: Section 9 sets out what a risk management plan is, and what it must contain.

- (2) A water supplier must comply with sub-section (1)—
- (a) in the case of a person who was a water supplier immediately before 1 July 2007; and
 - (b) in any other case, within 12 months after the date the person becomes a water supplier.

9. Water storage managers must prepare, implement and review risk management plans

- (1) A water storage manager must—
- (a) prepare a risk management plan in relation to its supply of water to a water supplier; and
 - (b) implement the plan and comply with any requirements set out in the plan; and
 - (c) keep the plan under continuous review with a view to updating and improving it; and
 - (d) revise any aspect of the plan that is found, on review, to need revision.

Note: Section 9 sets out what a risk management plan is, and what it must contain.

- (2) A water storage manager must comply with sub-section (1)—
- (a) in the case of a person who was a water storage manager immediately before 1 July 2007; and

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- (b) in any other case, within 12 months after the date the person becomes a water storage manager.
 - (3) The Ministry may, by notice in writing, exempt a water storage manager from having to comply with sub-section (1) with respect to a particular water storage for a specified period.
 - (4) The Ministry may, at any time, impose conditions in relation to an exemption.
 - (5) If the Ministry imposes a condition in relation to an exemption, the exemption has no effect during any period in which the condition is not being complied with.
 - (6) The Ministry may renew an exemption.

10. Risk management plan

- (1) A risk management plan in relation to the supply of water is a document—
 - (a) that contains a detailed description of the system of supply; and
 - (b) that identifies the risks to the quality of the water and the risks that may be posed by the quality of the water; and
 - (c) that assesses those risks; and
 - (d) that sets out the steps to be taken to manage those risks (including the development and implementation of preventative strategies); and
 - (e) that contains any other matters required by the Ministry from time to time.
- (2) A risk management plan must address any risks specified by the Ministry.

Division 2—Audits

11. Risk management plan audit

- (1) A risk management plan audit is an audit by an approved auditor in relation to the risk management plan to determine—
 - (a) whether, in the case of a water supplier, the water supplier has complied with the obligations imposed by section 7 (1) during the audit period;
 - (b) whether, in the case of a water storage manager, the water storage manager has complied with the obligations imposed by section 8(1) during the audit period.

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- (2) In conducting a risk management plan audit, the auditor must inspect all the documents that are specified by the regulations for the purposes of this section.

12. Ministry may require risk management plan audit

- (1) The Ministry may, by written notice given to a water supplier or water storage manager—
- (a) require the water supplier or water storage manager to have its risk management plan audited in respect of a specified audit period by an approved auditor by the date specified in the notice; or
 - (b) declare when, how often and in respect of what audit period the water supplier or water storage manager is to have its risk management plan audited by an approved auditor.
- (2) A water supplier or water storage manager must comply with any requirement made in the notice and must do so at its own expense.

13. Audit certificate to be given

- (1) After conducting a risk management plan audit, an approved auditor must give the person who commissioned the audit a certificate stating the auditor's opinion on—
- (a) whether, in the case of a water supplier, the water supplier has complied with the obligations imposed by section 7 (1) during the audit period;
 - (b) whether, in the case of a water storage manager, the water storage manager has complied with the obligations imposed by section 8 (1) during the audit period.
- (2) The certificate must be in the form, and contain the details, required by the regulations.
- (3) If the auditor is of the opinion that section 7 (1) or 8(1) has not been complied with during the audit period, he or she must also give a copy of the certificate to the Ministry within 5 days after completing the audit.
- (4) If the auditor is of the opinion described in sub-section (3), he or she must include in the certificate details of the reasons why he or she is of that opinion.

14. Approval of risk management plan auditors

- (1) On the application of a water supplier or water storage manager, the Ministry may approve a natural person to conduct risk management plan audits of the supplier's or manager's risk management plan.

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- (2) The Ministry may only approve a person as an auditor if the Ministry is satisfied that the person meets the auditor approval criteria set out in the regulations for the purposes of this section.
 - (3) If the Ministry approves a person as an auditor, the Ministry must give the person, and the water supplier or water storage manager who applied for the approval, written notice of the approval.
 - (4) In approving a person as an auditor, the Ministry—
 - (a) may impose any conditions on the approval that the Ministry considers to be appropriate; and
 - (b) may specify for how long the approval remains current.

15. Only approved auditors may conduct audits

A person must not conduct a risk management plan audit or issue a certificate in relation to such an audit unless he or she is an approved auditor.

16. Auditor must comply with conditions of approval

An approved auditor must comply with any condition imposed by the Ministry in approving him or her to be an auditor.

17. Conflict of interest to be avoided

A person must not conduct an audit of a risk management plan that he or she has written or assisted in preparing.

PART 3—OTHER OBLIGATIONS ON WATER SUPPLIERS AND WATER STORAGE MANAGERS

Division 1—Drinking Water Quality Standards

18. Drinking water must comply with quality standards

- (1) A water supplier must ensure that all drinking water supplied by it to another person complies with the quality standards specified for drinking water in Schedule I to this Act or in any regulations made for the purposes of this section.
- (2) Before a proposed regulation that is to be made for the purposes of this section, the Federal Government must consult with each of the following—
 - (a) any Provincial Government and Local Government; and
 - (d) the Finance Ministry.

19. Notification required if non-complying water supplied

A water supplier must notify the Ministry in writing if it becomes aware that the drinking water it is supplying to another person does not comply, or is not likely to comply, with any relevant water quality standard and must do so within 10 days after it becomes aware of that fact.

20. Variations of aesthetic standards

- (1) In this section "**aesthetic standard**" means a water quality standard that the Schedule or any regulations made under this Act, state—
 - (a) is not primarily intended to protect public health; and
 - (b) may be varied under this section.
- (2) A water supplier may apply to the Federal Government to vary an aesthetic standard as it applies to drinking water supplied by the water supplier.
- (3) An application must set out—
 - (a) the standard that it is sought to vary, the variations that are sought in respect of the standard, the water supply in respect of which the variation is sought and the reasons why the variations are sought; and
 - (b) the period sought during which the variation is to apply and the reasons for seeking that period; and
 - (c) any benefits and adverse impacts that the approval of the variation is likely to have; and

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- (d) a description of the consultation that has taken place in relation to the proposal to vary the standard, together with a summary of the views of the people consulted.
 - (4) The Federal Government may approve an application if the Federal Government is satisfied on reasonable grounds that—
 - (a) the approval of the application will not be likely to result in any increased risks to public health; and
 - (b) the relevant community to which the water supplier supplies drinking water has been adequately consulted about the application; and
 - (c) the likely benefits of approving the application outweigh the likely impacts (including the likely costs).
 - (5) The Federal Government must give the water supplier written notice of the approval or rejection of an application.
 - (6) In approving an application, the Federal Government may specify the period of time during which the variation sought is to apply to the water supplier.
 - (7) On the approval of an application, the relevant water quality standard, as varied in the notice of the approval, applies to the water supply that was the subject of the application for the period (if any) specified in the notice.

21. Exemption from water quality standards

- (1) A water supplier may apply to the Federal Government to be exempted from a water quality standard as it applies to drinking water supplied by the water supplier.
- (2) An application must set out—
 - (a) the standard that it is sought to be exempted from, the water supply in respect of which the exemption is sought and the reasons why the exemption is sought; and
 - (b) the period sought during which the exemption is to apply and the reasons for seeking that period; and
 - (c) any benefits and adverse impacts that the approval of the exemption is likely to have; and
 - (d) the measures that will be taken if the application is approved to eliminate or minimise any risks to public health that may occur; and

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- (e) a description of the consultation that has taken place in relation to the proposal to seek the exemption, together with a summary of the views of the people consulted.
 - (3) The Federal Government may approve an application if the Federal Government is satisfied on reasonable grounds that—
 - (a) adequate measures are proposed to eliminate or minimise any risks to public health that may occur as a result of the approval of the application; and
 - (b) the relevant community to which the water supplier supplies drinking water has been adequately consulted about the application; and
 - (c) the likely benefits of approving the application outweigh the likely impacts (including the likely costs).
 - (4) The Federal Government must give the water supplier written notice of the approval or rejection of an application.
 - (5) In approving an application, the Federal Government may specify the period of time during which the exemption is to apply to the water supplier.
 - (6) On the approval of an application, the relevant water quality standard ceases to apply to the water supply that was the subject of the application for the period (if any) specified in the notice.

22. Federal Government may impose conditions

- (1) The Federal Government may, at any time, impose conditions in relation to a variation granted under section 19 or an exemption granted under section 20.
- (2) A condition imposed at the time the variation or exemption was approved takes effect immediately, unless the Federal Government specifies a later date.
- (3) A condition imposed after the approval of a variation or exemption takes effect on the Federal Government giving the water supplier written notice of the condition, unless the Federal Government specifies a later date.
- (4) An exemption, or the approval of a variation, has no effect during any period in which a condition imposed under this section in relation to the exemption or variation is not being complied with.

Division 2—Disclosure and Reporting Requirements

23. Officer to report known or suspected contamination

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- (1) This section applies if an officer of a water supplier, water storage manager or council believes or suspects, on reasonable grounds, that water supplied, or to be supplied, for drinking purposes—
 - (a) may be the cause of an illness; or
 - (b) may be the means by which an illness is being, has been or will be, transmitted; or
 - (c) may contain any pathogen, substance, chemical or blue-green algae toxin, whether alone or in combination, at levels that may pose a risk to human health; or
 - (d) may cause widespread public complaint.
 - (2) On forming that belief or suspicion, the officer must immediately report his or her belief or suspicion to the Ministry, and must make the report in the form required by the Ministry.

24. Water quality monitoring information to be made publicly available

- (1) A water supplier must make available for inspection by the public the results of any water quality monitoring program that it conducts on any drinking water supplied by it.
- (2) The results must be made available within 7 days after they are compiled.
- (3) A water supplier must not publish any information in purported compliance with this section that it knows is false or misleading in a material detail without including with the information details of the defect in the information.

25. Water storage manager to give information to water supplier

- (1) A water storage manager must give a water supplier to which it supplies drinking water any information in the possession of the water storage manager that the water supplier reasonably requires as soon as is practicable after being asked for the information.
- (2) The water storage manager must give the information to the water supplier in a form that is acceptable to the water supplier.
- (3) The water supplier may not ask for information to be given to it in a form that would impose an unreasonable burden on the water storage manager.
- (4) If a dispute arises between a water storage manager and a water supplier under this section, either party to the dispute may refer the dispute to the Ministry for adjudication.

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- (5) If a dispute is referred to the Ministry for adjudication, both parties to the dispute must abide by any decision made by the Ministry in relation to the dispute.

26. Warnings to be given if regulated water supplied

- (1) The A water supplier who supplies regulated water must take all reasonable steps to ensure that the intended recipients of the water are made aware of the nature of the water and of the health risks that may arise from the use of the water.
- (2) The Ministry may order a water supplier to give warning to the public in a manner approved by the Ministry, or in accordance with its directions, if the Ministry considers that there is, was or may be a threat to the drinking water provided by that water supplier.
- (3) In addition to any requirement under subsection (1) and (2), if a water supplier considers that there may otherwise be a drinking water health hazard in relation to its water supply, the water supplier must immediately give warning of the possible hazard to the users of drinking water from that water supply.

27. Water suppliers or water storage managers to provide annual report

- (1) A water supplier or water storage manager must give the Ministry a report, in respect of each financial year, on the issues relating to the quality of drinking water and regulated water.
- (2) A water supplier or water storage manager must include in the report any other details that are required by the Ministry under sub-section (3).
- (3) The Ministry may, by written notice published in the Government Gazette, require water suppliers or water storage managers to include specified details in any report required by this section.
- (4) The water supplier or water storage manager must give the report to the Ministry no later than 31 October.
- (5) The water supplier or water storage manager must ensure that copies of the report are made available to the public on or after the day the report is given to the Ministry.
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PART 4—ADMINISTRATIVE AND ENFORCEMENT MATTERS

Division 1—General Functions and Powers of the Ministry

28. Functions of Ministry

The functions of the Ministry under this Act are—

- (a) to protect public health in relation to the supply of drinking water; and
- (b) to monitor and enforce compliance with this Act and the regulations; and
- (c) to report on the performance of water suppliers and water storage managers in relation to the requirements imposed on them under this Act; and
- (d) to investigate and report on any aspect of drinking water quality in Pakistan; and
- (e) to make recommendations to the Federal Government for Health on any matter relating to drinking water or regulated water; and
- (f) to promote industry and public awareness and understanding of drinking water quality issues.

29. General powers of the Ministry

The Ministry may do all things that are necessary or convenient to enable him or her to carry out his or her functions under this Act.

30. Ministry may require certain information

- (1) The Ministry may, by written notice, require a water supplier or water storage manager to give the Ministry any specified information that the Ministry reasonably requires to enable the Ministry to carry out his or her functions under this Act .
- (2) Without limiting sub-section (1), the Ministry may require a water supplier to give the Ministry specified information in relation to the action taken by the supplier to comply with any water quality standards that apply to the supplier.
- (3) A water supplier or water storage manager must comply with a requirement within the time specified by the Ministry.
- (4) The time specified for the purposes of sub-section (3) must be reasonable.
- (5) In making a requirement, the Ministry—
 - (a) may require information to be given on an ongoing basis; and
 - (b) may specify the form in which the information is to be given.

31. Ministry may accept undertakings

- (1) This section applies if the Ministry is satisfied that a water supplier or a water storage manager—
 - (a) is contravening this Act or the regulations; or
 - (b) has contravened this Act or the regulations in circumstances that make it likely that the contravention will occur again; or
 - (c) is likely to contravene this Act or the regulations made under this Act.
- (2) The Ministry may accept a written undertaking by the supplier or manager to take specified action within a specified period or periods, or to refrain from taking specified action—
 - (a) to stop the contravention from continuing or occurring again; and
 - (b) to eliminate or minimise the consequences of the contravention.
- (3) The Ministry may only accept an undertaking if it—
 - (a) identifies the act, or failure to act, that constitutes, or that constituted or that will constitute, the contravention; and
 - (b) states the period during which the undertaking applies; and
 - (c) is otherwise in a form, and contains the details, specified or approved by the Ministry.
- (4) An undertaking may deal with more than one contravention of this Act or the regulations, regardless of whether or not the contraventions are of the same nature.
- (5) A water supplier or a water storage manager may not be prosecuted in relation to an act, or a failure to act, that is the subject of—
 - (a) a completed undertaking; or
 - (b) a current undertaking, unless the supplier or manager is in breach of the undertaking.
- (6) Sub-section (5) applies even if the thing that a water supplier or a water storage manager agreed to do, or to not do, in an undertaking will not result in it fully meeting all the relevant obligations imposed under this Act or the regulations on it in respect of the contravention that is the subject of the undertaking.
- (7) Despite anything to the contrary in this section, the Ministry may not accept an undertaking in relation to a contravention of section 34.

32. Ministry may issue enforcement notice

- (1) This section applies if the Ministry is satisfied on reasonable grounds that a water supplier or a water storage manager—
 - (a) is contravening section 7, 8, 11(2), 17(1), 23(1), 23(2), 24, 25 or 29; or
 - (b) is in breach of an undertaking accepted under section 30.
- (2) The Ministry may give the supplier or manager a written notice requiring it, within a reasonable time specified in the notice, to take, or to refrain from taking, any action specified in the notice.
- (3) A water supplier or a water storage manager must comply with the requirement, unless it has a reasonable excuse for not doing so.
- (4) If the contravention is proved, the Ministry may impose a [penalty to be decided].

33. Annual report

- (1) The Ministry must give to the Federal Government a report in respect of each financial year that—
 - (a) provides a province-wide and each local government-wide perspective of drinking water quality; and
 - (b) provides details of the activities of the Ministry under this Act during the year and of the costs of those activities; and
 - (c) includes any other details that the Federal Government has asked the Ministry, by written notice, to include in the report.
- (2) The Ministry must give the report to the Federal Government no later than [date and month].
- (3) The Federal Government must ensure that a copy of the report is laid before each House of the Parliament on or before the 6th sitting day of the House after the day he or she receives the report.

34. Register of variations, exemptions and undertakings

- (1) The Ministry must establish and maintain a register listing—
 - (a) each variation of aesthetic standards approved under section 19; and
 - (b) each exemption from a water quality standard approved under section 20; and
 - (c) each undertaking accepted under section 30.

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- (2) The Ministry must ensure that the register contains any details concerning variations, exemptions or undertakings required by the regulations.
 - (3) A person may inspect the register at any time that the office in which the register is kept is open for business.
 - (4) The Ministry may publish the register, or any details in the register, in any manner or form that the Ministry considers to be appropriate.

35. Drinking water advisory committee

- (1) The ministry may, after consultation with the Provincial Government, establish an advisory committee to provide advice and recommendations with respect to drinking water matters referred to the committee by the ministry.
- (2) Without limiting subsection (1), the ministry may establish an advisory committee to provide advice and recommendations respecting standards and requirements to be established under this Act.
- (3) A person appointed to an advisory committee
 - (a) must be reimbursed reasonable traveling and out of pocket expenses necessarily incurred in discharging the person's duties under this Act, and
 - (b) may be paid remuneration.

36. Guidelines and Directives

- (1) The ministry may establish
 - (a) guidelines that must be considered, and
 - (b) directives that must be followed by drinking water officers and other officials in exercising powers and performing duties or functions under this Act in relation to drinking water.
- (2) The authorised officer must monitor compliance of drinking water with guidelines and directives established under this section.

Division 2—Incident Management

37. Powers of the Ministry if there is a risk to public health

- (1) This section applies if the Ministry believes on reasonable grounds that any drinking water supplied by, or in the possession of, a water supplier or water storage manager is, or may be, or may become, a risk to public health.

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- (2) The Ministry may direct the water supplier or water storage manager—
- (a) to give the Ministry specified information to enable the Ministry to confirm whether a risk to public health exists and to assess the nature and severity of the risk; and
 - (b) to take specified corrective action in relation to the water to safeguard public health; and
 - (c) to purify water to a specified standard; and
 - (d) to monitor the water supply in a specified manner; and
 - (e) to give the Ministry one or more written reports of any action taken by it to comply with any direction given under this sub-section.
- (3) In the case of a water supplier, the Ministry may also direct the water supplier—
- (a) to provide alternative supplies of drinking water; and
 - (b) to notify all affected consumers that water should be boiled, or treated in some other way, before drinking.
- (4) A water supplier or water storage manager must take all reasonable steps to comply with a direction within the time specified by the Ministry (or within any extension of that time approved by the Ministry).
- (5) In specifying the time within which a direction must be complied with, the Ministry must specify a reasonable time.

38. Power to assess and address immediate risks

- (1) This section applies if the Ministry believes on reasonable grounds—
- (a) that there is on any water supply premises any thing that is, that may be, or that may become, an immediate risk to public health relating to drinking water; or
 - (b) that an immediate risk to public health relating to drinking water exists, and that there is, or may be, or will be, on any water supply premises any thing that may assist in assessing, eliminating, removing, controlling or reducing that risk.
- (2) The Ministry may authorise an authorised officer to exercise, in relation to the water supply premises, the powers conferred by sub-section (3) for one or more of the following purposes—
- (a) to assess whether there is an immediate risk to public health, or the nature or severity of such a risk;

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- (b) to eliminate, remove, control or reduce an immediate risk to public health.

Note: Section 47 sets out the process for appointing authorised officers.

- (3) The authorised officer may enter the water supply premises at any reasonable time (having regard to the risk or potential risk) and may—
- (a) inspect the premises and any thing on the premises;
 - (b) take samples of any water or other thing on the premises;
 - (c) require a person at the premises to provide information or to produce documents; and
 - (d) make copies of, or take extracts from, any document kept on the premises;
 - (e) seize any thing on the premises if the authorised officer believes on reasonable grounds that it is necessary to seize the thing to eliminate, remove, control or reduce an immediate risk to public health;
 - (f) destroy any thing on the premises that poses an immediate risk to the public health;
 - (g) use or test any equipment on the premises;
 - (h) take any photographs or make any audio or visual recordings that he or she considers necessary;
 - (i) use any assistants the authorised officer considers necessary to exercise the powers conferred by this section.
- (4) The authorised officer may not, under this section, enter a residence unless the occupier of the residence has consented in writing to the entry and the carrying out of a search or as authorized by a warrant by a warrant issued by a magistrate authorizing a person named in the warrant to enter on or into property and conduct an inspection, undertake hazard abatement or prevention activities or take other action as authorized by the warrant.

39. Display of identity cards

- (1) An authorised officer must produce his or her identity card for inspection—
- (a) before exercising a power under this Division, other than a requirement made by post; and
 - (b) if asked to do so, at any time during the exercise of a power under this Division.

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- (2) An authorised officer may not continue to exercise any power under this Division if he or she fails to produce, on request, his or her identity card for inspection by the occupier of any premises on which the authorised officer is exercising the power.
- (2) For not following the requirement prescribed in this Section, a penalty [to be decided] may be imposed on the officer concerned or such other person being responsible of such contravention.

40. Announcement before entry

- (1) Before entering a premises to exercise a power conferred by section 35, the authorised officer, or a person assisting the authorised officer, must announce that he or she is authorised under section 35 to enter the premises and give any person at the premises an opportunity to allow entry to the premises.
- (2) The authorised officer or a person assisting the authorised officer need not comply with sub-section (1) if he or she believes on reasonable grounds that immediate entry to the premises is required to ensure—
- (a) the safety of any person; or
 - (b) the effective exercise of the powers conferred by section 35.

41. Occupier to be given copy of consent

- (1) An occupier who consents in writing to the entry and search of their premises or residence under section 35(4) must be given a copy of the signed consent immediately.
- (2) If, in any proceeding, a written consent is not produced to the court, it must be presumed, until the contrary is proved, that the occupier did not consent to the entry and search.

42. Receipt must be given for any thing seized

- (1) An authorised officer may not seize a thing, apparently in the possession or custody of a person, unless he or she makes out and tenders to the person a receipt for the thing seized that—
- (a) identifies the thing; and
 - (b) states the name of the authorised officer and the reason why the thing is being seized.
- (2) If an authorised officer is unable to discover the identity of the owner or custodian of any thing seized, the authorised officer must leave the receipt with, or post it to, the owner of the premises from which the thing was seized.

43. Copies of certain seized things to be given

- (1) If an authorised officer seizes—
 - (a) a document; or
 - (b) a thing that can be readily copied; or
 - (c) a storage device that contains information that can be readily copied—

the authorised officer must give a copy of the thing or information to the owner or custodian of the document, thing or device as soon as is practicable after the seizure.

- (2) Sub-section (1) does not apply—
 - (a) to any document, thing or device moved under section 42(2); or
 - (b) if the authorised officer is unable to discover the identity of the owner or custodian of the document, thing or device.
- (3) If it is not practicable to comply with sub-section (1) in respect of a thing before the authorised officer finishes the search, the authorised officer must give a receipt for the thing to the person from whom it is seized and removed.
- (4) In the case of a paper document, the authorised officer must certify on any copy of the document given to a person under this section that the copy is an accurate copy of the document.
- (5) A copy of a document certified under sub-section (4) is to be received in all courts and tribunals as evidence of equal validity to the original.

44. Access to seized things

- (1) If a thing is seized under this Part, the authorised officer who seized the thing must, if practicable, allow the person who would normally be entitled to possession of the thing reasonable access to it while it remains in the possession, or under the control, of the authorised officer.
- (2) This section does not apply if the authorised officer has given the person an accurate copy of the thing.

45. Use of equipment to examine or process things

- (1) An authorised officer may bring on to a premises any equipment reasonably necessary for the examination or processing of things found at the premises in order to determine whether they are things that may be seized.
- (2) If—

(a) it is not practicable to examine or process the things at the premises; or

(b) the occupier of the premises consents in writing—

the things may be moved to another place so that the examination or processing can be carried out in order to determine whether they are things that may be seized.

(3) The authorised officer, or a person assisting the authorised officer, may operate equipment already at the premises to carry out the examination or processing of a thing found at the premises in order to determine whether it is a thing that may be seized, if the authorised officer or person assisting believes on reasonable grounds that—

(a) the equipment is suitable for the examination or processing; and

(b) the examination or processing can be carried out without damage to the equipment or the thing.

46. Use or seizure of electronic equipment at premises

(1) If—

(a) a thing found at a premises is, or includes, a disk, tape or other device for the storage of information; and

(b) equipment at the premises may be used with the disk, tape or other storage device; and

(c) the authorised officer believes on reasonable grounds that the information stored on the disk, tape or other storage device is relevant to furthering the purpose of the authorised officer's inspection—

the authorised officer or a person assisting the authorised officer may operate, or may require the occupier or an employee of the occupier to operate, the equipment to access the information.

(2) If the authorised officer or a person assisting the authorised officer finds that a disk, tape or other storage device at the premises contains information of the kind referred to in sub-section (1)(c), he or she may—

(a) put the information in documentary form and seize the documents so produced; or

(b) copy the information to another disk, tape or other storage device and remove that storage device from the premises; or

(c) if it is not practicable to put the information in documentary form nor to copy the information, seize the disk, tape or other storage

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device and the equipment that enables the information to be accessed.

- (3) An authorised officer or a person assisting an authorised officer must not operate or seize equipment for the purpose mentioned in this section unless the authorised officer or person assisting believes on reasonable grounds that the operation or seizure of the equipment can be carried out without damage to the equipment.

47. Return of seized things

- (1) If an authorised officer seizes a thing under this Division, the authorised officer must take reasonable steps to return the thing to the person from whom it was seized if the reason for its seizure no longer exists.
- (2) If the thing has not been returned before the end of the retention period, the authorised officer must take reasonable steps to return it unless—
 - (a) proceedings have commenced within the retention period and those proceedings (including any appeal) have not been completed; or
 - (b) a court makes an order under section 45 extending the retention period.

48. Court may extend period

- (1) An authorised officer may apply to the Court within the retention period or within a period extended by the Court under this section for an extension of that period.
- (2) The Court may order such an extension if satisfied that retention of the thing is necessary for the purposes of the investigation in relation to which the thing was seized.
- (3) The Court may adjourn an application to enable notice of the application to be given to any person.

49. Self-incrimination not an excuse

- (1) A person is not excused from complying with a direction made under this Division on the ground that complying with the direction may result in information being provided that might incriminate the person.
- (2) Any information obtained from a natural person under this Division is not admissible in evidence against the person in criminal proceedings other than in proceedings in respect of the provision of false information.
- (3) Despite sub-section (2), any information obtained from a person under this Division that is contained in any document or item—
 - (a) that the person is required to keep by any law; or

- (b) that a water supplier, water storage manager or an officer, employee or agent of a water supplier or water storage manager is required to keep by any law; or
- (c) that was obtained without the direct assistance of the person—
is admissible in evidence against the person in criminal proceedings.
- (4) For the purposes of sub-section (3), a person provides direct assistance in the obtaining of a document or item if the person identifies, reveals the location of, or explains the contents of, the document or item.

Division 3—Authorised Officers

50. Appointment procedure

- (1) The Ministry may appoint a person to be an authorised officer for the purposes of section 35.
- (2) The Ministry may only appoint a person to be an authorised officer if the Ministry is satisfied that the person is suitably qualified or trained to exercise powers under section 35.
- (3) In appointing a person as an authorised officer, the Ministry must give the person an identity card—
 - (a) that identifies the person by name as an authorised officer under this Act; and
 - (b) that contains a photograph of the person; and
 - (c) that is signed by the person; and
 - (d) that is signed by the Ministry.
- (4) If a person's appointment as an authorised officer is revoked or expires, he or she must immediately return his or her identity card to the Ministry.

51. Offence to obstruct authorised officer

- (1) A person must not—
 - (a) obstruct, hinder or refuse to comply with a lawful request or direction of; or
 - (b) refuse admission to any premises to an authorised officer, or any person necessarily assisting an authorised officer, while the authorised officer or person is exercising a power given to the authorised officer or person under this Act.

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- (2) For any contravention of this section a penalty of **[to be decided]** may be imposed against the person responsible for such contravention.

52. Offence to impersonate authorised officer

- (1) A person who is not an authorised officer must not directly or indirectly represent that he or she is an authorised officer or is authorised to conduct inspections for the purposes of this Act.
- (2) Whoever does so may be liable for a penalty of [to be decided].

53. Personal liability protection

- (1) No action for damages lies or may be brought against an authorized officer, delegate or issuing official because of anything done or omitted
- (a) in the performance or intended performance of any duty under this Act, or
 - (b) in the exercise or intended exercise of any power under this Act, unless the person was acting in bad faith.
- (2) Subsection (1) does not absolve a person from vicarious liability arising out of an act or omission of a person referred to in that subsection for which the first person would be vicariously liable if this section were not in force.

54. Court order requiring compliance

- (1) On application by an authorized officer, the Court may grant an injunction against a person who has contravened this Act, the regulations or an order under this Act,
- (a) restraining the person from contravening the Act, regulations or order, or
 - (b) requiring the person to take action as directed by the Court for the purpose of achieving compliance or remedying or preventing a drinking water health hazard.
- (2) An order under subsection (1) does not prevent the imposition of a penalty in respect of an offence in relation to the same matter.

Division 4—Administration Levy

55. Requirement to pay levy

Each water supplier and water storage manager must pay a levy in respect of any period specified by the Federal Government on or by the date specified by the Federal Government to assist in defraying the costs of a Federal Government in this Act.

56. Meaning of "costs of a Federal Government in this Act"

- (1) For the purposes of this Division, the costs of a Federal Government in this Act in a particular period are the costs and expenses incurred, or that are likely to be incurred, by the Ministry in that period in carrying out the Ministry's functions under this Act.
- (2) For the purposes of sub-section (1), costs and expenses include notional costs and expenses (such as a proportionate share of general salary costs, overhead costs or depreciation).
- (3) Despite sub-section (1), the costs of a Federal Government in this Act do not include any cost or expense incurred by the Ministry in carrying out any function under Division 2.

57. How amount of levy to be calculated

The amount of the levy payable by a water supplier or water storage manager is to be determined as follows—

- (a) the Federal Government must fix a period in respect of which the levy is payable and seek advice from the Ministry on the costs, or likely costs, of a Federal Government in this Act in that period; and
- (b) the Ministry must advise the Federal Government—
 - (i) in respect of a past period, of the amount of the costs of a Federal Government in this Act incurred in that period; and
 - (ii) in respect of a current or future period, of the likely amount of the costs of a Federal Government in this Act in that period; and
- (c) the Federal Government must apportion the amount between all the water suppliers and water storage managers who are liable to pay the levy in a manner that the Federal Government considers to be fair; and

58. Collection of the levy

- (1) The Federal Government must give each water supplier and water storage manager a written notice setting out—
 - (a) the amount it is required to pay as levy in respect of a specified period; and
 - (b) the date the amount is required to be paid by; and
 - (c) how the payment is to be made.
- (2) The Federal Government must ensure that all amounts paid as levy are paid into the Consolidated Fund.

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PART 5—MISCELLANEOUS MATTERS

Division 1—Miscellaneous Offence

59. False information not to be given

- (1) A person must not—
 - (a) in purported compliance with this Act, give to the Ministry or an authorised officer any information or answer that the person knows is false or misleading in a material detail; or
 - (b) produce any document that the person knows is false or misleading in a material detail, without informing the person to whom the document is produced of the defect in the document.
 - (c) hinder, obstruct, impede or otherwise interfere with an authorized officer, delegate or issuing official in the performance of their duties or the exercise of their powers under this Act.
- (2) For not complying sub-section (1) above, a penalty of [to be decided] be imposed on the person whoever disregard sub-section (1) above.

60. Offences and penalties

- (1) A person who contravenes this Act, or a regulation, order, direction or permit under this Act, commits an offence.
- (2) Unless a lower penalty is specified by regulation, a person who commits an offence under subsection (1) is liable on conviction to the following:
 - (a) in the case of an offence that is not a continuing offence, a fine of not more than [Rs. 00000.00 or imprisonment for not longer than 00 months], or both;
 - (b) in the case of a continuing offence, a fine of not more than [Rs.00000.00 for each day the offence is continued or imprisonment for not longer than 12 months], or both.
- (3) If a company or a body corporate commits an offence under this Act, an employee, officer, director or agent of the corporation who authorizes, permits or acquiesces in the commission of the offence commits an offence.
- (5) Sub-Section (3) applies whether or not the company or a body corporate is prosecuted for the offence.
- (6) The time limit for laying an information respecting an offence under this Act is 2 years after the facts on which the information is based first came to the knowledge of an authorized officer.

Division 2—Regulations

61. Regulations

- (1) The Federal Government may make regulations for or with respect to—
 - (a) incidental matters in relation to water quality standards;
 - (b) the monitoring of drinking water quality, or any component or characteristic of drinking water, including—
 - (i) specifying the location, frequency and method of collecting samples of drinking water and other water; and
 - (ii) specifying who is to collect the samples (and providing for an approval or accreditation system for collectors); and
 - (iii) specifying the analytical methods to be used to analyse samples; and
 - (iv) specifying who is to conduct analyses of samples (and providing for an approval or accreditation system for analysts); and
 - (v) specifying how the results of analyses and monitoring are to be reported;
 - (c) risk management plans and systems, including requirements concerning—
 - (i) how incidents and emergencies are to be dealt with;
 - (ii) interactions with other people and bodies in relation to incidents and emergencies;
 - (iii) monitoring and verifying the implementation and continued compliance with those plans;
 - (iv) the keeping of records and the collection of information relevant to the plans;
 - (v) the verification of any record kept or information collected;
 - (vi) the supply of information to consumers to reduce or eliminate risks;
 - (vii) interactions with other water suppliers or water storage managers;
 - (viii) interactions with other people and bodies;
 - (d) incidental matters in relation to approved auditors;

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- (e) requiring the reporting of illnesses that may have been caused by water supplied by a water supplier or water storage manager, or of incidents that may have been caused by waterborne things;
 - (f) requiring the disclosure of the public health risks associated with the supply of regulated water;
 - (g) forms for the purposes of this Act;
 - (h) generally prescribing any other matter or thing required or permitted by this Act to be prescribed, or necessary to be prescribed to give effect to this Act.
- (2) The regulations—
- (a) may be of general or of specially limited application; and
 - (b) may differ according to differences in time, place or circumstance; and
 - (c) may require a matter affected by the regulations to be—
 - (i) in accordance with a specified standard or specified requirement; or
 - (ii) approved by or to the satisfaction of a specified person or a specified class of person; or
 - (iii) as specified in both sub-paragraphs (i) and (ii); and
 - (d) may apply, adopt or incorporate any matter contained in any document whether—
 - (i) wholly or partially or as amended by the regulations; or
 - (ii) as in force at a particular time or as in force from time to time; and
 - (e) may confer a discretionary authority or impose a duty on a specified person or a specified class of person; and
 - (f) may provide in a specified case or class of case for the exemption of people or things from any of the provisions of this Act, whether unconditionally or on specified conditions, and either wholly or to such an extent as is specified; and
 - (g) may be expressed as requiring the achievement of a specified object in relation to any particular subject matter.

62. Act to override other laws

In case of any conflict or inconsistency between any provisions of this Act and any other law, the provisions of this Act, to the extent of such conflict or inconsistency, as the case may be, shall prevail.

Schedule 1**Standards for Quality Drinking Water in Pakistan**

PROPERTIES/PARAMETERS	STANDARD VALUES FOR PAKISTAN
Bacterial	
All water intended for drinking (e.Coli or Thermotolerant Coliform bacteria)	Must not be detectable in any 100 ml sample
Treated water entering the distribution system (E.Coli or thermo tolerant coliform and total coliform bacteria)	Must not be detectable in any 100 ml sample
Treated water in the distribution system (E.coli or thermo tolerant coliform and total coliform bacteria)	Must not be detectable in any 100 ml sample In case of large supplies, where sufficient samples are examined, must not be present in 95% of the samples taken throughout any 12-month period.
Physical	
Colour	≤15 TCU
Taste	Non objectionable/Acceptable
Odour	Non objectionable/Acceptable
Turbidity	< 5 NTU
Total hardness as CaCO ₃	< 500 mg/l
TDS	< 1000
pH	6.5 – 8.5
Chemical	
<i>Essential Inorganic</i>	<i>mg/Litre</i>
Aluminium (Al) mg/l	≤0.2
Antimony (Sb)	≤0.005 (P)
Arsenic (As)	≤ 0.05 (P)
Barium (Ba)	0.7
Boron (B)	0.3

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Part 5—Miscellaneous Matters

PROPERTIES/PARAMETERS	STANDARD VALUES FOR PAKISTAN
Cadmium (Cd)	0.01
Chloride (Cl)	<250
Chromium (Cr)	≤0.05
Copper (Cu)	2
<i>Toxic Inorganic</i>	<i>mg/Litre</i>
Cyanide (CN)	≤0.05
Fluoride (F)*	≤1.5
Lead (Pb)	≤0.05
Manganese (Mn)	≤ 0.5
Mercury (Hg)	≤0.001
Nickel (Ni)	≤0.02
Nitrate (NO ₃)*	≤50
Nitrite (NO ₂)*	≤3 (P)
Selenium (Se)	0.01(P)
Residual chlorine	0.2-0.5 at consumer end 0.5-1.5 at source
Zinc (Zn)	5.0
* indicates priority health related inorganic constituents which need regular monitoring.	
<i>Organic</i>	
Pesticides mg/L	
Phenolic compounds (as Phenols) mg/L	
Polynuclear aromatic hydrocarbons (as PAH) g/L	
Radioactive	
Alpha Emitters bq/L or pCi	0.1