

SENATE OF PAKISTAN



REPORT OF THE SENATE STANDING COMMITTEE ON INTERIOR

ON

[THE RAIN WATER HARVESTING FACILITY IN URBAN AREAS BILL, 2023]
PRIVATE MEMBER BILL
INTRODUCED BY
SENATOR PALWASHA MUHAMMED ZAI KHAN
ON 7TH AUGUST, 2023.

PRESENTED BY

SENATOR MOHSIN AZIZ
CHAIRMAN SSC ON INTERIOR

SENATE SECRETARIAT

SUBJECT: REPORT OF THE SENATE STANDING COMMITTEE ON INTERIOR ON THE RAIN WATER HARVESTING FACILITY IN URBAN AREAS BILL, 2023.

I, Senator Mohsin Aziz, Chairman Senate Standing Committee on Interior, have the honor to present report of the Committee on a Bill to provide for compulsory harvesting of rain water in every Government, Residential, Commercial and Institutional building in urban areas to conserve water [The Rain Water Harvesting Facility in Urban Areas Bill, 2023] introduced by Senator Palwasha Muhammed Zai Khan on 7th August, 2023.

2. The composition of the Committee is as under: -

Senator Mohsin Aziz	Chairman
Senator Syed Yousuf Raza Gillani	Member
Senator Azam Nazeer Tarar	Member
Senator Samina Mumtaz Zehri	Member
Senator Sherry Rehman	Member
Senator Saifullah Abro	Member
Senator Faisal Saleem Rehman	Member
Senator Shahadat Awan	Member
Senator Faisal Subzwari	Member
Senator Fawzia Arshad	Member
Senator Danesh Kumra	Member
Senator Dilawar Khan	Member
Senator Kamil Ali Agha	Member
<u>Minister for Interior</u>	<u>Ex-Officio Member</u>

3. The Committee finally considered the Bill in its meeting held on 28th September.

2023. The meeting was attended by the following Members:

1. Senator Mohsin Aziz	Chairman
2. Senator Saifullah Abro	Member
3. Senator Shahadat Awan	Member
4. Senator Kamil Ali Agha	Member
5. Senator Danesh Kumar	Member
6. Senator Fawzia Arshad	Member
7. Senator Samina Mumtaz Zehri	Member
8. Senator Sherry Rehman	Member
9. Senator Dilawar Khan	Member
10. Senator Palwasha Muhammed Zai Khan	Mover

4. The Mover briefed the Committee about the objects and reasons of the Bill. She was of the view that water crisis is an emerging problem of urban areas of the country and demand for water is increasing day by day for domestic as well as industrial usages however, the water table depleting day by day. Rainwater is one of the oldest sources of water which if stored can fulfil the need of humanity. The obligatory fresh water harvesting is, therefore, need of the day which will not only save the rain water but it will also supplement the dwindling water supply and prevent flash flooding. She stated that in order to achieve the above purpose, she has introduced the instant Bill in the Senate to the extent of ICT to set a role model for the other federating units.

5. The Water Management Wing of Capital Development Authority submitted the brief to the Committee through their File No.CDA/DG/WMW/2023 dated 27th September, 2023 according to which the CDA in collaboration with PCRWR has established rainwater harvesting

system at identified sites in sectoral areas of Islamabad. The Committee was informed that these models have been established in Thar and Cholistan deserts to improve drought resilience of local population. For the last five years, models of rainwater harvesting and ground water recharge have been set up in urban areas like Lahore, Sialkot, Kamalia, Jhelum, Islamabad, Sargodha, Faisalabad and Rawalpindi.

6. According to the brief submitted to the Committee, at the time of establishment of Islamabad in the year 1960, the ground water table was about 10 meter which has declined at the rate of 1.7 meters per year due to massive extraction of water to meet supply/demand gap i.e. 80 MGD against demand of 220 MGD for 2.6 million people living in Islamabad and reduced water percolation into the soil. The Committee was informed that average annual rainfall of Islamabad is about 1000 mm but due to rapid urbanization, huge runoff is originated during rainfall but it goes wasted into Soan river out of which most of its content could be utilized through water recharging activity. The Committee was informed that the CDA Board has recently approved the proposal to declare house to house and building rainwater harvesting technology mandatory through amendment in CDA Building By-laws in following manner:

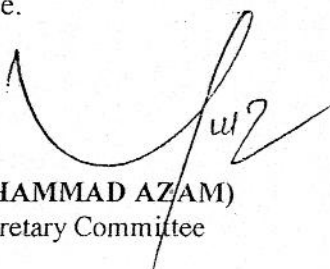
- i. It has been mandatory to construct rainwater harvesting tanks in all types of buildings constructed on plots having size of 400 square yards and above under clause 4.12 of Rain Harvesting of Islamabad Capital Territory Building Control Regulations, 2020.
- ii. In clause 9.5, it has been clarified that rainwater harvesting tanks with recharging wells and storage tank as per approved drawing is mandatory in all types of buildings irrespective of its size.
- iii. No building plan is approved without proposed rainwater harvesting tank in the building plan.
- iv. No building is issued completion certificate until the rainwater harvesting tank is physically constructed at site.

7. According to the brief submitted by the Director General, Water Management Wing of CDA, keeping in view the scarcity of water due to fewer rains in catchment areas, ever increasing supply/demand gap due to rapid urbanization and massive environmental/climate change, the rain harvesting technology/methods have become imperative to be implemented as well as extended in federal Capital to curtail the depletion of water table, hence, the instant Bill introduced by Senator Palwasha Muhammed Zai Khan is strongly supported/endorsed.
8. Member Planning CDA stated that CDA has already mandated the rainwater harvesting in their Building By-laws. Chair observed that if there would be a law on this subject it will further strengthen CDA and will substantiate CDA By-laws. Member Planning CDA stated that CDA has no objection on becoming of law on this subject but it will include many other agencies like EPA and the process will become lengthy.
9. The Mover stated that by the time this Bill will become Act of Parliament, CDA should implement its By-laws in letter and spirit. The Member Planning CDA endorsed the idea and admitted that the Act of Parliament will have more force than rules and regulations so CDA supports the instant Bill.
10. Special secretary, Ministry of Interior was of the view that Bill should be examined by the Law Ministry so that its wording should be proper.
11. All members of the Committee unanimously supported the Bill. The Committee considered the Bill clause by clause and gone through the provisions of the Bill. The Chair drew attention of the members towards the penalties and punishments proposed by the Mover. Special Secretary MOI was of the view that the penalties should be deterrent. Member Planning was of the view that generally penalties and punishments are part of the rules and not included in the main Act.
12. Special secretary MOI was of the view that there should be provisioning of enhancement of punishments in future by the Government through Rules so that every time the


Parliament is not to be approached for amendments. The Chair was of the view that Parliament is sitting for this purpose and if in future the amendment would be required, the same will be considered by the parliament.

13. Member Planning CDA stated that plot size should have been mentioned in the law. The Mover drew attention of the Committee towards clause 4 of the Bill wherein the area of residential building has been given which is 2800 square feet which is around 10 Marlas. The Chair pointed out that the area has not been mentioned in clause 5 of the Bill which deals with the commercial establishments. The Mover proposed that the same plot size may also be fixed for the commercial establishments i.e. 2800 square feet which is around 10 Marlas. The Committee agreed the suggestion of the Mover and unanimously endorsed the same.

14. Thereafter, the Bill was put to the vote of the Committee which was unanimously recommended by the Committee with the recommendation that **the Bill as reported by the Committee may be passed by the Senate.** The Bill as introduced in the Senate is at Annexure-A. The Bill as reported by the Committee is at Annexure-B. The Committee also gave approval of presentation of report of the Committee to the House. Hence, this report is presented to the House.



(MUHAMMAD AZAM)
Secretary Committee



(SENATOR MOHSIN AZIZ)
Chairman Committee

INTRODUCED ON 07.08.2023.
[AS INTRODUCED IN THE SENATE]

A
BILL

to provide for compulsory harvesting of rainwater in every Government, residential, commercial and institutional building in urban areas to conserve water

WHEREAS it is expedient to provide for compulsory harvesting of rainwater in every Government, residential, commercial and institutional building in urban areas to conserve water and for matters connected thereto;

It is hereby enacted as follows:-

1. Short title, extent and commencement. - (1) This Act may be called the Rain Water Harvesting Facility in Urban Areas Act, 2023.

(2) It shall extend to the Islamabad Capital Territory.

(3) It shall come into force at once.

2. Definitions. - In this Act, unless the context otherwise requires, —

- (a) **"building"** includes all such structures, sheds, houses and buildings as may be notified by the Government under this Act;
- (b) **"commercial establishment"** means any building which is being used as an office or factory or for any other commercial purpose in connection with any trade or business;
- (c) **"Government"** means the Federal Government;
- (d) **"Government building"** means any building occupied or being used by any Government department or Ministry and includes offices of public sector enterprises, statutory bodies, bodies owned or administered by the Government, autonomous bodies, bodies of local self-government and residential areas provided by the Government to government employees;
- (e) **"household"** means a dwelling unit of any description;
- (f) **"housing society"** means a dwelling unit in a complex or building;
- (g) **"prescribed"** means prescribed by rules made under this Act;
- (h) **"rainwater"** is liquid water in form of droplets that have condensed atmospheric water vapor and the precipitated to become heavy enough to fall under gravity;
- (i) **"rainwater harvesting"** refers to the accumulation and deposition of rainwater for reuse on-site and water collected is redirected to a deep pit, reservoir with percolation and provides an independent water supply; and

- (j) **"rainwater harvesting system"** refers to the process of collecting rainwater and then storing it for domestic use such as irrigation, laundry, flushing and with additional treatment as drinking water.

3. Obligation of rainwater harvesting in Government buildings. - It shall be the duty of the Government to ensure and implement such measures, as it may deem necessary and appropriate, to harvest rainwater in Government buildings within such time as may be prescribed.

4. Compulsory rainwater harvesting in households and residential establishments. - (1) Every owner of an independent household building having area of not less than two thousand eight hundred square feet or every owner who proposes to construct an independent household building on an area of not less than two thousand eight hundred square feet shall install rainwater harvesting system and structures for storage and for use of harvested water.

(2) It shall be obligatory for the builders and promoters of every building and housing society to install rainwater harvesting system and structure on the top of every building or in the land forming part of the property, in order to meet a part of its total requirement of water in such manner as may be prescribed.

(3) The responsibility to ensure compliance of the provisions of sub-section (2) shall lie with the developer or builder of the proposed building or housing society.

Explanation. — For the purposes of this section "builder" or "developer" means the company or individual or group of individuals responsible for the planning and construction of the building or housing society.

5. Compulsory rainwater harvesting by commercial establishment. -

(1) Every commercial establishment shall adopt such measures to provide rain water harvesting system and structures for storage and for use of harvested water within the premises of the commercial establishment.

(2) The responsibility to ensure compliance of the provisions of sub-section (1) shall lie on the person, by whatever name called, who is

primarily responsible for the affairs of that establishment.

3

6. Monitoring and Evaluation.- The prescribed authority shall conduct regular monitoring and evaluation of the safety of the water for domestic use.

7. Punishments. - (1) Whoever contravenes the provisions of section 3 shall face enquiry and the responsible shall be punishable in accordance with Government Servants (Efficiency and Discipline) Rules, 1973.

(2) Whoever contravenes the provisions of section 4 shall be punishable with fine which may extend to five hundred thousand rupees.

(3) Whoever contravenes the provisions of section 5 shall be punishable with fine which may extend to one million rupees.

8. Power to make rules. - (1) The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) The Government shall make the rules within three months after the enforcement of this Act and shall lay the same before the Parliament for approval.

9. Act not in derogation of any other law. - The provisions of this Act shall be in addition to and not in derogation of any other law for time being in force.

STATEMENT OF OBJECTS AND REASONS

Water crisis is the inherited problem after gaining independence. With passage of time water accessibility per capita has been declining because of increasing population. The quantum of water obtainable within the country being fixed, the increasing demand has reduced per capita water availability. There's a large-scale pollution of water as a results of industrialization and urbanization, a trend that should be checked. Water in most industries is employed for cooling purposes, thus, it's not necessary to use potable water. Instead, the recycled water is also used for this purpose. Demand of water for domestic use may be cut backed. Rainwater is one of the oldest sources of water which can provide the needed water supply for humanity's survival. Thus obligatory fresh water harvest is, therefore, need of hour. It'll not only reduce the burden on restricted water resources but will also guarantee and prove valuable property for the long run generations. It can also supplement the dwindling water supply and prevent flash flooding. The situation clamors to introduce this Bill. Further, the water tables are rapidly depleting due to the mushrooming of housing societies and conversion of agro land to commercial use.

2. The Bill has been designed to achieve the above purpose.

SENATOR PALWASHA MOHAMMED ZAI KHAN
MEMBER-IN-CHARGE

[AS REPORTED BY THE COMMITTEE]

A
BILL

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