



***DRAFT BILL FOR THE ESTABLISHMENT OF
NATIONAL FLOOD MANAGEMENT AND ENGINEERING
ADVISORY COMMISSION (NFMEAC)***

(Final Draft)

April, 2024

TO BE INTRODUCED IN THE NATIONAL ASSEMBLY/ SENATE

A

Bill

to provide for the establishment of the National Flood Management & Engineering Advisory Commission (NFMEAC)

WHEREAS *it is expedient to provide for the establishment of the National Flood Management & Engineering Advisory Commission (NFMEAC) to serve as custodian of the flood protection program in the country, and to provide for matters connected therewith and incidental thereto: And*

WHEREAS *it is expedient to have the National Flood Management & Engineering Advisory Commission (NFMEAC) serve as a national hub for providing strategic focus and regulating the implementation of national policies and action plans for flood protection and matters connected therewith or incidental thereto;*

PART-I GENERAL

1. Short title, extent, application and commencement. – (1) *This Act may be called the National Flood Management & Engineering Advisory Commission Act, 2024.*

(2) *It extends to the whole of Pakistan.*

(3) *It shall apply to all such matters related to flood protection that require coordination, oversight, intervention or assistance of the National Flood Management & Engineering Advisory Commission (NFMEAC).*

(4) *It shall come into force at once.*

2. Definitions. — (1) *In this Act, unless there is anything repugnant in the subject or context;*

(a) *“Commission” means the Chairman and the Members appointed under Section 9 of the Act to exercise authority on behalf of National Flood Management & Engineering Advisory Commission (NFMEAC).*

(b) *“Chairman” means Chief Executive Officer of National Flood Management & Engineering Advisory Commission (NFMEAC);*

(d) *“Erstwhile Commission” means Office of the Chief Engineering Advisor/ Federal Flood Commission that existed prior to commencement of this Act;*

(e) *“NFMEAC” means National Flood Management & Engineering Advisory Commission (NFMEAC) established under section 3 of the Act;*

(f) *“NFMEAC Fund” means the National Flood Management & Engineering Advisory Commission non-lapsable fund established under section 22 of the Act;*

(g) *“Flood” includes any case;*

i. *where land not normally covered by water becomes covered by water for a prolonged period of time;*

ii. *where the water can cause disruption of normal pattern of living;*

iii. *where water can cause damage and loss of property;*

iv. *where water can impact health conditions of the inhabitants, and*

v. *where it can cause the inhabitants to relocate. It does not matter for the purpose of this subsection whether a flood is caused by—*

aa. *riverine or pluvial floods caused by heavy rainfall,*

bb. *flash floods caused by incessant rain,*

cc. *a river overflowing or its banks being breached,*

dd. *a dam overflowing or being breached,*

- vi. *Tidal waters/coastal floods: caused by strong winds or storm surges that move toward a coast during high tide; or;*
 - vii. *Drainage flooding: when the drainage system in a city or town fails to absorb the water from heavy rain, and due to lack of drainage in the urban areas which can cause structural damage;*
 - viii. *anything other flooding condition due to any combination of above factors as decided by the Commission.*
- (h) *“Professional Member” means a Member of the National Flood Management & Engineering Advisory Commission (NFMEAC)*
“Executive Member” means a National Flood Management & Engineering Advisory Commission (NFMEAC) who are Sectional Heads of all Administrative Wings of Erstwhile Commission
- (i) *“person” includes an individual, partnership, trust, company or association or of body corporate or body of individuals, whether or not having separate legal personality, other than the Federal Government or any enterprise owned or controlled by the Federal Government;*
- (j) *“prescribed” means prescribed by rules and/or regulations made under this Act;*
- (k) *“rules” means the rules made under this Act;*
- (l) *“Regulation” means the regulation made under this Act;*
- (m) *“Secretary” means the Secretary of the Commission (NFMEAC).*

**PART II - ESTABLISHMENT OF THE NATIONAL FLOOD MANAGEMENT &
ENGINEERING ADVISORY COMMISSION (NFMEAC)**

3. Establishment of the National Flood Management & Engineering Advisory Commission (NFMEAC) - (1) *As soon as may be but not later than 30 days of the commencement of this Act, the Federal Government shall, by a notification in the Official Gazette, establish the National Flood Management & Engineering Advisory Commission (NFMEAC) for carrying out the purposes of this Act.*

(2) *The NFMEAC shall be a body corporate having perpetual succession and a common seal, with power, subject to the provisions of this Act, to enter into agreements, contracts, acquire and hold property, both moveable and immovable, and to sue and be sued in its name.*

4. *Dissolution of Erstwhile Commission i.e. O/o CEA/CFFC.* - *With enactment of the Act, the Federal Government's Notifications dated January 1977 and any other related notifications (Dated July 01, 1959, January 04, 1977, May 26, 1981, July 09, 2015¹) issued thereafter from time to time establishing and constituting the erstwhile Commission, shall stand rescinded and dissolved.*

5. *Transfer of assets and Liabilities of the Erstwhile Commission.* - (1) *Upon the commencement of this Act, all assets, rights, powers, authorities and privileges, and all property, moveable and immovable, cash and bank balances, reserve funds investment and all other interests and rights in, or arising out of, such property of the erstwhile Commission shall stand transferred to and be vested in the NFMEAC.*

(2) *All debts, liabilities and obligations of whatever kind of the erstwhile Commission subsisting immediately before the dissolution of erstwhile Commission shall stand transferred to and vested in the NFMEAC.*

(3) *All contracts, agreements, promises, negotiations and working arrangements made and undertakings reached including bidding process initiated as a result of any request for proposal sought from prospective contractors and all liabilities incurred including any contingent or future liability on account of availing any service, etc., by the erstwhile Commission on behalf of the federal government in connection with, or for the purpose of, or in relation to the same objects, purposes, functions and powers as those of the erstwhile Commission, before the establishment of the Commission on enactment of this Act shall be deemed to have been made, reached or incurred, as applicable, by the NFMEAC under this Act and shall have effect accordingly.*

¹ Ministry of Works, Irrigation and Power Notification No. PI-12(77)/58 dated July 01, 1959, Ministry of Fuel, Power & Natural Resources Notification No. W-ii3(23)/76 dated January 04, 1977, Establishment Division O.M No. 12/6/80-C(V) dated May 26, 1981 and Ministry of Water & Power Notification No. 3(22)/2015-Water dated July 09, 2015

(4) *The Chairman of the erstwhile Commission shall continue to be the continue to hold position as Chairman of the NFMEAC until a Chairman is appointed under section 10 of the Act.*

(5) *All the existing employees including but not limited to all officers, and other employees and staff of the erstwhile Commission shall stand transferred and be officers, employees and staff of the NFMEAC;*

(i) *Provided that the civil servants appointed to or working in the erstwhile Commission shall upon their transfer to the Commission shall continue to be governed by the Civil Servants Act, 1973 (Act LXXI of 1973) and rules and regulations made thereunder including but not limited to the recruitment rules made for promotion of Civil Servants;*

(ii) *Provided further that such civil servants may, subject to their option be absorbed in the Commission in accordance with the rules and regulations, made therein under.*

(6) *The budget provision for the erstwhile Commission shall stand transferred to the NFMEAC Account upon authorization by the Federal Government.*

(7) *All suits and other legal proceedings instituted by or against the erstwhile Commission before its dissolution shall be deemed to be suits and proceedings by or against the NFMEAC and shall be proceeded or otherwise dealt with accordingly; and*

(8) *A reference to the erstwhile Commission in any statutory instrument or document shall, unless the context otherwise requires, be read and construed as reference to the NFMEAC.*

PART III - FUNCTIONS OF THE NATIONAL FLOOD MANAGEMENT & ENGINEERING ADVISORY COMMISSION (NFMEAC)

6. Functions of the National Flood Management & Engineering Advisory Commission (NFMEAC). - (1) *The NFMEAC shall be responsible for laying down the national flood control policy and coordinating the implementation of the policy and follow on action plans. The NFMEAC shall lay down guidelines to be followed by the federal government and other federal and provincial authorities to ensure successful execution of policies and action plans. The NFMEAC shall, without prejudice to the generality of the foregoing, shall be responsible*

for carrying out or causing the following to be carried out and/or any other function connected thereto and incidental therewith:

(a) Flood Protection and Preparedness:

- i. *Develop risk assessments and mapping flood risk areas to assist in flood preparedness and spatial planning to reduce risk of riverine and non-riverine flooding including the urban floods & GLOFs etc.*
- ii. *Develop comprehensive flood management policies and the integrated flood risk management plan(s) for the country including the management of the Plan (s) and associated flood protection sectoral projects (FPSPs) etc.;*
- iii. *Coordinate with relevant Federal and Provincial Government Agencies (EAs) for preparation, timely approval and effective implementation of Monsoonal Contingency Plans/ Flood Fighting Plan(s) prepared for safe passage of flood flows during the Monsoon season every year;*
- iv. *Establish a national database management system to gather and analyze data on rainfall, river levels and flood incidents for effective decision making and initiatives for flood control measures including the enactment of River Act;*
- v. *Recommend measures for improvement of the Flood Forecasting & Warning Systems of the country and disseminate timely flood alerts to stakeholder departments for further dissemination;*
- vi. *Recommendations regarding principles/ SOPs for regulation of reservoirs for flood control;*
- vii. *Review of flood damages to irrigation, flood protection & drainage infrastructure and provide guidance on flood proofing infrastructures, diversion canals and relief channels;*
- viii. *Preparation of Research Programme for flood control and protection.*

(b) Structural Consolidation and Intervention:

- i. *Coordinate the Planning, design, and maintenance of flood protection and mitigation infrastructure such as flood bunds/embankments/ Spurs, Guide walls etc. levees, dams, culverts, bridges, barriers/flood wall and drainage systems. Conduct regular inspections and maintenance of flood protection structures;*

- ii. *Formulation of National Integrated Flood Risk Management Plan(s) for the country including Management of the Plan;*
- iii. *Scrutiny of the flood management/ protection projects recommended under the aforementioned Integrated Flood Risk Management Plan(s) and related Flood Protection Sectoral Projects/Programs etc.;*
- iv. *Monitoring & evaluation of flood management/ protection projects initiated for implementation under the approved Integrated Flood Risk Management Plan(s) and associated sectoral projects/ programs.*
- v. *Coordinate the Planning, design, and maintenance of small to medium dams and associated irrigation canals; Conduct regular/ periodic inspections of these dams;*
- vi. *Review Plans of new dams & barrages and monitor implementation of such projects; Also the Plans and Specifications for enlargement, modifications, major repairs, revival or otherwise of dams/ barrages.*
- vii. *Carry out periodic inspections of dams & barrages and advise WAPDA/concerned Authorities regarding repairs and maintenance of dams and reservoirs.*

(c) Climate Finance, Non Structural Flood Mitigation, and Adaptation Strategy:

- i. *Identifying, accessing, and mobilizing climate finance resources from national and international sources (Like GCF, Loss & Damage Fund etc.) to support implementation of flood mitigation and adaptation projects, including grants, loans, and other financial mechanisms.*
- ii. *Developing and implementing non-structural flood mitigation projects, such as Ecosystem-based approaches, Nature-based Solutions, and community-based initiatives to reduce vulnerability to floods and enhance resilience.*
- iii. *Developing land-use planning regulations and guidelines that promote sustainable development practices, avoid construction in flood-prone areas through effective enactment of River Act.*

- iv. *Supporting research and innovation initiatives aimed at improving understanding of climate change impacts on flood risk, developing new technologies, and innovative solutions for adaptation and mitigation.*
- v. *Implementing projects for the restoration and conservation of natural ecosystems, such as wetlands, mangroves, and forests, which provide important flood regulation services and contribute to climate resilience.*

(d) Role as Secretariat of NWP-Steering Committee, PANCID & PANCOLD etc.

- i. *Inter Provincial and Inter Departmental Coordination to seek progress towards Implementation of National Water Policy (NWP), being secretariat of the NWP-Steering Committee;*
- ii. *Advice and Assistance to Ministry of Water Resources (MoWR) regarding review of the water sector projects reflected in annual PSDP of MoWR (Irrigation, drainage, flood protection, dam, hydropower etc.);*
- iii. *Technical appraisal of 'cross border water sector projects' as and when referred by office of the Pakistan Commissioner for Indus Waters;*
- iv. *Supply of technical data to and general liaison with International Commission on Irrigation & Drainage (ICID) and International Commission on Large Dams (ICOLD) being secretariat of the PANCID (Pakistan National Committee on Irrigation & Drainage) and PANCOLD (Pakistan National Committee on Large Dams); &*
- v. *Deal with the matter related to determine baseline(s) and monitor progress on relevant SDG Indicators.*

(e)Regulatory and Allied Functions:

- i. *Standardization of designs and specifications for flood protection interventions;*
- ii. *Flood protection audit and assessment protocols;*
- iii. *Establish and enforce regulations related to land use, construction, and development in flood-prone areas;*
- iv. *Providing training, technical assistance, and capacity building support to government officials, professionals, and stakeholders involved in flood management activities to enhance their knowledge, skills, and competencies in implementing regulatory and allied functions.*

- v. *Facilitating cooperation and collaboration with research institutes, international organizations, bilateral partners, and donor agencies to exchange best practices, access technical expertise and financial resources, and strengthen institutional capacity for ensuring all-inclusive community/gender based integrated flood management.*

PART IV - MANAGEMENT AND ADMINISTRATION

7. Location of Office. - *The principal office of the NFMEAC shall be at Islamabad. The NFMEAC may establish regional offices at such other place or places in Pakistan as it considers necessary.*

8. Authority of National Flood Management & Engineering Advisory Commission. -

(1) The Authority of the (NFMEAC) shall vest into a Commission comprising of The Commission a Chairman and three (03) Professional Members and five (05) Executive Members. The strategic oversight, policy direction and implementation of the flood control and protection and related matters shall be the principal responsibilities of the Commission.

(2) The Chairman NFMEAC shall be a Member and the Chairman of the Commission.

(3) The Chairman shall not be less than the status of a State Minister: Other Members of the Commission shall include the following:

(a) Secretary of Ministry of Water Resources, (Ex officio Member)

(b) Secretary Ministry of Finance, (Ex officio Member)

(c) Secretary Ministry Planning, Development and Special Initiatives, (Ex officio Member)

(d) Member Technical of erstwhile commission (Executive Member)

(e) Member Finance (Executive Member)

(f) Member Coordination & Hydropower (Executive Member)

(g) Member Infrastructure (Executive Member)

(h) Member Policy & Monitoring (Executive Member)

(i) Professional Members (Three)

(4) The Chairman may designate any member as secretary of the Commission.

(5) The Commission, may from time to time, co-opt such other members which can assist in efficient performance of the Commission.

(6) The Commission may, from time to time establish advisory committees for assisting the Commission in discharge of its functions. The recommendation of the committee shall be submitted to the Commission for approval.

(7) The Commission or an advisory committee of the Commission may invite any technical expert or a representative of any government agency or non-governmental organization or other person possessing specialized knowledge of any subject for assistance its functions.

(8) The Commission as a whole shall comprise of the requisite range of skills, competence, knowledge and experience relevant to its functions.

(9) No Act or proceeding of the commission shall be invalid by reason only of the existence of a vacancy in, or defect in, the constitution of the commission.”

9. Powers of the Commission. – *(1) The Commission shall exercise all powers as shall to enable NFMEAC effectively perform its functions specified in Section 3, and under Part VI of the Act. In particular, and without prejudice to the generality of the foregoing power, the Commission shall—*

(a) prescribe regulations for exercising its powers and performance of its functions;

(b) enter into contracts, agreements and Memorandum of Understanding (MoUs);

(c) acquire, lease, encumber, dispose of, exchange, vest or otherwise deal with any moveable or immovable property or any interest therein;

(d) prescribe regulations for appointment and removal of the NFMEAC Employees;

(2) The Commission, in addition, shall exercise all powers to carry out or cause to have carried out the following: -

- (a) **Powers to seek data /information.** - The Commission shall have powers to seek data/information required by it for carrying out the purposes of this Act from any person involved, directly or indirectly, in flood protection and control and any matter incidental or consequential thereto. Any such person shall be liable to provide the required information called by the Commission, failing which he shall be liable to a fine or other penalty as prescribed from time to time;
- (b) **Standardization and Harmonization.** – The Commission shall have powers to develop standards and harmonization protocols for flood related interventions and coordinating the enforcement and harmonization of these standards across the country;
- (c) **Flood Protection Audits and Assessments:** - The Commission shall have powers to conduct or cause to have conducted flood protection audits and assessments of the flood protection infrastructures to ensure damage control in flood situations;
- (d) **Powers to Prohibit Certain Actions.** - The Commission shall have powers to prohibit or cause to have prohibited any entity, enterprise, management or individual from;
- i. performing any action that would result in obstruction in flood management activities;
 - ii. taking any action which may cause obstruction in flood management activities;
- (e) **Powers to Issue Directions for Specific Actions:** The Commission shall have powers to issue directions in writing to an entity, public or private sector body, enterprise, management or individual falling within the purview of the flood management activities;
- i. to take specific actions with respect to important administrative, and other policy matters related to flood control;

- ii. *submit specific reports, metrics, benchmarking and restructuring initiatives to facilitate pre-flood management initiatives*
- iii. *assign enterprise, management or individual, who shall be responsible for ensuring that these are met as best as possible;*

(f) Power to summon and enforce Attendance: *The Commission shall have powers to summon and enforce attendance of any person, or any officer, proprietor, partner, manager, director or chief executive of any entity or require him to supply any information or document needed for the purpose of flood management initiatives or any issue being carrying out pursuant to the provision of this Act;*

(g) Powers to recommend punitive action: *The Commission shall have powers to.-*

- i. *Recommend to a **competent authority** for initiating appropriate punitive action against any enterprise, management or individual on its failure to abide by directives of the Commission;*
- ii. *The Commission shall have the power to impose fine not exceeding Rs 2.0 million (rupees two million only) on failure of an enterprise, management or individual to adhere to the directions of the Commission within the specific timeframe;*

(h) Powers to Advise/direct other Public Authorities: *The NFMEAC shall have powers to advise/direct relevant public bodies to take necessary actions for effective flood protection initiatives;*

10. Chairman of the Commission. - (1)

(2) *The Chairman shall be responsible for professional oversight and the day to day administration of the affairs of the Commission.*

(3) *Subject to the powers delegated by the Commission, the overall management of the NFMEAC shall vest in the authority of the Chairman.*

(4) *The Chairman shall be an eminent professional of known integrity and competence with qualifications or experience not less than 25 years related to Flood protection infrastructure, flood warning and controls, non-structural flood mitigation and/or flood protection regulatory functions.*

(5) *The selection of Chairman of the Commission shall be open to merit.*

(6) *The Chairman shall be paid such remuneration and allowances and shall be entitled to such privileges and facilities as the Federal Government may determine.*

(7) *The terms and conditions of the Chairman shall not be varied to his/her disadvantage during his/her term of office.*

11. Tenure of Chairman. - (1) *The Chairman shall, unless he resigns or removed from office earlier by the Prime Minister, shall hold office for a period of three years or for such lesser period as may be determined by the Prime Minister.*

(2) *The Chairman shall be appointed on performance-based contract, the parameters of which shall be defined and conveyed to incumbent at the commencement of his tenure.*

(3) *The term of the Chairman may be extended to another term not exceeding three years on the successful completion of previous tenure based on his performance evaluation.*

(4) *The case of extension of appointment shall be initiated at least four months before the expiry of contract of the Chairman.*

(5) *In case the incumbent is not desirous of seeking extension in his contract, He shall be liable to inform the Federal Government in writing at least 4 months in advance in this respect.*

12. Members of the Commission.- (1) *Members of the Commission, other than the ex-officio and Executive members, shall be professionals of known integrity and competence with qualifications or experience not less than 25 years specifically related to Flood protection functions as described under Part III of the Act.*

(2) *Professional Members of the Commission shall be high standing specialists in specific disciplines of /engineering related to flood protection with proven record of related experience not less than 25 years in relation to the functions of Commission.*

13. Terms and Conditions of the Members: (1) *The members shall be entitled to such privileges and facilities as the Federal Government may determine.*

(2) *The professional Members shall be hired on performance based contracts and shall serve as employees of the Commission.*

(3) *The tenure may be extended for a further period not exceeding three years purely on the basis of satisfactory performance to be recorded in writing.*

14. Other Conditions for Appointment of Chairman and Professional Members. - (1) *No person shall be appointed or continue as a Chairman or member if he-*

(a) *has been convicted of an offence involving moral turpitude or has been found guilty of misconduct;*

(b) *has been or is adjudged insolvent;*

(c) *is incapable of discharging his duties by reasons of physical or mental unfitness and has been so declared by a Special Medical Board appointed by the Prime Minister of Pakistan;*

(d) *fails to disclose any conflict of interest at or within the time provided for such disclosure by or under this Act or contravenes any of the provisions of this Act pertaining to unauthorized disclosure of information; provided that no member of the Commission shall assume his office until he has made such declaration.*

(2) *The Chairman or a Professional/Technical Member may at any time resign his office by a written notice addressed to the Prime Minister of Pakistan. The office of the Chairman, or a Professional/Technical Member shall become vacant upon the death or acceptance of resignation of the Chairman, or a member. A vacancy caused by resignation or any other reason shall be filled by the appointment of a person qualified to fill such vacancy.*

(3) *The Chairman or a Professional Member shall not, during his term of office, engage himself in any other service, business, vocation or employment or accept any advisory or consultancy relationship with, any person engaged in any competing employment during the term of their service with the Commission.*

(4) *The Chairman, a professional Member shall not have any direct or indirect financial interest, or have any connection with any person engaged in flood management functions of private entities for so long as he holds office and for a period of two years thereafter.*

(5) *The Chairman of the Commission shall be the principal accounting officer of the Commission.”*

15. Transfer of Employees of Erstwhile Commission . - (1) *Subject to the provisions of this Act, any person who immediately before the commencement of this Act has been in the service of Erstwhile Commission, shall continue to be in the service of NFMEAC, on the same terms and conditions as were applicable to him, unless modified or amended under the provisions of this Act.*

(2) *Notwithstanding anything to the contrary contained in this section, any person in service in erstwhile Commission, within twelve months of the transfer, shall exercise an irrevocable option to remain civil servant or become employees of the NFMEAC.*

(3) *Provided that where any person who exercises the option to remain civil servant shall, shall remain part of the NFMEAC on the same terms and conditions as were applicable to him/ her earlier other than the posts of Chairman/ Professional Members except for Member (Tech)*

(4) *Provided further that where any person does not exercise the above option within the said period he shall be deemed to have opted to become employee of the NFMEAC.*

(5) *Every other person, who is not a civil servant, shall stand transferred to the NFMEAC on his existing terms and conditions of service including the term of his appointment which he was enjoying immediately prior to the commencement of this Act.*

(6) *On transfer as aforesaid, terms and conditions of service of the person shall not be less favorable than those by which he was governed immediately before his transfer at the time of commencement of this Act.*

(7) *No person who stands transferred to the NFMEAC shall, notwithstanding anything contained in any law for the time being in force, be entitled to any compensation because of such transfer.*

16. Meetings of the Commission. - (1) *Save as hereinafter provided, the Commission shall regulate the procedure for its meetings.*

(2) *The meetings of the Commission shall be presided over by the Chairman. In the absence of the Chairman, existing Member (Tech) will be Chairman for that meeting.*

(3) *At least one-half (1/2) of the total number of members of the Commission or four , whichever is higher, for the time being present personally or through video-link if allowed by the Chairman, shall constitute a quorum.*

(4) *The meeting of the Commission shall be held at such time and place as the Chairman or a majority of members may from time to time determine. Members shall have reasonable notice of the time and place of the meeting and the matters on which a decision by the Commission shall be taken in such meeting.*

(5) *The Commission shall meet once in every three months or as often as the chairman of the commission may direct in the interest of expedient discharge of its functions.*

(6) *A member who absents himself from five (05) consecutive meetings of the Commission without obtaining leave of the commission shall not continue as a member of the Board.*

(7) *Decisions of the Commission shall be taken by the majority of its members present, and in case of a tie, the person presiding the meeting shall have a casting vote.*

(8) *The Commission shall cause minutes to be kept of proceedings of every meeting of the Commission and of every meeting of a committee established by the*

Commission. Decisions of the Commission shall be recorded in writing and signed by the Chairman.”

17. Delegation. - (1) *The Commission may constitute committees of its members to entrust them with such functions and powers as it may deem fit. The Commission or any of its committees may invite any technical expert or other person possessing specialized knowledge of any subject or representative of a government institution for assistance in the performance of its functions.*

(2) *The Commission may, subject to such conditions and limitations as it may deem fit to impose, delegate any of its functions or powers to the Chairman, or Secretary or one or more members of the Commission or any officer of the Commission, except-*

- (a) *the power to approve the audited accounts; and*
- (b) *the power to make or repeal regulations made under this Act;*

(3) *A delegation under this section shall not prevent the concurrent performance or exercise by the Commission of the functions or powers so delegated.*

18. Officers, Employees of the National Flood Management & Engineering Advisory Commission etc. – (1) *To carry out the purposes of this Act, the NFMEAC may, from time to time, appoint members of its staff, experts, consultants, advisers and other officers and employees on such terms and conditions as it may deem fit.*

(2) *The Commission shall prescribe by regulation the procedure for appointment, promotion, termination, and other terms and condition of the persons employed under sub section (1).*

(3) *All officers, members of staff, experts, consultants, advisers and other employees employed by the Commission shall not be deemed to be civil servants within the meaning of the Civil Servants Act, 1973 (LXXI of 1973) except for existing staff who opt to remain Civil Servants.*

19. Employment of agents, advisers and consultants. - *The Chairman, members, members of its staff, other officers and employees of the NFMEAC shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).*

20. Disclosure of interest.- (1) *For the purpose of this and the following section, a person shall be deemed to have an interest in a matter if he, any of his family member or business associates has any direct or indirect financial interest, or has any connection with any person connected with Flood management activities in such manner which could reasonably be regarded as giving rise to a conflict between his duty to honestly perform his functions under this Act and such interest, so that his ability to consider and decide any question impartially or to give any advice without bias, may reasonably be regarded as impaired.*

(2) *A member of the Commission having any interest in any matter to be discussed or decided by the Commission or any of its committees shall, prior to any discussion of the matter, disclose in writing to the Commission, the fact of his interest and the nature thereof.*

(3) *A disclosure of interest under sub-section (2) shall be recorded in the minutes of the Commission prior to any discussion of or decision on the matter and after the disclosure the member of the Commission who has made the disclosure shall not take part in any consideration on that matter unless the Board or the committee thereof otherwise directs.*

(4) *The member of the Commission who fails to disclose his interest as required by this section shall be guilty of an offence and shall on conviction be liable to imprisonment for a term which may extend to one month, or a fine not exceeding one hundred thousand rupees, or both.*

(5) *It shall be a valid defense for a person charged with an offence under sub-section (4), if he proves that he was not aware of the facts constituting the offence and that he exercised due care and diligence in discovering those facts which he ought reasonably to have known in the circumstances.*

21. Notification of interest by others. — (1) *Where any staff or other employee of the Commission, including an adviser, consultant or his family has a direct or indirect interest in any matter relating to Flood management activities in the course of –*

- (a) *performing a function or exercising a power, as a delegate of the Commission;*
- (b) *performing functions or service as an employee; or*

(c) *performing a function or services in any capacity by way of assisting or advising the Commission or any of its committees or any delegate of the Commission, is required to consider a matter in which he his family has an interest, such person shall forthwith give to the Commission a written notice stating that he is required to consider the matter and has an interest in it and setting out particulars of the interest;*

(2) *The person referred to in sub-section (1) shall also declare his interest in accordance with the said sub-section whenever it is necessary to avoid a conflict of interest and the Commission shall have the right to take such action as it considers appropriate.*

PART V - FINANCIAL PROVISIONS

22. Funds of the National Flood Management & Engineering Advisory Commission. -

(1) There shall be established a non-lapsable fund to be known as the "NFMEAC Fund" which shall vest in the NFMEAC and shall be utilized to meet charges in connection with the functioning of the NFMEAC including payment of salaries and other remuneration to the Chairman, Professional & Executive Members, Officers, Officials, Experts, Advisers, and Consultants of the Commission as well as investments for generating revenue.

The Fund shall consist of—

(a) *allocations or grants by the Federal Government including initial seed grant of ten (10) billion rupees by the Federal Government, to be used as endowment fund for the purpose of meeting of expenses in connection with the functions and operations of the NFMEAC, and/or institutions and organizations under this Act.*

(b) *charges and fees levied by the NFMEAC;*

(c) *contributions from local and foreign donors or agencies with the approval of the Federal Government;*

(d) *returns on investments and income from assets of the Commission;*

and

(e) *all other sums and property which may be in manner vested in commission in respect of any matter incidental to the exercise of its functions and powers;*

(f) *fees and charges levied to other federal or provincial agencies in Pakistan as prescribed by the Federal Government in consultation with the NFMEAC from time to time;*

(2) *The NFMEAC may, from time to time and with the approval of the Federal Government, obtain finance in respect of any sums required by the Commission for meeting any of its obligations or performing any of its functions.*

(3) *The NFMEAC may, with the approval of the Federal Government, also accept grants from entities both domestic and international, including multilateral agencies.*

(4) *The NFMEAC shall, in respect of each financial year prepare on such date as may be prescribed a statement of the estimated receipts and expenditure, including the revised and estimated budgets, requirements of grant in-aid from federal government, and foreign exchange for the next financial year for consideration and approval of the Commission."*

(5) *It shall be the duty of the Commission to conserve the NFMEAC Account and the Flood Fund while performing its functions and exercising its powers under this Act.*

23. Flood Control Fund: (1) *The Commission (NFMEAC) may establish and maintain a separate Flood Control Fund having a distinct legal structure.*

(2) *The Commission shall make regulations for incurring expenditures as well as investments from the Flood Fund.*

24. Investment. - *The NFMEAC may invest its surplus funds in accordance with rules and regulations made under this Act.*

25. Bank accounts. - (1) *The Commission (NFMEAC) may open and maintain accounts at such scheduled banks as it may from time to time determine.*

(2) The Commission (NFMEAC) may with the approval of the Federal Government, open and maintain foreign currency accounts.

26. Maintenance of Record of Accounts. - The Commission (NFMEAC) shall maintain complete and accurate books of accounts of its actual expenses and receipts.

27. Audit. - Within six months of the close of the financial year, the Commission (NFMEAC) shall present an audited report, statements of account including a balance sheet and an account of income and expenditure in respect of the preceding financial year to the Commission which may pass such direction as it may deem appropriate.

28. Performance audit of the National Flood Management & Engineering Advisory Commission. — (1) The Federal Government shall, at least once in every five years, or earlier as may be desired, conduct or cause to be conducted, the performance audit of the NFMEAC to identify gaps and hurdles in efficient performance of functions by NFMEAC and make suggestions for remedial actions.

(2) The Federal Government shall evaluate the performance audit report and may issue such directions to the concerned persons or authorities as may be necessary for accomplishing the objectives of this Act.”

PART VI JURISDICTION

29. Offences and penalties. - (1) Any person who violates or abets the violation of any of the provisions of the Act shall be guilty of an offence punishable with a fine as described in Rules made thereunder this Act

(2) Where any person repeats the violation or abetment, such person shall be guilty of an offence punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

30. Complaint Management. - (1) Any interested person may file a written complaint with the Commission against the contravention of any provision of this Act or of any rule or regulation made therein under.

(2) *The Commission may, on receipt of a complaint, provide an opportunity to the complainant as well as to any other person against whom such complaint has been made to state its case before taking any action on the complaint.*

31. Power of Commission to make inquiries on Complaint .-*{1) In matters falling within the scope of the NFMEAC, the Commission may initiate or cause to have initiated inquiries or investigations under this Act on,-*

- (a) a complaint that has been submitted by or on behalf of interested person in the prescribed form;*
- (b) a reference received by it from any Federal or provincial agency; or*
- (c) on its own motion;*
- (d) The Commission shall have the powers to solicit, gather, obtain, and verify any relevant information for the purposes of its functions from any Ministry, Division, Federal or Provincial Department, private or public entity or agency;*

32. Power of Commission as Civil Court. –*(1) The Commission shall have all the powers of a civil court while adjudicating an admissibility of complaint, and/or inquiry under the Code of Civil Procedure, 1908 (V of 1908), in respect of the following matters, namely: -*

- (a) summoning and enforcing the attendance of any person and examining him on oath; and*
- (b) requiring the supply of any information and production of any document which may be useful for the conduct of its inquiry;*

33. Cases to be initiated on complaint. –*No court shall take cognizance of any offence under sub- section (1) or (2) of section 29 of this Act except on a complaint in writing by the National Flood Management & Engineering Advisory Commission (NFMEAC) or any officer authorized by it.*

34. Cognizance of offences etc.-*(1) No court inferior to that of a Court of Sessions shall try an offence punishable under this Act.*

(2) Notwithstanding anything contained in section 31 of the Code of Criminal Procedure, 1898 (Act V of 1898), it shall be lawful for any Court of Session to pass any sentence authorized by this Act even if such sentence exceeds his powers under the said section 31.

35. Offences by private and public sector entities. - (1) Where any offence under this Act has been committed by a person who at the time the offence was committed was in charge of, and was responsible to the company for the conduct of the business of the company as well as the company itself shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the person guilty of an offence under this Act, is a company, corporation or firm, every director, partner and employee of the company, corporation or firm shall, unless he proves that offence was committed without his knowledge, or consent, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

36. The Officers of Federal, Provincial and Local Government to assist the Commission. – The officers of Federal Government, Provincial Governments and Local Governments including the Capital Territory Police and the Provincial Police shall assist the Commission and its officers in the discharge of their functions under the provisions of this Commission and the Rules and Regulations made thereunder.

PART VII OTHER PROVISIONS

37. Indemnity. – No suit, prosecution or other legal proceeding shall lie against the Federal Government or any Provincial Government or local authority or any other person exercising any power or performing any function under this Act or for anything which is in good faith done or purporting or intended to be done under this Act or any rule made thereunder.

38. Recovery of arrears. - (1) All amounts due to the Commission may be recovered as arrears of land revenue.

(2) *The Federal Government may, by rules, determine a summary procedure for recovery of sums due to licensees.*

39. Provincial coordination. – (1) *The Provincial Governments shall designate a focal agency to coordinate with the NFMEAC on the matters related to the Act and incidental thereto;*

(2) *The NFMEAC shall establish protocols of coordination between relevant functionaries of the Provincial Government to effectively coordinate in discharge of its functions.*

40. Power to Make rules: - (1) *The Commission may, with the approval of the Government, by notification in the official Gazette, make rules to carry out the purposes of this Act.*

(2) *In particular, and without prejudice to the generality of the foregoing power, such rules may be provided for all or any of the following matters, namely: -*

- (a) *to define the circumstances constituting as obstruction in flood relief activities;*
- (b) *procedure for inquiry and investigation into complaints;*
- (c) *prescribing standards of quality and performance for flood protection and Interventions;*
- (d) *Any other matter as may be advised by the Commission;*

41. Power to make Regulations. - (1) *The Commission may, by notification in the official Gazette, make regulations, not inconsistent with the provisions of this Act or the rules, for exercising its powers and carrying out of its functions under this Act.*

(2) *In particular, and without prejudice to the generality of the foregoing power, such regulation may be provided for all or any of the following matters, namely: -*

- (a) *appointment of its officers, members of staff and such other persons and the terms and conditions of their service;*

- (b) *the determination of salaries and allowances and other benefits of the Members of the staff of the Commission;*
- (c) *disciplinary proceedings and award of punishment;*
- (d) *prescription of different scales and cadres etc. for and privileges of officers and staff of the Commission; and*
- (e) *all or any of the matters, which by this Act, are to be, or may be, prescribed;*

42. Common Seal.- *The Commission (NFMEAC) shall have a common seal and such seal shall be kept in the custody of the Chairman or such other person as may be authorized by the regulations made by the Commission. Documents required or permitted to be executed under seal shall be specified in and authenticated in such manner as shall be authorized by regulations made by the Commission.*

43. Act to Over-ride Other Laws. - *The provision of this Act shall have effect notwithstanding anything contained in any other law for the time being in force.*

44. Powers of the Federal Government to issue directives. - *The Federal Government may, as and when it considers necessary, issue policy directives to the Commission, not inconsistent with the provisions of this Act, and the Commission shall comply with such directives.*

45. Exemption from taxes.- *Notwithstanding anything contained in any other Federal law for the time being in force, the Commission (NFMEAC) shall not be liable to pay, and shall be exempt from the payment of, any taxes, duties, levies, charges and fees payable under, or in pursuance to any Federal law, in respect of any of its business, assets, income, or wealth.*

46. Liability of the Federal Government to be limited. - *The liability of the Federal Government under this Act shall be limited to the extent of its assets in the NFMEAC.*

47. Agreement for exchange of information. - *The NFMEAC may, with approval of the Federal Government enter into agreement with Flood agencies in any part of the world for*

the exchange of technology know how and assistance in performance of its function under this Act.

48. Support of the Federal Government. - *The Federal Government and all its agencies, particularly the concerned enterprises owned and controlled wholly or partially, directly or indirectly by the Federal Government, shall render support to the Commission to fulfil its objective and functions in pursuance of this Act.*

49. Dissolution. - *No provision of law relating to the winding up of the bodies corporate shall apply to the Commission (NFMEAC), and it shall not be wound up except by order of the Federal Government, and in such manner as the Federal Government may direct.*

50. Removal of difficulties. - *If any difficulty arises in giving effect to any provision of this Act, the Federal Government may make such order, not inconsistent with the provisions of this Act, as may appear to it to be necessary for the purposes of removing the difficulty.*

STATEMENT OF OBJECTS AND REASONS

Floods are natural disasters that have had significant and widespread impact on Pakistan's economy, infrastructure, and the environment. They result in loss of lives, damage to property, disruption of essential services, and economic hardships. Addressing the challenges posed by flooding is a matter of paramount importance for the well-being of our citizens and the sustainable development of nation. The primary object of this bill is to create the National Flood Management and Engineering Advisory Commission (NFMEAC) to serve a national hub and as the custodian of flood protection program(s) in the country. This will encourage integrated planning and coordination among stakeholders to assist in mitigating the menace of flood through innovative flood risk management approaches and by ensuring integrated water resources management in the country.

Minister in charge