

## Appendix 79

### THE WEST PAKISTAN LAND AND WATER DEVELOPMENT BOARD (CONTROL OVER UNDERGROUND WATERS) RULES, 1965

No. Admn.-10(3)64/3744 : In exercise of the powers conferred by sub-secs. (1), (3) and (8) of Sec. 26 of the Soil Reclamation Act, 1952, Punjab Act, XXI of 1952 as amended by the Punjab Soil Reclamation (West Pakistan Amendment) Ordinance No. V of 1964, the West Pakistan Land and Water Development Board is pleased to make, with the previous sanction of the Government, the following rules :—

#### PART A—General

1. **Short title, extent and commencement :** (1) These rules may be called the West Pakistan Land and Water Development Board (Control over Underground Waters) Rules, 1965.

(2) They shall apply to the areas comprised in such schemes sanctioned under the Act (hereinafter called the 'area') as may be notified by Government from time to time.

(3) They shall come into force at once.

2. **Definitions :** In these rules, unless the context otherwise requires, the following expressions shall have the meanings respectively assigned to them, that is to say :—

- (i) "Act" means the Soil Reclamation Act, 1952 (Punjab Act, XXI of 1952) as amended ;
- (ii) "Form" means a form appended to these rules ;
- (iii) "Licence" means a licence granted under these rules ;
- (iv) "Project Director" means an officer appointed by the West Pakistan Land and Water Development Board who is overall incharge of operations under the scheme ;
- (v) "Divisional Canal Officer" means an officer performing the functions of a Divisional Canal Officer under the Canal and Drainage Act, 1873, or the Sind Irrigation Act, 1879 ;
- (vi) "Domestic purposes and watering livestock" includes the use of underground waters for the following :—
  - (a) drinking by human beings and animals ;
  - (b) bathing ;
  - (c) washing ;
  - (d) filling of village ponds ;
  - (e) watering lawns attached to residential buildings ;
  - (f) construction of buildings ;
  - (g) manufacture of bricks and pottery ;
  - (h) extraction of saltpetre ;

- (i) a small industry engaged in handicrafts or the manufacture of consumer and producer goods employing :—
- (1) manual labour without use of any motive powers ; or
  - (2) employing twenty persons or less using motive power.
- (j) any other purpose which the Board may by special order allow from time to time.

#### PART B—Licence

3. **Form of application for grant of a licence for putting up a new appliance :** (1) Any owner or occupier of land in the area, who desires to put up a new tube-well, well or other appliance, worked by electricity, steam, oil or wind-power (hereinafter called the 'appliance') for using underground waters for purposes other than domestic or for watering livestock shall apply to the Project Director for a licence in Form L and WDB—COUW-1.

(2) The applicant shall guarantee that if in the opinion of the Board his appliance, within six months of its erection, seriously affects and existing use of underground waters, he will either abandon the licence or pay compensation as assessed by the Collector.

4. **Grant of Licence :** (1) The Project Director may, in his discretion, grant a licence in Form L & WDB—COUW-2, on production of a Court-fee stamp worth Rs. 5 (Rupees five only) to be affixed on the licence.

(2) Any person aggrieved by an order passed by the Project Director under sub-rule (1) may, within 30 days prefer an appeal to the Chairman [for any officer or officers authorised by the Board.] In rule 4, sub-rule (2) after the word "Chairman" the words "or any officer or officers authorised by the Punjab Land and Water Development Board" shall be added, who may after giving such person an opportunity of being heard make such order as he may deem fit.

5. **Manner in which licences shall be held and inspected :** (1) The licensee shall, on demand, produce his licence for inspection by any officer authorised by the Project Director in this behalf, and shall also display it at a conspicuous place on the premises of the appliance to which the licence pertains, or otherwise as may be specified.

(2) The licensee shall instal the appliance within a period of six months from the date of issue of the licence :

Provided that the issuing authority may extend this period from time to time.

(3) Without prejudice to any other action that may be taken under the Act or the rules framed thereunder, the authority issuing the licence, may for any breach of conditions of the licence, revoke or suspend the licence.

6. (The licensee shall be liable to pay the water charges levied by Government in the area as if the appliance installed by him did not exist, provided that he shall not be so liable if the land for the irrigation of which he utilizes his appliance is not within the command of a canal)

#### PART C—Penalty

7. **Penalty for using an appliance without a licence or in contravention of the order :** If any owner or occupier of land uses an appliance, other than an existing one registered under sub-sec. (2) of Sec. 26 of the Act, without a licence granted under sub-sec. (3) or after revocation or suspension of a licence under sub-rule (3) of rule 5, or in contravention of an

order under sub-sec. (5) of Sec. 26 of the Act, he shall be liable to pay a special rate, to be determined by the Divisional Canal Officer' up to six times the water charges fixed for tubewell-cum-canal supply in the area in addition to the ordinary water charges for each separate occasion on which such use is made, provided that before levying the special rate a show-cause notice shall be issued to the assessee in Form L & WDB—COUW-3.

8. Appeal against the levy of a special rate : Any person aggrieved by an order passed under rule 7, may, within 30 days of the receipt of demand notice of such order (Form L & WDB—COUW-4), prefer an appeal to the [Project Director, WAPDA or S. E. (Irrigation.)] Who may after giving such person an opportunity of being heard, pass such order he may deem fit, and the order passed by him shall be final.

FORM L & WDB—COUW-1

[Referred to in Rule 3 (1)]

Application for grant of a licence for putting up a new tube-well, well or other appliance worked by electricity, steam, oil or wind-power

To

.....  
.....  
.....

Sir,

I beg to apply for the grant of a licence to set up a.....to be worked by.....in village ....., Tehsil....., District..... for the purpose of.....

2. Necessary particulars of the..... proposed to be installed are given in the enclosed statement.

3. I further hereby guarantee that if in the opinion of the Project Director, Scarp/SE..., the appliance proposed to be installed by me, within six months of its erection, seriously affects any existing use of underground water, I will either abandon the licence or pay compensation as assessed by the Collector.

4. I am prepared to produce a Court-fee stamp worth Rs. 5 (Rupees five only) as licence fee.

Yours faithfully,

Dated.....

Signature or left thumb-impression  
of the applicant.....

Address.....

.....  
.....

1. Substituted vide No. Admn. 10 (3) 64/381, dated 26-1-1971.

STATEMENT SHOWING PARTICULARS OF THE TUBEWELL,  
WELL OR OTHER APPLIANCE WORKED BY  
ELECTRICITY, STEAM, OIL OR WIND-POWER  
PROPOSED TO BE INSTALLED IN THE.....  
RECLAMATION SCHEME AREA

1. Proposed site of the appliance :—
  - (i) Field No. ....
  - (ii) Square No. ....
  - (iii) Village/Deh. ....
  - (iv) Tehsil/Taluka ....
  - (v) District ....
2. Size .....inch bore.
3. Capacity .....cusec(s).
4. Kind of the Pump :—
  - (i) Centrifugal\*
  - (ii) Turbine\*
5. To be worked by :—
  - (i) Electricity\*
  - (ii) Steam\*
  - (iii) Oil\*
  - (iv) Wind-power\*
6. Description of the area to be served by the appliance :—

Serial No.	Square No.	Field No.	Area	Remarks
			A. K. M.	
		Total	...	

*Signature of the left thumb-impression  
of the applicant.....*

*Address.....*

.....  
.....

\*Strike off the items not required.

FORM L & WDB-COUW-2

[Referred to in Rule 4 (2)]

Licence for putting up a new tubewell, well, other appliance worked by electricity, steam, oil or wind-power in the area comprised in a Sanctioned Scheme of the West Pakistan Land & Water Development Board

Original/Duplicate/Triplicate

Court-fee stamp worth Rs. 5/- only.

No.....

..... Reclamation Scheme

1. Name, parentage, caste and address of the.....  
.....
2. Locality of the tubewell, well or other appliance :—
  - (i) Field No. ....
  - (ii) Square No. ....
  - (iii) Village/Deh ....
  - (iv) Tehsil/Taluka ....
  - (v) District ....
3. Size ..... inch bore.
4. Capacity .....cusec(s)
5. Kind of the Pump :—
  - (i) Centrifugal\*
  - (ii) Turbine\*
6. To be worked by :—
  - (i) Electricity\*
  - (ii) Steam\*
  - (iii) Oil\*
  - (iv) Wind-Power\*
7. Description of the area to be served by the tube-well, well or other appliance :—

Serial No.	Square No.	Field No.	Area	Remarks
			A. K. M.	
Total ...				

\*Strike off the items not required.

This licence is hereby granted to.....s/o.....subject to the conditions specified below.

Date of Issue..... Project Director/Superintendent Engineer

.....  
 .....

#### Important Conditions

1. No claim or suit shall lie for damages against the Board, Government or any other person, on account of any ill-effects on the appliance of the licensee caused by the construction of a tubewell or the working of any appliance for the removal or use of underground waters if the said appliance is erected or used in the manner prescribed by the Board.

2. The licensee shall display the licence at a conspicuous place on the premises of the tubewell, well or other appliance.

3. He shall complete the installation of the tubewell, well or other appliance, as the case may be, within six months of the date of issue of the licence unless the period is specially extended by the Project Director.

4. He shall not make any change in the capacity of the tubewell, well or other appliance, as the case may be, without the prior approval of the Project Director in writing.

5. He shall allow the Board's Officers and servants to inspect the tubewell, well or other appliance, as the case may be, as and when required to do so.

6. In the event of any breach of any of the conditions of this licence, the licensee shall be proceeded against in accordance with the provisions of the Soil Reclamation Act, 1952 (Punjab Act, XXI of 1952), as amended by the Punjab Soil Reclamation Act (West Pakistan Amendment) Ordinance No. V of 1964, and the rules and bye-laws framed thereunder.

#### FORM L & WDB-COUW-3

(Referred to in Rule 7)

#### Show-cause Notice for levying Special Water Rate

Whereas.....s/o.....caste.....  
 resident of village/Deh.....Tehsil/Taluka.....  
 District.....has been found guilty of putting up and using a tube-  
 well/well or.....worked by electricity/steam/oil/wind-power situ-  
 ated in Field No....., Square No .....of village/Deh.....on  
 .....for irrigation the area shown in the Schedule annexed hereto,  
 in contravention of the provisions of sub-sections (2), (3) and (5) of  
 Sec. 26 of the Soil Reclamation Act, 1952 (Punjab Act XXI of 1952), as  
 amended by the Punjab Soil Reclamation (West Pakistan Amendment)  
 Ordinance No. V of 1964, and the rules and bye-laws made thereunder ;

And whereas in accordance with the provisions of rule 7 of the rules framed under sub-sec. (3) and (8) of Sec. 26 of the Act, he is liable to pay the water charges at special rate ;

Now, therefore, he is hereby required to show cause in writing, personally or through an authorised representative within 7 days of the receipt of this notice as to why the special water rate should not be

levied on the said area, failing it will be presumed that he has nothing to say in response to the notice and the area shall be assessed accordingly.

Divisional Canal Officer  
.....Division

**FORM L & WDB-COUW-4**

*(Referred to in Rule 8)*

**Demand Notice for payment of Special Water  
Rate Reclamation Scheme**

Whereas.....s/o.....caste.....resident of  
village.....Tehsil....., District.....  
having been found guilty of putting up and using a tubewell worked by  
electricity/steam/oil/wind-power situated in Field No.....  
Square No.....of village.....on.....for  
irrigating the area shown in the Schedule annexed hereto, in contravention  
of the provisions of sub-secs. (2), (3) and (5) of Sec. 26 of the Punjab  
Soil Reclamation Act, 1952 (Punjab Act, XXI of 1952) as amended by the  
Punjab Soil Reclamation (West Pakistan Amendment) Ordinance No. V of  
1964, and the rules and bye-laws made thereunder, was served with a  
notice to show cause as to why he should not be levied a special water  
rate ;

And whereas the cause shown by the defaulter has been considered  
defaulter has not cared to respond to the show-  
and found to be insufficient :  
cause notice

Now, therefore, in accordance with rule 7 of the rules framed under  
sub-secs. (3) and (8) of Sec. 26 of the Act, he is hereby required to pay  
the Special water rate amounting to Rs.....within 45 days of the  
receipt of this notice, failing which the amount shall be recovered as  
arrears of Land Revenue under Sec. 70 of the Act.

Divisional Canal Officer.  
.....Division