

**THE BANGLADESH WATER AND POWER DEVELOPMENT
BOARDS ORDER, 1972
(P. O. No. 59 of 1972)**

2. In this Order, unless there is anything repugnant in the subject or context:-

- (e) "controlled station" means a power generating station declared as a controlled station under clause (d) of Article 15;
- (g) "power" includes hydraulic as well as thermal power, electrical energy, steam, gas or any other power notified as such by the Government in the official Gazette;
- (j) "undertaking" includes any business, project scheme, asset, right, power, authority and privilege and any property movable and immovable, including land, building, work, machinery, cash or bank balance, reserve fund, investments, and any other right and interest in, or arising out of, such property and any book of accounts, register, record and any other document of whatever nature relating thereto.

3.(1) On the commencement of this Order, there shall be constituted, for carrying out the purposes of this Order, two Boards- one to be called the Bangladesh Water Development Board and the other to be called the Bangladesh Power Development Board.

4.(1) The Water Board shall consist of a Chairman and not more than five other members to be appointed by the Government.

9.(1) The Water Board shall prepare, for the approval of the Government, a comprehensive plan for the control of flood in, and the development and utilisation of water resource of, Bangladesh.

(2) The Board shall have power to take up any work as contemplated in

clause (3) or any other work that may be transferred to it by the Government and to realise levy thereof subject to the approval of the Government.

(3) The Board may frame a scheme or schemes for the whole of Bangladesh or any part thereof providing for all or any of the following matters, mainly:-

- (a) construction of dams, barrages, reservoirs and other original works irrigation, embankment and drainage, bulk water supply to communities and recreational use of water resources;
- (b) flood control including water-shed management;
- (c) prevention of salinity, water congestion and reclamation of land;
- (d) except within the limits of sea-ports, maintenance, improvement and extension of channels for inland water transport, including dredging of channels, but excluding all such operations as may be assigned by the Government to any other agency;
- (e) regulation of channels to concentrate river flow for more efficient movement of water, silt and sand, excluding all such operations as, in the opinion of the Government, may be carried out by any other agency.

11.(1) Every scheme prepared under clause (3) of Article 9 . . . shall be submitted, for approval, to the Government with the following information:-

- (a) a description of the scheme and the manner of its execution;
- (b) an estimate of costs and benefits, the allocation of costs to the various purposes to be served by the scheme and the amounts to be paid by the beneficiaries;
- (c) a statement of proposal by the Board for the resettlement or rehousing, if necessary, of persons likely to be displaced by the execution of the scheme.

(2) The Government may sanction or may refuse to sanction or may return for reconsideration any scheme submitted to it under clause (1), or may call for such further details or information about the scheme or may direct such further examination of the scheme as it may consider necessary.

12.(1) Any scheme framed by an agency in Bangladesh other than a Board in respect of any of the matters enumerated in clause (3) of Article 9 . . . shall, if its estimated cost exceeds the amount to be prescribed by the Government, be submitted to the Government through the board concerned and the

Government may pass any of the orders contemplated by clause (2) of Article 11.

(2) A board may, with the approval of the Government, undertake the execution of any scheme or exercise technical supervision and administrative and financial control over the execution of any scheme framed or sponsored by any agency in respect of the matters enumerated in clause (3) of Article 9. . .

14. Subject to the provisions of any other law for the time being in force, the Water Board-

- (a) shall have control over the flow of water in all rivers and channels of Bangladesh subject to private rights, and the under-ground water resources of any region of Bangladesh;
- (b) may, with the approval of the Government, prescribe standards for the operation and maintenance of all irrigation, embankment and drainage works;
- (c) may, with the approval of the Government, prescribe simplification of methods of charges for the supply of water and for standardization of the system of supply.

17.(1) Each Board may take such measures and exercise such powers as it considers necessary or expedient for carrying out the purposes of this Order.

(2) Without prejudice to the generality of the power conferred by clause (1), each Board may-

- (a) under any work, incur any expenditure within the budget or any special allotment, procure plant, machinery and materials required for its use and enter into and perform any such contracts as it may consider necessary and expedient;
- (b) acquire by purchase, lease, exchange or otherwise any land or interest in land or dispose of by sale, lease, exchange or otherwise such land or any interest in such land;
- (c) seek and obtain advice and assistance in the preparation or execution of a scheme from any local authority or agency of the Government and such agency or authority shall give the advice and assistance sought by the Board to the best of its ability, knowledge and judgment:

Provided that the Board shall pay the cost if such advice and assistance entails additional expenditure to the local authority or the agency.

(3) The acquisition of any land or any interest in land for a Board under this Article or for any scheme under this Order shall be deemed to be an acquisition for a public purpose within the meaning of the Acquisition and Requisition of Immoveable Property Ordinance 1982 ... or any other law for the time being in force, and the provisions of the said Act or law shall apply to all such proceedings.

18. Without prejudice to the generality of the powers conferred by any other provision of this Order, the Water Board may-

- (a) control and operate the dredger fleet, its ancillary crafts, appurtenances and equipment including launches, house boats, fuel and water bags, floating and shore workshops, pipe lines, pontoons, pumps and other construction equipment belonging to the Government on such terms and conditions as may be prescribed by the Government;
- (b) direct the owner of any private land-
 - (i) to carry out measures for training of water courses passing through his land;
 - (ii) to undertake anti-erosion operations including conservation of forests and re-forestation:

Provided that compensation shall be paid to persons affected by such direction in such manner as may be prescribed.

- (c) restrict or prohibit, by general or special order, the clearing and breaking up of land in the catchment area of any river:

Provided that compensation shall be paid to persons affected by such order in such manner as may be prescribed:

- (d) direct that any work which has been required to be done by any person under the two preceding sub-clauses and which remains undone shall, after notice to such person and after consideration of any objection raised by him, be executed by the Board and may specify the proportion in which the risk and expenses of such work shall be borne by notice and after such enquiry as the Board considers necessary, is held by the Board to be responsible for the execution of such work in whole or part.

19.(1) The Chairman or any person authorised by him in writing may, after serving due notice to the owner, enter upon and survey any land, erect pillars

for the determination of intended line of works, make boring and excavations, and do all other acts which may be necessary for the preparation of any scheme:

Provided that when the affected place does not vest in the Board, the power conferred by this clause shall be exercised in such manner as to cause the least interference with, and the least damage to, the rights of the owner thereof.

(2) When any person enters upon any land in pursuance of clause (1), he shall, at the time of entering or as soon thereafter as may be practicable, pay or tender payment for all necessary damage to be done as aforesaid, and in case of dispute as to the sufficiency of the amount, so paid or tendered, the dispute shall be referred to the Deputy Commissioner whose decision shall be final.

21.(1) As soon as any scheme has been carried out by a Board or at a latter date, the Board may arrange by a written agreement with a local authority or other agency within whose jurisdiction any particular area covered by the scheme lies to take over and maintain any of the works or services in that area and, if the Board fails to obtain the assent of such local authority or other agency, it may refer the matter to the Government, and the Government may give such directions to the local authority or other agency as it may deem fit.

(2) The Government shall have the power to direct a Board to hand over any scheme to any agency of the Government or a local authority:

Provided that the Government shall not direct the Power Board to hand over any power scheme carried out by that Board.

22.(1) The Government may appoint such officers, advisers or consultants and other employees to serve under each Board as may be necessary for the efficient performance of the functions of such Board on such terms and conditions as it may be determine.

26. The rates at which the Water Board shall sell water . . . shall be so fixed as to provide for meeting the operating cost, interest charges and depreciation of assets, the redemption at due time of loans other than those covered by depreciation, the payment of any tax and a reasonable return or investment.

Note : See also 13.6 and the Water and Sewerage Authority Act, 1996 (15.3).