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Act No.12 of 1992

An Act made to ensure the development and balanced use of water resources

Whereas it is expedient to make provisions in order to ensure the development and balanced use of water resources;

Now, therefore, it is enacted as follows:-

1. Short title.- This Act may be called the Water Resources Planning Act, 1992.
2. Definitions.- Unless there is anything repugnant in the subject or context, in this Act-
 - a) "Executive Parishad" shall mean the Executive Parisha established under section 9;
 - b) "Director" shall mean director of the institution;
 - c) "regulation" shall mean any regulation made under this Act;
 - d) "Board" shall mean the Board constituted under section 6;
 - e) "rule" shall mean any rule made under this Act;
 - f) "Director-General" shall mean the Director-General of the Institution;
 - g) "Institution" shall mean the Water Resources Planning Institution established under this Act.
3. Establishment of the Institution.- (1) As soon as possible after the commencement of this Act, the Government shall, by notification in the official Gazette, establish an institution to be called the Water Resources Planning Institution.
(2) The Institution shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property, both movable and immovable, and shall by the said name sue and be sued.
4. Head office of the Institution.- The head office of the Institution shall be situated in Dhaka and it may, if necessary, establish branch offices at any other place.
5. General management.- The general management and administration of the Institution shall be entrusted to a Managing Board and the Managing Board shall exercise all the powers and perform all the functions the Institution may exercise and perform.
6. Constitution of the Managing Board.- The Managing Board shall consist of the following members, namely:-
 - a) the Minister in charge of the Ministry or Department of Irrigation, Water Development and Flood Control, who shall also be its Chairman;
 - b) an attached member of the Planning Commission, who shall also be its Vice-Chairman;
 - c) the Secretary of the Ministry or Department of Irrigation, Water Development and Flood Control;
 - d) the Secretary of the Ministry or Department of Agriculture;
 - e) the Secretary of the Ministry or Department of Local Government;

- f) the Secretary of the Ministry or Department of Roads and Road Transport;
- g) the Secretary of the Ministry or Department of Planning;
- h) the Secretary of the Ministry or Department of Forests and Environment;
- i) the Secretary of the Ministry or Department of Shipping;
- j) the Director-General, who shall also be its Secretary.

7. Functions of the Institution.- The Institution shall have the following functions, namely:-

- a) to conduct the general planning of environmentally balanced water resources for the purpose of developing water resources;
- b) to determine the national means and methods for the scientific utilisation and preservation of water resources;
- c) to give advice to other institutions involved in the development, utilisation and preservation of water resources;
- d) to co-operate in the investigation of any organization appointed to the development, utilisation and preservation of water resources, and to conduct, if necessary, special investigations on any matter relating thereto;
- e) to evaluate and review any matter which has arisen from measures taken by any organization appointed to the development, utilisation and preservation of water resources;
- f) to improve the teaching, training relating to, and to raise the professional standard in, the utilisation of water resources;
- g) to collect and review information on the utilisation of water resources, and to provide for their publication;
- h) to organize and conduct national and, after the prior consent of the Government, international seminars, work shops and meetings;
- i) to fulfil such other duties relating to water resources as are conferred by the Government.

8. Director-General and directors.- (1) The Institution shall have one Director-General and no less than two directors.

(2) The Director-General and the directors shall be appointed by the Government and the conditions of their employment shall be determined by the Government.

(3) If the office of the Director-General becomes vacant or if for reason of absence, sickness or others he is unable to discharge his functions, any person nominated by the Government shall function as Director-General until a newly appointed Director-General takes up office or the Director-General is again able to discharge his functions. (4) The Director-General shall be the chief executive officer of the Institution and he shall administer the Institution.

9. Executive Parishad.- (1) There shall be an Executive Parishad to the Institution, which shall consist of one Chairman and no less than two members.

(2) The Director-General shall be the Chairman of the Executive Parishad and the directors shall be its members.

(3) The Executive Parishad shall render advice and assistance to the Board so that it may discharge its functions properly, it shall be responsible for the implementation of any decision of the Board and shall exercise all powers and fulfil all duties the Board may exercise and fulfil.

10. Meeting.- (1) Subject to the other provisions of this Act, the Board may regulate the proceedings of its own meetings, and of the meetings of the Executive Parishad. (2) The

meeting of the Board shall, after consent of its Chairman, be summoned by its secretary, and shall be held at such time and place as may be determined by the Chairman.

(3) All meetings of the Board shall be presided over by its Chairman and, in his absence, by its Vice-Chairman and, in the absence of both, by any member nominated by the members which are present at the meeting from among themselves.

(4) All meetings of the Executive Parishad shall be summoned by order of the Executive Chairman, and shall be held at such time and place as may be determined by him.

(5) All meetings of the Executive Parishad shall be presided over by the Executive Chairman and, in his absence, by any member appointed by him.

(6) No act or proceeding of the Board shall be invalid or be called in question merely on the ground of any vacancy in, or any defect in the constitution of, the Board.

11. Technical committee, etc.- (1) The Board shall establish a committee called Technical Committee which shall advise the Institution in the solution of problems which may arise between different organizations involved in the general planning for the development of water resources and in the development and utilisation of water resources.

(2) The Technical Committee shall have no more than five members and the members of the said committee shall, subject to the provision of sub-section (3), be appointed by the Institution.

(3) The Vice-Chairman and the secretary of the Board shall be the Chairman and the secretary of the said Committee, respectively.

(4) The Institution may, in accordance with the decisions it has taken, found other committees which shall render it assistance in the discharge of its duties.

12. Fund of the Institution.- (1) The Institution shall have a fund to which governmental grants, gifts and grants from any other source, and any other money acquired by the Institution shall be credited.

(2) This fund shall be deposited in the name of the Institution at any scheduled bank approved by the Institution and money shall be withdrawn from the fund in the prescribed manner.

(3) Necessary expenses of the fund shall be met from this fund, but the Institution may in such manner as may be determined by regulation, invest some part of the fund in any account approved by the Government.

13. Budget.- The Institution shall, by such date in each year as may be prescribed by the Government, submit to the Government an annual statement for the following financial year, and therein shall be stated the sums which are likely to be required from the government by the Institution during that financial year.

14. Accounts and audit.- (1) The Institution shall maintain its accounts in due form and manner, and shall prepare an annual report of its accounts.

(2) The Comptroller and Auditor-General of Bangladesh, hereinafter called Auditor-General, shall audit the accounts of the Institution annually, and shall send one copy each of his audit report to the Government and Institution.

(3) For the purpose of an audit under sub-section (2), the Auditor-General or any person authorised by him in this behalf shall have access to all records, books, documents, cash or money deposited on banks, securities, stores and other property of the Institution and may examine any member, the Director-General, any director or any other officer or employee of the Institution.

15. Officers and employees of the Institution.- The Institution may employ such number of officers and employees as may be required to discharge its duties properly and it shall determine the terms and conditions of their employment by regulation.

16. Power of the Government to issue directions.- The Government may for the purpose of this Act, issue any direction to the Institution and the Institution shall be bound to comply with such directions.

17. Reports.- (1) The Institution shall every year before the 30th June, submit together with the account-books a report on the conduct of its affairs during the preceding year to the Government.

(2) The Government may, if it thinks necessary so to do, at any time call for a report and statement on any matter from the Institution and the Institution shall be bound to furnish such report and statement to the Government.

18. Delegation of powers.- The Institution may, subject to well-defined conditions, delegate to the Director-General, the directors or any other officer of the Institution any of its powers or functions.

19. Indemnity.- No suit, prosecution or other legal proceeding shall lie against any member, the Director-General, any director or any other officer or employee of the Institution for any damage caused or likely to be caused to any person by anything done in good faith under this Act, or any rule or regulation.

20. Public servant.- The members, the Director-General, the directors and the other officers and employees of the Institution shall be deemed to be Public Servants in the sense in which the expression "Public Servant" is used in section 21 of the Penal Code (Act XLV of 1860).

21. Institution not to be deemed to be a shop, etc.- Notwithstanding anything contained in any other Act for the time being in force, the Institution shall not be deemed to be a "Shop", "Commercial Establishment", "Factory" or "Industry" within the meaning of the Shops and Establishment Act, 1965 (E.P. Act VII of 1965), the Factories Act, 1965 (E.P. Act IV of 1965) or the Industrial Relations Ordinance, 1969 (XXIII of 1969).

22. Power to make rules.- The Government may, by notification in the official Gazette, make rules for the purpose of this Act.

23. Power to make regulations.- The Institution may for the purpose of this Act, after the prior approval of the Government and by notification in the official Gazette, make such regulations as are not inconsistent with this Act or any rule.

24. Assets etc. of the National Water Project.- Immediately after the establishment of the Institution-

- a) all the property, whether movable or immovable, and all the money, whether cash or money deposited on banks, of the recently abolished National Water Project (Second Period) shall be transferred to the Institution and the Institution shall be in possession thereof;

b) all the debts, obligations and liabilities of the said Project shall be debts, obligations and liabilities of the Institution.

25. Repeal and savings.- (1) The Water Resources Planning Ordinance, 1991 (Ord. No. 46, 1991) stands herewith repealed.

(2) Notwithstanding such repeal, any action done or any measure taken under the repealed Ordinance shall be deemed to have been done or taken under this Act.