

Bangladesh Gazette

Supplementary Issue

Published by Authority

Saturday, May 25, 2019

Government of Peoples' Republic of Bangladesh

Ministry of Agriculture

NOTIFICATION

Dated: 20 May 2019

S.R.O. No.128-Act/2019—In exercise of the power conferred by section 12 of the Groundwater Management Act for Agriculture 2018, the Government is pleased to formulate the following rules, namely: --

1. **Title:** --These rules will be called as Groundwater Management Rules in Agriculture, 2019.
2. **Definition:** --- (1) In these Rules, unless there is anything repugnant in the subject or context---
 - (a) **“Act”** means Groundwater Management Act for Agriculture, 2018 (Act No. 5 of 2018);
 - (b) **“Committee”** means Upazilla (sub-district) Irrigation Committee formed under rule 3;
 - (c) **“Schedule”** means Schedule of these rules;
 - (d) **“Form”** means Form as mentioned in the Schedule;
 - (e) **“Existing tube-well”** means any tube-well as mentioned in section 6 of the Act;
 - (f) **“Member”** means member of committee;
 - (g) **“Member-Secretary”** means Member-Secretary of committee.

(2) The words and expressions used in these rules, but have not been defined, shall carry the meaning as expressed in the Act

3. Formation of Upazila (sub-district) Irrigation Committee, etc.: -- (1) Upazila Parishad shall form the Upazila Irrigation Committee in combination with the following members, namely: --

- (a) Upazila Executive Officer, who will also be the President of the Committee
- (b) Upazila Agricultural Officer;
- (c) Upazila Engineer, Engineering department of Local Government;
- (d) Upazila Rural Development Officer;
- (e) A representative from Water Development Board;
- (f) A representative from Electricity Development Board or, as the case may be, from Bangladesh Rural Electrification Board;
- (g) A representative from the Public Health Engineering department;
- (h) A representative from peasant-organization of the Upazila, nominated by the Upazila Executive Officer;
- (i) An Asst. Engineer from Bangladesh Agriculture Development Board or, as the case may be, from Barendra Multipurpose Development Authority, who will also be the Member- Secretary.

(2) The functioning of the Committee will be as follows, such as: --

- (a) Inspection of the site, mentioned in the application for license and submission of the report, after verification of authenticity of the related facts and information;
- (b) To give opinion review of the application for license in view of the directives of Upazila Parishad;
- (c) Suspension of license temporarily in case of violation of the terms and conditions of license;
- (d) To send report about the cancellation of license to Upazila Parishad.

(3) The Member- Secretary shall convene the meeting of the committee with the consent of the President and the meeting shall be held at the place, date and time fixed by the President.

(4) The President shall preside over all the meetings of the committee and in his/her absence any member nominated by him/her shall preside over the meeting.

(5) Presence of at least 5 (five) members shall be necessary for quorum of the committee meeting;

(6) The President can co-opt concerned persons in the committee as members;

(7) All members, present at the meeting of the committee, shall enjoy the right of a single vote, but in case of equality of votes, the President, presiding over the meeting, shall have a second or decisive vote;

(8) All documents of the committee shall be kept in the custody of the Member-Secretary;

(9) The committee itself shall determine its procedure of functioning.

4. Application for license for installation of Tube-well, etc.— (1) Application in accordance with Form-A of Schedule 2 should be submitted to Upazila Parishad to get license for installation of tube-well, to be used in agricultural activities;

(2) Two duplicate copies of the map of the related mouza or, as the case may be, mouzas should be attached with the application as per sub-section (1) mentioning the following aspects, namely: ---

- (a) Exact location of the proposed site for installation of tube-well;
- (b) Location of river, canal or marshy land in the adjacent area of the site proposed for the tube-well;
- (c) Proposed area of irrigation along with quantity and description of crops; and
- (d) Location of tube-wells situated around the proposed irrigated area

(3) Receipt of the application fees, according to the following table, paid in favour of Upa-zila Parishad, as directed by the Member-Secretary should be attached with the application under sub-section (1), namely: ---

Table

Serial No	Details of tube well	Cusec	Fee
(1)	(2)	(3)	(4)
1.	Deep Tube well	2.0	Rs.500.00
		1.5	Rs.400.00
		1.0	Rs.300.00
		0.5	Rs.200.00
2.	Shallow Tube well	200.00

(4) In case of application for license for installation of tube-well for agricultural activities, made by several persons jointly or by any society, the power to apply should be delegated to any one of them or, as the case may be, to any member of the society and a certificate of that power of attorney should be attached with the application.

(5) Application Form can be procured from Upazila Parishad or Member-Secretary free of cost:

Provided that the photocopy of the application form, downloaded from the website of the Bangladesh Agriculture Development Corporation or Barendra Multipurpose Development Authority or the photocopy of the original can be used.

(6) Upazila Parishad, after receiving any application under sub-rule (1), shall send it to committee within 7 (seven) working days directing it to submit a report after verifying the authenticity of the site and information declared in that application.

(7) Committee, after receiving the direction under sub-rule (6) within 15(fifteen) working days, shall prepare a report including its specific comments and recommendations on the following aspects after inspecting the place and verifying the related information, as declared in the application, by itself or one or more than one members, and will send it to the Upazila Parishad within 20 (twenty) working days from the date of receiving the direction under the above-said sub-rule, namely:-

(a) The aquifer condition of the place where the tube-well is to be installed;

(b) The distance of the nearest existing tube-wells;

(c) Probable areas likely to be benefited by the tube-well;

(d) Impact on the other tube-wells, including the tube-wells used for household activities;

(e) The suitability of the site for installation of tube-well in the perspective of the conditions prescribed in schedule-1.

(8) The Committee, when recommending for any license, shall mention in its report the conditions based on which the license have been granted.

(9) The Committee shall inform the applicant by written notice at least 3 (three) days prior to the spot inspection and information verification under sub-rile (7).

(10) After receiving the report under sub-rule (7), Upazila Parishad will place the report in its next meeting.

5. Minimum area under a tube-well: -- Committee shall not recommend an application for approval if the proposed area of irrigation of the tube-well to be used in agricultural activities is less than the area shown in the following table, namely: ---

Table

Serial No	Details of tube well	Cusec	Hectare
(1)	(2)	(3)	(4)
1.	Deep Tube well	2.0	24
		1.5	18
		1.0	12
		0.5	6
2.	Shallow Tube well	6

6. Issuing License:-- (1) If the Upa-zila Parishad, after considering the application under rule 4 or, as the case may be, under rule 10, be satisfied about the following aspects, subject to fees received as prescribed in the sub-rule (2), may issue license for installation of tube-well according to Form B of Schedule-2 within 15 (fifteen) working days from the date of placing the report in the meeting of Upazila Parishad, namely:---

- (a) Agricultural work will be benefitted in the area where the tube-well is proposed to be installed;
- (b) Will not have any adverse effect upon the surrounding environment; or
- (c) Feasible by any other means.

(2) The applicant will, if the application for installation of tube-well is granted, deposit the license fees as prescribed in the following table in the bank as directed by the Member-Secretary in favour of Upazila Parishad.

Table

Serial No	Description of tube-well	Fees
(1)	(2)	(3)
1.	Deep tube-well	3000.00
2.	Shallow tube-well	1000.00

7. Rejection of application for license: -- Upa-zila Parishad may reject the application for license, if it is not satisfied with the report received under sub-rule (7) of rule 4;

Provided that in case of rejection of application, the reasons behind and rationality for rejection should be conveyed to the applicant in writing within 7 (seven) days from the date of the decision taken.

8. Review of application for license:-- (1) In case of an application for license being rejected, the aggrieved person may, within 30 (thirty) days from the date of being informed about the said decision, apply to the Upazila Parishad in writing for review of the decision.

(2) The applicant will mention in brief in the submitted application under sub-rule (1), all the points that the Upazila Parishad should have considered, but have not been taken into consideration, and all other related aspects, on the basis of which the applicant believe that license can be granted;

(3) The Upazila Parishad, after receiving the application under sub-rule (1), if necessary, will send that application to the Committee for its opinion within 7 (seven) working days and the Committee will send its opinion to the Upazila Parishad after reviewing the application within 10 (ten) working days from the date of receiving the direction.

(4) The Upazila Parishad, after considering the application of the aggrieved person or, as the case may be, the opinions provided under sub-rule (3), shall deliver its decision within 30 (thirty) working days from the date of receiving the application or the opinion, as the case may be, and in this matter the decision of the Upazila Parishad shall be considered as final.

9. Duration of license, Renewal, etc.:-- (1) Any license issued under this rules, if not cancelled before its duration time, shall remain effective for three years from the date of issuing or, as the case may be, from the date of renewal.

(2) Application should be submitted to Upazila Parishad for renewal of license in Form-C of schedule-2 with fees mentioned in sub-rule (3) under rule 4 at least 7 (seven) days prior to the expiry date of license.

(3) In case of delay in applying for license renewal, 500 (five hundred) Taka for deep tube-well and 250 (two hundred fifty) Taka for shallow tube-well shall have to be deposited as late fee for the said delay in addition to the renewal fee:

Provided that in case of the delaying period exceeding 60 (sixty) days from the expiry date of license, then application has to be submitted for a new license.

(4) After submission of application under this rule, the related tube-well can be kept running until the decision regarding renewal of the license or of a different kind is conveyed.

10. License of existing tube-wells:-- (1) For license of the existing tube-well, the owner of the same or, as the case may be, his/her authorized representative will have to apply to the Upazila Parishad in Form D of Schedule 2 mentioning the location of the related tube-well and other information about the tube-well within 6 (six) months from the date of enactment of these rules;

Provided that in case of absence for any necessary information required for granting license, the Upazila Parishad may direct the applicant to submit the same.

(2) The receipt of the application fee, after deposition of the same under sub-rule (3) of rule 4 in the bank in favour of Upazila Parishad as directed by Member-Secretary, should be attached with the application submitted under sub-rule (1)

(3) The Upazila Parishad, after receiving application under sub-rule (1) following the provisions of rule 4 and 6, shall deliver the license with necessary revisions, as the case may.

11. Suspension of license: -- (1) The Committee will, in case of noticing violation of any condition of the license, send show-cause notice to the concerned person giving him/her 7 (seven) working days' time for reply.

(2) The Committee, in case not satisfied with the reply of the said notice under sub-rule (1) or not received any reply within the specified time, and if necessary physically verifying the matter by one or more than one member,

as it deems fit, may temporarily suspend the concerned license by written order specifying the reasons.

(3) If any license is temporarily suspended under sub-rule (2), then that order has to be sent to the Upazila Parishad for approval within 7 (seven) working days from the date of passing the suspension order.

(4) If any order is sent to Upazila Parishad for approval under sub-rule (3), the Upazila Parishad will serve a notice for hearing to the concerned licensee providing 7 (seven) working days and, after holding the hearing, may approve that order of suspension if it is satisfied that there are justified and sufficient reasons to suspend the license or may reject the order if there is no justification and sufficient reasons to suspend the license.

(5) Suspension of any license under sub-rule (4) shall remain valid for a period of 45 (Forty-five) days.

(6) If the order for suspension of license is approved by the Upazila Parishad, the aggrieved person may apply to the Upazila Parishad for review of the order, within 30 (thirty) working days from the date of receipt of that order.

(7) The Upazila Parishad shall settle the review application submitted under this rule within 20 (twenty) working days, which shall be considered as final.

(8) If the order for suspension of license is approved by Upazila Parishad, the Member-Secretary shall convey this decision to the concerned person by a written letter.

12. Cancellation of license:-- (1) The Committee, in case of a license having been suspended for 3 (three) times during the last 1 (one) year, if necessary, after verifying the matter by itself or one or more than one member, shall prepare a report on this matter and submit the same to the Upazila Parishad.

(2) The Upazila Parishad, after receiving the report under sub-rule (1), shall send a notice to the licensee asking for show-cause why his/her license will not be cancelled and whether he/she is willing to be present personally for the said submission.

(3) The Upazila Parishad may cancel the said license if it is satisfied, on the basis of the received report under sub-rule (1), and considering the written and personal submission, that it is reasonable to cancel the same.

13. Financial regulation: --- (1) With the approval of Upazila Parishad and by joint signature of President and Member-Secretary, a bank account will be opened in all the Upazilas, in which fees mentioned in rule 4(3) and 6 (2) will be deposited.

(2) With the approval of Upazila Parishad, expenses for printing of application form, license form and related papers mentioned in these rules and other necessary expenses including dispatch can be spent from the account specified in the sub-rule (1).

14. Repealing and custody: --- (1) As soon as the promulgation of these rules, the Ground Water Management Rules 1987 shall stand repealed.

(2) Notwithstanding such repeal under sub-rule (1) anything under the said repealed rules, ---

(a) Any activities done, or measures taken shall be deemed to have been done or taken under these rules;

(b) Any measure taken, or initiated, remains pending or ongoing at the time of promulgation of these rules, so far as possible, shall be completed under these rules;

(c) Any order passed and remained valid just before the repeal, subject to being consistent with these rules, shall be considered as passed under these rules;

(d) Any license issued and remained valid just before the repeal, shall be in force for its remaining duration in such manner as if it is issued under these rules.

Schedule – 1

[Note: Rule 4(7)(E)]

Conditions for selecting the site for installation of tube-well

- 1. Soil:** Lands containing such soil which is suitable for cultivating Boro, Wheat, Maize and vegetables will be given priority.
- 2. Distance from a perpetual river:** The distance of the site for installation of tube-well is to be at least 1.5 km away from an always flowing river.
- 3. Geography:** The site for installation of tube-well is to be selected in such a land where the platform of tube-well remains in a higher level than the usual maximum level of water in a flood situation.
- 4. Distribution of water for irrigation:** The site for installation of tube-well is to be selected in such a place, from where the water for irrigation can be distributed to all sides.
- 5. Distance between two tube-wells:** Distance between two tube-wells shall be as following, namely: ---

Capacity	2.00 cusec	1.50 cusec	1.00 cusec	0.50 cusec
2.00 cusec	800 meters	690 meters	600 meters	500 meters
1.50 cusec	690 meters	630 meters	540 meters	415 meters
1.00 cusec	600 meters	540 meters	450 meters	350 meters
0.50 cusec	500 meters	415 meters	350 meters	250 meters

Schedule – 2

Form-A

[Note: Rule 4(1)]

Application Form for license for installation of tube-well

Chairman

Upazila Parishad

Upazila

(For office use only)
Serial No Deep/Shallow tube-well (Size)
Receiving date of application.....
Signature
(Note: Tick-mark is to be given against Tube-well applied for) _____

1. Name of applicant:

(a) If applicant is an individual:

(b) If applicant is a co-operative society/an institution:

(i) Name and Registration No of society/institution:

(ii) Name of the representative authorized to apply:

(Power of attorney to represent is to be attached with the application)

(c) If applicant is a group:

(i) Name of the group:

(ii) Name of the representative empowered to apply:

(Power of attorney to represent is to be attached with the application)

2. Address of applicant:

3. Category of tube-well applied for:

4. Areas likely to be benefited by the tube-well and other information:

(Extra papers may be used if necessary)

5. Proposed site for installation of tube-well:

(Name of Mouza, J. L. No and Khatian and Dag No is to be mentioned.)

6. Distance of the nearest deep/shallow tube-wells from the proposed site and other information of the said tube-wells if known:

(Extra papers may be used if necessary)

7. Any special consideration for granting license, if any:

(Extra papers may be used if necessary)

8. Amount of fees deposited, date of deposition and receipt no (receipt is to be attached):

9. List of necessary papers attached:

(1)

(2)

(3)

(4)

(5)

(6)

Date:

Name and Signature of
the applicant

Form – B
[Note: Rule 6(1)]

License for installation of tube well

Upazila Date

License No Category of tube well

Size Mr./Mrs.

On behalf of co-operative society /Institution / group

Father Village

Union Parishad Post-office

Mouza J. L. No.....

Khatian No..... Dag No.....license for installation of
tube-well is issued in this place under the following conditions.

Conditions:

- (1) Validity of the license will be for 3 (three) years from the date of issue.
- (2) License will be considered as cancelled if the tube-well is not installed within 1 (one) year from the date of receiving the license.
- (3) The Upazila Irrigation Committee have to be informed within 7 (seven) days from the date of installation.
- (4) The tube-well cannot be shifted or in any way transferred to another place without the permission of Upazila Irrigation Committee.
- (5) The tube-well cannot be used for any activity other than irrigation purposes.

(Signature and seal)

Upazila Executive Officer

Upazila Parishad

Renewal

Duration of Renewal	Signature and date (with seal) of Renewal Officer

Form – C
[Not:e Rule 9(2)]

Application Form for Renewal of License of installed tube-well

Chairman
Upazila Parishad
Upazila

License No: Date:

1. Name of applicant:
2. Category of tube-well:
3. Location of tube-well:
4. Brief information of license having been suspended any time:
5. Account of areas benefitted by tube-well in the last season:
6. Duration and reasons of tube-well not functioning during the last season:
.....
7. Amount of fees deposited, date of deposition and receipt no.
(Receipt is to be attached):

Date: Name and signature of applicant

Form – D
[Note: Rule 10 (1)]

Application Form for License of Existing Tube-well

Chairman
Upazila Parishad
Upazila

(For office use only)
Serial No Deep / Shallow tube-well (Size)
Date of Receiving application
Signature
(Note: tick-mark is to be given against the tube-well applied for)

1. Name of applicant:

(a) If applicant is an individual:

(b) If applicant is a co-operative society / an institution:

(i) Name and registration no. of the society / institution:

(ii) Name of the representative authorized to apply:
(Power of attorney to represent is to be attached with application)

(c) If applicant is a group:

(i) Name of the group:

(ii) Name of the representative authorized to apply:
(Power of attorney to represent is to be attached with application)

2. Address of the applicant:

3. Category of tube-well applied for:

4. Areas benefitted by tube-well and other information:
(Extra papers may be used if necessary)

5. Description of location of existing tube-well (deep or shallow):

.....
(Name of Mouza, J.L. No, and Khatian and Dag No is to be mentioned)

6. Amount of fees deposited, date of deposition and receipt no (receipt no. is to be attached).

7. List of necessary papers submitted:

(1)

(2)

(3)

(4)

(5)

(6)

Date:

Name and signature of applicant

By order of The President

Md. Nasirujjaman
Secretary

