

THE WATER POWER ACT

[BURMA ACT XI, 1927.] (29th October, 1927.)

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2. In this Act, unless there is something repugnant in the context, the term "**public water**" shall mean a collection of water, whether running or still, which is not the subject of private property exclusively, situate on, or flowing over or to, any land to which the State has any title in possession or in future, or in respect of which the Government has a right to use water for obtaining energy or for mining purposes.
3. When rules made under this Act prescribe licences for the use of any public water for obtaining energy or for mining operations, no person shall use, or attempt to use, any such water for any such purpose, or pollute or obstruct the flow of any such water, or discharge therein any mining refuse, except under and in accordance with the terms of such licence or any grant, lease, or licence from the President of the Union of, or in respect of, any land.
4. The President of the Union may, by notification, make rules¹ -
 - (a) prescribing licences for the use of any public water or of public waters in any local area for obtaining energy or for mining operations ;
 - (b) authorizing officers to make exemptions from the operation of such rules ;
 - (c) prescribing the officers by whom, the circumstances in which, and the conditions subject to which, licences under this Act shall or may be granted, including provision for the payment of royalty or rent ;
 - (d) prescribing the procedure for granting such licences, and the fees payable for the issue thereof :

¹ For the Burma Water-Power (Mining Operation) Rules, see Burma Gazette, 1949, Part , page 357.

- (e) providing for appeals from orders of officers authorized to grant such licences ; and
- (f) generally for carrying out the purposes of this Act.

5. The Deputy Commissioner may by written notice to any person by whom or on whose authority anything has been constructed or is maintained in contravention of this Act, order the removal of such thing and, if such person fails to comply with such order, the Deputy Commissioner may cause the thing to be removed or demolished, and the expense of such removal or demolition to be recovered from such person as if it were an arrear of land-revenue.

6. Every person who contravenes any of the provisions of section 3, or who fails to comply with an order under section 5, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or both.

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