

THE UNDERGROUND WATER ACT
[Burma Act IV, 1930] (21st June. 1930.)

Whereas it is expedient to conserve and protect underground sources of water supply in the Union of Burma; it is hereby enacted as follows:

1. This Act extends to such areas as the President of the Union may, by notification,¹ direct and shall apply only to tubes exceeding a depth to be prescribed by the President of the Union: Provided that the President of the Union may prescribe different depths for different local areas.
2. In this Act, unless there is anything repugnant in the subject or context.—
 - (a) "underground water" means water obtained from below the surface of the ground by the sinking of tubes; and
 - (b) "water officer" means such officer as the President of the Union may, by notification, prescribe in this behalf.
3. No person shall sink a tube for the purpose of obtaining underground water except under and in accordance with the terms of a licence granted by the water officer.

Every person owning a tube which was in existence before the extension of this Act to the local area concerned shall apply to the water officer for a licence for the said tube, and such licence shall be granted free of charge.

4.
 - (1) Any Magistrate taking cognizance of an offence under section 3 may at any time order the tube in respect of which the offence has been or is alleged to have been committed to be forthwith closed until such time as a licence for the same has been taken out in accordance with the provisions of the said section.
 - (2) If the order for the closure of a tube under sub-section (1) is not complied with, the Deputy Commissioner, Subdivisional Officer or Township Officer exercising jurisdiction over the local area concerned may cause the said tube to be closed, and the expense of such closure

¹ 1 This Act has been extended to the Rangoon, Hanthawaddy and Insein districts and applies to tube-wells exceeding a depth of 40 feet below ground level in the said localities: see Burma Gazette, 1941, Part I, page 1266.

shall be recoverable from the owner of the tube as if it were an arrear of land-revenue.

5. Every person obtaining or attempting to obtain underground water shall supply the water officer with such information as the President of the Union may by rule prescribe.
6. The President of the Union may make rules ¹-
 - (a) prescribing the conditions subject to which licences may be granted by the water officer under section 3;
 - (b) prescribing the form of and the procedure for granting such licences and the fees payable for the issue thereof;
 - (c) prescribing the information to be supplied to the water officer under section 5.
7. Whoever contravenes the provisions of section 3 or of section 5 shall be punishable with fine which may extend to one thousand rupees.

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¹ For such rules see Burma Gazette, 1941, Part I, page 1267.