

HEALTH AND PUBLIC WORKS DEPARTMENT, PUBLIC HEALTH BRANCH

(THE UNDERGROUND WATER RULES 1941)

THE BURMA GAZETTE OCTOBER 4, 1941.

Rangoon, the 27th. September 1941.

[Amendment : 18.06.1989]

No.355- Under section 2, clause (b) and of the Burma Underground Act, the Governor of Burma makes the following rules;-

The rules published with Local Government (Administrative) Department Notification No, 35, dated the 1st, March 1932 as subsequently amended are hereby cancelled.

This notification issues with the concurrence of the Defence Department.

THE UNDERGROUND WATER RULES 1941

A-General.

Title

1. These rules may be called "**The Underground Water Rules 1941**"

Water Officer

2. The Superintending Engineer Public Health Circle, P.W.D shall be the Water Officer for all the purpose of the Burma Underground Water Act and of the Rules framed thereunder.

Register of Wells.

3. The Water Officer shall maintain a Register of all tube wells permanently licensed under the Act.

Numbering of tube wells

4. The Water Officer shall assign to each tube well a distinguishing letter or number, which the license shall have painted clearly in black on a white board, affixed either to the tube well itself or to a post fixed in the ground close to the tube well. Such number shall be permanently maintained by the licensee in legible condition.

Appeals

5. An appeal shall lie to the Governor against any order passed by the Water Officer under these rules. The appeal shall be filed within thirty days from the date of the order appealed against.

B.-New Tube Wells.

licence

6. (a) The fee for a licence for a tube well shall be rupees fifty only, of which rupees ten shall be paid at the time of application. The balance shall be paid when the licensee desires samples of the water to be taken with a view to using the water from the well.

(b) No licence fee shall be charged in respect of any tube well proposed to be sunk by an officer of the Crown at Government expense, or for a public purpose by a Municipal or Town Committee, a Cantonment Authority, a District Council or by a Deputy Commissioner at the expense of his Local fund.

Application for Licence.

7. An application for a licence to sink a tube well shall be made in writing in Form a as prescribed in Schedule II appended to these rules to the Water Officer

8. An application in Form A. Schedule II, will be summarily rejected unless it is accompanied by—

(a) a chalan showing that the fee of ten rupees has been duly credited;
(b) a certified extract from the kwin or block map, in duplicate showing clearly the site on which it is proposed to bore for water.

The dimension of the area, and its bearing from the nearest permanent survey mark shall be set out clearly on the map, and also the exact position of any tube well, surface well, latrine or septic tank within a radius of 300 feet of the proposed site of the well for which a licence is applied for.

9. If any person furnishes incorrect particulars or makes a false statement in his application or map, any licence issued on that application shall be liable to be summarily cancelled by the Water Officer.

Notice calling for objections

10. On receipt of an application for a licence, the Water Officer, after satisfying himself that it is in order, shall issue public notice of the application, specifying the name and residence of the applicant and the site concerned and notifying that, on a specified date not less than fifteen days from the publication of the notice, and at a specified time and place, he will take the application into consideration, and calling upon any person who objects to the issue of the licence to be present on the specified date and at the specified time and place for the determination of this objection.

A copy of the notice shall be published in English in one daily news-paper and shall be posted in English and Myanmar in a conspicuous place on the site, and on notice-boards outside the office of the Water

Officer and, if the site is outside the limits of the City of Rangoon, the Township Officer, and the head of the village or ward headman.

Where the proposed tube-well falls within the limits of the City of Rangoon, a copy of the notice shall also be sent to the Secretary of the Corporation of Rangoon.

Copies of the notice, with endorsements showing that it has been duly published and duly served on all concerned persons, shall be filed as part of the proceedings.

[**<Amendment 18.06.1989>**](#)

Hearing of objections and issue or refusal of temporary licence

11. On the date fixed in the notice, the Water Officer or other officer authorized is in this behalf by and general or special order of Govt. Shall at the time and place specified in the notice referred to in Rule 10 enquired into the objections and make his decision on thereon.
12. (1) If after all objections have been heard and decided for Water Officer considers that a Licence should not be issued he shall record his reasons in writing and pass a written order of objecting the applications.
(2) If he considers that the applicant may be permitted to bore for water he shall issue a temporary licence in Form C of Schedule II in the first instance, valid for four months from the date of issue, and shall return therewith to the applicant one copy of the map referred to in Rule 8 duly signed and sealed in taken of his approval.

Extension of temporary licence.

13. The period of a temporary licence may be extended for good cause shown by the Water Officer but in no case shall its total validity exceed eighteen months.

Date to be recorded

14. The licence shall drive in flush with the ground levels permanent peg pillar or post close by the place where the tube is to be sunk, and if so directed by the Water Officer, shall ascertain and mark upon it its value, having reference to the G.T.S bench Mark Value. All measurements connected with the tube well shall bear reference to this peg, post or pillar.

15. (1) During the sinking of the well the licences shall record in feet the distance of the top of every stratum from ground level (G.T.S.Datum) together with its thickness.
(2) He shall retain samples of every stratum through which the tube passes, place them in special sample boxes which will be supplied by the Water Officer and mark the boxed plainly in white paint with the

number or letter of the tube well, the number of the stratum, counted in serial order from ground level and the depth at which the sample was taken, and deposit the samples with the Water Officer.

Inspection of tube wells;

16. The Water Officer, the Director of Public Health, Burma and any authorized assistant specially deputed by them, shall at all time have access to any tube well and shall at any time have power to carry out tests or supervise the carrying out of any tests that the Water Officer or the Director of Public Health may consider necessary and to take samples of water or any other substance, provided that the taking of such samples shall not cause inconvenience in the ordinary working of the tube well.

Procedure on commencement of work striking water and plan of work.

17. (1) Seven days notices in writing shall be given to the Water Officer before the commencement of actual sink operations.

When the licence strikes water in quantities sufficient to meet his requirements he shall forth with give notice to the Water Officer and state the actual date and time he intends to commence pumping the well so as to clean it before samples of the water are taken for chemical and bacteriological analysis.

(2) No sample shall be taken until the Water Officer is satisfied that the well has been sufficiently pumped to get the water samples a reasonable chance of yielding a satisfactory result on laboratory test and the balance of the fees mentioned in Rule 6 have been paid. The samples shall be taken and transmitted to the Harcourt Butler Institute of Public Health, Rangoon only by such assistance as either the Water Officer or the Director of Public Health shall depute for the purpose. No further sinking operations shall be carried out nor shall the water from the well be used until the result of the chemical and bacteriological analysis is known and definite orders are issued by the Water Officer.

(3) Within seven days after the completion of the sinking of a tube well or its abandonment, due notice shall be given in writing to the Water Officer by the licensee.

18. In any case in which the water from the tube well is proposed to be, or likely to be, used for human consumption or articles of food or drink or such other articles manufactured with such water are proposed to be, or likely to be, used for human consumption, when satisfactory chemical and bacteriological reports on the water from the Director Harcourt Butler Institute of Public Health, Rangoon, have been obtained and the Director of Public Health considers that the water may safely be used for these purposes, and in such case as well as in all other cases, provided that the Water Officer is satisfied that the water from the tube well may properly be licensed with due regard to the object of the Act and

with such restrictions as he may deem necessary, he shall withdraw the temporary licence and on receipt of detailed information referred to in Schedule I to these rules and such additional particulars as may be required under Rule 21 in respect of an existing tube-well as prescribed in Rule 20 shall issue a permanent Licence for the tube well concerned in Form D as prescribed in Schedule II appended to these rules.

19. Every licence for any tube well shall be subject to the conditions that-

- (a) the licensee shall at all times afford facilities for the inspection of the well as prescribed by Rule 16.
- (b) Where in the opinion of the Water Officer, any tube well is harmful to neighbouring tube wells or to any area capable of producing potable water, whether by the introduction of deleterious substances or organisms or by damaging the water bearing stratum, he may issue an order closing the tube well or if he thinks fit, limiting the pumping rate of the hours of pumping water therefrom or in other way restricting the use of the tube well or the water there from, provided that in case where the owner of a tube well is desirous subsequent to the issue of the permanent licence in respect of such a tube well, to change the purpose of using the water of the same well to that for human consumption or manufacture of articles of food or drink or other articles which are proposed to be or likely to be used for human consumption he shall make an application to the Water Officer, to this effect. On payment by the owner of such tube well of a fresh fee of forty rupees to cover the cost of taking and testing further samples the application shall be disposed of as prescribed in rule 18.
- (c) The licence may be cancelled by the Water Officer, if in his opinion, the information on which the licence was granted was materially false or if the licensee fails to supply true and full information as required by section 5.

C-Tube wells already Existing of the date when these Rules are extended to any area for the first time

Procedure for Licensing existing tube wells

20. The owner of a tube-well which is in existence before the extension of this Act to any particular locality, shall apply for a licence in form B of Schedule II within three months of such extension. His application shall contain the particulars indicated in clauses (i) (ii) and (iv) Form A of Schedule II and shall be accompanied by a statement of the information required in Schedule I as far as in the opinion of the Water Officer is practicable and obtainable, and a map as required by clause (b) of Rule 8.

21. The information which the Water Officer may require to be supplied to him in the case of a tube well proceeding under Rule 2 by any person obtaining or attempting to obtain under ground water by means of that tube well, may include-

- (a) a statement of any of the details specified in Schedule I
- (b) samples of water obtained from the well, sealed and dated, for the purpose of being forwarded for examination; provided that bottles and ice-chest, with instructions for collecting samples may be obtained free of charge and carriage paid on application to the Director Harcourt Butler Institute of Public Health, Rangoon, No charge shall be made for examination, provided that the samples are plainly marked with the tube well number or letter;
- (c) a report as to any unusual introduction of sand or other foreign matter into the water obtained from the well;
- (d) a report as to any shifting of the tube or of the ground in which the well is sunk and
- (e) any further particulars arising from any of the matters aforesaid or from the circumstances of the case.

Subject to the Provisions of Rule 18 and 19 the Water Officer shall issue a permanent licence in Form D as prescribed Schedule II appended these Rules.

D-Transfers of ownership and abandonment of Licensed Tube Wells.

22. When the registered owner of (i) a temporary licence to sink a tube well or (ii) of a permanent licence to possess and operate a tube well (a) transfers his legal interest in the well or the land in which it is sunk, or (b) desires to abandon the use of a tube well permanently licensed, he shall at once inform the Water Officer in writing and deliver up his copy of the licence for the registration of the new owner or cancellation as the case may be.

By order,
Sd/- Shwe Baw,
Secy, to the Govt. of Burma,
Health and Publi Work Dept.

----- Attachment -----

- [ATTACH LIST 1] 01 SCHEDULE I Information requires to be furnished to the Water officer
- [ATTACH LIST 2] 02 SCHEDULE II- FORMS FORM A (RULES 7 AND 8)
- [ATTACH LIST 3] 03 FORM B (RULE 20)
- [ATTACH LIST 4] 04 FORM C (RULE 12)
- [ATTACH LIST 5] 05 FORM D (RULE 18)