

THE BALOCHISTAN GROUND WATER RIGHTS ADMINISTRATION  
RULES, 2014.

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'THE BALOCHISTAN GROUND WATER RIGHTS ADMINISTRATION RULES,  
2014.

NOTIFICATION

[15" January, 2015]

1 These rules have been issued by the Irrigation Department, Government of Balochistan, vide its Notification No. DDJ(579)/2014/116-219, dated 15" January, 2015; and published in the Balochistan Gazette (Extraordinary) No. 105, dated 15" January, 2015.

No. . In exercises of the powers conferred by section 7 of the Balochistan Ground Water Rights Administration Ordinance, 1978? (Balochistan Ordinance No. IX of 1978), the Provincial Water Board with the prior approval of the Government of Balochistan, is pleased to make the following rules, namely:—

1. Short title and commencement.— (1) These rules may be called the Balochistan Ground Water Rights Administration Rules, 2014.

(2) They shall come into force at once.

2. Definitions. — (1) In these rules, unless there is anything repugnant in the subject or context—

(a) "agency" means any department or organization of the Provincial or Federal Government or Local body, and includes a corporation, or other autonomous or semi-autonomous body set up by the Provincial or Federal Government;

(b) "Board" means the Provincial Water Board constituted under section 3 of the Ordinance;

(c) "Commissioner" means the Commissioner of a concerned revenue Division;

(d) "Deputy Commissioner" means the Deputy Commissioner of a District concerned;

(e) "District" means the Revenue Districts with such territorial Jurisdictions, as notified by Government from time to time, under the provisions of the Balochistan Land Revenue Act, 1967;

(f) "Drilling rig" means any equipment intended for use to drill holes of a diameter greater than one hundred millimeters and of a depth in excess of fifteen meters, and includes any equipment, whether registered or not as a normal heavy vehicle or heavy plant, which is temporarily or permanently altered mechanically so as to drill holes as mentioned above;

(g) | "ground water" means water under the surface of the ground whatever may be the geological structure in which it is standing or moving;

(h) "ground water source" means any shaft, adit, opening, hole or Karez, outlet or well and spring artificially dug or naturally springing out on the ground or artificially enlarged, which has access to ground water or is vertically deeper than half the distance between the well head and the nearest water table at that point, but it does not include a water retaining cistern;

(Gj) "Land" includes buildings and benefits arising out of land and things attached to the earth or permanently fastened to anything attached to the earth for extraction of ground water;

(k) "Local body" means any local body, the local council or the municipal body as defined in the Balochistan Local Government Act,

? This Ordinance was made by Governor Balochistan on 21<sup>st</sup> March, 1978; and published in the Balochistan Gazette

(Extraordinary) No. 20, dated 22<sup>nd</sup> March, 1978. Saved and validated by Article 270-A of the Constitution of the Islamic Republic of Pakistan (1973).

2 That is W.P. Act XVII of 1967, published in the W.P. Gazette (Extraordinary), dated 7<sup>th</sup> December, 1967, pages 3603-3656; adopted by Balochistan Laws (Adaptation) Order, 1975, with substitution of the word "Balochistan" for the words "West Pakistan".

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2010, or the Cantonment Board, having jurisdiction in the area concerned;

"operator" means any individual or entity owning or operating a drilling rig to drill holes for exploration or development of groundwater;

"Ordinance" means the Balochistan Ground Water Rights Administration Ordinance 1978 (Balochistan Ordinance No. IX of 1978);

"Permit" means, a permit issued under the provisions of the Ordinance, to mine the ground water at a specified location, subject to such conditions as prescribed or may be determined by the Water Committee or Board;

"Permit-holder" means an individual or a group of persons or any organization in private or public sector or an agency to whom a permit is issued under any provision of the Ordinance or these rules;

"site" means the place in the Water Controlled Areas, which a revenue officer or delegated officer may point out with the help of revenue record, maps and measurements under the directions and supervision of the water Committee, to be the place for the excavation or situation of a well permitted or registered under the Ordinance and includes any such site that was proposed for a permit in an application under the Ordinance;

"surface water use" mean withdrawal of water from a surface source,



other than a canal in the 'Indus system, or for the purpose of drinking and domestic use by mechanical or animal means or by division into a water channel;

"Water Committee" means the District Water Committees as constituted under section 4 (1) (a) and 2 (1) (a) of the Ordinance;

"Water Controlled Area" means any area declared by the Board, to be a designated ground water basin for the purposes of and in accordance with the provisions of the Ordinance;

"Well" means any orifice made in the ground from which ground water is obtained or for obtaining groundwater;

"Well-head" means the water level achieved subsequent to purity of any length of lines and becomes suitable until policy continues; and

"User" means an individual or a group of persons having a common interest or an organization i.e. private or public or any agency owning operating or using a ground water source for extraction of ground water, even if it is temporarily out of use or operation.

(2) Words and expression used but not defined in these rules shall have the same meanings as are assigned to them in the Ordinance.

3. Constitution of the Board. — (1) Subject to such changes as the Government may determine as per section 3 (5) of the Ordinance, the Provincial Water Board shall consist of the following Chairman and the Members:—

(a)

Additional Chief Secretary (Dev:), Planning and = - Chairman/

Development Department Member

- (b) Senior Member, Board of Revenue - Member
- (c) Secretary, Irrigation Department - Member
- (d) Secretary, PHE Department - Member
- (e) Secretary, Local Govt: Department - Member
- (f) Secretary, Urban Planning & Dev: Dept: - Member
- (g) Secretary, Agriculture Department - Member
- (h) Director General, QWASA - Member
- (i) Representative from Station Commander Quetta - Member

Cantonment

- Gj) two person appointed by Government, expertise - Members

of the relevant filed or Geologists

- (k) Secretary of the Board - Secretary.

(2) The Government may at any time, by issuing of a notification in the official Gazette, change the aforesaid composition of the Board.

(3) The Board may invite an officer of any agency or Organization to participate in its meeting as coordinating member.

(4) No act or proceeding of the Board shall be invalid merely on the ground of the existence of any vacancy in or any defect in the constitution of the Board.

(5) The Chairman shall preside over the meetings of the Board at which he is present and in the absence of the Chairman at a meeting, it shall be presided over by the Senior Member Board of Revenue or in his absence the Secretary, Irrigation Department.

4. Non-official members of the Board. — (1) A non-official member shall hold office for a term of three years, unless he resigns or removed earlier or re-nominated for a second term of three years.

(2) No person shall be appointed as member of the Board or shall continue to be a member, who-

(a) is or, at any time, has been, convicted of an offense involving moral turpitude; or

(b) is or has at any time been disqualified for employment in or dismissed from Government service; or

(c) is or, at any time, has been adjudicated insolvent; or

(d) is found to be a lunatic or of unsound mind; or

(e) has a confliction interest directly or indirectly between his interest as

member and his private interests and has failed to disclose such interest in within, to the Board;

(f) is acting in contravention of the provisions of the Ordinance; and

(g) if he is for the time being disqualified for membership of anybody established by or under any law for the time being in force.

(3) Government shall, by notification remove a non-official member who has incurred any of the disqualifications mentioned in sub section (2).

(4) A non-official member shall not be entitled for any remuneration, pay or allowances; however he will be entitled for the T.A. & D.A. of BPS-20, regarding the tours in connection with the inspection of a site or a special meeting of the Board held at a place other than the principal seat.

(5) A non-official member may, at any time, resign from membership by addressing a letter to the Government; however, the resignation shall not take effect until it is accepted by the Government.

5. General control and administration. — (1) The general control and administration on all its affairs shall vest in the Board, which will exercise all powers and do all acts and things that may be exercised or done by the Board under Ordinance; and such other powers as an administrative department have ordinarily under the Government control.

(2) The Board in discharging its functions shall act on all sound principles of justice, equity, science, technology and modern techniques for conserving and development of ground water resources in Balochistan, in the best interest of the general public, keeping in view of their existing and future need for water, remaining as nearly as possible to the prevailing rights of the people.

(3) The Board may be guided in questions of policy by such directions as the Government may from time to time give.

(4) Except as provided hereinabove sub-rule (1), the administrative and executive control on the affairs of the Board shall be exercise by the Chairman of the Board, and in this respect the Secretary of the Board shall be the executive officer to perform such duties as are assigned to him under any of the provision of the Ordinance or these rules or as may be assigned to him or to any official in his subordination, by the Board or the Chairman.

6. Meetings of the Board. — (1) Any matter required by any provision of the Ordinance or the rules or regulations made thereunder, to be decided by the Board shall, unless otherwise provided, be decided at a meeting of the Board to be held in accordance with these rules.

(2) The Board may constitute a sub-committee consisting of at least three of its members for hearing of the Revision petitions filed against the order of a Commissioners and Water Committees, which shall be chaired either by the Chairman himself or the Senior Member Board of Revenue.

(3) The sub-committee constituted under sub-rule (2) shall after due notices and giving hearings to the parties, decide the petition by passing an order thereon; or if the matter is such that the same needs to be considered by the full Board, may placed the same before the full Board with its notes and conclusion drawn from hearing of the parties, for a decision.

(4) The Secretary of the Board shall participate in each meeting of the Board or

the sub-committee, who shall be responsible for placing the revision petitions along with record called from the offices of the Commissioner and the Water Committees before the Board or sub-committee; and who shall also be responsible for preparing the notes, conclusion and orders of the Board or sub-committee under the directions of the Chairman or the Senior Member Board of Revenue, as the case may be.

7. Types of meetings. — (1) The meetings of the Board may be special, ordinary or emergent as per following distribution:—

(a) The following matters shall be considered at a special meeting: —

(i) work as revisional authority against the decisions of Water

#### Committees and Commissioners

(11) consideration and passing of the policies and to determine any issue relating to the same;

(iii) preparation and passing of regulations;

(iv) any question referred by a Water Committee for consideration and orders of the Board; and

(v) any other matter which the Government may require to be considered by the Board at a special meeting;

(b) all other business shall be considered at an ordinary meeting; and

(c) any business required to be disposed of at an ordinary or special meeting may, subject to the other provisions of these rules, be disposed of at an emergent meeting.

(2) Ordinary meeting shall be held at least once in four months on a day, time and place to be fixed by the Chairman.

(3) There shall be given at least—

(a) seven days, notice for an ordinary meeting;

(b) four days, notice for special meeting; and

(c) forty-eight hours, notice for an emergent meeting.

(4) A meeting may be called by the Chairman—

(a) either on his own motion; or

(b) any two members may request the Chairman in writing to convene a meeting to discuss some urgent matter connected with the affairs of the Board, and the Chairman shall, on receipt of such request convene a meeting or include the matter in the agenda of the next meeting; or

(c) | where the Government may require the Board to considered on any other matter referred to it.

(5) An emergent meeting shall have priority over a special or ordinary meeting and a special meeting shall have priority over a ordinary meeting, when such meeting is to be held on the same day.

(6) Where a revision petition against an order of Water Committee or the Commissioner is filed, the same shall be fixed within a week time, with prior approval of the Chairman, for a preliminary hearing before the Board; and shall after due notice and giving hearing to all concerned parties, be disposed of as soon as possible but not later than sixty days:

Provided that the notice for regular hearing of the revision petition shall be in such form as may be specified by the Board and may be served by registered post or in any other manner, including publication in one or more daily newspapers as the Board may direct;

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Provided further that where the notice is directed to be served by publication in the news papers,—

(a) it shall not be issued until the costs of its publication are deposited by the Petitioner;

(b) if the Petitioner fails to deposit the cost of publication within a period fixed by the Board, the petition may be dismissed, or

(c) if the Board is not otherwise in favour of such dismissal, it may order for publication on the Government expenses.

(7) The notice to the respondent shall be accompanied by a copy of petition and copies of all other documents appended therewith.

(8) Service of notice in accordance with the provisions of this paragraph shall be deemed to be due notice, and it shall not be necessary to prove that a party has actually received the notice.

8. Notice and place of meetings. — (1) A notice for a meeting shall specify the date, time and place of the meeting and shall be signed by the Secretary of the Board.

(2) The notice shall be accompanied by a list of business (hereinafter called “Agenda”) to be considered at the meeting.

(3) The meetings of the Board shall ordinary be held at the principal seat of the Board at Quetta, however, in public interest a special meeting may be held at some other place with approval of the Chief Secretary Balochistan.

(4) The Secretary of the Board shall be responsible for holding the meetings of the Board and its sub-committee in accordance to these rules, under the direction of the Chairman and the Board.

(5) All the decision taken, direction and orders passed in the meetings of the Board, shall be issued by the Secretary with his signatures, to the concerned quarters for its implementation and actions in response thereof, who shall also be responsible to conduct all the correspondence for and on behalf of the Board including issuance of notices, notification, declarations, forms, letters, summons for calling parties and records of the appeals from Commissioners and Water Committees, etc on the directions of the Chairman or the Board.

9. Business to be discussed in Meetings. — (1) No business other than that which has been included in the agenda shall be discussed at a meeting of the Board except with the permission of the Chairman.

(2) A brief note explaining the position in respect of each item, which is proposed to be brought to the Board, shall be prepared by the Secretary and submitted to the Chairman for approval.

(3) As soon as an item note is approved by the Chairman, the Secretary shall draw up the agenda or the supplementary agenda of a meeting in connection with the approved item notes as working papers and submit the same to the Chairman for his approval and submission in the meeting of the Board as scheduled for a date fixed with approval of the Chairman.

(4) A copy of the notice and the agenda, together with item notes included there in, shall be supplied by the Secretary to every member of the Board well before the date fixed of a meeting.

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(5) No decision of the Board shall be invited merely on the ground that the notice of meeting had not been served upon or received by any member: provided that the meeting convened had a quorum.

10. Lack of quorum. — (1) The quorum for a meeting of the Board shall be one-third of the total number of members, a fraction being counted as one.

(2) No business shall be transacted at a meeting unless a quorum of not less than 1/3 of the total members including the Chairman is present throughout the meeting.

(2) No meeting shall be adjourned for want of quorum until thirty minutes have elapsed from the time fixed for the commencement of the meeting or when the defect is noticed.

(3) Such meeting shall stand adjourned to such future date and time as the Chairman may appoint and the business set down for that meeting shall be disposed of at the next meeting.

(4) No quorum shall be necessary at an adjourned meeting.

(5) Except as provided in sub-rule (4) business transacted in the absence of quorum shall be invalid and shall not appear in Minutes Book.

(6) The Chairman may, for any reason, with the consent of majority of members of a meeting, at which a quorum is present, adjourn the meeting to such future date and time as he may appoint.

11. Decisions by majority. — (1) All questions for the determination of the Board shall be decided by a majority of votes of the members present, and in event of an equality of votes, the Chairman, or other person presiding over the meeting, shall have and exercise a second or casting vote.

(2) The Chairman shall have the power to divide of necessary, into two or more distinct proportion, any motion or amendment and to put each or a point separately to vote as he may thin fit.

(3) A member voting against a proposition may request that his vote of dissent on any decision of the Board may be recorded in the minutes.

(4) The Chairman shall decide all points of order which may arise, and his decision shall be final.

12. Minutes of the proceedings. — (1) Minutes of the proceeding at each meeting shall be drawn up by the Secretary and shall comprise of the names of members who are present and the number of item notes and the decision thereon, unless the Board specifically desire incorporation thereon of the gist of discussion on any important matter:

Provided that if the Secretary is absent from a meeting for any reason, the Chairman may authorize any other person to record the minutes of the meeting.

(2) Minutes so prepared shall be submitted through Secretary to the Board for

Signatures or amendments.

(3) A member, who was present at the meeting, to which the minutes relate, may object to the incorporation therein of any portion; and if such an objection prevails; a suitable amendment shall be made before the members put their signatures in token of confirmation.

(4) After amendments and perusal by every present member, the Chairman of the meeting shall, thereupon affix his signatures on the minutes in token of their confirmation and all present members also affix their signatures in the last page of the minutes.

(5) The Secretary and Chairman of the meeting shall affix their signature at each & every page of the minutes in token of confirmation of the minutes.

(6) Minutes of the proceedings, at each meeting, shall be taken as read at the succeeding meeting for evaluation of their compliance and further follow-up.

(7) A copy of the minutes of the proceeding at each meeting duly, confirmed, shall be recorded in a Minutes Book maintained for the purpose.

(8) Minutes shall deem to be a confidential document and shall be treated as such by all those persons to whom a copy thereof is supplied.

13. Presence of officers. —(1) The Secretary shall attend every meeting unless on leave or prevented by sickness or other reasons. He shall assist the Chairman in the disposal of Business at the meeting and may take part in discussions.

(2) The Chairman may also direct any official or officer of his Office or of the Office of Irrigation Department or the offices of Commissioner and Deputy Commissioner concerned to assist the Secretary in the disposal of business at a meeting.

14. Attendance of person other than the members. — The Board or the Chairman may invite any person to attend a meeting so as to assist them on any matter as a coordinating member or for ascertaining the actual fact of the matter involved in deciding an agenda item.

15. Members not to sit in matters involving personal interest. — Every member who has either directly or indirectly any beneficial interest in any matter that may come up for discussion before the Governing Body shall, before taking part in those deliberation, disclose the nature of such interest, and abstain from voting on such matter.

16. Supply of papers to other organizations. — The agenda and the minutes of proceeding at, the meeting shall be supplied to such organizations and bodies as the Chairman of the Board may direct/ order in writing.

17. Action on decisions. —(1) Action on the resolution of the Board shall be taken after confirmation signatures by all members and Chairman, save in exceptional cases where the Chairman may, by an order in writing, otherwise direct.

(2) All orders as per decisions of the Boards shall be signed by the Chairman and issued by the Secretary for implementation to all concerned authorities, including the Commissioners and the Chairman, Water Committees, immediately:

Provided that on application and payment of such fee as provided for provision of copies in revenue matters, a certified copy of the order passed under sub-rule (2) may be given to any party interested under the orders of the Chairman of the Board.

18. Constitution of District Water Committees. — (1) As per section 4 (1) (a) and 2 (1) (b) of the Ordinance, the District Water Committees shall consist of the following Chairman and the Members:—

(a) Deputy Commissioner (District concerned) - Chairman/

Member

(b) Executive Engineer, Water Supply Division of - Member

concerned Local Body/Department

(c) Assistant Director/ Engineer (District concerned), - Member  
Agriculture Department

- (d) Executive Engineer, Water Supply Division - Member/  
(District concerned), Irrigation Department Secretary
- (e) Director/ Project Engineer, Quetta Development - Member

Authority (in respect of Quetta District)

- (f) One non-official member to be nominated by the - Member  
Government for each District concerned

(2) The Water Committee may invite an officer of any agency or organization to participate in its meeting as coordinating member.

(3) No act or proceeding of the Water Committee shall be invalid merely on the ground of the existence of any vacancy in or any defect in the constitution of the Water Committee.

(4) The Chairman shall preside over the meetings of the Water Committee.

(5) The Chairman may, for any reason, with the consent of majority of members of a meeting, at which a quorum is present, adjourn the meeting to such future date and time as he may appoint.

19. Meetings of Water Committees.— (1) The meeting of the Water Committees may be special or ordinary as under:—

- (a) the following matters shall be considered at a special meeting:—
- (i) where an information has been received to the Chairman,

Water Committee/ Deputy Commissioner concerned or an application has been filed by any aggrieved party to the Chairman Water Committee/ Deputy Commissioner, in respect of violation of any provision of the Ordinance or any order passed or permit issued under the Ordinance, and the situation requires an immediate action;

(11) any question referred by Board for consideration and orders of the Water Committee; and

(iii) any other matter which the Government may require to be considered by the Water Committee:

Provided that there shall be given at least twenty-four (24) hours, notice for a special meeting: and

(b) All other business shall be considered at an ordinary meeting, which shall be held at least once in two months on a day, time and place to be fixed by the Chairman of the Water Committee:

Provided that there shall be given at least seven (7) days, notice for an ordinary meeting.

(2) A special meeting shall have priority over an ordinary meeting, when such

meeting is to be held on the same day.

20. Notice and place of meetings. — (1) A meeting of the Water Committee may be called by the Chairman, Water Committee/Deputy Commissioner either as prescribed in these rules or on his own motion to considered on any other matter under the Ordinance.

(2) A notice for a meeting shall specify the date, time and place of the meeting and shall be signed the Secretary or by an officer of the office of Chairman, Water Committee/Deputy Commissioner concerned.

(3) The notice shall be accompanied by a list of agenda items to be considered at the meeting.

(4) The meetings of the Water Committee shall ordinary be held at the district head office of the Chairman, Water Committee/ Deputy Commissioner, however, a special meeting may be held at the site of a Ground Water Source, if so decided by the Water Committee in public interest.

21. Proceedings of Water Committee. — (1) Any matter required by any provision of the Ordinance or the rules or regulations made thereunder, to be decided by the Water Committee shall, unless otherwise provided, be decided at a meeting of the Water Committee to be held in accordance with the provisions of the Ordinance and these rules.

(2) Minutes of the proceeding at each meeting shall be drawn up under the directions of the Chairman, by the Secretary of the Water committee or any other person of the Deputy Commissioner Office, which shall comprise of the names of members present and the number of agenda item and the decision thereon, unless the Water Committee specifically desire incorporation thereon of the gist of discussion on any important matter.

(3) Minutes so prepared shall be submitted to the Water Committee and after perusal by every present member, the Chairman of the meeting shall signed the minutes in token of confirmation and asked all present members to also affix their signatures on the last page of the minutes.

(4) The Chairman of the meeting shall affix his signatures at each & every page of the minutes in token of confirmation of the minutes.

(5) Minutes of the proceedings, at each meeting, shall be taken as read at the succeeding meeting for evaluation of their compliance and further follow-up.

(6) A copy of the minutes of the proceeding at each meeting duly confirmed, shall be recorded in a Minutes Book maintained for the purpose; and a copy thereof shall also be forwarded to the Board for its perusal and record.

22. Decisions by majority. — (1) All questions for the determination of the Water Committee shall be decided in accordance to the provision of the Ordinance, by a majority of votes of the members present and in event of an equality of votes, the Chairman shall have and exercise a second or casting vote.

(2) A member voting against a proposition may request that his vote of dissent on any decision of the Water Committee may be recorded in the minutes.

(3) The Chairman shall decide all points of order which may arise in the meeting of the Water Committee, and his decision shall be final.

(4) All orders as per decisions of the Water Committee shall be signed and issued by the Chairman/ Deputy Commissioner concerned for implementation and dispatched

to all concerned authorities, including the Commissioner and the Board, immediately.

(5) A certified copy of the order passed under sub-rule (4), on application and payment of such fee as provided for provision of copies in revenue matters, may be provided to any party interested, under the orders of the Chairman/ Deputy Commissioner concerned.

23. Ground Water Sources Registration. — (1) Every user shall within ninety days of a notice issued by the Provincial Water Board, to be published in at least two



leading daily Urdu Newspapers of the province, inform the Board of the existence of all ground water sources, capable of used for abstracting ground water, whether or not already registered under the Ordinance or registered with any other agency, which are situated in the property owned by him or over which he has effective control of use:

Provided that in case the groundwater source is own jointly by more than one user, all of them shall give the information jointly or through their duly authorized attorney from amongst them.

(2) All ground water sources, whether previously registered with the Board or any other agency or not, if have not got registered within the time as specified in the Notice under sub-rule (1) or in such time as the Board may extend generally by a notification; or who use such ground water sources without registration or a valid permit; or who submits incorrect, incomplete or false information, shall be liable for such punishment as provided under section 6 of the Ordinance by a court.

(3) In addition to the punishment as provided under section 6 of the Ordinance, the Competent Authority may also issue orders for the confiscation of all machinery and equipments install at such ground water sources including the permanent closing of such ground water sources by filling earth or any other such material.

(4) The information required hereinabove sub-rule (1) shall be on the Form as the Board may specified for the purpose, which shall include the entire particular of the person or persons who claimed to be owner of the ground water source, the site and the nature of ground water sources, its age or year of excavation; along with which the certified copies of the title documents of the land and permit if any issued by an authority under any law or recorded in any revenue record or held under any order or decree of a court shall be annexed; and shall meet all the requirements as stipulated in the form.

(5) The prescribed form for registration may be collected from the offices of District Water Committee and Provincial Water Board or from any other place that Provincial Water Board may designate in its Notice issued under sub-rule (10).

(6) The complete form shall be submitted in duplicate to the relevant District Water Committee, which shall after approval of the Water Committee be entered in a register maintained for the purpose in such form as the Board may specified, with a printed serial number and the signatures of authentication by such delegated officer as the Board may appoint for the purpose:

Provided that the Board may at any time on its own motion or on any complaint in this respect, call the record of any such registration for it perusal and satisfaction as to any entry made therein and to pass such orders as it may consider necessary to remove any illegality or irregularity made in recording of such entry.

(7) On registration of a ground water source as provided hereinabove sub-rules, the Chairman, Water Committee/ Deputy Commissioner shall under his signatures and seal issued a certificate of registration on such a printed form as the Board may specify for the purpose. A copy of the certificate so issued shall be sent to the board for its record.

(8) On completion of the registration process in his District the Chairman Water Committee shall submit a report to this effect along with a list of registered ground water

sources and copies of certificate issued, to the Board for issuance of the notification as provided in clause (i) of section 3 (6) of the Ordinance.

(9) The Board shall on receipt of the report under rule (8) shall consider it in its meeting and thereafter if satisfied approved the issuance of notification in the official Gazette, as provided in clause (i) of section 3 (6) of the Ordinance:

Provided that issuance of the aforesaid Notification after approval of the Board, will be a sufficient to prove that ground water sources mentioned therein are registered with the Board.

(10) ~All the applicants to whom permits are issued for a ground water source after the issuance of the aforesaid Notification, should have to get their ground water source registered within a period of sixty days through their respective Water Committee, by submission of an application and all information on the form, as mentioned herein above sub-rule (4) and (6).

(11) The Board shall revise the aforesaid Notification by publication in the official Gazette after every two years, having enter all the new registrations and cancelations that occur during that period, for general information of the public.

24. Third Party Claim. — The registration of a ground water source shall in no way prejudice any rights or claims which third parties may have over such source.

25. Procedure on application under Section 4. — (1) Where an application has been filed by any party to the Chairman, Water Committee/ Deputy Commissioner concerned, under section 4 or any other provision of the Ordinance, the same shall be fixed as soon as possible for a preliminary hearing by the Chairman.

(2) The Chairman, Water Committee/Deputy Commissioner on all such applications after having satisfied as to the correctness of the claim and find it to be filed in accordance to these rules, shall fixed it for a decision of the Water Committee on such a date as it may deem fit—

(a) either after holding a preliminary enquiry through his revenue staff, police, levies authorities, or any other concerned staff of the relevant agencies/ expertise of the filed departments; or

(b) without such an enquiry put-up the same directly before the Water Committee for it consideration and decision.

(3) The Chairman, Water Committee/Deputy Commissioner shall before putting up the matter to the Water Committee, shall complete all the process of—

(a) issuance and service of notices to all the concerned parties;

(b) taking from the concerned Revenue staff or any other agency, the complete record of the site as well as of other sites situated in the vicinity that was required to be consider in the meeting of the Water Committee; and

(c) calling objections from the residents and owners of wells in the vicinity:

Provided that the notice for inviting objections or regular hearing of any such application etc, shall also be served on parties through publication in at least two leading

daily Urdu newspaper as well, which shall deem to be sufficient service of notice on the parties for objections or hearing by the Water Committee:

Provided further that a copy of all the objections with the relevant supporting Documents may be provided to the applicant or the concerned Agency by the Chairman/ Deputy Commissioner and a reply if any may also be obtained, before it is put up to the Water Committee.

(4) The Water Committee after due notice, and giving hearing to all concerned parties, shall disposed of the matter as soon as possible but not later than sixty days of the date it was fixed by the Chairman/ Deputy Commissioner under sub-rule (2).

26. Application for Permit to abstract groundwater. — (1) Any owner of a land who intends to drill a bore or to construct a Karez or well to abstract water from a ground water source may submit an application on the form specified by the Board for the purpose, to the concerned District Water Committee/ Deputy Commissioner along with such other information and documents as specified in the form, as well as the information essentially required hereinafter sub-rule (4).

(2) Any user intending to enlarge, deepen or alter any existing registered bore, or reconstruct a registered bore, Karez, or well may also submit an application to the Water Committee on such form as the Board may specified for the purpose, which shall accompanied by the prescribed plans and descriptions of the ground water source with copy of the original permit issued for excavation and such other information and documents as specified in the form.

(3) If the user is a Government organization intending to drill a bore, or to enlarge deepen or alter an existing bore, or to construct or reconstruct a Karez, to abstract water for a water supply scheme, an agricultural scheme or any other scheme for the benefit of the public, the application for permit shall be submitted to Water Committee for its permission/approval prior to do so.

(4) The application for permit shall provide, inter-alia, the following essential information along with his application:-

(a) the purpose of groundwater abstraction;

(b) if the withdrawal is to be made for agricultural purpose then the location and size of land, holding tendency and its distance from the source;

(c) the fact whether the land is individually or jointly held / tenanted;

(e) the quantity of water required by the user;

(f) the capacity of the tube well proposed to be installed;

(g) existing sources and quantity of surface and groundwater in the individual or joint use of the user (s), whether on the same land or elsewhere in the basin;

(h) reasons for enlarging, deepening or altering the bore in case it is proposed to do so; and

(Gj) reasons to re-drill and replace the tube well duly supported with expert reports.

(5) Any application knowingly or deliberately furnished with false information shall be liable to summary rejection, as well as such punishments as provided in the Pakistan Penal Code! by a Court of Law on a report in writing by the Chairman Water Committee/Deputy Commissioner or an officer authorized by him in this respect.

27. Application for review or objections on a permit issued.— An application for review or objections on a permit issued for abstraction of ground water, or permission for alteration, deepen, enlarging or reconstruction, may be made by—

(a) the owner of the Land;

1 That is Act XLV of 1860

(b)

(c)

(d)

(e)

the owner of the lands situated adjacent or in the vicinity within the distance as lay down by the Board under clause (i) and (k) of section 3 (4), of the land where on for abstraction of ground water source or alteration etc, a permit is applied or issued or under the process of being issued;

the user or owner of a ground water source situated adjacent or in the vicinity within the distance as lay down by the Board under clause (i) and (k) of section 3 (4), of the land where on for abstraction of ground water or alteration etc, a permit is applied or issued or under the process of being issued;

a Government organization or any other agency having an interest in ground water or responsible for maintaining the level of ground water in a designated ground water basins, in accordance to the Government notification as notified from time to time for the area in which a permit is issued for abstraction of ground water or alteration etc; and

the applicant on the ground that in determination of his application an order has been passed with such a mistake or error that is apparent on the face of record and is due to oversight or just in writing or typing of the order:

Provided that no application can be filed after Thirty (30) days of an order passed by the Water Committee or the date specified by the Water Committee for inviting

objections as provided in clause (e) of section 4 (1) of the Ordinance.

28. Action on application for permit or review etc. — (1) All applications regarding permit for abstraction of ground water or alteration etc, application for review, objections or

such other applications to the shall be address to the Chairman, District Water Committee and filed by the applicant in the office of Deputy Commissioner concerned.

(2) On submission of an application under sub-rule (1) the Chairman/ Deputy Commissioner concerned shall—

(a)

(b)

(c)

fixed it on a date for a preliminary hearing;

on the date so fixed give a hearing to the Applicant and examined the application and the document filed along with the Application;

if it appears to him that there are some reasonable grounds to believe that the applicant has a prima fice good case in his favour, he may issue an order for a preliminary inquiry to the concerned Revenue Staff as to ascertain the actual facts and authentication of the documents with specific reference to the ownership and possession of the Land mentioned in the Application and the Lands situated in the vicinity of the site where the source of ground water exist, proposed or permitted:

Provided that if the Chairman/ Deputy Commissioner comes to a conclusion after preliminary hearing or the reports of his Revenue Staff that the Applicant has no prima fice good case in his favour, he may reject the application for reason to be recorded, without sending it to the Water Committee, however he shall have to send a copy of his decision to the Board.



(d) while issuing order to Revenue Staff for Preliminary inquiry, they may also be asked for submission of a report regarding the existence of all the ground water source in the vicinity, which will likely to effect in case of permission for abstraction of a new ground water source.

(e) on receipt of the reports from the Revenue Staff, forward it to the concerned District officers of the Irrigation Department for their views as to the grant of permission and its effect on ground water level as well as on the ground water sources situated in the vicinity of the site as well as the designated ground water basin.

(f) after having the above said reports, called a meeting of the Water Committee and asked the Secretary of the Water Committee to place the same before the Committee for decision in accordance to the Ordinance.

29. Liability to enter upon a Land. — (1) All lands within a Water Control Area shall be liable to enquire in about existing or nature of a ground water source at any time in accordance with the provisions of the Ordinance and these Rules.

(2) The Board or any member thereof duly authorized by the Board for the purpose, the Deputy Commissioner; and any such person as may be authorized by the Board, the Water Committee, the Deputy Commissioner or a Court of competent Jurisdiction, may enter upon a land—

(a) to enquire into about existing or nature of a ground water source;

(b) to survey and take levels and measurements for ascertaining about the existence or nature of ground water in the soil;

(c) to dig or bore into the sub-soil with permission of the concern party/ owner of the Land; and

(d) to do all such acts necessary for the removal of any unauthorized Ground Water Source, well, tube-well, Kareze etc; and to take into possession any machinery, equipment and tools deployed for the purpose of unauthorized extraction of ground water, as per orders of the Water Committee or the Board:

Provided that the assistance of the police or Levies authorities shall be taken for removal of an unauthorized Ground Water Source, well, tube-well, Kareze etc; and to take into possession any machinery, equipment and tools deployed for the purpose of unauthorized extraction of ground water, as per orders of the Water Committee or the Board.

(2) No person shall enter in to any building or upon any enclosed court or garden attached to a dwelling house (unless with the consent of the occupier thereof) without previously giving such occupier at least twenty-four hours' notice in writing of his intention to do so.

30. Appeal. — (1) Any order passed by the Chairman/Deputy Commissioner or the Water Committee on an application for a permit or for any other matter as provided in the Ordinance or in these rules, may be challenged by any aggrieved party, in appeal before the Divisional Commissioner under section 4, clause (0) of the Ordinance, with in 30 days from the date of such decision.

(2) Every memorandum of appeal to be filed under section 4, clause (0) of the Ordinance, shall—

- (a) be legibly, correctly and concisely type-written or printed;
- (b) be divided into paragraphs numbered consecutively each paragraph containing as nearly as may be a separate issue;
- (c) contain full name, parentage and the home addresses of the appellant and the respondents;
- (d) contain in brief the facts constituting the cause of action and the precise dates when an application was filed by the appellant or Respondent before the Water Committee for the permit or redressal of any others grievance;
- (e) clearly indicates the dates whereon the orders were passed on his application/representation by the Water Committee; and when it was communicated to the appellant;
- (f) clearly set out the relief claimed and grounds there for;
- (g) be accompanied by—
  - (i) an authenticated copy of the order of the Water Committee against which the appeal is preferred; and
- (11) copies of the other documents on which the appellant proposes to rely in support of his claim:

Provided that where the Appellate Authority is satisfied that it is not possible for an appellant to produce any document referred to in clause (g), it may waive the production of such document;

- (h) be verified and signed by the appellant, at the foot of the appeal; and
  - (i) be accompanied by three spare copies, and as many other copies as there are respondents, of the memorandum of appeal duly initialed by the appellant and accompanied by the documents referred to in Clause (g).
- (2) An appeal shall be presented to the Appellate Authority during the working hours either by the appellant personally or through his Advocate.
- (3) In every memorandum of appeal, the competent authority against whose orders the appeal is preferred shall be shown as the first respondent and thereafter all other parties to the dispute shall be shown as respondents.
- (4) Where an appeal is presented after the period of limitation prescribed in the Ordinance, it shall be accompanied by an application, supported by an affidavit setting forth the cause of delay.

(5) The Appellate Authority shall scrutinize every memorandum of appeal presented to him and shall, if it be in order and drawn up in accordance with the foregoing provisions and is otherwise in order, cause it to be registered in the register of appeals to be maintained in the usual form in his office.

31. Admission of Appeal.— (1) An appeal filed in accordance to the provisions of these rules shall be admitted for regular hearing, unless the Appellate Authority otherwise

wishes the appellant or his counsel to be heard before its admission; and in the latter case, the date, time and place for preliminary hearing shall be notified to the appellant or his counsel.

(2) The Appellate Authority after hearing the appellant or his Advocate on the date fixed for preliminary hearing under sub-rule (1) or on such subsequent dates to which such hearing may be adjourned, may dismiss the appeal in limine, for reasons to be recorded in writing.

(3) If the appeal is not dismissed in limine, the notices of admission of appeal and of the day fixed for its regular hearing shall be served upon the appellant, the respondents and such other persons as the Appellate Authority may deem proper.

(4) A copy of every order of final adjudication on an appeal shall be sent by the Appellate Authority to the Board and the authority concerned against whose order the appeal was preferred.

32. Notice. — (1) A notice under rule 31, sub-rule (3) shall be in such form as may be approved by the Appellate Authority and may be served by registered post or in any other manner, including publication in one or more daily newspapers as the Appellate Authority may direct;

Provided that where the notice is directed to be served by publication in the news papers,—

(a) it shall not be issued until the costs of its publication are deposited by the appellant; and

(b) if the appellant fails to deposit the cost of publication within a period fixed by the Tribunal, the appeal shall be dismissed, unless the time is extended by the Tribunal.

(2) The notice to the respondent shall be accompanied by a copy of memorandum of appeal and copies of all other documents appended therewith.

(3) Service of notice in accordance with the provisions of this paragraph shall be deemed to be due notice, and it shall not be necessary to prove that a party has actually received the notice.

33. Restriction on withdrawal. — If permit is granted, the holder of a permit shall not, except with the prior permission in writing of the Provisional Water Board or Water Committee as the case may be, take water from the source covered by the permit, until the whole of work covered by the permit being constructed and tested is found satisfactory by the permit granting authority i.e. the Deputy Commissioner concerned by a certificate in writing.

34. Penalties for unauthorized drilling. — (1) No user shall start drilling or construction work on any groundwater abstraction scheme prior to or pending the grant of permit by the Water Committee or the Board as the case may be.

(2) Any user commencing work on a groundwater abstraction scheme prior to or pending the issue of permit shall be liable to such punishment as provided in section 6 of the Ordinance and confiscation of equipment and machinery installed or found at the abstraction

site for such purpose as provided in section 4, sub-section (1), clause (c) of the Ordinance.

(3) The fine shall be payable within such time as the Court may decide.

(4) If a drilling ng owner/contractor undertakes drilling/construction work at a site for groundwater extraction without a permit having being issued, he shall also be liable for such punishment for abetment of such offence.

(5) Who alters a permitted bore or Karez, otherwise than to make repairs or alterations necessary for the maintenance of the bore or Karez with permission of the Water Committee; or who takes or use water from an unauthorized ground water source shall also be liable for such offence as the court may determined for a like offence.

35. Cancellation or Suspension of Permit. — (1) The Board or Water Committee may cancel or suspend a permit if it is satisfied that the authorized holder of the permit has failed to comply with any limitation or condition of the permit or any requirement imposed, irrespective whether the permit has been prosecuted or convicted for an offence arising out of that failure to comply.

(2) In any case where the groundwater source covered by the permit has not been used for a period of two years or more, the Board or Water Committee may give the holder of the permit a notice for cancellation of the permit and the permit will be liable to cancellation unless reasons for non-use of the source are explained to the satisfaction of the Board or Water Committee, as the case may be.

(3) Before taking any action, under the above sub-section the Board shall—  
(a) cause written notice of the, proposed action to be given to the permit;  
(b) give the holder of permit a reasonable opportunity to make written

submissions to the, and Provisional Water Board (PWB) with respect to the proposed action on; and

(c) have regard to any submission that is duly made in a justifiable manner both on technical and legal grounds.

36. Display of permit.— (1) The permit (in original) for drilling for groundwater abstraction shall be prominently displayed at the site of drilling/construction at all times during and after the completion of work, for inspection by any person authorized by the Board or Water Committee for this purpose.

(2) Failure to display the permit may result in cancellation or suspension of the permit.

37. Restriction orders. — (1) The Board may, by order published in the gazette, declare any groundwater basin area or any part thereof to be a restricted groundwater area further abstraction of groundwater would be banned.

(2) The Board may by a like order, at any time, —

(a) vary, whether as to the whole or any part, or revoke the order of any restricted groundwater; or

(b) amend the boundaries of restricted groundwater area.

38. Monitoring in restricted areas. — In respect of restricted groundwater area, the Board may, by a written order, direct the permittees before or after the proclamation of the restricted groundwater areas as follows:-

(a) to restrict, control the rate of flow or pumping or the manner of

abstraction of water or the quantity of water;

(b) to take such measures or precautions as may be specified in the order for prevention of deflation/ pollution/ contamination of any groundwater area. Introduction of unsuitable surface water into groundwater area has to be checked;



(c) to furnish a report at specified intervals on the static water level of groundwater in the bore and of the quantities of the pumped water from the bore on daily basis; and

(d) to install and maintain a metering or of measuring device acceptable to the Board or District Water Committee, which will adequately or continuously record the quantity of water pumped from a bore from which the water is used, and may set forth such requirements as it would deem necessary for a proper compliance with direction contained therein to ensure sustainability of groundwater potential of the designate basing.

39. Regulation in restricted areas. — The Water Committee with the approval of the Board may by order in writing to the permitted of any bore—

(a) specify a minimum distance or a distance, at which any bore may be sunk from any other bore / bores where so ever exists; and

(b) direct the permitted of any bore, sinking of which is completed after the proclamation of restricted groundwater area and from which water is to be used for purposes other than livestock, domestic to furnish to Board or Water Committee within 90 days of completion of equipping the bore, such details of the equipment installed including the capacity of the pump.

40. Suspension of Rights During Shortage. — (1) If the Board is satisfied that the whole or any part of a sub-surface water shortage zone is not likely to have more water available than is sufficient to meet the requirements of the permit-holders of bores situated within the water shortage zone; and such other possible requirements from the water shortage zone as are determined by the Board, it may, by an order, suspend or restrict the entitlement of permits within that zone to take and use water from such bores.

(2) In particular, such an order may reduce a permit's water allocation during the period for which the order is in force.

(3) Such an order may relate to—

(a) a specified bore, or a specified class of bores, or

(b) all bores, or all bores other than a specified bore, or a specified class of bores.

(4) Notice of such an order must be published in the official gazette and an Urdu

newspaper circulating in the district concerned wherein the water shortage zone is situated.

(5) The notice must specify the date (being the date of publication in the Gazette or a later date) on and from which the order has an effect.

(6) A person must not take or use wafer from a bore to which such an order relates, contrary to the terms of the order has of an effect.

(7) In the case of bore with respect to which there is a water allocation, the water allocation is taken to be reduced, during the period for which the order is in force, in

accordance with the terms of the order.

(8) In the case of bore with respect to which there is a water allocation, the water allocation is taken to be reduced, during the period for which the order is in force, in accordance with the terms of the order.

(9) Evidence that water has been taken from a bore or would be taken is lam evidence that the water has been taken by the permit-holder of that bore.

41. Registration and Permitting of rigs. — (1) Every operator shall, within ninety days of a notice issued from the Board, informed to the Board through the Water Committee of the existence of all drilling rigs, capable of or used for tapping a ground water source, whether or not already registered under the Ordinance or registered with any other agency, over which he has effective control of use.

(2) Any person or organization intending to become an operator shall apply to the Board, on the prescribed form for issue of a drilling rig permit being registered.

(3) The information required in clause (2) of this regulation shall be given in the form as specified by the Board, and shall include all the particulars and shall meet all the requirements stipulated therein.

(4) The form indicated in clause (3) above may be collected from the offices of the Board or Water Committee or from any other place which the Board may designate in its notice.

(5) The registration or the permit for a rig shall be valid for a period of one year. Thereafter, it shall be renewable every year on payment of a renewal fee and subject to satisfaction of Board about its fitness to operate.

(6) The complete form shall be submitted in duplicate to the relevant District Water Committee, which shall be consideration by the Water Committee and forwarded to the Board with it recommendations for registration or issuance of permit by the Board; and permission for entry in a register maintained for the purpose in the District Office in such form as the Board may specified, with a printed serial number and the signatures of authentication by such delegated officer as the Board may appoint for the purpose:

Provided that the Board may at any time on its own motion or on any complaint in this respect, call the record of any such registration for it perusal and satisfaction as to any entry made therein and to pass such orders as it may consider necessary to remove any illegality or irregularity made in recording of such entry.

42. Deemed to be permitted. — Subject to the provisions of these rules every drilling rig registered or permitted in accordance with the provisions of these regulations shall be deemed to be operated under a temporary permit from the Board or the period specified in section 16 sub-section (1).

43. Penalty for non-registration or operation without permit.— (1) Any operator who fails to inform the Board as prescribed in rule 39 of these rules, or who operates a rig without a valid permit, or who submits incorrect, incomplete or false information, shall be liable for such punishment as provided under section 6 of the Ordinance.

(2) In addition to the punishment as provided under section 6 of the Ordinance, the Competent Authority may also issue orders for the confiscation of all machinery and equipments install at such ground water sources/ the rig including the permanent closing of such ground water sources/ the rig by filling earth or any other such material.

(3) Such fine and confiscation shall be over and above, and in addition to, any other punishment for which the operator would be liable under any other law or regulation.

44. Supply of data. — A permit operator who acts as a drilling agency/ company on or in connection with the construction of a bore shall, upon demand being made by the Board and within such time as the Board may specify, furnish to the Board or to such

person or authority as the Board may direct, and in such form as the Board may require such information relating to—

(a) the nature and thickness of the various strata drilled through during the drilling performed by the holder of registration in connection with the bore;

(b) the location, quantities and quality of all supplies of water designed to met with as a result of drilling/construction with the help of his machinery/ equipment;

(c) the depth, diameter and other particulars of the bore and the casing screens inserted in the bore, as the Board may require; and

(d) certified copy of the tube well design prepared by a qualified hydro geologist/ geologist.

45. Designated officer. — The Board may designate any officer or officers to carry out duties in connection with, or arising from, these rules/regulations.

46. Cancellation of permit. — (1) The Board may at any time cancel any permit of bore issued, if registration of drilling company in its opinion the holder of the permit holder become incompetent or incapable or is not a fit proper person to continue to be permitted as an operator or for such other good and sufficient cause as seems proper and just to the Board.

(2) The Board may cancel the permit issued to an operator, in addition to imposing a prescribed penalty on him, if he fails to furnish the information required under regulation.

(3) A written notice shall be issued to the operator about the action proposed to

be taken under Sub-rule (1) or (2); and shall also be giving an opportunity to show cause within 30 days, before cancellation of the permit registration by the Board.

47. Over-riding provisions. — (1) The registration or permit to a drilling rig does not in any way give a right to the operator to drill any hole that may be defined as a “groundwater source” according to the Ground Water Source rules, if the Board at any time orders the stoppage of drilling or use of the rig for reasons to be communicated in writing to the owner of the drilling machines.

(2) The registration or permit of a drilling company/ firm by an operator shall in no way prejudice any rights or claims that third parties may have over such drilling rigs/companies.

(3) The registration done or the permit issued under these rules does not exempt the operator from the obligation of obtaining any other permit or permit that may be required by any other law or rules/regulations.

(4) No operator shall allow a drilling rig to be operated by a person not being a matriculate and not possessing at least one year of training as a driller duly certified by appropriate authority in corporate, public sector.

48. Exemption. — The Board may in the public interest, grant an exemption to any Government organizations owning or operating a drilling rig from the provisions of these rules in case the violation is proved to be caused by over sight by department concerned.

49. Un-Lawful Obstruction of Sub-Surface Water.— (1) A person shall not, except in accordance with the written permission by the Board, interfere with sub-surface water or obstruct its flow.

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(2) A person owning or occupying the land bearing an artificial and unlawful obstruction of sub-surface water shall, on order by the Board, be bound to—

(a) remove wholly or in part from land owned or occupied by the person the unlawful artificial obstruction that is on or under the surface of the land and obstructs the flow of sub-surface water;

(b) to carry out such work as the Board considers to be necessary to permit the flow of sub-surface water through whole or part of an unlawful artificial obstruction that is on or under the surface of land, owned or occupied by the person; or

(c) to render ineffective an unauthorized bore in the vicinity causing interference in the free flow of sub-surface water towards authorized bore.

50. Removal of obstructions. — The Board may remove or render ineffective and

unlawful all artificial obstructions to the flow of sub-surface water or render ineffective a permitted bore and may recover the costs and expenses of so doing as a debt due from owner or occupier of the land on which the obstruction or bore was situated.

51. Penalty for obstruction or diversion of water. — Any person who willfully and wrongfully obstructs or diverts the flow of sub-surface water shall be liable to the punishment as provided under section 6 of the Ordinance.

52. Interpretation of the Rules. — (1) The power of interpreting these Rules is reserved to the Board, however where the question raised could not be resolved by the Board and it is considered necessary to obtain an approval of the Government, the same may be referred to the Government for a decision thereon.

(2) If any question arises as to the interpretation of any of the provisions of these Rules, it shall be placed before the Board, whose decision thereon shall be final.

(3) If any difficulty arises in giving effect to any of the provisions of these Rules, the Chairman may make such order after obtaining the views of the Board, not inconsistent with the provisions of these Rules, as may appear to him to be necessary for removing the difficulty.

(4) Where these Rules make any provision for anything to be done but no provision or no sufficient provision has been made as respects the authority by whom, or the time at which, or the manner in which it shall be done, then it shall be done by such authority, at such time, or in such manner as the Chairman may direct after obtaining the views of the Board.