

Registered No. D A-1

Bangladesh Gazette

Additional Issue

Published by Bangladesh Forms and Publications Office

Tuesday, February 11, 2014

Government of the People's Republic of Bangladesh

Circular

Date, 20 Magh 1420 Bangla Year/2 February 2014 AD

SRO No. 23-2014 – Empowered by the Bangladesh Water Development Act 2000 the Government has promulgated the following Rules (which has to be read together with item (*Thha*) of sub-Clause 6(1) under Clause 25 of Rule No. 26 of the Act 2000) :-

First Chapter

Preamble

1. **Title and application:** These Rules will be called as Participatory Water Management Rules, 2014.
2. These Rules will be applicable in the context of projects of Water Development Board.
1. **Definitions:** In these Rules, unless anything repugnant in the subject or content -
 - (1) “Participatory Water Management” means direct and active participation of local stakeholders in the process of selection, planning, designing, implementation, operation and maintenance and evaluation of water resource projects, sub-projects or schemes;
 - (2) “Guidelines for Participatory Water Management” (GPWM) or “Guidelines” means Guidelines for Participatory Water Management promulgated by the Ministry of Water Resources.
 - (3) “Act” means Bangladesh Water Development Board Act, 2000 (Rule No. 26 of the Act 2000).
 - (4) “Association” means Water Management Association (WMA) mentioned in Rule 5;
 - (5) “Beneficiary” means such a person or group of persons, who benefit from any projects;
 - (6) “By-law” means the by-law promulgated by any organization under Section 49;
 - (7) “Labour Contracting Society” (LCS) means group of landless women and men under Section 43;
 - (8) “Group” means Water Management Group (WMG) under Section 5;

- (9) “Registrar” is an officer who registers, meaning an officer who has been assigned for registering organizations mentioned in Section 38;
- (10) “Water Management Organization” or “Organization” (WMO) may mean Water Management Group, Water Management Association or Water Management Federation individually; and, it may also refer to all of them jointly as mentioned in Rule 5;
- (11) “Office of Water Management” means the Office of Water Management the Board (BWDB).
- (12) “Water resources project” means any project, sub-project or scheme dealing with flood control, drainage and irrigation that has been executed or is under execution by the Board (BWDB);
- (13) “Project” means water resources project, sub-project or scheme executed or under execution by the Board (BWDB).
- (14) “Form” means any form that has been mentioned in the schedule of the Rules;
- (15) “Federation” means Water Management Federation (WMF) mentioned under Rule 5;
- (16) Board’ means Bangladesh Water Development Board (BWDB) established under Section 3 of the Rules;
- (17) “Large project” means any project having area of more than 5000 hectares;
- (18) “Management Committee” means Executive Committee of any Organization;
- (19) “Medium project” means any project having area between 1000 hectares to 5000 hectares;
- (20) “Small project” means any project having area of 1000 hectares or less than that;
- (21) “Local Authority” means government agencies/offices like City Corporation, Zila Parishad, Upazila Parishad, Pourashava (Municipality) or Union Parishad, which have been created by any existing Law.
- (22) “Local stakeholders” means all such inhabitants of an area who are influenced by a project directly or indirectly, and who are benefited or negatively affected by the project [Project Affected People (PAPs)].

Second Chapter

Participatory Water Management

3. Participatory Water Management :

- (1) Water management activities of the water resources projects will be carried out through participation of the local stakeholders, and they will participate in the decision making process of the projects.
- (2) In order to achieve the objectives of the sub-Rule (1), development and management of the water resources projects will be ensured through the following steps:
- (a) Organization of local stakeholders into sustainable water management organizations so as to ensure their participation at different stages of water resources project;

- (b) Creation of a favorable institutional framework/environment with the aim of handing over of ownership of small projects to the local (government) authority;
- (c) Creation of a favorable institutional environment with the aim of handing over of the management and administration of medium projects to (local and community) organizations;
- (d) Creation of a favorable institutional environment with the aim of handing over of the responsibility of management and operation of large projects to the Joint Water Management Committee [Joint Management Committee (JMC)], formed with the representatives of BWDB, WMOs and other organizations related with water resources;
- (e) Leasing of embankment, borrow-pits, water-bodies, khals, etc within the project boundaries in favour of relevant WMOs so that they can earn income to meet the costs of operation and maintenance (O&M) of the infrastructures of projects handed over by BWDB or completed projects; this (arrangement) is with the aim of making water resources projects sustainable.
- (f) Initiation and implementation of crop and irrigation plans in the project area with participation of local stakeholders;
- (g) Where applicable, the costs of operation and maintenance (O&M) of the project will be realized from the beneficiaries as irrigation service charges and the fund so created can be used with due approval from relevant project authority;
- (h) Engaging landless poor and destitute women of the project area in maintenance works of the project with the aim of poverty alleviation;
- (i) Making water management activities sustainable and carrying them out in participatory manner through instilling sense of ownership of projects among the local people.

4. Handing over of Ownership or Management of the Project:- (1) Ownership of the small projects will be handed over to the local Authority under the terms and conditions set by the Ministry of Water Resources and under the provisions of Section 16 of the Rules;

(2) Responsibility of management of the medium sized projects will be given to the WMOs in fulfillment of Sections 15 and 16 of the Rules;

(3) In order to have good management of the project handed over under the sub-Rule (2), the concerned WMOs will do the Operational and Routine Maintenance (O&M) work of the project and the Project Authority will do the Emergency Repairs and Periodic Maintenance works.

(4) In order to hand over the responsibility of management of medium sized projects mentioned under the sub-Rule 2, an agreement will have to be signed between BWDB and the concerned WMOs in a BWDB prescribed form;

- (5) Under the provisions of Sections 15 and 16 of the Rules and in the interest of the local stakeholders, the management of large projects will be put under joint responsibility of BWDB, WMOs and Local Authorities;
- (6) In order to supervise the joint management activities as mentioned in sub-Rule (5), a Joint Management Committee (JMC) will be formed with representatives from BWDB, WMOs and other organizations that are related to water resources;
- (7) Formation and responsibilities of the Joint Management Committee, as mentioned in the sub-Rule 6, will be determined by the Ministry of Water Resources.

Third Chapter

Water Management Organizations

- 5. Types and tiers Water Management Organizations, and determination of number and their jurisdictions:** (1) Formation of Water Management Organization (WMO) and its tiers will be determined on the basis of project's size, area and number of beneficiaries;
- (2) For the small projects one- or two-tier Water Management Organization will be formed, as suggested below:
- a) Water Management Group (WMG) at the primary level; and
 - b) Water Management Association (WMA) at the apex level.
- (3) For medium sized projects two- or three-tier Water Management Organization will be formed, as indicated below:
- a) Water Management Group (WMG) at the primary level;
 - b) Water Management Association (WMA) at mid-level; and
 - c) Water Management Federation (WMF) at the apex level.
- (4) In case of large projects three-tier Water Management Organization will be formed, as indicated below:
- a) Water Management Group (WMG) at the primary level;
 - b) Water Management Association (WMA) at mid-level; and
 - c) Water Management Federation (WMF) at the apex level.
- (5) The Project Authority, after appraising the size of the project, its area, its geographical position, number of beneficiaries and roles of local stakeholders, will determine how many WMGs, WMAs and WMFs should be formed in the project area in question and will also determine the jurisdiction of each WMG, WMA and WMF.
- (6) For the sake of proper management, and if needed, the WMOs may form one or more sub-committees, like sub-committees for fish-culture, agriculture and tree plantation or any other relevant sector/field.

6. Initiative to form Water Management Organization:

- (1) The Office of the (Chief) Water Management of BWDB will be the controlling Authority of the WMOs.
- (2) The Office of the (Chief) Water Management, with the help of project authority, will take necessary initiatives to mobilize people of the project area, motivate them and form relevant organizations, and take all necessary initiatives for their development.
- (3) In order to fulfill the objectives of sub-Rule (2), the responsible officer of BWDB will arrange a general meeting in the concerned area for the purpose of organizing the local stakeholders.
- (4) There should be a public announcement in the concerned area for organizing the general meeting.
- (5) The public announcement, as done under the sub-Rule (4), will include the following topics:
 - (a) Brief description of the aims and objectives of the project;
 - (b) Objective of organizing the general meeting;
 - (c) Aims and objectives for forming the Organization (WMO);
 - (d) Probable/expected good results of forming the Organization;
 - (e) Date, time and place of the general meeting; and
 - (f) Other related matters.
- (6) In the general meeting, the responsible officer of BWDB will inform the local stakeholders present in the meeting, about the aims and objectives of the project, probable good outcome of forming the Organization, responsibilities ensuing and all other related issues. In view of WMO formation, s/he will discuss about the objectives of forming the Organization and form an Ad-hoc Committee, consisting members from among the local stakeholders, specifying the Terms of Reference for the Ad-hoc Committee.
- (7) The Ad-hoc Committee formed under sub-Rule (6) will take necessary initiatives for forming the Organization in the light of the Terms of Reference mentioned in the same sub-Rule and in accordance with the provisions of the Rules.
- (8) The responsible officer of BWDB will extend all necessary support to the Ad-hoc Committee in forming the Organization.

7. Responsibilities and functions of the Organization:

- (1) Amongst others, responsibilities and functions of Water Management Group (WMG) will involve the following subjects:
 - (a) Making initial discussions and motivation on any water management related issue with the local stakeholders and take plans & programs accordingly;
 - (b) Giving general membership;
 - (c) Identify/innovate the working strategies related to group activities;

- (d) Preparation of budget and participation in all activities;
- (e) Preparation / issuance of necessary deeds and other relevant documents;
- (f) Preparation of annual crop plan and other production plans as well as operation and maintenance (O&M) plan;
- (g) Organize with the help of beneficiaries the use of resources of the project and fund for operation and maintenance;
- (h) In the case of irrigation projects, leveling land and preparation, repair and maintenance of field channels.
- (i) Placing demand/requirement for irrigation to the Project Authority, distribution of irrigation water and preventing wastage of water.
- (j) Keeping the field channels clear from garbage and weeds and controlling the activities that hinder the flow of water.
- (k) In applicable cases, under existing laws and regulations, taking necessary actions for realization of irrigation service charges.
- (l) Keeping the accounts for proper records and audit.
- (m) Working with the project implementing authority/organization, non-government organizations (NGOs), local community level self-help groups and local authorities;
- (n) Gradually taking over responsibility of water management - fully or partially;
- (o) Solving disputes relating to water management projects;
- (p) Election or selection of Executive Committee;
- (q) Searching out the possibilities of economic activities;
- (r) Formation of Labour Contracting Society (LCS) for doing the earthworks of the project.

(2) Among others, the following matters/issues will be included under the responsibilities and activities of Water Management Association (WMA):

- (a) Preparation of the annual budget and taking part in all activities of the project;
- (b) Look into the crisis and problems faced by the WMGs and finding solutions.
- (c) Maintaining communication and working with the BWDB, implementing authority, Non-Government Organizations (NGOs), local self-help groups and local authorities;
- (d) When applicable, prepare documents/deeds and enter into agreements with BWDB or Local Authorities on behalf of the WMGs.

- (e) Acting as representative of the beneficiaries and negatively affected persons in all matters regarding water management;
- (f) Preparation of annual crop plan and other production plans as well as operation and maintenance (O&M) plan or compilation of annual crop plan and production plans by WMGs;
- (g) Reviewing implementation, rehabilitation and development plans and signing of Implementation Agreement between BWDB and the Association (WMA).
- (h) Monitoring whether work is being done in accordance with the Implementation Agreement mentioned under clause *Chha* (g) above;
- (i) Operation and maintenance after completion of construction and rehabilitation of the structures in accordance with the terms and conditions of the Agreement;
- (j) Placing demand for irrigation to the Authority and taking necessary steps for distribution of irrigation water into all channels of the area. It will regularly communicate to the Authority all irrigation problems and assist the Authority in solving those problems.
- (k) Keeping the irrigation canals clear and checking activities that hinder water flow.
- (l) When applicable, collection of service charges as per the existing laws and rules;
- (m) Assisting local stakeholders to get training and other relevant services from the government and non-government organizations.

(3). Among others, the following matters/issues will be included under the responsibilities and activities of Water Management Federation (WMF):

- (a) Communications with BWDB and Project Authority, if and when necessary;
- (b) Monitoring and supervision of the activities of the Associations (WMA);
- (c) Co-ordination of activities of different stakeholders related with water management;
- (d) Joint efforts for proper application of existing laws and rules for good water management;
- (e) Acting as representative of the beneficiaries and negatively affected persons in all matters regarding water management;
- (f) Preparation of annual crop plan and other production plans as well as operation and maintenance (O&M) plan and compilation of annual crop plan and production plans by the Associations (WMAs);
- (g) When applicable, motivating project beneficiaries to pay irrigation service charges as per the existing laws and rules;
- (h) Assisting local stakeholders to get training and other relevant services from the government and non-government organizations.

8. **Committees of an Organization:**

(1) Each Organization will have the following two committees:

(a) General Committee

(b) Executive Committee.

(2) The General Committee will be formed with all the general members and the Executive Committee will be formed, for management and operation of the organization, with a certain number of elected members.

9. **Members of the Water Management Group (WMG):**

(1) Members of a WMG will be the farmers, fishermen, small traders, artisans of handicrafts, boatmen, aqua-culturists, the landless, the destitute, and project affected families which are directly or indirectly affected, positively or negatively, or those which are likely to be affected by the project.

(2) As mentioned above in sub-rule (1) the head of the family or his/her nominated person will act as a representative of the family in the WMG.

But if there is a dispute on the number of members in the family or on the question of nomination of representative of the family, the Project Authority will enquire into it and give decision, and the decision so given by the Project Authority will be treated as final.

(3) So as to form a sustainable WMG based/founded on proper representation, there should be at least 55% representation of the beneficiary-families of the concerned WMG area.

10. **Members of Water Management Association (WMA):** The General Committee of a WMA will be formed with representatives of each WMG nominated by the Executive Committee; there can be a maximum of 4 representatives of a WMG in the Committee.

However, it is a prerequisite that, of the 4 representatives, at least one will be a woman representative.

11. **Members of the Water Management Federation (WMF):** Depending on the size, area and number of the WMAs the concerned Project Authority will decide on the number of members of the WMF and the number of representatives from each WMA of the concerned area.

12. **Representation of the Local Government in the organization:** Members of Union Parishad in case of WMG, Union Parishad Chairmen in case of WMA, and Upazila Chairmen in case of WMF, will be included as Advisors.

It means that if a WMG, WMA or WMF area covers more than one Ward, one Union or one Upazila respectively, concerned Members and Chairman of Union Parishad or Chairman of Upazila Parishad will be included in the concerned WMG, WMA or WMF, as the case may be, as Advisor;

13. **Selection of representatives of an Organization:** While sending representatives, from WMG to WMA or from WMA to WMF, the Executive Committee will take all necessary measures in that regard, and will give a letter of introduction to the representatives in accordance with Form - 3.

14. **Re-fixation of and increasing or decreasing the number of members in WMA and WMF:** Whatever may be mentioned in any part or section of the Rules, the Office of Water Management or any officer authorized by that Office can re-fix, i.e. increase or decrease if necessary, the number of members of WMA and WMF, taking into consideration the size, area and convenience of project management.

15. **Eligibility for becoming a member of an Organization:** To be a member of an Organization, a person will have to have the following qualifications:

- (a) Having permanent residence in the concerned project area or owning land in that area;
- (b) Age not less than 18 years;
- (c) Physically fit and free from any brain disorder.

16. **Abolishment of membership:**

- (1) After being a member of any Organization, if a person loses eligibility of membership under these Rules, his/her membership will be abolished.

However, it is required that, the person will have to be given a reasonable amount of time to explain/give reasons as to why her/his membership will not be abolished.

- (2) If the membership of a person is abolished under the sub-rule (1), the aggrieved person will be able to make an appeal to the Registrar within 15 days of the receipt of the decision, and the decision of the Registrar in this regard will be treated as final.

17. Executive Committee of an Organization:

(1) All administrative authority and management responsibility of every Organization will be vest upon an Executive Committee, and all works of the Organization, except those that are proper for General Meeting, will be done by that Executive Committee.

(2) Formation and structure of the Executive Committee will be as follows:

- (a) Chairman;
- (b) Vice-Chairman;
- (c) General Secretary;
- (d) Joint Secretary;
- (e) Treasurer; and
- (f) A maximum of 7 other members (among whom there will be representatives of the landless, fishermen and destitute women, if available).

(3) Irrespective of what is said in the sub-rule (2), if the 7 members are not found for inclusion in the Executive Committee of an Organization, the number could be decreased.

18. The term of the Executive Committee:

(1) The Executive Committee will remain valid/effective for a term of 3 (three) years from the date of its first meeting, and at the completion of its term it will automatically be abolished.

(2) Irrespective of what is said in the sub-rule (1), the out-going Executive Committee will perform regular functions under the provisions of these Rules until the newly elected body takes over the responsibilities,.

19. Functioning of the Executive Committee:

The responsibilities and functions of the Executive Committee will be as the following:

- (a) Receiving cash and making deposits.
- (b) Keeping accounts of the money collected and spent, and placing the accounts before the auditor.
- (c) Convening meeting of the General Committee;
- (d) Convening Annual General Committee Meeting at proper time;
- (e) Preparing the following for placing before the Annual General Meeting:
 - (i) Annual report on the activities of the Organization.
 - (ii) Detail accounts of incomes and expenditures of the Organization;

- (f) Preparation of all kinds of reports and documents as per the requirements of the Registrar and sending them to him;
- (g) Recording the accounts of the Organization in the prescribed books regularly and at appropriate time;
- (h) Maintain register of updated list of members;
- (i) Preparing and signing different agreements and documents in the interest of project maintenance or in the best interest of the Organization;
- (j) Taking necessary steps to achieve the targets of the Organization.
- (k) Regular inspection of the project and identification of problems relating to the embankment, khals, sluice gates, distribution and management of irrigation water, etc;
- (l) Placing irrigation requirements to the Authority as well as distribution and management of irrigation water;
- (m) Assisting the Project Authority in works related to booking for irrigation, and collecting and maintaining information regarding irrigated lands by landowners;
- (n) Taking steps to collect irrigation service charges;
- (o) Estimating costs of repair and maintenance in the light of already identified or anticipated problems, and collecting funds and organizing voluntary labour.
- (p) Preparing guidelines for operation of sluice gates (if there is any in the project) to give highest benefit to the farmers;
- (q) Taking tree plantation program at the slopes of embankments and exploring the possibility of fish-culture in the project area.
- (r) If necessary, nominating or electing someone from among the members as sluice gate operator;
- (s) Making an effort to reduce negative effects of the project on the marginal and small farmers;
- (t) Maintaining communications with BWDB, Local Authorities, NGOs and others;
- (u) Preparing voter list and forming Election Committee for the election of Executive Committee;
- (v) Carrying out all other responsibilities vested upon it by the General Committee.

20. Election of the Executive Committee:

(1) The Chairman of the Executive Committee, Vice Chairman, General Secretary, Joint Secretary, Treasurer and other members of the Executive Committee will be elected by the members of the concerned Organization.

(2) The election of the subsequent Executive Committee will be held 30 days before the expiry of the existing Executive Committee.

21. Voter list, etc.:

(1) The existing Executive Committee, as a preparation for holding election for the subsequent Executive Committee, will prepare a draft voter list on the basis of the list of members of the Organization at least 90 days before the expiry of the term of the existing Executive Committee, and will publish it and send copy of the draft voter list to all the members and to the Registrar.

(2) If there is any objection from anybody on the draft voter list published as per sub-Rule (1), the objection can be filed with the Executive Committee within 15 days from the day of publication of that list.

(3) The Executive Committee will hold hearing on the objection received as per the sub-Rule (2), and will finalize the voter list, making necessary amendments to it.

(4) If dissatisfied on the decision given as per the sub-Rule (3) or if there is dispute regarding inclusion or exclusion of any name, the contender will be able to file his objection to the Registrar and in this regard the decision of the Registrar will be treated as final.

22. Committee for Conducting Elections:

(1) To achieve the objectives of Rule 20, the existing Executive Committee will form an Election Committee at least 60 days before the expiry of the term.

However, it must be ensured that no such person can be included in the Election Committee, who is going to take part in the election or has some direct interest with a candidate or the Election Committee itself.

(2) If a position in the Election Committee falls vacant, the Executive Committee or the Interim Executive Committee, as may be the case, will fill up the vacancy immediately.

(3) For conducting election, honorarium may be given to the members of Election Committee from the pertinent fund of WMG at the rates fixed by the Executive Committee.

(4) The Executive Committee or, as the case may be, the Interim Executive Committee will give all kinds of necessary assistance, including the costs for holding Election, to the Election Committee.

23. Functions of the Election Committee:

(1) The Election Committee will announce the Schedule of election not less than 21 days before holding the election, in which the following have to be mentioned:

- (a) Date, time and place for getting the nomination paper;
- (b) Date, time and place for submission of nomination paper;
- (c) Date, time and place for scrutiny of nomination papers and, after completion of scrutiny, publication of preliminary Draft List of eligible candidates;
- (d) Date, time and place for filing objections regarding the nomination papers by any candidate included in the preliminary Draft List of eligible candidates or for submission of appeal for revision from candidates whose nomination papers will have been rejected;
- (e) Time and place of hearing of appeals and, after hearing, publishing the final list of eligible candidates;
- (f) Last date, time and place of withdrawal of candidacy;
- (g) Date, time and place of casting votes; and
- (h) Description of documents/deeds to be submitted by the candidates to the Election Committee together with nomination papers and rules of submission of nomination papers.

(2) On the date(s) and time, and at the place(s) determined by it, the Election Committee -

- (a) will receive the nomination papers submitted by a candidate or his/her representative;
- (b) will scrutinize the nomination papers in the presence (if interested to be present) of the candidate or his/her representative;
- (c) will, after scrutiny, publish the list of the eligible and ineligible candidates;
- (d) will distribute symbols among the eligible contesting candidates; however, if more than one candidate demand the same symbol, it will be resolved through a lottery in the presence of the candidates or their representatives, and that will be treated as final.

(3) For conducting election the Election Committee will appoint one of its members as polling officer.

24. Ineligibilities to be a candidate for Executive Committee:

(1) Members of following categories will not be eligible to be candidate for any position in the Executive Committee:

- (a) Involved with the project for any profitable enterprise; however, this provision will not be applicable to any member of Labour Contracting Society (LCS);
 - (b) Associated with the Election Committee for election of the Executive Committee;
 - (c) Aged less than 21 years;
 - (d) Not a permanent resident of the concerned area;
 - (e) Imprisoned for any criminal offence, and if 5 years have not elapsed after imprisonment;
 - (f) If a paid employee under the WMG or holds some profitable post of the WMG or is a contractor for some work of the WMG or supplies goods to the WMG on profit-earning basis;
 - (g) Member of Executive Committee of other organizations of the same level;
 - (h) Declared as a bankrupt or insane by any competent court;
 - (i) Not having paid all his/her dues to the WMG up to the month of election; and
 - (j) Irrigation service charges are still unpaid.
- (2) No member can be candidate for more than one position in the Executive Committee at the same time.
- (3) No one can be elected in the same position of the Executive Committee, whether consecutively or not, for more than 2 (two) terms.

25. Disqualification of nomination paper:

(1) The Election Committee can, while scrutinizing the nomination papers, disapprove any nomination paper on the following grounds on the date and time and at place indicated in the schedule:

- (a) If, according to the Rules or sub-Rules, the candidate lacks required qualifications for becoming a member of Executive Committee.
- (b) If there is any discrepancy between the name of the candidate mentioned in the nomination paper and that in the voter list and other documents of the WMG;
- (c) Incomplete nomination paper, writing struck through, corrected by fluid or scrubbed;
- (d) If false or fraudulent statement is given in the nomination paper or if the necessary documents as demanded by the Election Committee are not attached with the nomination paper.

(2) Election Committee can adopt any conventional appropriate means to verify the information submitted along with the nomination papers.

26. Ballot Paper: The Executive Committee will supply the ballot papers printed with symbols of all eligible candidates, ballot boxes, election seals and other election materials to the

Election Committee according to the demands of the Election Committee at least 3 days before the date set for election.

27. **Contest in the election:** The Election will be held if there is more than one candidate for a position, but if, after withdrawal of candidacy in accordance with the Election Schedule, there is only one legitimate candidate, the Election Committee will declare that candidate elected.

28. **Casting of Votes and the procedure of voting:**

(1) The general members of WMG enlisted in the voter list will cast their votes in the election for Executive Committee.

(2) The polling officer will, after becoming certain about the identity of a voter, supply necessary number of ballot paper and seal for casting vote;

(3) Before giving the ballot paper to the voter, the polling officer –

(a) will put tick mark by the side of the name and serial number of the voter in the voter list;

(b) will stamp with the official seal at the back of the ballot paper;

(c) will stamp with the official seal on the counterfoil of the ballot paper.

(d) will take signature or thumb impression of the voter on the counterfoil of the ballot paper;

(e) will put indelible ink on the thumb of the voter.

(4) The ballot papers and official seal will have to be kept in safe custody until the time of start of voting.

(5) Ballot paper will not be given to a voter if s/he does not obey the rules and procedure of voting.

(6) The voter, after receiving the ballot paper:

(a) will go to the specified place for casting votes;

(b) will impress the seal on the symbol of the candidate of his/her choice;

(c) will drop the ballot paper with seal into the ballot box placed in front of the Polling Officer;

(7) If a voter is blind, physically handicapped or unable to cast vote without help of someone else, the Polling Officer will permit a person nominated by that voter to remain with him/her so that that voter can cast vote with his/her help.

29. **Counting of votes and declaration of the results:**

(1) After completion of casting of votes, the Election Committee:

(a) will bring out the ballot papers from the ballot boxes and count them in the presence of the candidates or their representatives, if present there, and in doing so s/he will also set aside damaged, disqualified or unclear/ambiguous ballot papers.

However, it is to be noted that if a dispute or question arises on whether a ballot paper is valid or not, the decision of the Election Committee will be treated as final.

(b) the votes that were cast in favour of different candidates must be counted separately, and if necessary, will be re-counted.

(2) The Election Committee will declare the candidate with the highest number of votes elected, and if equal numbers of votes are cast in favour of two or more candidates, the result will be decided through lottery.

(3) The decision of the Election Committee with respect to declaration of election results will be treated as final.

30. **Election for a position with no legitimate candidate:** If there is no legitimate candidate for a position in an election for Executive Committee, or the nomination papers submitted were all declared unlawful or were withdrawn, the Election Committee will declare a Schedule of Election for that position again.

31. **Keeping records of activities of the Election Committee:**

(1) The Election Committee will maintain minutes of its different meetings with signatures of the members in a separate Register.

(2) After the election is over, the Election Committee will hand over to the Chairman of the Executive Committee all the nomination papers, ballot papers, counterfoils, legitimate, illegitimate, disqualified or unused ballot papers, if any remaining, all related articles and the results of the election duly signed by the Election Committee and recorded in a Register and put in a separate envelope sealed with wax. The Election Committee will take signature of the EC Chairman in the Register as an acknowledgement of the receipt of these things.

32. **Vacancy in any post of the Executive Committee:**

(1) A post of the Executive Committee will fall vacant if:

- (a) a member's eligibilities/qualifications to be elected to that Committee cease to exist;
- (b) s/he resigns; or
- (c) s/he dies.

(2) The Executive Committee will take necessary steps to fill up the vacant post as per provisions of these Rules if a post falls vacant for reasons stated in sub-Rule (1).

33. **Removal/dismissal of a member of Executive Committee from his/her position in the Committee:**

(1) A member of the Executive Committee will be removed from his/her position in the EC if s/he is involved in any activity injurious to the interests of the Organization; and it is the General Committee members who can, by majority vote, take decision on such removal in a special meeting organized for this purpose.

(2) If a member of the Executive Committee remains absent from EC meetings for 4 consecutive times without prior written approval of the Chairman of the Organization, the concerned post will automatically be vacant.

(3) If a post in the Executive Committee falls vacant under the sub-Rule (2), the matter should be raised in a meeting of the General Committee to, thereby, inform all members about it.

34. **Abolishment of Executive Committee and formation of an Interim Executive Committee:**

(1) The controlling Authority can, under the terms of sub-Rule (2), abolish an Executive Committee before completion of its term if that Executive Committee is involved in activities injurious to the interests of the Organization or involved in any negative activity in the water resources project or fails to carry out the responsibilities conferred on it by these Rules or the Guidelines (GPWM).

(2) No matter whatever may have been said in the sub-Rule (1), if the decision is taken for abolishment of the Executive Committee, before such abolishment comes into effect, a notice must be served to the Committee to produce their defense against allegations made against it within 7 (seven) days, and such abolishment of Executive Committee cannot come into effect without a hearing on the matter.

(3) If an Interim Executive Committee is formed under sub-Rule (1), that Committee will, side by side with carrying out regular responsibilities of an EC, have as its main responsibility to take initiative to hold election for a regular Executive Committee following the Rules within 60 days of its taking office.

However, if the Interim Executive Committee fails to hold election within the stipulated time, that Interim Executive Committee will be abolished and in its place a new Interim Executive Committee will be formed, in which no member of the former Committee can be included.

FOURTH CHAPTER

ANNUAL GENERAL MEETINGS

35. Annual General Meeting:

- (1) An Annual General Meeting (AGM) of the WMG must be arranged every year.
- (2) A notice should be served to all members, specifying place, date (and time) of the AGM at last 21 days before holding the AGM.
- (3) The AGM should be arranged within 60 days after the end of the financial year.
- (4) Policy related issues should be placed in the AGM for approval.
- (5) The Quorum of the AGM will be formed by attendance of one-third of total members when the total membership in the WMG is 100 or less, by attendance of one-fourth of total members when the total membership in the WMG is between 100 and 1000, and by attendance of one-fifth of total members when the total membership in the WMG is more than 1000.
- (6) If it is found at the start of the meeting that the Quorum has not been attained, the meeting will be adjourned and even if the Chairman does not circulate a written notice, fixing another date and time and mentioning reasons of postponing the meeting, the suspended AGM will be held within the next 7 (seven) days at same time and place and no quorum will be required in that adjourned meeting.

36. Agenda of the Annual General Meeting: The agenda of the AGM will be the following:

- (a) Reading out of the resolutions of the last AGM and Special General Meetings and their approval;
- (b) Review of audit report of last year and sending copies of the audit report to every member;
- (c) Review of the accounts (income & expenditure) and its approval;
- (d) Placing of the budget proposal for next financial year and its approval;
- (e) Review of annual reports on different activities of the Executive Committee;

- (f) Hearing on complaints submitted by any member of the Organization 30 (Thirty) days before the AGM and taking decision;
- (g) Election of the Executive Committee, if applicable; and
- (h) Taking final decision on dismissal of all or certain members of the Executive Committee or expelling of any member of the Organization.

37. Annual Report:

- (1) Annual Report on the activities of the Organization should be placed in the AGM
- (2) In the Annual Report to be placed in the AGM the following points should be included:
 - (a) Introduction (name, address, date of formation, registration number, date of the meeting etc.);
 - (b) Brief description of the Organization;
 - (c) List of Executive Committee members of the Organization and their cell-phone numbers;
 - (d) List of the members of the Organization;
 - (e) List of canals re-excavated during the past financial years;
 - (f) Description of irrigation and drainage activities performed using Organization's own fund;
 - (g) Last year's income and expenditure of the Organization;
 - (h) Name of the water management system of irrigation, drainage or polder area;
 - (i) Maintenance plan proposed by the Board (BWDB);
 - (j) Works proposed to be done voluntarily or by own fund;
 - (k) Report on progress of implementation of the decisions taken at the last AGM;
 - (l) Economic activities;
 - (m) Report on trainings received at different times;
 - (n) Relation with different Organizations;
 - (o) Description of the infrastructures within the area of the Organization; and
 - (p) Other related activities;

Fifth Chapter

Registration

38. Registrar and other officers and employees:

- (1) The registration of the Group (WMG) will be done by the Deputy Chief Extension Officer of the Department of Water Management of the concerned project area, who will be the registering officer in case of WMG.
- (2) Registration of the Association (WMA) will be done by the concerned Chief Extension Officer, who will be the registering officer in case of Association (WMA).
- (3) Registration of the Federation (WMF) will be done by the Chief Water Management of the Board (BWDB), who will be the registering officer in case of the Federation (WMF).
- (4) All the officers and employees of the office of a registering officer will provide all necessary assistance to him/her.

39. Registration:

- (1) No Organization can be associated with participatory water management without registration under these Rules.
- (2) In order to get registration, an application should be submitted to the Registrar in Form-1;
- (3) Following papers should be submitted along with the application - in the case of WMG in 3 (three) copies, in the case of Association (WMA) and Federation (WMF) in 4 (four) copies:
 - (a) Names, addresses, signatures or thumb impressions of the general members;
 - (b) Minutes of the Executive Committee meetings relating to registration;
 - (c) A separate undertaking signed by the Chairman and the Secretary to the effect that, if registered, it will carry out the participatory water management responsibilities emanating from the Law, these Rules and the Guidelines (GPWM) and any responsibility that may be conferred on it by water resources project.
- (4) Applications for registration should be sent to the pertinent Registrars – through Assistant Extension Officer or Extension Officer in case of WMG, through concerned Deputy Chief Extension officer in case of WMA and through the concerned Chief Extension Officer in case of WMF.

40. Conferring or refusal of registration to an Organization:

(1) After receipt of an application for registration, the registering officer will ascertain whether the papers submitted along with the application as per the Rules 39 are valid or not;

(2) The registering officer will, after having ascertained the matter mentioned in the Sub-Rule (1), issue Registration Certificate as per Form-2 in accordance with the Sub-Rule (3) within 30 (thirty) days.

(3) The registering officer will impress official seal upon 4 (four) copies of Registration Certificate, of which s/he will keep 1 (one) copy in his/her custody, send 1 (one) copy to the Executive Engineer of the concerned O&M Division and send the other 2 (two) copies to the concerned Organization.

(4) If Registration Certificate is not issued within a maximum of 30 (thirty) days after receipt of the application, the registering officer will convey his/her decision to the applying Organization within that time, mentioning also the reasons as to why the Certificate has not been issued.

(5) If registration is not given within the time stipulated in these Rules, or if the decision is not conveyed mentioning also the reasons or if the decision is negative, the aggrieved Organization can appeal to the next higher registering officer for consideration.

(6) If any application is filed under the Sub-Rule (5), the concerned officer will investigate into the matter and, if the Organization is found qualified for registration, will give an order to the registering officer to issue Registration Certificate within 15 (fifteen) days after receipt of application or to reject the application in writing within that time, mentioning reasons thereof.

(7) If an Organization is aggrieved by a decision under Sub-Rule (6), it can appeal to the Board (BWDB) within 30 (thirty) days after receipt of that decision, and the decision of the Board will be treated as final.

41. Cancellation of registration:

(1) If an Organization disobeys the Rules, involves itself in activities that go against the interests of the project or creates any undesirable disorder, the Registrar will:

(a) warn the Organization that its registration will be cancelled; or

(b) suspend activities of that Organization for 3 (three) months and ask it to rectify the aforesaid disconcerting activities.

(2) If an Organization does not rectify its activities as per the directives of the Registrar given under the Sub-Rule (1), the Registrar can cancel registration of that Organization.

(3) If the registration of an Organization has been cancelled under the Sub-Rule (2), the concerned Organization can, within 30 days after receipt of such a decision, make an appeal to the Board (BWDB), and the decision of the Board on the matter will be treated as final.

(4) No matter whatever may have been differently said in this Rule, a two-third majority of the members of an Organization can file an application to the Registrar for cancellation of its registration, and in that case the Registrar can cancel registration of the relevant Organization.

42. Registration of Societies or Organizations registered under some other Laws immediate before promulgation of these Rules:

(1) The Societies or Organizations that were registered with the Department of Cooperatives or some other offices under some other existing Laws immediate before the promulgation of these Rules will have to be registered according to the terms of these Rules within 6 (six) months after these Rules take effect.

(2) If a Society or Organization mentioned in the Sub-Rule (1) is not registered under the terms of these, Rules, that Society or Organization cannot be engaged in any participatory water management work under these Rules after that time.

Sixth Chapter

Labour Contracting Society (LCS) and earthwork of project

43. Labour Contracting Society (LCS):-

(1) Every WMG will form Labour Contracting Society (LCS) with landless women and men of the project area for constructing small infrastructures or for doing maintenance works; a minimum of 30% (thirty) women, if available, should be included the LCS.

It is a precondition that the landless women and men within the jurisdiction of the WMG, if available, should be included in the LCS compulsorily.

(2) There will be an Executive Committee, consisting of 6 LCS members, for smooth implementation of earthwork. Of the 6 Executive Committee members one will be Chairman, one will be Secretary and the other 4 (four), including 2 women, will be Members.

44. Earthwork of the project:

(1) It is with the aim of alleviating poverty and to generate employment in the project area, i.e. in the interest of the people, that at least 25% of earthwork of a project can be given to related WMGs, which will implement the earthwork through landless contracting societies (LCSs) under them.

(2) To execute the earthwork as mentioned in Sub-Rule (1), a contract will be signed between the concerned Executive Engineer (XEN) of the Board (BWDB) and the WMG, where the contract will be formulated following the sample contract given in the Guidelines (GPWM) approved by the Government, and another contract should be signed between the WMG and the Labour Contracting Society (LCS).

(3) The WMG that gets allotment of earthwork as mentioned in the Sub-Rule (1) will remain responsible to the Board (BWDB) for its proper execution.

(4) All payments due against the allocated earthwork under these Rules should be made through the Bank Account of the Organization (WMG), from which the concerned Executive Committee will be responsible to pay the members of the concerned labour contracting society (LCS) as per their dues.

(5) The Executive Engineer (XEN) of the Board (BWDB) will give the money contracted for the earthwork in three equal installments, where the first installment should be paid after the start of the work as preparatory advance.

(6) The second installment will be paid when 50 % of the total work is done and the money of the first installment is adjusted, while the money of the third and final installment will be paid after completion of the earthwork.

(7) The concerned Executive Committee will submit an account of the total work, including installments and adjustments as mentioned in Sub-Rules (5) and (6), to the concerned Executive Engineer of the Board (BWDB).

(8) The concerned WMG will, after deducting a maximum of 5% from the bills for earthwork as service charge and thus retaining it in its fund, give the remaining money to the landless contracting society (LCS).

(9) No matter whatever may have been differently said in this Rule, if a WMG fails to implement properly the earthwork allocated in its favour as per the design given by the Board (BWDB) or there arises any complexity in executing the work, the Board itself can, if necessary, form landless contracting society, determine its responsibilities and change, supplement and rectify the

implementation procedures of earthwork, or can, after developing guidelines in this regards, implement that work.

Seventh Chapter

Fund and Audit of Accounts

45. Fund of the Organization:

(1) There will be a fund of the Organization, in which money will be deposited from the following sources:

- (a) Grants or contributions from the Government, NGOs or individuals;
- (b) Money received as reward for realizing the irrigation charges in the case of an irrigation project;
- (c) Income from cultivation of unused land, water-bodies or establishment of the Board within the WMG area, which may be obtained by way of sanction from the Government or, in some cases, from the Board, tree plantation, fish cultivation, irrigation activity or any other works;
- (d) Subscription or contribution from the beneficiaries;
- (e) Income received from the service charges of the earthwork of the project, if applicable; and
- (f) Money received from other lawful sources.

(2) The fund of the Organization will be deposited in the name of the Organization in any scheduled bank and the necessary expenditures of the Organization will be met from the fund.

(3) The bank account will be operated by the joint signatures of the Chairman and the Treasurer of the Executive Committee.

46. Audit of the accounts:

(1) The accounts of the Organization will have to be audited within 6 (six) months from the start of every financial year.

(2) The Board (BWDB) will audit the accounts of the Organizations by its Internal Audit office.

(3) After completion of auditing, the auditor will send the audit report on the accounts of the Organization duly attested by him/her to the Chairman of the Executive Committee of the concerned Organization and to the Registrar.

(4) The Chairman of the Executive Committee will present the audit report in the meeting of the General Committee for information of members.

(5) The Audit Officer will inform the concerned Organization by way of giving notice at least 15 days before the start of the audit.

(6) All the members, officers and office staff of the Organization will provide all necessary assistance to the auditor in performing the audit.

Eighth Chapter

Miscellaneous

47. Taking assistance of Local Authorities: In the interest of O&M of the water resources project under these Rules, the Project Authority can, if necessary, take the assistance of the Local Authorities, the law enforcing authority, or any other Government and Non- Government authorities.

48. Use of the Guidelines for Participatory Water Management: The relevant directives of the existing Guidelines for Participatory Water Management, which was issued by the Ministry of Water Resources in view of people's participation in the management of water resources projects, will be applicable in so far as they are consistent with these Rules.

49. By-Laws of the Organizations:

(1) In the interest of proper operation and management, the Organizations can, if necessary, frame their By-laws with the prior approval of the Registrar and keeping it in conformity with these Rules.

(2) If any draft By-laws is put up for approval, the Registrar will, after examining whether it is in conformity with the Law and these Rules, give approval within 60 days or will inform the concerned Organization if there is any need of corrections in the draft By-laws.

(3) After getting approval of the Registrar, the concerned By-Laws can be used as the By-Laws of the Organization.

50. Removal of ambiguity: - If any ambiguity shows up while applying any statute of these Rules, the Government can remove such ambiguity by administrative order, keeping in conformity with these Rules.

Schedule

Form-1

Application of Water Management Organization (WMO) for registration

[Rule 39(2) to be noted]

BWDB Monogram

Memo No.

Date:-

To

The Registrar (Deputy Chief Extension Officer/ Chief Extension Officer/Chief Water Management)
Bangladesh Water Development Board.

Sir,

We, bearing the nameWater Management Group/ Water
Management Association / Water Management Federation, are applying herewith for registration
under Rule 39 of the Participatory Water Management Rules, 2014.

We are hereby declaring that this organization will never be involved in any activity that is
against the interest of the state or government or contrary to the existing laws, or in any activity that
will affect the water resources project negatively. This organization will always carry out properly the
responsibilities vested upon it as indicated in the Bangladesh Water Development Board Act, 2000
and Participating Water Management Rules, 2014.

Information regarding the organization

1. Name of the organization:
2. Address:
3. Number of members of the organization:
4. Name and address of the concerned/nearby water resources project:
.....

Information regarding the existing Executive Committee (EC)

Sl. No.	Name	Position	Father's and Mother's Names	Present and Permanent Addresses	Age	Profession	Signature
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1.		Chairman					
2.		Vice=Chairman					
3.		Secretary					
4.		Joint-Secretary					
5.		Treasurer					
6.		EC Member (General)					
7.		EC Member (General)					
8.		EC Member (General)					
9.		EC Member (General)					
10.		EC Member (Landless Representative)					
11.		EC Member (Fisherman Representative)					
12.		EC Member (Destitute Woman Representative)					

Signature of the Secretary

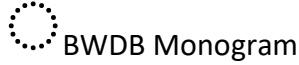
Signature of the Chairman

[N.B.: Other papers that are required under Rule 39(3) of the Participatory Water Management Rules 2014 should be attached]

Form – 2

Certificate of Registration of Water Management Organization (WMO)

[Rule 40 (2) to be noted]



Government of the People’s Republic of Bangladesh

Ministry of Water Resources

Bangladesh Water Development Board

Deputy Chief Extension Office/ Chief Extension Officer/ Chief Water Management Department.

Registration No:

Date:

----- Water Management Group/ Water Management Association/ Water Management Federation, address----- is hereby registered under Rule 40 (2) of the Participatory Water Management Rules, 2014.

2. This organization can run its activities in the areas described below.....

.....

Name and Signature of the Registering Officer

Designation and Official Seal

Form – 3

Identity card of the representative member

[Rule 13 to be noted]

Monogram of BWDB

..... Water Management Group/ Association/ Federation

(Name of the Organization which is issuing the Identity card.)

1. Name of the member:
2. Name of father/ husband:
3. Name of mother.....
4. Full address.....
5. Membership member according to the Member Register
6. National Identity Card/Birth Registration number.....

The holder of this card is authorized to represent and to cast vote on behalf of the Water Management Group in the Water Management Association/on behalf of the Water Management Association in the Water Management Federation.

Specimen Signature of the member:-

1.
2.
3.

Signature and Seal of
the Chairman of the Executive committee.

.....
By order of the President

Md. Aayub Ali
Deputy Secretary