

# The Assam Embankment and Drainage Validation Act, 1960

ASSAM

India

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### Act 26 of 1960

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The Assam Embankment and Drainage Validation Act, 1960 Assam Act No. 26 of 1960 Last Updated 12th February, 2020 (As passed by Assembly) Published in the Assam Gazette, Extraordinary, dated the 16th July, 1960. [Received the assent of the President on the 19th July, 1960]. An Act to validate the execution of certain Embankment and Drainage Schemes; Preamble. - Whereas it is expedient to validate the execution of certain Embankment and Drainage Schemes for the purpose and the manner hereinafter appearing; It is hereby enacted in the Eleventh Year of the Republic of India as follows :

#### 1. Short title, extent and commencement.

(1) This Act may be called the Assam Embankment and Drainage Validation Act, 1960. (2) It extends to the whole of Assam. (3) It shall come into force at once.

#### 2. Validation of Embankment and Drainage Scheme already executed.

(1) Notwithstanding anything contained in the Assam Embankment and Drainage Act, 1953 (hereinafter referred to as the "said Act") a scheme of embankment or drainage work executed or under execution or caused to be executed by the State Government for the purposes of improvement of any land or for the proper cultivation or irrigation thereof or for protection from floods, other accumulations of water or from erosion by a river or for the improvement of the health or any tract at any time during the period from the 1st day of February, 1955 to the date of commencement of this Act shall be valid and shall be deemed always to have been validly executed under the provisions of the "said Act" and shall not be called in question on the ground only that notifications were not published or objections were not called for or any other acts, or things were not done by the State Government as required to be published, called for or done under the "said Act". (2) The State Government may, after the commencement of this Act, levy water-rate, betterment cess or

premium on land improved by embankment and drainage schemes executed by the Government under sub-section (1) at the same rate and in the same manner as provided in Section 11 of the "said Act".

### **3. Compensation.**

- While putting into operation the embankment and drainage schemes under sub-section (1) of Section 2 of this Act, if any person has claimed any compensation for any loss sustained by him, the Deputy Commissioner shall award such compensation as he considers fair and reasonable in accordance with the principles laid down in Section 10 of the "said Act."

### **4. Protection of action taken in good faith.**

- No suit, prosecution or other legal proceeding shall lie against any person for doing anything which is in good faith done or intended to be done in connection with the embankment and the drainage schemes deemed to have been executed under Section 2 of this Act.

### **5. Removal of doubts.**

- If any doubt arises as to the interpretation of the provisions of this Act, or the applicability of any of its provisions, the State Government may, as occasion may require, by order, do anything not inconsistent with the purposes of this Act, as appear to them to be necessary or expedient for removing the doubt.