

The Orissa Hydro-Electric Projects and Flood Control Works (Survey) Rules, 1962

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Rule

THE-ORISSA-HYDRO-ELECTRIC-PROJECTS-AND-FLOOD-CONTROL- of 1962

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The Orissa Hydro-Electric Projects and Flood Control Works (Survey) Rules, 1962Published vide Notification No. 21063-M-179/61-Irr., dated 25th June, 1962, Orissa Gazette Extraordinary No. 339/3-7-1962Notification No. 21063-M-179/61-Irr., dated 25th June, 1962. - In exercise of the powers conferred by Section 7 of the Orissa Hydro-Electric Projects and Flood Control Works (Survey) Act, 1961 (Orissa Act 10 of 1961), the State Government do hereby make the following rules, namely:

1.

(a)These rules may be called the Orissa Hydro-Electric Projects and Flood Control Works (Survey) Rules, 1962.(b)They shall come into force at once.

2.

In these rules, unless the context otherwise requires-(a)"Act" means the Orissa Hydro-Electric Projects and Flood Control Works (Survey) Act, 1961;(b)"Form" means a form appended to these rules;(c)"Section" means a section of the Act ; and(d)all words and expressions used in these rules and not defined herein shall have the same meaning as are respectively assigned them in the Act.

3.

Unless otherwise expressly provided in these rules, enquiries under the Act and these rules shall be of a summary nature. The Enquiring Officer shall give opportunity to both parties to be heard, and for this he shall issue notice to parties to appear before him at a specified time and place with their witnesses and documents, if any, in support of their respective claims. The hearing shall proceed from day to day unless for sufficient reasons to be recorded, it has to be adjourned to some other day. The Enquiring Officer may hold local enquiry and the memorandum of the local enquiry shall form part of the record. The Enquiring Officer shall be competent to dispense with the personal attendance of any party.

4. Manner of publications and authority to receive objections and suggestions under Section 5 (1).

(a) Whenever a Hydro-Electric Project or Flood Control work is proposed to be executed after completion of the survey and Investigation the description of the same shall be published in English and in Oriya in Form 'A' calling for objections and suggestions-(i) in the Orissa Gazette; (ii) on the notice boards of the offices of the Collector, the Sub-divisional Officer, the Panchayat Samiti and the Grama Panchayat within the limits of which any land likely to be benefited or affected by the proposed work is situated. (b) The authority before whom the objections or suggestions are to be filed shall be the Collector.

5. Filing and calling of objections under Section 5 of the Act.

(1)(a) All objections or suggestions under Section 5 shall be filed in duplicate before the Collector and a copy of each objection or suggestion shall be kept open for inspection of the public in the office of the Collector for a period of 15 days from the last date specified in Form 'A' for filing objections or suggestions. (b) All persons having the same ground of objection or suggestion may jointly file the same. (c) The objections or suggestions shall be filed within one month from the date of publication of the notification. If the last day of the month falls on a Sunday or holiday, objections can be filed on the next working day. (2) While considering the objections and suggestions, the Collector shall seek the advice of Superintending Engineer concerned relating to all the objections and suggestions received. The Superintending Engineer shall be bound to give such advice and this shall form a part of record.

6. Notification regarding decision of State Government under Section 5 (2).

- The State Government may, after considering the report and recommendations of the Collector, by notification in Form 'B' direct that the proposed work shall not be executed or that it shall be executed with such modification, if any, as the State Government may specify. Form 'A' [Vide Rule 4] Whereas the State Government propose under Sub-section (1) of Section 5 of the Orissa Hydro-Electric Projects and Flood Control Works (Survey) Act, 1961 to construct the hydro-electric/flood control work known as the.....project a description of which is given in the

schedule hereto annexed, notice is hereby given that.....(i)any person whose lands are likely to be affected by the proposed work or who is otherwise interested may present in writing any objections to or suggestion in respect of the proposed work in duplicate so as to reach the Collector on or before the 20 (here specify the date)(ii)objections and suggestions received will be kept open for inspection of the public in the office of the Collector for a period of fifteen days following the last date of receiving objections and suggestions as mentioned above.

Schedule

Description of the proposed work-

1. Name of the work.....

2. General description of work-illustrated in Index map attached (Plans and descriptive notes can be seen in the office of the Collector from to on any working day during office hours)

3. Name of district(s) Sub-division(s) and Block(s) in which the work is proposed to be executed

4. Necessity or the purpose of the work

5. Names of the villages likely to be benefited and the approximate area of land in each village likely to be benefited.

6. Names of the villages likely to be adversely affected and the approximate area in each village likely to be adversely affected

7. Approximate cost of the work

8. Remarks.