

The Orissa Hydro-Electric Projects and Flood Control Works (Survey) Act, 1961

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Act 10 of 1961

- Published on 1 January 1961
- Commenced on 1 January 1961
- [This is the version of this document from 1 January 1961.]
- [Note: The original publication document is not available and this content could not be verified.]

The Orissa Hydro-Electric Projects and Flood Control Works (Survey) Act, 1961 Orissa Act No. 10 of 1961 Published vide Orissa Gazette Extraordinary/6.10.1961. For Statement of Objects and Reasons see Orissa Gazette Extraordinary No. 607/25-8-1961. An Act to provide for survey and investigation of suitability of lands needed for establishment of Hydro-electric Projects and Flood Control works in the State of Orissa and other matters ancillary thereto. Be it enacted by the Legislature of the State of Orissa in the Twelfth year of the Republic of India, as follows :

1. Short title and extent.

(1) This Act may be called the Orissa Hydro-Electric Projects and Flood Control Works (Survey) Act, 1961. (2) It shall extend to the whole of the State of Orissa.

2. Definitions.

- In this Act unless the context otherwise requires- (a) "Chief Engineer" means the Chief Engineer or Additional Chief Engineer in charge of irrigation or flood control scheme or in charge of hydro-electric project; (b) "flood control work" includes all works and constructions undertaken for the purpose of controlling floods; (c) "hydro-electric project" means a scheme in which water is regulated and utilised for the production of electricity; (d) "prescribed" means prescribed by rules made by the State Government under this Act.

3. Power to take up survey.

(1) Whenever it appears to the State Government that for the purpose of any hydro-electric project or flood control work it is necessary to carry on survey and preliminary investigation in respect of lands

in any locality to ascertain the suitability of such land for the said purpose, a notification specifying the locality in which such survey and investigation proceedings are to be carried on shall be published by the State Government in the Gazette and the Chief Engineer shall cause public notice of the substance of such notification to be given at convenient places in the said locality.(2)Thereupon the Chief Engineer may authorise any officer subordinate to him and not below the rank of an overseer to carry on such survey and investigation proceedings in respect of any such land excluding the land over which a building stands.(3)It shall be lawful for such officer and his servants and workmen to-(a)enter upon and survey and take levels of any such land;(b)make any survey mark and to fix reference marks by drilling pegs, fixing stones or by constructing masonry pillars of the size of about two feet by two feet up to a maximum height of five feet;(c)dig trial pits of the size of about three feet by three feet up to a maximum depth of ten feet;(d)bore into the sub-soil;(e)do all other acts necessary to ascertain the suitability of the land for the said purpose ; and(f)where otherwise such proceedings cannot be completed, cut down and clear away any part or the whole of any standing crop, fence or jungle :Provided that if such officer proposes to enter into any enclosed courtyard or garden attached to a dwelling house he shall give the occupier of such building a notice of at least twenty-four hours of his intention to do so.

4. Payment of compensation.

- The officer who has entered upon any land under Section 3 shall, before leaving, tender compensation to the owner or occupier of such land for any damage which may have been caused by any proceedings under the said section and in case of dispute as to the sufficiency of the amount so tendered, he shall refer the matter to the Collector for his decision. Such decision shall be final and no suit shall lie in and a Civil Court to have it set aside or modified.

5. Publication of the scheme and objections thereto.

(1)Whenever the State Government propose to execute any hydro-electric project or any flood control work they shall, after completion of the survey and investigation as may be necessary for the purpose in accordance with the provisions of Section 3, publish in the prescribed manner the description of the said project or work indicating the situation thereof and the area likely to be benefited or adversely affected thereby alongwith any further particulars as may be prescribed and call for objections or suggestions from persons interested to be filed before the prescribed authority within a time to be specified in such publication.(2)Every such objection or suggestion shall be heard and considered by the said authority in the prescribed manner, who shall after the close of the enquiry, submit the entire record of the proceedings alongwith his report and recommendations to the State Government for their decision which shall be final :Provided that nothing in this section shall apply to any work undertaken for the purpose of maintenance, repair, raising or strengthening of any flood control work.

6. Offences.

- Whoever obstructs any person in the course of carrying on any proceedings under Section 3 shall be deemed to have committed an offence under Section 186 of the Indian Penal Code (45 of 1860).

7. Power to make rules.

- The State Government may make rules for the purpose of carrying out the provisions of this Act.

8. Power to remove difficulties.

- If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as the occasion may require, do anything which appears to them necessary for the purpose of removing the difficulty.