

Embankment Rules, 1916

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Embankment Rules, 1916Published vide Notification No. 13-118-1, dated 19th September 1916, Bihar and Orissa Gazette of 4th October, 1916 Part 2, page 241(Rules Under Bengal Embankment Act, 1882)In exercise of the powers conferred by Section 90 of the Bengal Embankment Act, 1882 (Bengal Act, 2 of 1882), and in supersession of Notification of the Government of Bengal in the Public Works Department's No. 108, dated the 26th February, 1884 (published at pages 399-400 of the Calcutta Gazette of the 27th Idem).

1.

All estimates for works or repairs or for maintenance of public embankments which are prepared under Section 7 or Section 47 of the Bengal Embankment Act, 1882 (Bengal Act, 11 of 1882), shall include the estimated cost of all petty establishments employed for watching or guarding embankments and for working sluices.

2.

Such estimates shall also provide for the cost of directing and supervising establishment and for the use of tools and plant. Ordinarily, this provision shall be a consolidated charge of 16 per cent of the outlay on works or repairs excluding therefrom the cost of land acquisition but if in any particular case it is desired to modify this percentage, or to remit the charge altogether, the orders of the Lieutenant Governor in Council must be applied for at the time the estimate is prepared. In no case shall the consolidated charge exceed 26 per cent.

3.

(1)The Collector shall, previous to submitting a report to the Commissioner under Section 11, 19 or 43 of the Act, obtain the written opinion of the Superintending Engineer, which shall form a part of the record of proceedings on the case.(2)No notices regarding new works, the estimated cost of

which exceeds Rs. 5000, shall be published under Section 9 of the Act, until the estimates, specifications and plans have received the approval of the Chief Engineer.

4.

No estimate referred to in Section 49 of the Act, shall be transmitted to the Collector until it has been countersigned by the Superintending Engineer, who will be responsible for seeing that the proposed repairs are necessary, that it is proposed to execute them in a proper manner and that the rates entered in the estimate are fair and reasonable.

5.

The Superintending Engineer shall, on the requisition of the Collector, furnish a written opinion on any work which it is proposed to execute under the Act, causing all necessary surveys to be made.

6.

Where the Collector, under the last proceeding Rule, requires surveys to be made, he shall either cause the estimated cost of making the surveys to be paid to the Engineer, or procure sanction, under the ordinary Rules of the disbursement of public money, to the proposed expenditure. Such deposit or sanction shall provide for the salaries and allowance of the Engineers and Surveyors whom it is intended to employ.

7.

The Superintending Engineer shall in any enquiry under Section 51 of the Act, on receiving a requisition to that effect from the collector, give his written opinion as to the boundaries of the lands affected by such works or repairs, and the extent to which they have been benefited or affected. This opinion shall form part of the record of proceedings in the case.

8.

(1) Notwithstanding that there is no express mention in Section 52 of the Act, of objections preferred before the Collector to the Engineer's accounts and certificate of expenses, on the ground that certain lands are not benefited by the works or repairs as specified in such certificate, the Collector shall entertain and consider such objections. As the disposal of such objections will often depend on professional enquiries, the Collector shall ordinarily consult the Engineer and, if necessary, the Superintending Engineer, before passing orders and the substance of reference to the Engineer and of his reply shall form part of the record. (2) If, on such objection, the Collector comes to the conclusion that any alteration should be made in the certificate which has been signed by the Engineer, under Section 51, he may at any time, before making an order charging or apportioning the amount under Section 58 of the Act, make such alteration as provided in Section 52.

9.

When it appears likely that the ordinary procedure under the Act, would be attended with grave and imminent danger to life and property, and proceedings are taken by the Collector under Section 25 of the Act, or by the Engineer under Section 29, the Collector shall make an immediate report to the Commissioner and forward a copy thereof of the Superintending Engineer. A copy of this report shall be submitted without delay by the Commissioner to Government through the Board of Revenue.

10.

(1) All orders passed under Section 31 of the Act, shall be in writing, and the applicant shall be entitled to receive a copy of every such order, free of charge, on application. The Engineer shall delegate to all Public Works Sub-Divisional Officers the power to receive applications, under Section 31 of the Act, for temporary roadways and temporary water-courses but no person so appointed shall pass an order for the construction of a temporary water-course, unless he has been specially authorised by the Superintending Engineer to do so in regard to any particular embankment. (2) In all cases where an application for a temporary water-course is to a person authorized by the Engineer to receive it, such application shall be submitted to the Engineer for transmission to the Collector. The Engineer in forwarding applications under this Section to the Collector, shall state in writing whether, in his opinion, they can be sanctioned without endangering the safety of the embankment.

11.

All Public Works Sub-Divisional Officers shall be authorized to open or shut sluices general Rules to be issued by the Engineer, with the approval of the Collector. A copy of all Rules made under this Section shall be transmitted to the Superintending Engineer.

12.

Any order to remove an embankment or obstruction, or to repair damage, passed under Section 79 of the Act, shall be appealable to the Court to which an appeal ordinarily lies from the decision of the Magistrate who passes the order.

13.

The Engineer in charge shall submit to Government annually, through the Superintending Engineer, a report with plans showing what embankments, if any, have been erected or added to within any tract included in a prohibitory notification issued under Section 6 of the Act.