

ORISSA ACT X OF 1947
**THE BENGAL EMBANKMENT (ORISSA
 AMENDMENT) ACT, 1947**

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AN ACT TO AMEND THE BENGAL EMBANKMENT ACT, 1855, IN ITS
 APPLICATION TO THE PROVINCE OF ORISSA

WHEREAS it is expedient to amend the Bengal Embankment Act, 1855, in its application to the Province of Orissa for the purposes hereinafter appearing; XXXII of 1855.

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Bengal Embankment (Orissa Amendment) Act, 1947.

(2) It shall be deemed to have come into force on the 13th April 1943.

Substitution of new section 6 for section 6, Act XXXII of 1855.

2. For section 6 of the Bengal Embankment Act, 1855 (hereinafter referred to as the said Act), the following section shall be substituted, namely:— XXXII of 1855.

Charging cost of maintaining private embankments in charge of officers of the Crown.

“6. (1) Whenever the Superintendent of Embankments shall hereafter cause an embankment which any person is bound to keep up or by which any person is benefited, to be taken charge of by the officers of the Crown, the expenses of keeping up such embankment shall, in the first instance, be charged to the person who is bound to keep it up and, in the absence of any such person, to the person who is benefited:

Provided that the amount so charged shall not exceed the reasonable expenses of keeping up an embankment in the original size and description, notwithstanding that the embankment shall have been enlarged or improved by the officers of the Crown.

Explanation—A person who would sustain loss or damage if the embankment is kept out of repairs shall be deemed to be a person who is benefited by the embankment.

(2) (a) The Collector shall decide any dispute as regards the persons who are bound to keep up an embankment and also as regard the apportionment of the expenses of keeping up such embankment amongst those persons.

(b) If two or more persons are benefited by an embankment, the Collector shall apportion the expenses of keeping up such embankment amongst the persons so benefited.

(c) When an apportionment is made by the Collector either under clause (a) or clause (b) of this sub-section, the liability or every such person as aforesaid shall be limited to the sum as apportioned against him and the Collector may, while apportioning the sums against those persons, further direct that the sums may be paid by instalments subject to such conditions as he may impose.

(3) Every decision of the Collector under sub-section (2) shall be appealable—

(a) to the Revenue Commissioner, if passed by the Collector of the district ; and

(b) to the Collector of the district, if passed by a Deputy Collector or any other officer exercising the powers of a Collector:

Provided that no appeal shall lie unless it is presented within thirty days from the date of the decision."

Special provision or recovery of past expenses incurred by Government since 13th April 1943.

3. On the coming into force of this Act, all advances made and all moneys spent by the Provincial Government in the upkeep of an embankment taken charge of under section 6 of the said Act from the 13th April 1943, till the 1st March 1947 shall be recovered from the person referred to in that section as if they were arrears of land revenue notwithstanding non-compliance with the provisions of sections 4, 5 and 11 of the said Act.