

The 16th July 1960

No.LJR.24.53.—The following Act of the Assam Legislative Assembly which received the assent of the President is hereby published for general information.

(Received the assent of the President on the 9th July 1960)

ASSAM ACT No.XXVI OF 1960

**THE ASSAM EMBANKMENT AND DRAINAGE
VALIDATION ACT, 1960**

(As passed by the Assembly)

[Published in the *Assam Gazette*, Extraordinary dated the 16th
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 in the manner hereinafter appearing ;

It is hereby enacted in the Eleventh Year of the Republic of India as follows :—

- Short title, extent and commencement.** 1. (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.
- Validation of embankment and drainage schemes already executed.** 2. (1) Notwithstanding anything contained in the Assam Embankment and Drainage Act, 1953 (hereinafter referred to as the "said Act"), any 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 lands 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".
- Compensation.** 3. 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".
- Protection of action taken in good faith.** 4. No suit, prosecution or other legal proceedings 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 drainage schemes deemed to have been executed under section 2 of this Act.
- Removal of doubts.** 5. 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 purpose of this Act, as appear to them to be necessary or expedient for removing the doubt.

Assam Act
I of 1954.

P. C. DAS,

Dy. Secy. to the Govt. of Assam, Law Deptt.