

# The Odisha Gazette

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

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No. 2128, CUTTACK, MONDAY, JUNE 27, 2022 / ASADHA 06, 1944

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## DEPARTMENT OF WATER RESOURCES

### NOTIFICATION

The 27th June, 2022

No. 15755—WR-MAJI-POLICY-0001-2022/WR.— In exercise of the powers conferred by sub-section (1) of Section 53 of the Dam Safety Act, 2021 (41 of 2021), the State Government hereby makes the following rules, namely:—

**1. Short title and commencement.** — (1) These rules may be called the State Committee on Dam Safety (Procedures, Allowance and other Expenditure) Rules, 2022.

(2) They shall come into force on the date of their publication in the Official Gazette.

**2. Definition.**— (1) In these rules, unless the context otherwise requires, —

- (a) “Act” means the Dam Safety Act, 2021 (No.41 of 2021);
- (b) “Authority” means the National Dam Safety Authority established under section 8 of the Act;
- (c) “Chairperson” means the Chairperson of the State Committee on Dam Safety under clause (a) of sub-section (1) of Section 11 of the Act;
- (d) “invitee” means the invitee of the State Committee on Dam Safety under sub-section (2) & (4) of Section 13 of the Act;
- (e) “Member” means the member of the State Committee on Dam Safety constituted under sub-sections (1) of Section 11 of the Act;
- (f) “SDSO” means State Dam Safety Organisation under sub-section (1) of Section 14 of the Act.
- (g) “State Committee” means the State Committee on Dam Safety constituted under section 11 of the Act; and
- (h) “sub-committee” means a sub-committee constituted by the State Committee on Dam Safety under sub-section (2) of Section 12 of the Act.

(2) Words and expressions used herein and not defined in these rules but defined in the Act shall have the meanings as respectively assigned to them in the Act.

**3. Time and Place of the Meeting of the State Committee.—** Date, time and place of the meeting of the State Committee shall be as decided by State Government under sub-section (1) of Section 13 of the Act:

Provided that the state committee shall meet twice in a year and one meeting shall be held before the onset of the monsoon season.

- (b) Chairperson of the State Committee shall give notice of the meeting at least two weeks in advance and in emergent conditions the notice period can be suitably reduced by the Chairperson of the State Committee.

**4. Procedure to be followed by the State Committee.** —(a) The Agenda for any meeting of the State Committee, duly approved by the Chairperson shall be circulated by the Chairperson at least one week in advance, unless there is an emergent situation.

- (b) The Chairperson of the State Committee shall preside over the meetings of the State Committee:

Provided that in the case of Chairperson's inability to preside over any meeting then the Chief Engineer, Dam Safety shall preside over the meeting.

- (c) The State Committee in general shall arrive at its decisions by consensus of its members and in case of any major differences the decisions of the Committee shall be arrived by majority of votes of the members present and voting. In the event of equality of votes the Chairperson or the person presiding over the meeting shall have the casting vote and the invitees to the committee will not have voting right.
- (d) The State Committee may constitute such sub-committees and for such tenures as it may consider necessary, so as to seek assistance in discharge of its function, provided that, —
  - (i) The Chairman and members of the sub-committee shall be decided by the Chairperson of State Committee;
  - (ii) Procedures regarding transaction of the business of the sub-committee shall be as decided by State Committee; and
  - (iii) The committee may review the tenure and composition of such sub-committee as and when required.

- (e) The Chairperson, on behalf of the State Committee, may invite the representative of the owner of any specified dam and such other experts in dam safety as it may consider appropriate for the discharge of its functions.
- (f) Minutes of Meetings of the State Committee, duly approved by the Chairperson, shall be forwarded by Chairperson to all members and invitees of the State Committee and minutes of the meetings shall also be shared with SDSO and the owners of the specified dams, and also other concerned stakeholders.
- (g) The secretarial assistance to the State Committee and its sub-committees shall be provided by the SDSO.
- (h) All records related to the any meeting of the State Committee and it sub-committees shall be maintained by SDSO, and the SDSO shall also disseminate the relevant knowledge and information to all stakeholders.

**5. Allowances and other expenditure of the State Committee.** —(a) Expenditure related to travelling allowance (TA) and dearness allowance (DA) and participation fees and other incidental expenses incurred for attending the meetings of the State Committee and sub-committee(s) or to have on-site visit to any dam or to be part of any exposure visit to enhance knowledge in some leading area of dam safety by the *ex officio* members and the invitee representatives of the States and Union Territories and owners of dam for meeting the purpose of objectives as mentioned in the Third Schedule of the Act shall be borne by SDSO.

- (b) The specialist members and other expert invitees who attend the meetings of the State Committee or its sub-committees shall be paid honorarium including travelling allowances daily allowances including all lodging and boarding charges as are admissible to non-officials as per the rules of the State Government and expenditure in this regard shall be borne by the SDSO.
- (c) All expenditure related to organizing of the meetings of the State Committee and sub- committees and any other miscellaneous expenditure related to functioning of the State Committee and sub-committees shall be borne by the SDSO.

**6. Functions of the State Committee on Dam Safety as laid down in the Third Schedule of Dam Safety Act, 2021. —**

- (1) For the purpose of maintaining standards of dam safety and prevention of dam failure related disasters, discharge such functions as may be necessary as per the guidelines and standards and other directions issued by the Authority;
- (2) review the work done by the SDSO;
- (3) establish priorities for investigations in case of specified dams under distress condition;
- (4) in cases where investigations with respect to safety of any specified dam in the State had already been undertaken to order further investigations in relation to safety of such specified dam and assign responsibilities for execution including the use of non-departmental resources and association of independent experts where necessary;
- (5) recommend the appropriate measures to be taken in relation to the safety of the specified dam which is under distress condition;
- (6) establish priorities among projects requiring remedial safety works;
- (7) review the progress on measures recommended in relation to dam safety;
- (8) assess potential implication of reservoir filling of a specified dam in the State on any upstream State and co-ordinate mitigation measures with such upstream States;
- (9) assess potential implication of failure of a specified dam in the State on any downstream State and co-ordinate mitigation measures with such downstream States;
- (10) assess probability of cascading dam failure and co-ordinate mitigation measures with all concerned including bordering States;
- (11) recommend provision of funds for the purpose of planned and appropriately phased rehabilitation of ageing dams in the State;
- (12) provide strategic supervision for such dam improvement and rehabilitation programmes that are executed through State funding; and
- (13) any other specific matter relating to dam safety which may be referred to it by the State Government.

**7. Structure of the SDSO.— (1) The officers and employees of the SDSO is constituted as per sub-section (1) of section 15 of the Act and will be headed by Chief Engineer, Dam Safety with headquarter at Bhubaneswar.**

Sl.No	Designation of Officers	Rank	Head quarters
1.	Chief Engineer, Dam Safety	Chief Engineer(C)	Bhubaneswar
2.	Asst. to Chief Engineer, Dam Safety	Executive Engineer(C)	--do—
3.	Additional Director, Dam Safety (Head Quarters)	Superintending Engineer(C)	--do—
4.	Additional Director, Dam Safety (Central)	Superintending Engineer(C)	--do—
5.	Deputy Director, Major & Medium, Central	Executive Engineer(C)	--do—
6.	Deputy Director, Minor, Central	Executive Engineer(C)	--do—
7.	Deputy Director, Monitoring & Coordination	Executive Engineer(C)	--do—
8.	Deputy Director, Hydrology	Executive Engineer(C)	--do—
9.	Deputy Director, DSRP	Executive Engineer(C)	--do—
10.	Deputy Director, Mechanical	Executive Engineer(M)	--do—
11.	Additional Chief Engineer, Dam Safety, South	Additional Chief Engineer(C)	Berhampur
12.	E.E, Dam Safety, Major & Medium, South	Executive Engineer(C)	--do—
13.	E.E, Dam Safety, Minor, South	Executive Engineer(C)	--do—
14.	E.E, Mechanical , South	Executive Engineer( M)	--do—
15.	Additional Chief Engineer, Dam Safety, ( North)	Additional Chief Engineer ( C)	Sambalpur
16.	E.E, Dam Safety , Major & Medium, North	Executive Engineer( C)	--do—
17.	E.E, Dam Safety, Minor, North	Executive Engineer( C)	--do—
18.	E.E, Mechanical, North	Executive Engineer ( M)	--do—

(2) Deputy Directors(DDs)/Executive Engineers (EEs) will be assisted with one Assistant Executive Engineer (AEE) and one Assistant Engineer (AE)/Junior Engineer (JE) each of the respective wing to facilitate day to day activities of SDSO and the duties and function of the SDSO are to be as per the provisions thereof in chapter VI of the Act.

## **8. DUTIES AND FUNCTIONS OF SDSO IN RELATION TO DAM SAFETY.—**

(1) The SDSO shall, —

- (a) keep perpetual surveillance;
- (b) carry out inspections; and
- (c) monitor the operation and maintenance,

of all specified dams falling under their jurisdiction to ensure continued safety of such specified dams and take such measures as may be necessary to address safety concerns that are noticed with a view to achieve satisfactory level of dam safety assurance as per such guidelines, standards and other directions on dam safety as may be specified by the regulations.

(2) The SDSO, for the purpose of enabling it to make decisions compatible with public safety shall make or cause to be made such investigations and shall gather or cause to be gathered such data as may be required for proper review and study of the various features of the design, construction, repair and enlargement of dams, reservoirs and appurtenant structures under their jurisdiction.

(3) The SDSO shall classify each dam under their jurisdiction as per such vulnerability and hazard classification criteria as may be specified by the regulations.

(4) (i) SDSO shall maintain a logbook or database for each specified dam under their jurisdiction recording therein all activities related to the surveillance and inspection and all important events related to dam safety and with such details and in such form as may be specified by the regulations; and

(ii) SDSO shall furnish all such information to the Authority as and when required by them.

(5) (i) SDSO shall report the event of any dam failure under their jurisdiction to the Authority and furnish any information as and when required by them.

(ii) SDSO shall maintain the records of major dam incidents of each specified dams under their jurisdiction and furnish all such information to the Authority as and when required by them.

(6)(i) SDSO shall render its instructions to the owner of a specified dam on the safety or the remedial measures required to be taken with respect to it; and

(ii) Every owner of the specified dam shall comply with the instructions issued by the SDSO with regard to safety or remedial measures in relation to any specified dam owned by it.

(7) (i) Without prejudice to the provisions of this Act, all specified dams shall fall under the jurisdiction of the SDSO of the State in which such dam is situated in matters relating to dam inspections, analysis of information and investigation reports or recommendations regarding safety status and remedial measures to be undertaken to improve dam safety and in all such matters, full co-operation shall be extended by the owner of the specified dam:

Provided that where as pecified dam is owned by a Central Public Sector Undertaking or where a specified dam is extended over two or more States, or where the specified dam in one State is owned by another State, then the Authority shall be construed as the SDSO for the purposes of this Act:

Provided further that in all such dams where the Authority takes up the role of SDSO, the Governments of the States within the jurisdiction of which such dams are located shall have access to all information relating to these specified dams as available with the Authority;

(ii) The Authorised representative of the Authority or concerned SDSO for the purposes of making any inspection or investigation necessary for the implementation of the provisions of this Act and may enter upon any part of the specified dam or its site as and when required and apply such investigation methods as may be considered necessary;

(iii) After making inspection or investigation under sub-rule(2) the representative referred to in that rule is of the opinion that certain remedial measures are required to be taken, he shall report such remedial measures to the officer-in-charge of such specified dam and to the concerned SDSO.

(iv) SDSO being found to be distressed on account of their age, degeneration, degradation, and structural or other impediments then he shall suggest such remedial measures on such operational parameters (including maximum reservoir level, maximum spillway discharge and maximum discharges through other outlets) as it may consider necessary;

(v) Nothing contained in clauses (i), (ii), (iii) and (iv) shall absolve the owner of specified dam or any other Authority or person from any of the responsibilities or obligations entrusted upon it under the provisions of this Act and the provisions of clauses (i), (ii), (iii) and (iv) shall be in addition to and not in derogation of any other provision of this Act.

- (vi) (a) Before initial filling of any reservoir of a specified dam, the agency responsible for its design shall draw the filling criteria and prepare an initial filling plan and with adequate time for monitoring and evaluating the performance of the dam and its appurtenant structures; and
  - (b) Before initial filling of the reservoir is taken up, the SDSO shall inspect or cause to be inspected the specified dam either through its own engineers or by an independent panel of experts who shall also examine the initial filling programme and prepare a detailed report thereof duly certifying the fitness of dam for filling.
- (vii) (a) The SDSO shall prepare annual report, within three months of the expiry of the preceding financial year of its activities and safety status of specified dams in the State and such report shall be forwarded to the Authority and State Government and that Government shall cause the same to be laid before each House of the State Legislature and where it consists of two Houses or where such Legislature consists of one House, before that House.
  - (b) SDSO and every owner of a specified dam shall provide to the Authority, documentation of the projects, report of inquiries into failure and any other data as and when required in such format and in such manner as may be decided by the Authority.
  - (c) The SDSO of each State shall forward their annual report to the concerned State Disaster Management Authority and also make available such report in public domain.
- (viii) Every individual responsible for safety of specified dams and all activities related thereto shall possess such qualifications and experience and shall undergo such training as may be specified by the regulations.
- (ix) The SDSO shall pursue with the owner of the specified dam to ensure that remedial measures are carried out in time for which the owner shall provide adequate funds.
- (x) Where there is any unresolved matter emerging between an independent panel of experts and the owner of the specified dam, the matter shall be referred to the SDSO, and, in case no agreement is arrived at then the matter shall be referred to the Authority which shall render its advice and send recommendations to the State Government concerned for implementation.



## **9. DUTIES AND FUNCTIONS OF SPECIFIED DAM OWNER.—**

### **(i) Funds for Maintenance and Repairs.—**

Every owner of the specified dam shall earmark sufficient and specific funds for maintenance and repairs of the specified dam and to implement the recommendations of the SDSO.

### **(ii) Technical Documentation. —**

(a) Every owner of the specified dam shall compile all technical documentations concerning hydrology, dam foundation, structural engineering of dam, watershed upstream of dam and nature or use of land downstream of dam along with information on all resources or facilities of economic, logistic or environmental importance which are likely to be affected due to dam failure;

(b) Every owner of the specified dam shall furnish all such information to the SDSO and the Authority as and when required by them;

(c) Every owner of the specified dam shall equip its organisation with the state-of-the-art information technology tools to store, retrieve and distribute the data related to the dam safety and dam performance; and

(d) The matters relating to dam inspections, analysis of information, investigation reports or recommendations regarding safety status and remedial measures to be undertaken to improve dam safety and in all such matters full co-operation shall be extended by the owner of the specified dam.

### **(iii) Cost of Investigation.—**

All the costs to be incurred by the Authority or SDSO on any form of investigation done including payment given to any consultant or expert shall be borne by the owner of the specified dam.

### **(iv) Initial filling of Reservation.—**

(a) Before initial filling of any reservoir of a specified dam, the agency responsible for its design shall draw the filling criteria and prepare an initial filling plan with adequate time for monitoring and evaluating the performance of the dam and its appurtenant structures; and

(b) Before initial filling of there servoir is taken up, the SDSO shall inspect or cause to be inspected the specified dam either through its own engineers or by an independent panel of experts, who shall also examine the initial filling programme and prepare a detailed report thereof duly certifying the fitness of dam for filling.

(v) Operation and Maintenance.—

(a) Every owner of the specified dam shall provide operation and maintenance establishment for the specified dam, and shall ensure that sufficient number of trained operation and maintenance engineers or technical persons are posted at each such dam; and

(b) Every owner of the specified dam shall ensure that a well-documented operation and maintenance manual is kept at each of the specified dams and are followed at all times.

(vi) Responsibility of the Owner of the specified dam.—

Nothing contained in this Act shall be construed to absolve an owner of a specified dam of the duties, obligations or liabilities incidental to the construction, operation, maintenance and supervision of the dam or reservoir.

(vii) Dam Safety Unit.—

For each specified dam the owner shall within the operation and maintenance establishment shall provide a dam safety unit consisting of such competent levels of engineers as may be specified by the regulations.

(viii) Inspection.— Every owner of a specified dam shall,—

(a) undertake every year through their dam safety unit a pre-monsoon and post-monsoon inspections in respect of each such dam;

(b) Without prejudice to clause (a), inspect or cause to be inspected every specified dam by the dam safety unit during and after every flood or earthquake or any other natural or man-made calamities or if any sign of distress or unusual behaviour is noticed in the dam;

(c) carry out all inspections referred to in clause (a) and clause (b) in accordance with the guidelines and check-lists as may be specified by the regulations;

(d) station, at each of the specified dam site throughout the monsoon period and such engineers and other technical personnel as may be decided, in consultation with the SDSO;

Provided that the engineers and other technical personnel shall be required to be stationed at their respective dam sites during entire period of emergency following any other natural or man-made calamity that may create distress conditions in the dam; and

(e) forward the inspection report by the dam safety unit to the SDSO, which shall analyse the report and submit comments on the deficiency and remedial measures, if any, to the owner of the specified dam.

(ix) Comprehensive dam safety evaluation.—

(a) The owner of a specified dam shall make or cause to be made comprehensive dam safety evaluation of each specified dam through an independent panel of experts constituted as per regulations for the purpose of determining the conditions of the specified dam and its reservoir:

Provided that the first comprehensive dam safety evaluation for each existing specified dam shall be conducted within five years from the date of commencement of this Act and thereafter the comprehensive dam safety evaluation of each such dam shall be carried out at regular intervals as may be specified by the regulations.

(b) The comprehensive dam safety evaluation shall consist of but not be limited to,—

- (i) review and analysis of available data on the design, construction, operation, maintenance and performance of the structure;
- (ii) general assessment of hydrologic and hydraulic conditions with mandatory review of design floods as specified by the regulations;
- (iii) general assessment of seismic safety of specified dam with mandatory site specific seismic parameters study in certain cases as specified by the regulations;
- (iv) evaluation of the operation, maintenance and inspection procedures;
- (v) evaluation of any other conditions which constitute a hazard to the integrity of the structure;
- (vi) The comprehensive dam safety evaluation referred to in section 38 of the Act shall be compulsory in the case of,—

- (a) Major modification to the original structure or design criteria;
- (b) Discovery of an unusual condition at the dam or reservoir rim;
- and
- (c) An extreme hydrological or seismic event.

(vii) Report to SDSO on the results of the outcomes of Dam Safety evaluation on following activities, namely:—

- (a) assessment of the condition of the structure based on the visual observations and available data on the design, hydrology,

construction, operation, maintenance and performance of the structure;

(b) recommendations for any emergency measures or actions, if required, to assure the immediate safety of the structure;

(c) recommendations for remedial measures and actions related to design, construction, operation and maintenance and inspection of the structure, if required;

(d) recommendations for additional detailed studies, investigations and analysis, if required; and

(e) recommendations for improvements in routine maintenance and inspection of dam, if required.

(x) Instrumentation.— (a) Every owner of a specified dam shall have a minimum number of such instrumentations at each specified dam, and installed in such manner as may be specified by the regulations for monitoring the performance of such dam; and

(b) Every owner of the specified dam shall maintain a record of readings of the instrumentations referred to in clause (a) and forward the analysis of such readings to the SDSO, in the form, manner and at such interval as may be specified by the regulations.

(xi) Establishment of Hydro-Meteorological Station, — (a) Every owner of a specified dam shall establish a hydro-meteorological station in the vicinity of each specified dam capable of recording such data as may be specified by the regulations; and

(b) Every owner of the specified dam shall collect, compile ,process and store data referred to in clause (a) at a suitable location.

(xii) Installation of Seismological Station.— (a) In the case of every specified dam having a height of thirty metres or above or falling under such seismic zone as may be specified by the regulations, the owner of the specified dam shall establish a seismological station in the vicinity of each such dam for recording micro and strong motion earthquakes and such other data as may be specified by the regulations; and

(b) Every owner of a specified dam shall collect and compile and process and store data referred to in clause (a) at such suitable location and in such manner as may be specified by the regulations.

(xiii) Obligation of the Owner of the Specified Dam for Emergency Action Plan and Disaster Management,—

- (a) establish well designed hydro-meteorological network and an inflow forecasting system;
- (b) establish an emergency flood warning system for the probable flood affected areas downstream of the dam;
- (c) test or cause to be tested periodically the functioning of systems referred to in clauses (a) and (b);
- (d) install such scientific and technical instruments which are invented or adopted from time to time for the purpose of ensuring the dam safety and the life and property of people downstream;
- (e) make available the information relating to maximum anticipated inflows and outflows including flood warning and an adverse impact of the same, if any, on persons and property towards the upstream or downstream of the dam and to the concerned district authorities and also make available the information in public domain;
- (f) render necessary assistance to the Authority in establishment and running of the early warning system for the exchange of real time hydrological and meteorological data and information related to the operation of reservoirs;
- (g) Every owner of a specified dam for each of its dam shall carry out risk assessment studies at such interval as may be specified by the regulations and the first such study shall be made within five years from the date of commencement of this Act.
- (h) Emergency Action Plan,—
  - (i) prepare emergency action plan before allowing the initial filling of the reservoir and thereafter update such plans at regular intervals. In respect of the dam which is constructed and filled before the commencement of this Act prepare emergency action plan within five years from the date of commencement of this Act and thereafter update such plans at regular intervals as may be specified by the regulations;
  - (ii) The emergency action plan document shall be prepared in accordance with the guideline sprescribed by CWC;
  - (iii) The emergency action plan under this rule shall be put into action as and when conditions arise which are hazardous or likely to be hazardous to a specified dam or potentially hazardous to public safety, infrastructure and other property or to the environment; and

(iv) Every owner of the specified dam shall, while preparing and updating the emergency action plan, shall undertake a consultation process with all disaster management agencies and other Departments of the State entrusted with disaster management and relief in the area likely to be affected and owners of other dams in the immediate vicinity likely to be affected so as to bring coordination and transparency and allay any unwarranted fear on dam safety issues.

(xiv) Assistance to other disaster management authority: Without prejudice to the provisions of this Act or liability of the owner of the specified dam and other organisations and authorities under this Act, every owner, organisation and authority shall render necessary assistance, if so required by any authority under any law for the time being in force to meet or mitigate any disaster or emergency arising out of the specified dams.

**10. Offences and Penalties.**—(1) Punishment for obstruction.— Whoever, without reasonable cause,—

(a) obstructs any officer or employee of the Central Government or the State Government, or a person Authorised by the National Committee or the Authority or the State Committee or the SDSO in the discharge of his functions under this Act; or

(b) refuses to comply with any direction given by or on behalf of the Central Government or the State Government or the National Committee or the Authority or the State Committee or the SDSO under this Act,

shall be punishable with imprisonment for a term which may extend to one year or with fine, or with both, and if such obstruction or refusal to comply with directions results in loss of lives or imminent danger thereof, shall be punishable with imprisonment for a term which may extend to two years.

**(2) Offences by Departments of Government.**—

(i) Where an offence under this Rule has been committed by a Department of the Government, the head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence; and

(ii) Notwithstanding anything contained in clause (i), where an offence under this Rule has been committed by a Department of the Government and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on

the part of any officer other than the head of the Department then such officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

**(3) Offence by Companies.**— (i) Where an offence under this Rule has been committed by a company or body corporate, every person who at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing in this clause shall render any such person liable to any punishment provided in this Rule, if he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of such offence.

(ii) Notwithstanding anything contained in clause (i), where an offence under this Rule has been committed by a company, and it is proved that the offence was committed with the consent or connivance of or is attributable to any neglect on the part of any director or manager or secretary or other officer of the company then such director or manager or secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*—For the purpose of this rule—

(a) “Company” means anybody corporate and includes a firm or other association of individuals; and

(b) “Director” in relation to a firm, means a partner in the firm.

**(4) Cognizance of offences.**—(1) No court shall take cognizance of any offence punishable under this Rule except on a complaint made by the Central Government or the State Government or a person authorised in this behalf by the National Committee or the Authority or the State Committee or the SDSO as the case may be.

(2) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Rule.

By Order of the Governor

ANU GARG

Additional Chief Secretary to Government