

The Bengal Ghatwali Lands Act, 1859

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Act 5 of 1859

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The Bengal Ghatwali Lands Act, 1859(Act 5 of 1859)[Dated 4th March, 1859]An Act to empower the holders of Ghatwali lands in the district of Birbhoom to grant leases extending beyond the period of their own possession.Preamble. - Whereas it has been held that the ghatwals of the district of Birbhoom who pay the revenue of their lands directly to Government under the provisions of [Regulation 29, 1814] [The Bengal Ghatwali Lands Regulation, 1814.] of the Bengal Code have not the power of alienating their lands;And Whereas, for the development of the mineral resources of the country in which the said ghatwali lands are situate, and for the improvement of the said lands, it is expedient that the power of granting leases for periods not limited by the term of their own possession should in certain cases be extended to the possessors of such lands;It is enacted as follows:-

1. Right of ghatwals of Birbhoom to grant leases.

- Ghatwals holding lands in the district of Birbhoom under the provisions of the aforesaid Regulation shall have the same power of granting leases for any period which they may deem most conducive to the improvement of their tenures as is allowed by law to the proprietors of other lands:Provided that no lease of ghatwali lands for any period extending beyond the lifetime or incumbency of the grantor of the lease shall be valid and binding on the successors of the grantor, unless the same shall be granted for the working of mines or for the clearing of jungle, or for the erection of dwelling-houses or manufactories, or for tanks, canals and similar works; and shall be approved by the Commissioner of the Division, such approval being certified by an endorsement on the lease under the signature of the Commissioner.

2. Court of wards and Revenue-authorities have like power in certain cases.

- If any of the said ghatwali lands be at any time under the superintendence of the Court of Wards, or otherwise subject to the direct control of the officers of the [Government] [Substituted by A.L.O. for 'Crown'.], it shall be lawful for the Court of Wards or the Commissioner to grant leases for any

such purpose as aforesaid; and every lease so granted shall be valid and binding on all future possessors of the said lands, anything in the existing law to the contrary notwithstanding.