

The Bengal Alluvion and Diluvion Act, 1847

JHARKHAND

India

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Act 9 of 1847

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The Bengal Alluvion and Diluvion Act, 1847Act 9 of 1847[Dated 8th May, 1847]An Act regarding the assessment of lands gained from the sea or from rovers by alluvion or dereliction within the Province[s] of [Bengal], Bihar [and Orissa]

1. Repeal of enactments.

- It is hereby enacted that such parts of the Regulations of the Bengal Code as establish tribunals and prescribe rules of procedure for investigations regarding the liability to assessment of lands gained from the sea or from rivers by alluvion or dereliction, or regarding the right of Government to the ownership thereof, shall, from the date of the passing of this Act, cease to have affect within the [States] [Substituted by A. L. O.] of [West Bengal] [Substituted by Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948 for 'Bengal'.] Bihar [ana Orissa] [* *] ['And, that all such investigations pending before the Collectors and Deputy Collectors in the said Provinces at the said date shall forthwith be discontinued', repealed by Act 12 of 1891]; and that no measures shall hereafter be taken for the assessment of such lands, or for the assertion of the right of Government to the ownership thereof except under the provisions of this Act.

2. State of Orissa defined.

- [The expression [States] [Words in Sections 2 and 3, repealed by Act 16 of 1874 omitted.] of Orissa, in Act, shall be taken to mean only so much of the [States] [Substituted by A. L. O.] of Orissa [as was on the 8th May, 1847] [Substituted by A.L.O. for 'as is'.], subject to the Government of Bengal].

3. Power to direct new surveys of riparian lands.

- [Within the said [States] [Words in Sections 2 and 3, repealed by Act 16 of 1874 omitted.] it shall be lawful for the [States] [Substituted by A. L. O.] Government, in all districts or parts of district of which a revenue-survey may have been or may hereafter be completed and approved by

Government, to direct from time to time, whenever ten years from the approval of any such survey shall have expired, a new survey of lands on the banks of river and on the shores of the sea, in order to ascertain the changes that may have taken place since the date of the last previous survey, and to cause new maps to be made according to such new survey.]

4. Date of approval of surveys.

- [* * *] [Words repealed by Act 16 of 1874 omitted.] The approval of the revenue-survey of districts or parts of districts which may be hereafter surveyed shall be deemed to have taken place on such day as may be specified as the day of such approval in the [Official Gazette] [Substituted by A.O. for 'Calcutta Gazette'.].

5. Deduction from jama of estates from which lands have been washed away.

- [* * *] [Words repealed by Act 16 of 1874 omitted.] Whenever on inspection of any such new map it shall appear to the local Revenue-authorities that land has been washed away from or lost to any State paying revenue directly to Government, they shall without loss of time make a deduction from the sadar jama of the said estate equal to so much of the whole sadar jama of the estate as bears to the whole the same proportion as the mufassal jama of the land lost bears to the mufassal jama of the whole State; but, if the mufassal jama of the whole estate or of the land lost cannot be ascertained to the satisfaction of the local Revenue-authorities, then the said local Revenue-authorities shall make a deduction from the sadar jama of the estate equal to so much of the whole sadar jama of the estate as bears to the whole the same proportion as the land lost bears to the whole estate. And this deduction, with the reasons thereof, shall be forthwith reported by the local Revenue-authorities for the information and orders of the * * [Board of Revenue] [Sadar which was repealed by Act 1 of 1903 omitted.] whose orders thereupon shall be final.

5A. [Assessment of land reformed on original site. [Inserted by Bihar Act 15 of 1948.]

- Whenever any land which has been washed away from or lost to any estate paying revenue directly to Government reappears above the water and reforms at the original site of such land, the proprietor of the estate from the sadar jama of which a deduction has been made under section 5 on account of the land so washed away or lost, shall have the right to resume immediate possession of the land so reformed, subject to the payment of revenue in respect thereof, with effect from the date on which such revenue is assessed. Such revenue shall be assessed at the same rate as that obtaining for the sadar jama of the remainder of the estate on the date on which possession is so resumed, and shall bear to the sadar jama the same proportion as the area of the land so reformed bears to the area of the remainder of the estate. This assessment with the reasons thereof shall be forthwith reported by the local Revenue-authorities for the information and orders of the Board of Revenue whose orders thereupon shall be final].

6. Assessment of increments to revenue paying estates.

- [* * *] [Words in Sections 6 and 9, repealed by Act 16 of 1874 omitted.] Whenever on inspection of any such new map it shall appear to the local Revenue-authorities that land [other than land to which the provisions of Section 5A apply] [Inserted by Bihar Act 15 of 1948.] has been added to any estate paying revenue directly to Government, they shall without delay assess the same with a revenue payable to Government according to the rules in force for assessing alluvial increments, and shall report their proceedings forthwith to the * * [Board of Revenue, whose orders thereupon shall be final] [Sadar which was repealed by Act 1 of 1903 omitted.].

7. [[Section 7 repealed by Bengal Act 4 of 1868.]

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8. [[Section 8 repealed by Act 14 of 1870.]

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9. Indemnity clause.

- [* *] [Words in Sections 6 and 9, repealed by Act 16 of 1874 omitted.] no suit or action in any Court of Justice shall lie against the [Government] [Substituted by A.L.O.] or any of its officers on account of anything done in good faith in the exercise of the powers conferred by this Act.