

## **Bengal Alluvion And Diluvion Act, 1847**

**9 of 1847**

**[08 May 1847]**

### CONTENTS

1. Repeal of enactments
2. State of Orissa defined
3. Power to direct new surveys of riparian lands
4. Date of approval of surveys
5. Deduction from jama of estates from which lands have been washed away
- 5A. Assessment of land reformed on original site
6. Assessment of increments to revenue paying estates
7. Omitted
8. Omitted
9. Indemnity clause

## **Bengal Alluvion And Diluvion Act, 1847**

**9 of 1847**

**[08 May 1847]**

### PREAMBLE

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. SHORT TITLE.- This short title was given by Act 1 of 1903, Sch. LOCAL EXTENT.- This Act was passed for the whole of the former Province of Bengal-see the title.

It has been declared, by Act, 15 of 1874, S. 6 to be in force throughout the former Province of Bengal, except as regards the Scheduled Districts which were known as P.E. Areas under the RE. Order, issued under the Government of India Act, 1935. Certain portions of these partially excluded areas are now known as the Scheduled Areas under the Scheduled Areas (Part A States) Order, 1950.

It has been declared by notification under Act 14 of 1874, Section 3, to be in force in the districts of Hazaribagh, Ranchi, Palamau and Manbhum, and Pargana Dalbhum and the Kolhan, in the district of Singhbhum in the Chotanagpur Division. It is in force in the

Santhal Parganas. INTERVAL BETWEEN SURVEYS.--In any district in which a survey has been completed and approved by the Government, a new survey of lands on the banks of rivers or on the seashores may not be ordered to be made for the purposes described in Act 9 of 1847 until ten years have expired from the completion and approval of the previous survey—see Ben. Act 5 of 1875, Section 3.

### **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 effect within the <sup>1</sup>[States] of <sup>2</sup>[West Bengali Bihar [and Orissa] \* <sup>3</sup>; 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.

1. Substitution by A. L. O.

2. Substitution by Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948 for "Bengal".

3. "And, that all such investigations pending before the Collectors and Deputy Collectors in the said Provinces at the said date shall forthwith be discontinued", rep. by Act 12 of 1891.

### **2. State of Orissa defined :-**

<sup>1</sup>[The expression "<sup>2</sup>[State] of Orissa," in this Act, shall be taken to mean only so much of the <sup>2</sup>[State] of Orissa <sup>3</sup>[as was on the 8th May, 1847], subject to the Government of Bengal].

1. Words in Ss. 2 and 3, repealed by Act 16 of 1874 omitted.

2. Substituted by A. L. O.

3. Substituted by A.L.O. for "as is".

### **3. Power to direct new surveys of riparian lands :-**

<sup>1</sup>[Within the said <sup>2</sup>[States] it shall be lawful for the <sup>2</sup>[State] 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.

1. Words in Ss. 2 and 3, repealed by Act 16 of 1874 omitted.

2. Subs. by A. L. O.

#### **4. Date of approval of surveys :-**

<sup>1</sup>[\* \* \*] 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 <sup>2</sup>[Official Gazette].

1. Words repealed by Act 16 of 1874 omitted.

2. Substituted by A.O. for "Calcutta Gazette".

#### **5. Deduction from jama of estates from which lands have been washed away :-**

<sup>1</sup>[\* \* \*] 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 \* \* <sup>2</sup>[Board of Revenue] whose orders thereupon shall be final.

1. Words repealed by Act 16 of 1874 omitted.

2. Sadar which was repealed by Act 1 of 1903 omitted.

**5A. Assessment of land reformed on original site :-**

<sup>1</sup>[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].

1. Inserted by Bihar Act 15 of 1948.

**6. Assessment of increments to revenue paying estates :-**

<sup>1</sup>\* \* \* Whenever on inspection of any such new map it shall appear to the local Revenue-authorities that land <sup>2</sup>[other than land to which the provisions of Section 5A apply] 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 \* \* <sup>3</sup>[Board of Revenue, whose orders thereupon shall be final].

1. Words in Ss. 6 and 9, repealed by Act 16 of 1874 omitted.
2. Ins. by Bihar Act 15 of 1948.
3. Sadar which was repealed by Act 1 of 1903 omitted.

**7. Omitted :-**

**1**[ \*\*\*\*]

1. S. 7 rep. by Ben. Act 4 of 1868.

**8. Omitted :-**

**1**[\*\*\*\*]

1. S. 8 rep. by Act 14 of 1870.

**9. Indemnity clause :-**

**1**\* \* no suit or action in any Court of Justice shall lie against the  
**2**[Government] or any of its officers on account of anything done in  
good faith in the exercise of the powers conferred by this Act.

1. Words in Sections 6 and 9, repealed by Act 16 of 1874 omitted.
2. Substituted by A.L.O.