

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

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

An Act regarding the assessment of lands gained from the sea or from rivers by alluvion or dereliction within the Provinces 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 effect within the Provinces of Bengal, Bihar and Orissa and that no measures shall hereafter be taken for assessment of such lands, or for the assertion of the right of Government to the ownership thereof except under the provisions of the Act.

### **2. "Province Of Orissa" Defined :-**

The expression "Province of Orissa" in this Act, shall be taken to mean only so much of the Province of Orissa as was on the 8th May, 1847 subject to the Government of Bengal.

### **3. Power To Direct New Surveys Of Riparian Lands :-**

Within the said provinces it shall be lawful for the Provincial Government in all districts or parts of districts 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 rivers 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 :-**

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.

#### **5. Deduction From Jama Of Estates From Which Lands Have Been Washed Away :-**

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 estate 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 in the same proportion as the mufassal jama of the land lost bears to the mufassal jama of the whole estate; 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 in 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 whose orders thereupon shall be final.

#### **6. Assessment Of Increments To Revenue Paying Estates :-**

Whenever on inspection of any such new map it shall appear to the local Revenue authorities that land 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.

**7. Omitted :-**

[xxx]

**8. Omitted :-**

[xxx]

**9. Indemnity Clause :-**

No suit or action in any Court of Justice shall lie against the Crown or any of its officers on account of anything done in good faith in the exercise of the powers conferred by this Act.

Notes

Legislative changes-Short title. This short title was given by the Amending Act, 1903 (1 of 1903).

Local extent - Extended to whole of the former Province of Bengal except as regards the Scheduled districts [vide Act XV of 1874].

Application - Application barred to the Angul District and Khandmal District by Angul Laws Regulation, 1936 and Khandmal Laws Regulation, 1936..

Section 3 was repealed for the areas where the Orissa Tenancy Act, 1913 is in force.