

THE PUNJAB RIVERAIN BOUNDARIES ACT, 1899.

PUNJAB ACT I OF 1899.

Passed by the Lieutenant-Governor of the Punjab in Council

[Received the assent of the Lieutenant-Governor on the 17th May, 1889 and that of the Governor-General on the 19th June, 1889; and was first published in the Punjab Government Gazette of the 3rd August, 1889.]

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Year	No.	Short title	Whether repealed or otherwise affected by legislation
1899 ..	1	The Punjab Riverain Boundaries Act, 1899.	Extended to the territories which immediately before the 1st November 1956 were comprised in the State of Patiala and East Punjab States Union by Punjab Act 23 of 1957 ¹ Amended by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

An Act to amend the Punjab Land Revenue Act, 1887, and the law relating to the ascertainment and determination, in certain cases, of the boundaries of riverain estates in the Punjab.

WHEREAS it is expedient to make better provision for the ascertainment and determination of the boundaries between estates which are subject to, or liable to be affected by the determination of claims to lands gained by alluvion and to prevent disputes as to such boundaries and lands; it is hereby enacted as follows :—

1. (1) This Act may be called the Punjab Riverain Boundaries Act, 1899.

Short title, extent and commencement.

¹For Statement of Objects and Reasons, see Punjab Gazette, 1898, Pt. V-A, page 20; for Report of the Select Committee, see *ibid*, Pt. V-A, pages 1 and 4; for Proceedings in Council, see *ibid*, 1898, Pt. VI, pages 6, *ibid* 1899, Pt. VI, pages 2 to 11.

²See Punjab Gazette, 1899, Part IV-A, pages 1-3.

³For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1957, page 689.

Preamble.

(2) It extends to the whole of Punjab; and

(3) It shall come into force at once.

Sections added after section 101 of the Punjab Land Revenue Act, 1887, the following sections shall be added, of 1887. Power to fix boundary between riverain estates.

2. After section 101 of the Punjab Land Revenue Act, 1887, the following sections shall be added, of 1887. Power to fix boundary between riverain estates.

"101-A. (1) When any two or more estates are subject to river action and the limits of any such estates are, by any law, custom, decree or order applicable thereto, liable to vary according as variations may from time to time occur in the course or action of such river, the '[Central Government] may, ^{Act XVII} ^{of 1887} [* * * *], order a permanent boundary line to be fixed between any such estates or such portions thereof as are liable to river action.

(2) Upon an order being made under sub-section (1), the Collector shall fix a boundary line between such estates or portions of such estates accordingly, and shall demarcate the same, in accordance with the rules (if any) made under section 100 and the provisions of section 101.

(3) Every such boundary line shall be fixed with due regard to the history of the estates, and the interests of the persons respectively owning them or possessing rights therein, in such manner as may be just and equitable in the circumstances of each case.

(4) No such boundary line shall be deemed to have been permanently fixed until it has been approved by the Financial Commissioner."

Effect of fixing a boundary between riverain estates : proviso.

"101-B. (1) Every boundary line fixed in accordance with the provisions of section

¹Substituted for the words "State Government" by the Punjab Re-organisation (Chandigarh) Adaptation of Laws on State and Concurrent Subjects Order, 1968.

"The words "in its discretion" were omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

101-A, shall, notwithstanding any law or custom, or any decree or order of any Court of Law, to the contrary, be the fixed and constant boundary between the estates affected thereby, and the proprietary and all other rights in every holding, field or other portion of an estate situate on each side of the boundary line so fixed, shall, subject to the following proviso, vest in the land-owners of the estate which lies on that side of the boundary line on which such holding, field or other portion of an estate is situate :

Provided that if, by the operation of this section, the proprietary or any other rights in any land which at the time a boundary line is fixed, is under cultivation or reasonably fit for cultivation or yields any produce of substantial value, would be transferred from the land-owners and other right-holders of any one estate to the land-owners of any other estate, the Collector shall, by written order, direct that the rights in such land shall, subject to the provisions of section 101-C and section 101-D, not be so transferred unless and until the land, in respect of which any such order is made, ceases to be reasonably fit for cultivation, or to yield any produce of substantial value, and, upon any such order being made the transfer of the rights in such land shall be suspended accordingly :

Provided further that when any portion of the land specified in any such order ceases to be reasonably fit for cultivation or to yield any produce of substantial value, the order shall, when the Collector, in writing, so direct, cease to operate as to that portion.

- (2) The decision of the Collector as to whether for the purposes of the proviso to subsection (1) of this section any land is or is not reasonably fit for cultivation does or

Application for immediate transfer of rights reserved under the proviso to sub-section (1) of section 101-B, upon payment of compensation and procedure thereupon.
Award of compensation and extinguishment of rights thereby.

does not yield any produce of substantial value, shall be final."

"101.C. (1) When any order has been made under the proviso to sub-section (1) of section 101-B, the land-owners (or any of them) in whom, but for such order the rights in the land specified therein, would vest, may apply, in writing, to the Collector to forthwith transfer the rights, the transfer of which has been suspended by such order, upon payment of compensation for the same.

(2) When an application under sub-section (1) is made, the Collector shall—

(a) fix a day for the hearing of the application;

(b) cause notice of the application, and of the day fixed for the hearing thereof, to be served on, or proclaimed for the information of, all persons recorded as having rights in the land specified in the order made under the proviso to sub-section (1) of section 101-B, and all other persons interested or claiming to be interested therein;

(c) upon the day so fixed for hearing, or any day to which the hearing may be adjourned, inquire into the rights in the land and award compensation in respect of all rights found established therein to the persons severally entitled thereto;

(d) inform the applicant of the aggregate amount of compensation so awarded and required him to deposit the amount with the Collector on or before a day to be fixed by him in that behalf :

Provided that, notwithstanding anything in the sub-section contained, it shall be lawful

for the Collector, in his discretion, and at any time before an award of compensation thereon has been made, to reject any application made under sub-section (1).

- India Act
1 of 1894.
- (3) In awarding compensation under sub-section (2), the Collector shall be guided by the provisions of section 23, and section 24 of the Land Acquisition Act, 1894, so far the same may be applicable to circumstances of the case.
- (4) Upon the fifteenth day of May, next after the whole amount of compensation so awarded has been deposited with the Collector, the order made under the proviso to sub-section (1) of section 101-B, shall cease to operate and the rights specified therein shall be transferred and vest in the manner prescribed in sub-section (1) of section 101-B, notwithstanding anything in the proviso thereof contained, and the Collector shall proceed to tender the compensation to the persons severally entitled to receive the same under his award. If any such person shall refuse to accept the sum so awarded and tendered to him, it shall be placed to his credit in the public treasury.
- (5) When any order made under the proviso to sub-section (1) of section 101-B, shall, under the provisions of sub-section (4) of this section, cease to operate and determine, all rights reserved to any person by such order, shall be extinguished."

"101-D. When any person possessing any rights in any land, in regard to the rights in which an order has been made under the proviso to sub-section (1) of section 101-B, voluntarily transfers such rights to any land-owner of the estate, in the land-owners of which, but for such order, such rights would vest under the operation of sub-section (1) Order under the proviso to sub-section (1) of section 101-B, to cease to apply to rights voluntarily transferred to a land-owner of the estate to which the land is transferred by fixing boundary.

of section 101-B, the rights so transferred shall forthwith cease to be subject to such order."

Rights transferred to be liable to all the incidents of tenure of the estate to which the transfer is made.

Meaning of the expression collector in sections 101-A, 101-B and 101-C.

"101-E. In every case in which, by the operation of section 101-B, or section 101-C, or section 101-D, proprietary or other rights in land are transferred from the land-owners and other rightholders of any one estate to the landowners of any other estate, such rights shall be subject to all the incidents of tenure and liabilities, which, under any law or custom for the time being in force, apply to the rights of the landowners of the estate to which such rights are so transferred."

"101-F. For the purposes of section 101-A, 101-B, and 101-C, respectively, the expression "Collector" shall be deemed to include any Revenue Officer appointed by the [Central Government], to perform all or any of the functions of a Collector under any of the provisions, thereof."

Clause added to sub-section 158 of the Punjab Land Revenue Act, 1887, the 158 of India Act, XVII of 1887.

3. After clause (xviii) of sub-section (2) of section 158 of the Punjab Land Revenue Act, 1887, the following clause shall be added, namely :—

"(xviii-a). Any question connected with or arising out of or relating to any proceedings for the determination of boundaries of estates subject to river action under sections 101-A, 101-B, 101-C, and 101-D, respectively, of Chapter VIII."

Amendment of sections 2 and 3 of Bengal Regulation XI of 1825.

4. (1) In section 2 of the Bengal Regulation No. XI of 1825² (a Regulation for declaring the rules to be observed in determining claims to lands gained by alluvion or by the dereliction of a river or the sea)

¹Substituted for the words "State Government" by the Punjab Re-organisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

²The Bengal Alluvion and Duluvion Regulation 1825.

after the words "usage so established shall", the words following shall be inserted namely :—

India Act XVII of 1887. Punjab Act I of 1899.

"unless and until a boundary is fixed under the provisions of section 101-A, of the Punjab Land Revenue Act, 1887, as amended by the Punjab Riverain Boundaries Act, 1899."

(2) In section 3 of the same Regulation, after the word "where" the words following shall be inserted, namely :—

India Act XVII of 1887. Punjab Act I of 1899.

"no boundary has been fixed under the provisions of section 101-A of the Punjab Land Revenue Act, 1887, as amended by the Punjab Riverain Boundaries Act, 1899, and."