

THE BENGAL ALLUVION AND DILUVION ACT, 1847

ACT NO IX OF 1847

(Rep., Amended by Reg. 3 of 1899, s.3)

[8th May, 1847.]

Passed by the Hon'ble the President of the Council of India in Council on the 8th of May 1847, with the assent of the Right Hon'ble the Governor General of India.

An Act regarding the Assessment of Lands gained from the Sea or from Rivers by alluvion or dereliction within the Provinces of Bengal, Behar and Orissa.

I. 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, Behar and Orissa; and that all such investigation pending before the Collectors and Deputy Collectors in the said Provinces at the said date, shall forthwith be discontinued; 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.

II. And it is hereby enacted, that the expression "Province of Orissa" in this Act shall be taken to mean only so much of the Province of Orissa as is subject to the Government of Bengal.

III. And it is hereby enacted, that within the said Provinces it shall be lawful for the Government of Bengal 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 places since the date of the last previous survey, and to cause new maps to be made according to such new survey.

IV. And it is hereby enacted, that the approval of the revenue surveys of the following districts and parts of districts shall be deemed to have taken place on the undermentioned days, viz.

Of the district Chittagong on the Sixth day of September 1842.

Of the district of Behar on the Ninth day of November 1844.

Of the district of Patna on the Twenty-second day of June 1844.

Of the district of Shahabad on the Twenty-eighth day of November 1846.

Of the district of Sarun on the Eighteenth day of February 1847.

Of Pergunnah Furkyah, in the district of Monghyr, on the Nineteenth day of September 1839.

Of the Northern division of the Province of Cuttack on the Twenty-fourth day of October 1842.

Of the central division of the Province of Cuttack on the Twenty-second day of February 1843.

Of the Southern division of the Province of Cuttack on the Nineteenth day of October 1842.

Of the district of Midnapoor, except Hidgellee and Tumook, on the Twelfth day of September 1845.

Of Hidgellee and Tumlook, in the district of Midnapoor, on the fifth day of October 1842.

Of the district of Cachar on the Fifth day of February 1844.

Of Jynteeah and the Pergunnahs of Chapghat, Echamuttee, Ittisamnuggur and Bhurrin , in the district of Sylhet, on the Fifth day of February 1844.

Of the district of Gwalparah on the Twenty-fourth day of December 1842.

Of the district of Luckimpore on the Tenth day of November 1845.

Of the district of Seebpoor on the Eighth day of May 1843.

And that the approval of the revenue surveys 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 Calcutta Government Gazette.

V. And it is hereby enacted, that 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 sudder jumma of the said Estate equal to so much of the whole Sudder Jumma of the Estate as bears to the whole the same proportion as the Mofussil Jumma of the land lost bears to the Mofussil Jumma of the whole Estate ; but if the Mofussil Jumma 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 Sudder Jumma of the Estate equal to so much of the whole Sudder Jumma of the Estate as bear 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 Sudder Board of Revenue, whose orders thereupon shall be final.

VI. And it is hereby enacted, that 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 Sudder Board of Revenue whose orders thereupon shall be final.

VII. And it is hereby enacted, that whenever on inspection of any such new map it shall appear to the Local Revenue Authorities that an Island has been thrown up on a large and navigable river liable to be taken possession of by Government under Clause Third, Section 4, Regulation XI. 1825, of the Bengal Code, the said Local Revenue Authorities shall take immediate possession of the same for Government and shall assess and settle the land according to the rules in force in that behalf, reporting their proceedings forth with for the approval of the Sudder Board of Revenue, whose order thereupon in regard to the assessment shall be final. Provided however that any party aggrieved by the act of the Revenue Authorities

in taking possession of any Island as aforesaid shall be at liberty to contest the same by a regular suit in the Civil Court.

VIII. And it is hereby enacted, that nothing in this Act contained shall after suits for the assessment or for establishing the right of Government to the ownership of alluvial lands now pending in appeal before the Special Commissioners, or such as having been decided by the Lower Resumption Courts are at the date of the passing of this Act open to appeal to the Court of the Special Commissioners according to the Laws heretofore in force, and that all such cases shall be dealt with as if this Act had not been passed.

IX. And it is hereby enacted, that except as regards the Proprietary right to Islands no suit or action in any Court of Justice shall lie against the Government, or any of its Officers on account of any thing done in good faith in the exercise of the powers conferred by this Act.
