

BENGAL ALLUVION AND DILUVION REGULATION, 1825

1825 : Ben. Reg. 11.J DILUVION BENGAL, R I. GULAMON 11 OF 1825 81 ("THE BENGAL REGULATION, 1825") 1825.1 e cu!cs to be observed A Regulation tar (lee!aring ill (Jeterlllinintl cluinis to lands gained by alluvion, or the; sea. or by dereliction of a r; , vcj• which take place Preamble. In oi il riv.w•rs that intersect the [terri- in the channel 01 the principal the ih cs•idcncy .of Fort William, tori esr imilit•diatciy and the shifting ot the {ic becis of those rivers, in the bv alluvion chars or or near one Oi banks, and large portions midst 01 the calli, of land arc cart icel away ivv r-ncroachnueiit the river on one side, whilst accessions subsequent (he sa time, or in the water on the ocro;tchme.nt and opposite side ; (lei Tliction also so occur sea-coast which bordc,,ls the southetu and south-t•astern limits of Bengal, liieans above ' I •he lands gained fivers or sea by the and ail-ray, and nacntioned are a have established although the law being gencraily rules applicable to sag b cases. * lound it difficult the of known to the of claiming chars or other lands gained in the I 'Itc ljiwau , .i view to ascertain and Hindu laws on this the legal proOsions ot the called repot ts 1 heir iavv ollicers of each persua- subject , „tæports ftumisheel by the law Sion, and on consideration c>i• ollicers in conscqttt'li(T, as ot the decisions which have been passed by brongl.t beio: r . ulairnaliis to J Ada iat in cases the rights of of rivers or the sea, the in C iounc:il Ints deemed it proper of indivi- (o enact the ruics t ije duals a.s as j l'licature to be the whole of the in flu•cc, William I terri I 2 W lienevev 'toy (ichnite usage of shikost Paiwast Claims and land by the encroach-disputes as to respecting cil>junction junction of alluvial lands rncot or 'ecess of river been immemorially establßhed to bF decided deterinirting the righlh the prop) G ctors of two or more by usage ' \$1 IOR'l the 1897 t lie. Act. ' x IV s. 3, the SO Ijet, Ga it' Q .oalpara except Du.trs, No. 713-1.. tomber 1937. Subsut uted iOr by A.O., 1959, when clearly recognscid and esta- blished. .Mnctlditig Act, notification to in force Naga I dills and dated _ 27th Sep- 82 [1825: Ben. Reg:ll. ALLUVION AND DILUVION contiguous estates divided by a river (such as that the main chan- nel of the river dividing the estates shall be the constant boundary between them, whatever changes may take place in the course of the river, by encroachment on one side and accession on the other), the usage so established shall govern the decision of all claims and disputes relative to alluvial land between the parties whose estates may be liable to such usage

3. Where there may be no local usage of the nature referred Where no usage estab- to in the preceding section, the general rules declared in the lished claims following section shall be applied to the determination of all how decided' claims and disputes relative to lands gained by alluvion or by dereliction either of a river or the sea.Lands gained 4. First.—When land may be gained by gradual accession, by gradual whether from the recess of a river or of the sea, it shall be con- accession sidered an increment to the tenure of the person to whose land or from recess of river or estate it is thus annexed, whether such land or estate be held immediately from [the Government]JL by a zamindar or other sea. superior land-holder, or as a subordinate tenure , by any descrip- tion of under--tenant whatever : Provided that the increment of land thus obtained shall not Extent Of interest in en title the person in-possession of the estate or tenure to which increment of the land may be annexed tea. right of property or permanent person in interest therein beyond that possessed by him in the estate possession. tenure to which the land may be annexedse and shall not in any case. be understood to exempt the holder Of it from the payment. to [the Government]li of any assessment for the public •crevenue to which it may be liable under the provisions of Regulatori•. 1819,g or of any other Regulation in force. 3 .Nor, if annexed to a subordinate tenure held under- superior land-holder shall the under-tenant, whether a khudkast raiyat, holding a maurusi istimrari tenure at a fixed rate of rent per bigha, or any other description of undertenant liable by his engagements, or by established usage, to an increase of rent for the land annexed to his tenure by alluvion, be considered exempt from the payment of any increase of rent to which he may be justly liable. IThe words 'the Crown' was substituted iOr "Government" bv the A.O. 1937 ; 'Crown' again has been substituted by 'Government' by A.ö., 1950. 2The Bengal Land-revenue Asscssment (Resumed Lands) Regulation, 1819. It is not in force in Assam. In so far as the permanently-settled estates of the district of Goalpara and the district of Cachar are concerned the words "the Assam Land and Revenue Regulation I oi 1886" were substituted for the words "Regulation 11 of 1819" by Assam Act I of 1929 and Assam Act XI Of 1936 respectively. 3 In so far as the perruancntly-settled estates of the district of Goalpara and the

district of Cachar are concerned the words commencing with Nor, if annexed to a subordinate tenure' - to "any increase of rent to which he may be justly liable" were repealed by Assam Act of 1929 and Assam Act XI of 1936 respectively. e Ben. Reg. II.] ALLUVION AND DILUVION Second.—The above rule shall not be considered applicable When rivet by sudden to cases in which a river, by a sudden change of its course, may change of break through and intersect an estate without any gradual course inter- encroachment, or may by the violence of Stream separate a con- sects estate, siderable piece of land from one estate and join it to another estate, without destroying the identity and preventing the recog- nition of the land so removed. In such cases the land, on being clearly recognized, shall remain the property of its original owner. Third—When a char or island may be thrown up in a large Chars navigable river (the bed of which is not the property of an indi- thrown ur in nwiga. vidual), or in the sea, and the channel of the river or sea between ble river. such island and the shore may not be fordable it shall, according to established usage, be at the disposal of [the Government] But if the channel between such island and the shore be for- Property therein dable at ah•y season of the year, it shall be considered an acces- when chanc Sion to the land tenure or tenures of the person or persons whose nel estate or estates may be most contiguous to it, subject to the dable. several provisions specified in the first clause of this •section with respect to increment of land by gradual accession. Fourth.—In small and shallow rivers, the' beds of which, with Chars, etc., the jalkar right of-fishery, may have been heretofore recognized thrown up small in as the property of individuals, any sand-bank or char that may h 119 w be thrown• up shall: as hitherto, belong to the proprietor . Of the rivers. bed of the river, sul2iect to the provisions stated in the first clause of the present section. Fifth.—In all other cases, namely, in all cases of claims and Dis p u t relative to disputes respecting land gained by alluvion or by dereliction of a lands gained river or the sea, which are not specifically provided for by the by alluvion rules contained in this Regulation, the Court of Justice, in or by dere- deciding upon such claims and disputes, shall be guided by the liction not best evidence they may be able to obtain of established local provided for by Regula. usage, if there be any applicable to the case, or, if not, by gene- tion. ral principles of equity and justice

5. Nothing in this Regulation shall be construed to justify Encroach.any encroachments by individuals on the beds or channels of ments on beds of navigable rivers or to prevent Zila • * ZMagistrates or any navigable other officers of [the Government] who may be duly empowered rivers and for that purpose from removing obstacles which appear to in- other ob. terfere with the safe and customary novigation of such rivers, or structions• which shall in any respects obstruct the passage of boats by tracking on the banks of such rivers, or otherwise. o 1 The word ethe Crown' A.O. 1937, 'Crown' again has by A. O., 1950. 2 The words "and City, " 1903 (I of 1903b are omitted. was substituted Tor F ' 'Government" by the been substituted by the word 'Governmene which were repealed by the Amending act,