



## The Bengal Ghatwali Lands Act, 1859

Act 5 of 1859

**Keyword(s):**  
Ghatwali Lands, Grant Leases

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# Act V of 1859

## (The Bengal *Ghatwali* Lands Act, 1859.)<sup>1</sup>

SHORT TITLE GIVEN ... .. Act I of 1903.

ADAPTED ... .. [ (a) The Government of India  
(Adaptation of Indian  
Laws) Order, 1937.  
(b) The Adaptation of Laws  
Order, 1950.

(4th March, 1859.)

*An Act to empower the holders of ghatwali lands in the district of Birbhum to grant leases extending beyond the period of their own possession.*

WHEREAS it has been held that the *ghatwals* of the district of Birbhum who pay the revenue of their lands directly to Government under the provisions of Regulation XXIX, 1814<sup>2</sup>, of the Bengal Code, have not the power of alienating their lands;

Preamble.

AND WHEREAS, for the development of the mineral resources of the country in which the said *ghatwali* lands are situate, and for the improvement of the said lands, it is expedient that the power of granting leases for periods not limited by the term of their own possession should in certain cases be extended to the possessors of such lands :—

It is enacted as follows :—

1. *Ghatwals* holding lands in the district of Birbhum under the provisions of the aforesaid Regulation shall have the same power of granting leases for any period which they may deem most conducive to the improvement of their tenures as is allowed by law to the proprietors of other lands :

Right of *ghatwals* of Birbhum to grant leases.

Provided that no lease of *ghatwali* lands for any period extending beyond the lifetime or incumbency of the grantor of the lease shall be valid and binding on the successors of the grantor, unless the same shall be granted for the working of mines or for the clearing of jungle, or for the erection of dwelling houses or manufactories, or for tanks, canals and similar works, and shall be approved by the Commissioner of the Division, such approval being certified by an endorsement on the lease under the signature of the Commissioner.

Proviso.

<sup>1</sup>SHORT TITLE.—This short title was given by the Amending Act, 1903 (I of 1903).

<sup>2</sup>LOCAL EXTENT.—This Act was passed only for the district of Birbhum—see the title and s. 1.

<sup>3</sup>The Bengal *Ghatwali* Lands Regulation, 1814.

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## (Section 2.)

Court of Wards  
and Revenue-  
authorities  
have like power  
in certain cases.

2. If any of the said *ghatwali* lands be at any time under the superintendence of the Court of Wards, or otherwise subject to the direct control of the officers of <sup>1</sup>{the Government}, it shall be lawful for the Court of Wards or the Commissioner to grant leases for any such purpose as aforesaid; and every lease so granted shall be valid and binding on all future possessors of the said lands, anything in the existing law to the contrary notwithstanding.

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<sup>1</sup>The word "Crown" was substituted for the word "Government" by para. 3 and the 1st Sch. of the Government of India (Adaptation of Indian Laws) Order, 1937, and the word "Government" was subsequently substituted for the word "Crown" by paragraph 4(1) of the Adaptation of Laws Order, 1950.