

Chapter 11

ALLUVION AND DILUVION

Law and rules governing the subject

11.1 When estates affected by rivers or torrents have, assessments of land revenue which are fixed for terms of years, it is a condition of the settlements, in default of a special agreement to the contrary, that such assessments are liable to revision when the lands of the estates are injured or improved by the action of water or sand. Such revisions are governed by Section 63 (1) (d) of the Himachal Pradesh Land Revenue Act, 1954. In such revisions the Revenue Officers will be guided by executive instructions issued from time to time by the State Govt. or the Financial Commissioner (Revenue) with the approval of the govt. as prescribed under Section 67 of the Himachal Pradesh Land Revenue Act, 1954.

Removal of estate from the revenue roll in consequence of diluvion

11.2 When an estate is entirely out away by the river it should be removed from the district revenue roll, but it should be restored on a subsequent formation of land on the same site, if the original owners are entitled to recover possession.

Village list

11.3 The Tehsil Office Kanungo should be required to maintain a simple list of villages liable to increment or decrement of area by the action of river, hill torrent or swamps, to enable him to satisfy himself that diluvion files of such villages are prepared in due course.

Submission of Annual Statement

11.4 The Collector should submit for confirmation of the assessments by the Financial Commissioner (Revenue), a statement in the form below, showing the net changes caused by alluvion and diluvion. These statements should be forwarded to the Financial Commissioner (Revenue) for confirmation by the 1st May. On receipt of such confirmation the new assessment will take effect.

Statement of financial results of alluvion and diluvion assessment for the district made in 19____ for the agricultural year (Kharif 19____ and Rabi 19____) and the proposed remission in the revenue roll and amount to be collected as fluctuating revenue.

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|----------|--------|-------|---|---|--|--------------------------------------|---|---------|
| District | Tehsil | River | Gross increase of assessment due to alluvion etc. (including Jagir) | Gross decrease of assessment due to diluvion etc. (including Jagir) | Net increase (Khalsa) to be collected as fluctuating revenue | Net decrease (Khalsa) to be remitted | Net amount of increase or decrease to be shown in the revenue roll of the following agricultural year | Remarks |
| | | | | | | | | |

Notes:- Column 3. The figures for the main rivers of the State should be given separately. Those for the minor streams may be lumped together.

Column 6,7,& 8: Column 6 and 7 should show the actual amounts involved. The amount shown in column 8 will be the difference between column 6 & 7 expressed in even rupees, fractions of a rupee not exceeding 50 paise being neglected and should be preceded by a plus or minus as the case may be.

Column 9: Note in this column the officer by whom the assessments were made and tested, and the method adopted in assessing. Reference should be made to settlement reports prescribing such method or to correspondence conveying special sanction.

Dated

Deputy Commissioner

- Distribution of reduction or remission on account of diluvion** **11.5** Where special rules have been framed, they provide for the preparation of a statement showing the distribution of the new assessment over holdings. Where no special rules have been framed, a statement should always be filed by the patwari, showing how the reduction or remission has been distributed among the several holdings which have suffered loss.
- Assignment of Land Revenue; how affected by alluvion or diluvion** **11.6** When the land revenue of the estate has been assigned, the assignee will benefit from any increase of revenue and will suffer from any loss. If he pays commutation for service in a fixed proportion upon his revenue, the commutation will fluctuate with the amount of the revenue.
- Effect of removal of the land assigned by diluvion** **11.7** An estate or plot, of which the revenue was assigned once swept away, has ceased to exist, and the assignee has no claim to the revenue or alluvial deposits afterwards formed upon the same site, unless when the original owners would be entitled to recover possession of the newly formed land on the ground of their previous ownership.
- Form of alteration of revenue roll** **11.8** Enhancements of revenue on account of alluvion or reductions on account of diluvion must be sanctioned by the Financial Commissioner (Revenue) before alternation of the revenue roll. Reduction generally involves the remission of the current demand of land revenue, which has to be written off under the authority of the Financial Commissioner (Revenue) as an irrecoverable balance.
- Alterations to take effect from the Kharif.** **11.9** Except where the orders passed at settlement and still in force require the observance of a different practice, increases due to alluvion and decreases due to diluvion should take effect from the kharif season in which they occurred, but while increase due to alluvion or to excess of alluvion over diluvion, in any village will be collected as fluctuating revenue due on account of the kharif harvest in which the alluvion and diluvion occurred, the decreases on account of losses due to diluvion, or to excess of diluvion over alluvion in any village, will ordinarily be refunded by means of reductions from the collections of the fixed revenue dues on account of the following Rabi. In cases, however, in which no such revenue is recoverable from an individual to whom a refund has to be made, the usual refund procedure will be adopted. In all other cases a reduction will be made by the patwari in the demand recoverable for the following Rabi from the individuals to whom refund is due, the reduction being duly incorporated in the fard bachh. The net increase or decrease for the district, as the case may be, will appear as an addition or deduction in the rent roll submitted for the ensuing agricultural year in the following October.
- Power of Collector to suspend in anticipation** **11.10** Cases in which it is apparent that a considerable decrease will be necessary in the demand of an estate should be specially reported by the Tehsildar to the Collector as soon as they come to his notice in the course of inspection, and the Collector may, in such cases, at his discretion, suspend the collection of a suitable portion of the revenue, subject to the necessary adjustment consequent on the final orders of the Financial Commissioner (Revenue) on the proposed assessment.

**Remissions,
how shown in
balance state-
ments**

11.11 The amount remitted on account of diluvion will be shown in the balance statements under the head "Irrecoverable", and the authority for remission will be the orders of the Financial Commissioner (Revenue) upon the annual statements of changes in which the amount to be remitted shall be specified separately from the amount by which the rent roll of the succeeding year is to be altered.

**Remissions for
destruction of
crops**

11.12 Remissions for the destruction of crops should not be dealt with in diluvion work, but should be separately reported for sanction in the same way as remissions for crop failures of lands other than riverain lands are reported.