

Revenue (1898) Department.

CONFIDENTIAL.

MISCELLANEOUS SERIES.

G.O., No. 1729

Confidential 1028

Dated 22nd April 1898

[Despatch Abstract.]

Communicating to the Marine Dept and to the
Board of Rev: Orders of the Govt of India regarding the
grant of private rights in respect of the fore-bore of
navigable rivers.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Revenue (1898) Department.

CURRENT No. 2264

Confidential No 23

From The Govt of India
Finance & Commerce Dept.

Order no 1729 of 22.10.98

Communicated to
the Marine Department
and the Board of Revenue.

No. 1211 S.R.

Dated 14th March
Received 21st do } 1898
Registered 21st do
Enclosures 1
Spare copies. -

To the Marine Dept. }
" " Board of Rev (R.R.) }
23/4/98

(A)
22 Mar 98.

SUBJECT.

Forwarding a copy of a letter
addressed to the Bengal Govt
on the subject of the grant of
private rights in respect of
the foreshore of navigable rivers

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

[Confidential.]

No. 842 S. R.

GOVERNMENT OF INDIA.

FINANCE AND COMMERCE DEPARTMENT.

To

THE SECRETARY TO THE GOVERNMENT OF BENGAL,
MARINE DEPARTMENT.

Calcutta, the 17th February 1898.

SIR,

I AM directed to address you in continuation of the correspondence ending with the letter from this Department, No. 1551 S. R., dated the 6th April last, in which you were requested to inform the Superintendent, Peninsular and Oriental Steam Navigation Company, with reference to the provisions of section 83 of the Calcutta Port Act, 1890 (Bengal Act III of 1890), that the application of the Company for permission to extend their jetties on the Hooghly at Garden Reach below high-water mark could not be granted.

2. The ownership of the bed of all navigable rivers where the sea ebbs and flows, and of all estuaries and arms of the sea, up to the ordinary high-water mark, is, without doubt, by law vested in the Crown for the benefit of the subject, and the Governor General in Council is of opinion that this right should, in the interests of the public, be strongly asserted. Grants of private rights in respect of the foreshore, if made under the authority of an Act of an Indian Legislature, would probably never be disputed. Apart from the sanction of an Act, questions as to the validity of such grants might be raised. But whether it be so or not—and the question may be left to be determined by the Courts when it arises—such grants should be made by the Government, as trustees for the public, with extreme caution, and I am to express the hope that the Government of Bengal will be guided by this rule.

I have the honour to be,

SIR,

Your most obedient Servant,

W. S. MEYER,

Offg. Depy. Secy. to the Govt. of India.

Confidential

GOVERNMENT OF INDIA.
Finance and Commerce Department.

To
THE SECY. TO THE GOVT. OF BENGAL,
MARINE DEPARTMENT.

No. 842 S. R.

Dated Calcutta, the 17th February 1898.

Ruling that grants of private rights in respect of the
foreshore of navigable rivers should be made with
extreme caution.

G. I. C. R. O.—No. 990 F. & C. D.—17-2-98.—80.—R. N. D.

No. 1211. S. R.

Government of India,
Finance and Commerce Department.
Calcutta, the 14th March 1898.

Read:-

Letter in the Finance and Commerce
Department No. 842. S. R., dated the 17th February
1898.

Ordered that a copy of the above
letter be forwarded confidentially to all
Local Governments and Administrations for
information and guidance.

L. S. S. S.
Offg. Dy. Secy. to the Govt. of India.

When given for copying _____
 When copied _____
 When examined _____
 When signed _____

189 .

READ AGAIN G.O., No.
 189 ,

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BRING MEANT FOR DESPATCH
 IN ORIGINAL.

N.B.—

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