

The Survey Act, 1875
(ACT NO. V OF 1875)

¹♣An Act to provide for the survey and demarcation of land.

Preamble

WHEREAS it is expedient, with a view to the definition and identification of lands, [the determination of the extent of erosion along the banks of rivers or the extent of accretion, reformation or new formation due to fluvial action of any river,] the better security of landed property and the prevention of encroachments and disputes, to provide for the survey of lands and for the establishment and maintenance of marks to distinguish boundaries; It is hereby enacted as follows:-

PART I
PRELIMINARY

Short title [Repealed]	1. This Act may be called the ² [* * *] Survey Act, 1875.
Local extent	It extends to the whole of ³ [Bangladesh].
Interpretation- clause	<p>2. In this Act, unless there be something repugnant in the subject or context,—</p> <p>"Collector" means every Collector or Deputy Commissioner of a district, and includes every officer either generally or specially vested with the powers of a Collector for the purposes of this Act.</p> <p>"Deputy Collector" includes any Deputy Collector to whom the Collector or Superintendent of Survey may delegate any of his functions under this Act:</p> <p>"estate" means-</p> <p>any land included under one entry in any of the general registers of revenue-paying lands and revenue-free lands prepared and maintained</p>

under the law for the time being in force by the Collector or Deputy Commissioner of a district;

any khas mahal and revenue-free land not entered in any register;

any char or island thrown up in a navigable river or in the sea which, under the laws for the time being in force, is at the disposal of the Government;

and also includes the following in the district of Sylhet:—

any land subject, either immediately or prospectively, to the payment of land revenue for the discharge of which a separate engagement has been entered into;

any land subject to the payment of, or assessed with a separate amount as, land revenue, although no engagement has been entered into with the Government for that amount;

any land being the exclusive property of Government of which a separate entry has been made in the general registers of revenue-paying and revenue-free estates mention in Chapter IV of the Assam Land and Revenue Regulation, 1886.

Explanation – Any land gained by alluvion or by dereliction of a river or of the sea to any estate as here defined, which, under the laws in force is considered an increment to the tenure to which such land has accreted, shall be deemed a part of such estate:

"mauza" includes every village, hamlet, tola and similar subdivision of an estate, pargana or village by whatever name such subdivision may be known:

"occupant" includes every zaminder, tenure-holder, farmer and other person entitled to receive rents in respect of land, or holding land on a claim that he is so entitled, and every raiyat in occupation of land;

"section" means a section of this Act:

"survey" includes identification of boundaries, ⁴[determina-tion of the extent of erosion along the banks of rivers or the extent of accretion, reformation or new formation due to fluvial action of any river,] and all other operations antecedent to and connected with survey:

"tenure" includes all permanent interests in land, with the exception of estates as above defined, and with the exception of those of raiyats having a right of occupancy only; it also includes all ghatwali holdings:

"tenure-holder" means all or any of the holders of a tenure:

"zamindar" means all or any of the holders of an estate.

PART II OF THE SURVEY

Government may order survey

3. The Government may, whenever it shall think fit, order that a survey shall be made of the land situated in any district or in any part of a district or in any specified tract of country, and that the boundaries of estates, tenures, mouzas or fields be demarcated on the lands so to be surveyed

⁵[. * * *]

Government may appoint Superintendent of Survey

4. For the purpose of carrying out any survey directed to be made under the last preceding section, or for any or all of the purposes of this Act, the Government may appoint a Superintendent of Survey, who may exercise all or any of the powers of a Collector under this Act;

and may appoint one or more Assistant Superintendents and Deputy Collectors, who shall exercise all the powers of a Collector in respect to such matters under this Act as may be delegated to such Assistant Superintendents or Deputy Collectors respectively by the Collector or Superintendent of Survey, and not otherwise:

Provided that, notwithstanding the appointment of a Superintendent of Survey for any tract of country, ⁶[it shall be competent to the Board of Land Administration to] direct that the Collector shall perform any duties under the Act within the said tract.

Collector to publish proclamation before entering on lands

5. Before entering on any lands for the purpose of a survey the Collector shall cause to be published a proclamation addressed to the occupants of the lands which are about to be surveyed and of the conterminous lands, and to all persons employed on or connected with the management of, or

otherwise interested in, such lands, calling upon them to attend, either personally or by agent, before the Collector or any officer authorized by the Collector in that behalf, at such places and at such times as shall be stated in such proclamation, during the demarcation and survey of the land, for the purpose of pointing out the boundaries and of rendering such aid as may be necessary in setting up or repairing such boundary marks as may be required, and of affording such assistance and information as may be needed for the purposes of this Act.

Such proclamation shall be published by posting a copy thereof-

at the Court of the Judge and at the office of the Collector of every district within which any portion of the lands about to be surveyed may be known to be situated;

at every subdivisional office, police-station, Munsif's Court and sub-registrar's office within the jurisdiction of which any portion of the land about to be surveyed may be known to be situated;

at one or more mal-cutcheries on each estates;

and at such other place or places as to the Collector may seem fit.

**Collector
may enter
upon land**

6. After issue of a proclamation as aforesaid, the Collector and any person acting under his authority may enter upon such lands, and do all things and make all inquiries necessary for effecting the survey and demarcation of the boundaries thereof.

**Collector
may serve
special
notice**

7. The Collector may also, by a special notice, require any such person to attend before or before any person authorized by the Collector in that behalf, within a specified time, which shall not be less than fifteen days after the service of the notice, at any places, for any of the purposes aforesaid; any every person on whom such special notice may be served shall be legally bound to attend as required by the notice, and to do any of the things mentioned in section 5, and to give any information which may be required, so far as he may be able to give it.

Collector to pay price of materials or labour supplied

8. When any materials or labour shall have been supplied for any of the purposes mentioned in section 5, the Collector or other officer making a requisition under that section shall forthwith cause the price of such materials or labour to be paid to the person by whom the same were supplied.

Collector may require occupants to clear boundary lines

9. The Collector or other survey-officer authorized by the Collector in that behalf may, by a special notice, require any occupant to clear any boundary or other line which it may be necessary to clear for the purposes of the survey, by cutting down and removing any trees, jungle, fences or standing crops.

Compensation

10. If any demand for compensation be made in respect of the clearance of any line in accordance with a requisition under the last preceding section, the Collector shall ascertain and record the nature and estimated value of any trees, jungle, fences or standing crops which may have been cut down or removed, and shall offer adequate compensation to the owners thereof, together with payment for all expenses incurred in carrying out the said requisition.

Amin or survey-officer to call upon persons to sign maps or papers

11. When the demarcation of a village or other convenient tract has been completed, the amin or other survey-officer shall, before sending in to the Collector the maps and papers relating thereto,

by a general notice, in which the names of all persons required to appear shall be specified, and which shall be posted up at a convenient place in the village or tract,

call upon all persons who have pointed out any boundaries in such village or tract on behalf of those interested to attend before him within three days of the publications of the said notice for the purpose of inspecting the maps, field books and similar papers in which any boundary pointed out by any such person has been represented, and, by signing such maps and papers, to certify that the boundaries have been laid down in accordance with the boundaries pointed out by them;