



The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

Vol XXIII Aizawl, Friday, 22. 4. 1994, Vaisakha 2, S.E. 1916 Issue No. 52

NOTIFICATION

No.H. 12018/43/94-LJD, the 8th April, 1994. The following Act of the Mizoram Legislative Assembly, which received the assent of the Governor of Mizoram is hereby published for general information.

The Mizoram Act No 6 of 1994
The Mizoram Survey & Record Operations Act, 1994,

(Received the assent of the Governor of Mizoram on the 5th April, 1994.)

AN ACT

PREAMBLE

to provide for the survey of lands in the State and the preparation of land records thereof and for settlement of boundary disputes and for matters connected therewith or incidental thereto.

Be it enacted by the Legislature of Mizoram in the Forty-fifth Year of the Republic of India as follows :—

CHAPTER—I

PRELIMINARY

Short title,
extent and
commencement

1. (1) This Act may be called the Mizoram Survey and Record Operations Act, 1994.
(2) It shall extend to the whole of the State of Mizoram.
(3) It shall come into force on such dates as the Government may, by notification in the official Gazette, appoint and different dates may be appointed for different areas.

Definitions

2. In this Act, unless the context otherwise requires :—

(a) “Chainman” means one that has care and hold of chain, measuring tape, instrument used to measure, lay out, demarcate land or estate or field or plot in lands and includes for identification of boundaries and all other operations antecedent operated by Surveyor;

(b) “Competent authority” in relation to any provision, means any officer appointed by the State Government to be the competent authority for the purpose of that provision;

(c) “Director” means the Director of Survey and Land Records, Mizoram and includes such other Officer as may be empowered by Government in this behalf and the word ‘Additional Director’ shall be construed accordingly;

(d) “Government” means the State Government of Mizoram;

(e) “land” includes land covered with water or under any forest established or constituted under any law, customs, or practice, agriculture or non-agricultural land, waste or arable land and land under any cultivation or otherwise;

(f) “Local authority” means and includes Municipal Board, Village Council, Administrative Officer and Notified Area Committee, or Village Development Committee, as may be constituted by Government;

(g) “Prescribed” means prescribed by rules made by the Government under this Act;

(h) “registered land holder” means any person who lawfully holds any land under Government or District Council;

(i) “registered land” means any land hold with the land settlement certificate/pass/permit/periodic patta/lease granted by competent authority;

(j) “State” means the State of Mizoram, and the word State Government shall be construed accordingly;

(k) “Survey” includes all operations incidental to the identification, determination, measurement, demarcation and record of any land or boundary or boundaries or any part of a boundary and includes a re-survey;

(l) “Survey mark” means any mark or object, erected, made, employed or specified by a Survey Officer to indicate or determine or assist in determining the position or level or any point or points;

(m) "Survey Officer" means any Officer appointed by the Government as a Survey Officer under section 3;

(n) "Village Assistant" means a Government servant appointed under or employed for the purposes of this Act to each village or group of villages for the maintenance and correction of land records and for such other duties as the State Government may prescribe.

Appointment, 3.
duties and
functions of
Survey Officer

(1) The State Government or such officers as may be authorised by the State Government in this behalf may, by notification in official Gazette, appoint the following classes of Officers, namely :-

(a) A Director for the whole of the State and as many Additional Director as may be necessary from time to time.

(b) A Survey Officer either by name or by virtue of his office for all or any of the purpose of this Act.

(2) All the Survey Officers in the Survey and Land Records Department shall be subordinate to the Director.

(3) The Director shall be in charge of all matters relating to survey, measurement, demarcation and valuation of any land or local area or any boundary, assessments and settlements of land revenue and the settlement of boundaries, preparation, revision and maintenance of land records throughout the State and shall in respect thereof exercise such powers and discharge such duties as are conferred on him by or under this Act or any other law for the time being in force.

(4) Subject to the control of the Government, the Director or authority appointed by the Government in this behalf, every officer appointed as Survey Officer shall exercise the powers and form the duties of a Survey Officer within such local limits as the Government may, from time to time, direct.

(5) The Government may, by notification in the Official Gazette, delegate that the power exercisable by them under sub-sections (3) and (4) may also be exercised by such Officer or authority, subject to such restrictions and conditions, as may be specified in the said notification.

CHAPTER—II

SURVEY AND RECORD OPERATION

- Power of the state Government to order Survey or re-survey
4. Subject to the control of the Government, the Director or authority authorised by the Government in this behalf, may, by notification in the Official Gazette, direct that survey or re-survey of any land or any local area or any boundary of any land, as may be specified in the order, shall be made and every such land or local area or of any boundary of any land shall, from the date of the said notification, be held to be under survey and record operations, until the issue of another notification declaring such operations to be closed therein.
- Record Operation
5. The State Government or subject to the control of the Government, Director or authority authorised by the Government in this behalf, may likewise direct, in respect of any land or any local area or of any boundary of any land which was already been surveyed that a general or partial revision of the records of such local area shall be made and thereupon such any land or any local area or of any boundary of any land shall be held to be under record operations until such operations are similarly closed.
- Notification to be published by Survey Officers
6. (1) When any Survey or Record Operation is ordered under section 4 or section 5, the Director or the Survey Officer shall publish a notification in the Official Gazette in the prescribed manner inviting all persons having any interest in the land or in the boundaries of which the survey or record operation has been ordered, either in person or by agent at a specified place and time and from time to time thereafter when called upon for the purpose of pointing out boundaries and supplying information in connection therewith.
- (2) A notification published under sub-section (1) shall be held to be a valid notice to any person having any interest in the land or in the boundaries of which the survey or record operation has been ordered.
- (3) Such notification as published under sub-section (1) shall further require every person, whether a registered land holder or not, having interest in the land or in the boundaries of which the survey has been ordered, to—
- (a) clear within a specified period by cutting down or removing any trees, jungle, fences, standing crops or other materials obstructions, the boundaries or other lines, the clearance of which may be necessary for the purpose of the survey;

(b) provide labour at such times for such periods as may, from time to time, be required by furnishing flag-holders and Chainman; and

(c) provide suitable survey marks and otherwise to give such assistance in the survey as may be demanded under this Act or the rules made thereunder.

(4) If any person fails to comply with any requisition of a Director or a Survey Officer made under clauses (a), (b) or (c) of sub-section (3), the Director or the Survey Officer may himself employ hired labour and Chainman of such number for the purpose of survey as he considers necessary.

(5) The cost of the labour and Chainman employed and of the Survey marks used in such cases shall be determined and apportioned in the prescribed manner among the persons who have any interest in the land or in the boundaries of which the survey has been ordered, and shall be recoverable from such persons and apportionment shall be given in the prescribed manner to the person aforesaid.

Cost of Survey 7.
Operations
may be defrayed
in the first ins-
tance by Govern-
ment in certain
cases

Notwithstanding anything contained in sub-sections (3), (4) and (5) of section 6, whenever it may appear to the Government to be desirable that the cost of all or any of the operations prescribed in clauses (a), (b) and (c) of sub-section (3) of the section 6 shall be defrayed in the first instance by the Government, it may issue a notification that such cost shall be defrayed in the first instance by the Government.

Survey and
record opera-
tion to be car-
ried out in
prescribed
manner

8. Every Survey Officer shall be bound to carry out the survey and record operation in the manner prescribed.

Entry upon
lands

9. For the purpose of any survey, inquiry or other proceedings under this Act, any Survey Officer and any person acting under the orders of a Survey Officer shall have power to enter upon and survey, examine and measure any land and erect marks thereon and demarcate the boundaries or their lines thereof and do all other acts necessary for the proper performance of that duty.

Power to re-
cord bounda-
ry as undis-
puted

10. (1) The Survey Officer shall have power to determine and record as undisputed and boundary in respect of which no dispute is brought to his notice.

- (2) Notice of every decision of the Survey Officer under subsection (1) shall be given in the prescribed manner to the registered land holders, the boundaries of which may be affected by the decision.
- Power of Survey Officer to determine and record a disputed boundary with reasons**
11. (1) Where a boundary is disputed, the Survey Officer shall after making such inquiries as he considers necessary, determine the boundary and record it in accordance with his decision with reasons in writing for arriving at that decision.
- (2) Notice of every decision of the Survey Officer under subsection (1) shall be given in the prescribed manner to the parties to the dispute and other registered land holders, the boundaries of which may be affected by the decision.
- Preparation of survey maps, field books and registers, etc**
12. (1) The Survey Officer shall, in accordance with rules made by the State Government in that behalf, prepare or cause to be prepared maps, field books and such registers and other documents as may be prescribed of all lands or for each village or portion of a village or part of any local areas which are to be, or have been surveyed and demarcated under this Act.
- (2) If at the time of survey, the boundary of any land or field be undisputed, and its correctness be affirmed by any village authority then present, it may be defined and demarcated as pointed out by the owner, holder, occupier or person agent of the land holder.
- (3) In case of dispute regarding boundary, ownership, possession or other rights in respect of any land, the nature of the dispute and the names of the parties thereof shall be entered in the relevant registers and other relevant documents.
- Preparation of record-of-rights**
13. In respect of every local area under Survey and Record Operations or only under record operation, the Survey Officer shall frame for each village or portion of a village comprised therein a record-of-rights or standing record.
- Contents of record-of-rights**
14. The record-of-rights shall be prepared in such manner as may be prescribed by the State Government and shall consist of the following, namely :—
- (a) A statement showing, so far as may be applicable;
- (b) The names and address of the registered land holders together with survey numbers of field or plot hold by them and their location, areas and classification of land;

(c) The names of persons who are co-shares, mortgagees, tenants or assignees of the rent or revenue thereto;

(d) The nature and extent of the interests of those persons, and the conditions and liabilities attaching thereto;

(e) The land revenue, taxes, rent, rates, cesses or other payments due from and to each of those persons and to the Government;

(f) A map of the Village or area;

(g) A boundary description of parcel of the land; and

(h) Such other records or registers as may be prescribed by the State Government.

Attestation
of entries and
decision of
dispute

15. (1) All undisputed entries in the record of rights shall be attested by the parties interested and all disputes regarding such entries whether taken up by the Survey Officer of his own motion or upon application by any party interested, shall be disposed of by him in accordance with the procedure prescribed under this Act.

(2) No order as to possession passed under this section shall debar any person from establishing his right to the property in any civil or revenue court having jurisdiction.

Completion
of Survey and
record opera-
tion to be
notified

16. (1) When the survey and record operation or the record operations, as the case may be, have been completed, the Survey Officer shall notify the fact in the Official Gazette and a copy of such notification shall be pasted in the village office if any, of the Village to which the survey relate.

(2) When all objections have been considered and disposed of in accordance with the rules made in this behalf, the maps, records and other registers and document so prepared shall be presumed to be corrected.

Patta pass
book

17. (1) Every registered land holder shall be supplied by the competent authority with a patta pass book containing a copy of the record-of-rights pertaining to such land.

(2) The patta pass book shall also contain information regarding the payment of land revenue in respect of the land held and other State Government dues of the holder or, as the case may be, land and the areas of crop sown in it as shown in the village records, and such other particulars as may be prescribed.

(3) The patta pass book shall be prepared, issued and maintained in accordance with the rule made by the State Government in that behalf, such rules may provide for fees to be charged for preparing, issuing and maintaining the book.

Obligation
to furnish
information

18. (1) Any person whose rights and interest or liabilities are required to have been entered in any record or register under this Act or any other Act which is operated by the Revenue Department shall be bound, on the requisition of any officer engaged in compiling or registering the record or register, to furnish or produce for his inspection within thirty days from the date of such requisition, all such information or documents needed for the correct compilation or revision thereof, as may be within his knowledge or in his possession or power.

(2) An officer to whom any information is furnished or before whom any documents is produced in accordance with a requisition under sub-section (1) shall at once give a written acknowledgement thereof to the person furnishing or producing the same or may return the same immediately after keeping a copy of it, if necessary, and shall endorse on any such documents a note under his signature stating the fact of its producing and the date thereof.

(3) Any person who fails to furnish information or produce the documents required by sub-section (1) within the period specified in the said sub-section shall be liable to pay a penalty not exceeding one thousand rupees, as may be fixed by the competent authority and the amount payable as penalty shall be recoverable as an arrear of land revenue :

Provided that no penalty shall be imposed under this sub-section without giving to the person concerned a reasonable opportunity to be heard.

Construction
and repair
of bounda-
ry marks

19. It shall be lawful for any officer authorised in this behalf to specify or cause to be constructed, laid out, maintained or repaired, boundary marks of villages or survey numbers or sub-divisions or Survey Stations and to assess all charges incurred thereby and an interest on any land which has been surveyed under this Act.

Responsibi-
lities for main-
taining bounda-
ry marks

20. (1) Every registered land holder shall be responsible for the maintenance and good repair of the boundary marks of his holding and for any changes reasonably incurred on account of the same by the Survey Officer or such other authority as may be prescribed, if such marks are injured, destroyed, altered, removed or disrepaired.

(2) It shall be the duty of the village council to prevent the destruction or unauthorised alteration of the village boundary marks.

- Penalty for removing boundary marks 21. Any person wilfully erasing, removing or damaging or altering a boundary marks shall, on conviction, be punishable with imprisonment for a term which may extend to one year or with fine not exceeding one thousand rupees or with both.
- Survey fees 22. The holder of any land or premises or any person who have interested in the land which has been surveyed under this Act shall be liable to pay to the Officer or authority incharge of the survey a survey fee at such rate and in such manner within such time and to such extent as the State Government may prescribe. Any Survey fee not so paid shall be recoverable as an arrear of land revenue.
- Register of mutations 23. There shall be maintained for every village a register of mutation in such form as may be prescribed.
- Acquisition of right to be reported 24. (1) Any person acquiring by succession, survivorship, inheritance, partition, purchase, exchange, mortgage, gift, lease or otherwise, any right in land, shall report in writing his acquisition of such right to the competent authority within three months from the date of such acquisition, and the said officer shall at once give a written acknowledgement of the receipt of the report of the person making it:
- Provided that where the person acquiring the right is a minor or otherwise disqualified, his guardian or other person having charge of his property shall make the report to the competent authority.
- Register of disputed cases 25. (1) There shall be maintained for every village a register of disputed cases in such form as may be prescribed.
- (2) The competent authority shall enter the particulars of objections in the register of disputed cases and shall at once give a written acknowledgement in the prescribed form for the objection to the person making it.
- (3) No disputed cases shall be admitted and enter in the register of disputed case without payment of process fee as may, from time to time, be prescribed by the State Government.
- Maintenance of maps and records 26. (1) All maps, registers and other documents connected with the survey approved by the State Government shall be deposited in the Office of the Officer or authority in charge of the Survey.

(2) All such maps, registers, and other documents shall be maintained by such Officer or authority as in sub-section (1) in the prescribed manner.

(3) Such Officer or authority as in sub-section (1) shall cause maps and the records to be revised or corrected therein all changes that may take place any transaction that may affect any of the rights or interests recorded, in the prescribed manner and at prescribed intervals, by such officer as may be appointed in this behalf by or with the approval of the State Government.

(4) The Officer appointed under sub-section (3) for the purpose of revising any map or correcting entries in any register or other documents shall exercise such power as may be prescribed.

Inspection
and grant of
copies of ex-
tracts from
Maps, Registers
and other
documents

27. (1) All maps, registers and other documents referred to in sub-section (1) of section 26 shall be opened to public inspection in such manner, within such hours and at such places, subject to such conditions and on payment of such fees as the State Government may prescribe.

(2) Certified copies of, or extracts of such maps, registers, and documents as in sub-section (1) shall be granted on payment of such copying fees and in such manner as the State Government may prescribe.

Cancellation
of Patta
Pass Book

28. (1) The State Government or the authority authorised by the Government may, by notification stating reasons, cancel the Patta Pass Book for any of the following grounds namely:—

(a) If, at any time, the State Government is satisfied that the Officer or authority is not competent to perform or makes default in the performances of the duties imposed on it by or under this Act or any other law for the time being in force or exceeds or abuses its power; or

(b) If a decree or order is passed by a competent court or authority with respect to offences relating to deeds or documents or forgery or making a false document; or

(c) If a decree or order is passed by a competent court in a suit or other proceedings with respect to the holding for which a Patta Pass Book was granted shows that the holder was not entitled to the Patta Pass Book; or

(d) If the Patta Pass Book was obtained by means of an untrue allegation of a fact essential in point of law to justify that grant thereof, though such allegation was made in ignorance or inadvertently; or

(e) If the Patta Pass Book was obtained by making of a false suggestion or statement, or by the concealment from the Survey Officer or authority of something material to the case; or

(f) If there was non-payment of land revenue, taxes, rent, cess and rates legally assessed or imposed in respect to the land; or

(g) If the land has been used for any other purpose than original purpose for which the land was allotted without the written permission of the State Government or the competent authority; or

(h) If the land have been acquired by the Government for public purpose in accordance to the provisions of any law in force for the time being relating to acquisition of the land; or

(i) If there was violation of any of the terms and conditions of any engagement into which the registered land holder have been entered with the State Government.

(2) No Patta Pass Book shall be cancelled unless the Patta Pass Book holder or person interest therein has been given reasonable opportunity of showing cause against the cancellation.

(3) Where the Patta Pass Book is cancelled under sub-section (1) the person who deposited the amount for that Patta Pass Book shall be entitled to its refund.

CHAPTER—III

MISCELLANEOUS PROVISION

- | | | |
|---|-----|--|
| Power to exempt from operation of the Act | 29. | The State Government may, by notification, direct that all or any of the provisions of this Act shall not apply to such areas, land or classes of lands as may be specified in the notification. |
| Collection and recovery of amount due under the Act | 30. | Except as provided in this Act, any cost, fines, expenses or any amount which is payable under this Act or the rules made thereunder may be recovered as arrear of land revenue. |

- Officers to have the powers of a Civil Court in certain matters
31. The Director or the Survey Officers shall, for the purposes of survey, demarcation of boundaries, enquiry and disposal of objections and preparations of records under this Act, have the power of a Civil Court under the Code of Civil procedure, 1908 (Act 5 of 1908) in respect of the following matters, namely :—
- (a) Summoning the attendance of any person;
 - (b) Requiring the production of any documents; and
 - (c) Examining any person on oath.
- Immunity for acts done or purporting to be done in good faith
32. No suit, prosecution or other legal proceeding shall lie against any official of the Government for anything which is in good faith done or purporting to be done under the provisions of this Act or the rules made thereunder.
- Power to make rules
33. (1) The Government may, after previous publication on the Gazette, make rules to carry out the purposes of this Act.
- (2) In particular and without prejudice to the generality of the fore-going power, such rules may,—
- (a) prescribe for different localities the unit of survey, the sub-divisions thereof and the description of survey marks and provide for the maintenance, repair and renewal of such marks;
 - (b) provide for the collection and record of any information in respect of any land which has been or is about to be surveyed;
 - (c) define the classes of officers to be appointed to do duty under this Act and the powers to be exercised by such officers;
 - (d) prescribe and regulate the procedure to be followed by those officers in the conduct of proceedings under this Act;
 - (e) provide for the publication of all notifications issued under this Act and for the form, issue and service of all orders; communications and notices to be issued, communicated, given or served under this Act;
 - (f) regulate the furnishing of survey marks, labour and other matters necessary to survey notified under this Act and the recovery of charges incidental thereto where they are recoverable;

- (g) provide for the apportionment of all charges directed to be apportioned by this Act and for the determination of the cost of labour and the chainman employed and of the surveyed marks in any survey;
- (h) regulate the construction, laying out, maintenance and repair of boundary marks;
- (i) prescribe the record, field books, registers accounts, maps and plans, to be maintained for the purpose of this Act and the manner and forms in which they shall be prepared and maintained;
- (j) regulate the preparation, maintenance and revision of the record of rights and the registers of mutation and disputed cases and prescribing the forms in which they are to be prepared and the officers by whom the said records and registers are to be maintained, tested and revised;
- (k) prescribe the procedure for preparation, maintenance and issue of Patta Pass Book and the fee, if any, payable for its preparation, issue and maintenance, and matter relating thereto;
- (l) prescribe the procedure and manner of collection and recovery of any fines, costs, expenses and other dues;
- (m) prescribe the fees payable for survey or process and certified copies granted under this Act;
- (n) provide for the officers who should hear and decide disputes regarding rights in or over any property claimed or against the Government and the procedure to be followed by them;
- (o) provide for the hearing and disposal of objections to any entry or permission in the record of rights and the registers of mutation;
- (p) provide for the correction of bonafide errors and mistake in the records, registers and maps prepared under this Act;
- (q) provide for the maintenance of maps and records and up-dating of land records;
- (r) provide for the form of summons and other processes, notices, orders and the proclamations to be issued or made by Director or Survey Officer or any Revenue Officers and the manner of their services;

(s) Any other matter that is to be or may be prescribed under this Act.

(3) Every rule made under this Act shall be laid as soon as may be after it is made before the Legislative Assembly while it is in session for a total period of seven days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is laid or the successive session aforesaid, the Legislative Assembly agree in making any modification in the rule or the House agree that rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule.

Dr H. C. THANHRANGA,
Secretary to the Govt. of Mizoram,
Law, Judicial & Parliamentary Affairs Department.

CERTIFICATE

This Bill was passed by the Mizoram Legislative Assembly on the 17th March, 1994.

Aizawl
The.....1994.

VAIVENGA,
Speaker,
Mizoram Legislative Assembly.

MIZORAM LEGISLATIVE ASSEMBLY
Legislative Assembly Bill No. 4 of 1994.

A
BILL

to provide for the Survey of lands in the State and the preparation of land records thereof and for settlement of boundary disputes and for matters connected therewith or incidental thereto.

[PU P.C. BAWITLUANGA
MINISTER FOR REVENUE]

[As passed by the Legislative Assembly on 17th March, 1994]

H.L. CHUNGA,
Secretary,
Mizoram Legislative Assembly.

CHAPTER—I
PRELIMINARY

Sections

1. Short title, extent and commencement.
2. Definitions.
3. Appointment, duties and functions of Survey Officers.

CHAPTER—II
SURVEY & RECORD OPERATIONS

4. Power of the State Government to order Survey or re-survey.
5. Record Operations.
6. Notifications to be published by Survey Officers.
7. Cost of Survey Operations may be defrayed in the first instance by Government in certain cases.
8. Survey and record operations to be carried out in the prescribed manner.
9. Entry upon lands.
10. Power to record boundary as undisputed.
11. Power of Survey Officer to determine and record a disputed boundary with reasons.
12. Preparation of Survey Maps, Field Books and Registers etc.
13. Preparation of Record-of-rights.
14. Contents of Record-of-right.
15. Attestation of entries and decision of disputes.
16. Completion of Survey and record operations to be notified.
17. Patta Pass Book.
18. Obligation to furnish information.

19. Construction and repair of boundary marks.
20. Responsibilities for maintaining boundary marks.
21. Penalty for removing boundary marks.
22. Survey fees.
23. Register for mutations.
24. Acquisitions of right to be reported.
25. Register of disputed cases.
26. Maintenance of maps and records
27. Inspection and grant of copies of extracts from maps, registers and other documents.
28. Cancellation of Patta Pass Book.

CHAPTER—III
MISCELLANEOUS
PROVISION

29. Power to exempt from operation of the Act.
30. Collection and recovery of amount due under the Act and Rules.
31. Officers to have the power of a Civil Court in certain matters.
32. Immunity for acts done or purporting to be done in good faith.
33. Power to make rules.