

MEANING OF SURVEY

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A - INTRODUCTION

1. **Survey Means** :- The words 'survey' has to different connotations namely:
 - (1) to examine for some specific purpose; inspect or consider carefully; review in detail, and
 - (2) to determine the location, form or boundaries of a tract of land, by measuring the lands and angles in accordance with the principles of geometry and trigonometry. In this treaties we are concerned with the latter meaning to the word 'survey'. Surveys which are covered by the latter meaning are also of different characters, namely, cadastral survey, topographical survey etc.

2. **Cadastral Survey (meaning)** :- The word 'cadastral' is the adjective of the word 'cadastre' which means a public records of the extent, value and ownership of land for purposes of taxation. This type of survey involves the preparation of (1) village maps showing the boundaries of groups of holdings, (2) large scale plans of survey field showing the boundaries of each holding, topographical details and all measurements, and (3) land registers giving the number, nature, tenure, area assessment and reputed ownership of each holding. This survey is repeated from time to time when changes occur in occupation and in the boundaries of fields particularly when such changes area too numerous to be dealt with the ordinary revenue staff.

3. **Topographical survey** :- Topographical survey has nothing to do with the boundaries of holdings and the ownership thereof. This survey is mainly intended to find out geographical features like hills, rivers, fields, forests etc. The topographical survey of the States of Madras was completed as long back as in 1840 and an Atlas thereof has been published. The topographical survey is no longer a duty of the State Governments. This subject of topographical survey was transferred to the Survey of India in 1886. The Government of India is now conducting that Survey.

4. **Survey- Division of powers between State and Centre** :- Survey of India, the geological, potential, zoological and Anthropological surveys of India now fall within Entry 68 of the Union List in the Seventh Schedule to the Constitution. These surveys have nothing to do with the State Government. The maintenance of land records, survey for revenue purposes and records-of-rights fall within the scope of entry 45 of the State List in the Seventh Schedule to the Constitution. The State Government is therefore not concerned with any survey other than the survey for revenue purposes, and to maintain land records in which the ownership of the land and the extent thereof are mentioned.

5. **History of survey** :- It is common knowledge that for an efficient revenue administration and for a meaningful enjoyment of the rights to landed property, a cadastral survey is of prime importance. It is this survey which gives us an account of the extent, ownership and the nature of other rights a person has over the land on the basis of which land revenue is levied and collected. The purpose of this survey is two-fold. Firstly, for the general public it gives a security and an evidence about the extent of right one has over the property on the basis of which he can enforce his right in a court of law or he can alienate his property

in favour of another person. Secondly, it is of importance to the Government in order to know the real owner of a piece of land and its extent and value so as to levy assessment thereon. Without these details it is impossible to collect land revenue. In earlier days the main source of income to the State has been the land revenue as a result of which survey became necessary if not essential even in the hoary past. On account of this, even during the Moghal period, commencing from the days of Shersha's rule, the ownership and the extent of the land has been determined and land revenue assessed on that basis. Ultimately it goes to the credit of the British rule in India for ushering in a systematic and mathematical measuring of the land and a scientific evaluation thereof on the basis of the nature of product and the quantity of yield for purposes of revenue assessment. The Survey and Settlement Department used to conduct the survey. In order to better appreciate the present position, with regard to any subject for that matter it is necessary to have a glimpse at the past also.

B. - LAND REVENUE TERMS

1. **Land Tenure** :- The mode of rights in land holding.
2. **Land Information System** :- A system for acquiring, processing, storing and distributing information about land.
3. **Land Registration** :- The recording of rights in land.
4. **Lease-hold** :- Land or other property held on lease.
5. **Lease** :- An undertaking to occupy and use with agreement to lease.
6. **Periodic Patta** :- A deed assigning lands for stipulated condition and period.
7. **Records-of-Rights** :- Entries of all the surveyed land along with their land category, ownership, nature, area and annual land revenue payable etc.
8. **Cadastral Survey** :- The term 'cadastral' has been derived from the French word 'cadastre' which means public register of ownership of parcel of land; in fiscal terms a register of properties according to their value. 'Cadastral Survey' succeeded 'Revenue Survey'.
9. **Digitising** :- The process of converting maps into digital form.
10. **Digital Mapping** :- The process of acquisition (capture), transformation and presentation of spatial data held in digital form.
11. **Electronic Distance Measure (EDM)** :- The determination of distance from precise measurements of intervals of time taken by an electromagnetic wave to pass between two points.
12. **Encumbrance** :- A burden on a property which affects the ability to transfer title or one which affects the condition of the property.
13. **Field Book** :- A record of measurements noted by a Survey in Survey and Settlement Operation.
14. **Grant** :- Transfer of title of a property from the government to the first title-holder.
15. **Holding** :- A parcel or parcels of land held by Land holder.
16. **Land holder** :- Holder of land.
- 17) **Jamabandi** (Ar.) - Literally means recording of revenue accounts; in modern revenue usage it denotes a tax roll incorporating the names of the raiyats, rent payable, area of the land held by them and the account of the collections made (LSBI, i, p. 24; ii, p. 563 fn).

Asamiwar-jamanbandi - Account of revenue assessment settled with each individual cultivator.

Jinswar-jamabandi - Account of revenue assessed at certain rates according to produce.

Khetwar-jamabandi - Account of revenue assessed at a certain rate per field.

Nakdi-jamabandi — Assessment of revenue lands payable in money.

- 18) **Khasra** - A written record of the particulars of a rough map of a village in which different plots of land are numbered and their numbers which are known as '*khasra*' are entered in book along with the area and the crop; list of fields serially numbered according to the map showing occupants, area and class plot by plot (GTUSS, p. 16; LSBI, ii, p. 38).
- 19) **Khatiyani** - A record of tenants' rights including the identity, extent, quality and possession of land (GTUSS, p. 16; GGSP, p.16).
Khatiyani - The record of cultivators' rights (FRSRSH, p. 70).
- 20) **Bhoodan** - Land donated to the landless people by proprietors and landlords under a movement launched by the Ghandhian leader Vinoba Bhave; once donated it has to be confirmed by revenue authorities for the entry in donee's name.
- 21) **Bhum** - One of the tenures of Ajmer and old Rajputana; it was granted for great valour or as a reward for services like watch and ward etc. It was hereditary and free from feudal obligations (LSBI, 11, p. 328)
- 22) **Bhumi** - Earth, land, ground (MG, p. 765)
- 23) **Benami** - Incorectly written because its literal meaning is 'without name'; for concealment of the property the purchaser gives the name of another person, so the correct form is 'ba-nami' (The Persian 'ba' means "in" and 'nami' means "name") LSBI, ip. 640)
- 24) **Cess** - Tax allocated to a particular thing, not forming part of the general fund. It is only tax and not a mere fee. It is therefore not necessary for the purpose of levy of cess that there should be *quid pro quo* between the service actually rendered and the amount of tax levied (Shanmugha Oil Mill vs. Coimbatore Market Committee, ILR 1960 Mad. 171; AIR, 1960 Mad. 160).

25. **Grant** - Transfer of title of a property from the government to the first title-holder.
Grantee - The person receiving the grant or buying a property
Grantor - One issuing the grant or selling property.
26. **Recess** - A term used in survey and settlement operations to indicate preparation of records for 'Attestation' stage; after the *khanapuri* stage the maps along with records are sent for formal inking and printing of non-final maps, extraction of the area, tartib, radif, etc.
27. **Record of Right** - Entries of all the surveyed land along with their category, ownership, nature, area and so on; after final publication they carry a statutory presumption of correctness.
28. **Registration** - The act of entering in register maintained for the purpose of keeping an official record of any transaction of which a record is required to be kept by law or customary practice (see Sec. 3 of the Transfer of Property Act, 1882; Registration Act, 1908).
Registration of Deeds - A system whereby a register is maintained relating to the transfer of rights in land.
Registration of Title - A system whereby a register of ownership of land is maintained based upon the parcel rather than the owner or the Deed of transfer (LIM, p. 258)
29. **Rennel Survey** - carried on both in land and water by the first Surveyor General of India from 1763 to 1782 (BSSM, p. 135).
30. **Rent** - Money or kind payable by a tenant to his landlord on account of the use or occupation of the land held by the tenant; a return made by a tenant or occupant of land to the owner for the possession and use thereof.
31. **Rental Value** - The value of property in terms of the rent that may be derived from it.
32. **Revenue** - The annual or periodical yield of taxes, excise and custom duties and other sources of income that a nation, state or municipality collects and deposits into treasury for public use.
33. **Revisional Survey** - Survey operations initiated and conducted on the basis of the blueprint map of the cadastral survey under the same provisions of the law in order to update the land records (BSSM, p.95)
34. **Rabi (Ar.)** - Crops grown in winter and harvested in the spring after their ripening in the beginning of the hot season (LSBI, i, p.13).
35. **Raiyat (Ar.)** - Defined as (i) a tenant under a landlord, (ii) also a landholder or occupant not under any landlord or middleman, (iii) also used for the subjects of the rulers; or cultivators as a class (LSBI, i. p. 22)
Settled-raiyat - A raiyat holding a land continuously for twelve years in a village becomes a 'settled raiyat'.
Pati -raiyats - Non-resident cultivators who cultivated lands in villages other than the villages in

which they lived.

Raiyat-nama - An engagement given by the cultivators to the landlord or the proprietor.

Raiyat-patta - A lease given to a cultivator.

Under-raiyat - A tenant who holds land for agricultural purposes under a raiyat on definite terms and conditions.

36. **Raiyatwar** - 'Raiyat' means tenant and 'war' means wise; so together it means 'tenant-wise'.
Raiyatwar-jamabandi - Statement of revenue settlement with each cultivator (GJRT, p. 695)
Raiyatwari - A system of land revenue administration in which there is no middlemen or landlord over the individual raiyats who are severally liable for the land revenue assessment on the holding; this mode was prevalent chiefly in Madras presidency.
In modern times a raiyat means a person who has acquired a right to hold land for the purpose of cultivating it by himself or by members of his family or hired servants or with the aid of partners and also includes successor(s) in interest of persons who have acquired such a right (LSBI, i, p. 22)
37. **Taluq, Taluka (Pers.)** - An estate applied to a tract of proprietary land usually smaller than a zamindar; now applied to the subdivision of a district (GRTVL, p. 71).
38. **Talukdar** - A manager of land and contractor of the revenue resembling the former Bengal zamindars; in Oudh a landholder with special privileges (GRTVL, p. 71); under the British revenue law in N.W. Provinces, a superior proprietor drawing a fixed percentage on revenue payments made by village sub-proprietors or biswadars (PR, p. 296).
39. **Traverse** - A land survey technique of measuring successive angle and distance to establish new positions.
40. **Traverse survey** - It precedes general survey so as to make fixed points near the boundaries of villages to prepare a skeleton plan of each villages (TRSD).
41. **Triangulation** - A method of traverse surveyor which helps the *amin* in preparing the quadrilaterals in the *kistwar* stage. This method uses survey technique of determining position by measurement of angles in a series of triangles (LIM, p. 259)
42. **Tie line** - A line taken by the *amins* measuring between 3 and 7 jaribs for checking trijunction marks.
43. **Title** - The elements constituting legal ownership; a right to possession; interest in any property.
44. **Title Deed** - Deeds or other papers which constitute the evidence of a person's legal ownership to any property.

C. **DEFINITIONS**

In the Act & Rule of The Mizo District (Land and Revenue) Act, 1956 and Rule, 1967.

1. “*District*” means a District, in Mizoram declared to be as such by order of the Administrator of

Mizoram.

2. “*Administrator*” means the Administrator of the Union Territory of Mizoram appointed by the President under Article 239 of the Constitution.
3. “*Land*” includes all lands either vacant or occupied. It shall include also benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth but shall exclude minerals, mineral oil, natural gas and petroleum ;
4. “*Land Revenue*” means any revenue assessed on an estate and includes other taxes assessed in lieu of land revenue.
5. “*Prescribed*” means prescribed by rules made under this Regulation.
6. “*Reserved Forest*” means a reserved forest as defined to Sub-Paragraph (2) of Paragraph 3 of the Sixth Schedule to the Constitution.
7. “*Settlement-holder*” means any person other than a pass-holder, who has entered into an engagement with the Administrator to pay land revenue and is deemed to have acquired status of settlement-holder under section 7.
8. “*Deputy Commissioner*” means the Deputy Commissioner, of a District in Mizoram appointed by the Administrator as such.
9. “*Financial Year*” means the Financial year commencing on the first day of April ;
10. “*Pass-holder*” means a person who has the temporary right of use and occupancy over a specified plot of land for a specified period under such terms as the Administrator may prescribe in the pass he holds.
11. “*Executive Committee*” means the Executive Committee of the Mizo District Council.
12. “*Vacant Land*” means any land which has not been allotted to any one, whether occupied or unoccupied and over which nobody has acquired any right under the Act, and shall not include any land within the state Reserved Forests, if any, and all lands actually covered by Government and public roads.
13. “*Land Settlement*” means the settling of land under the Act and under these Rules, either permanently or periodically with individual persons or society who have entered into an engagement with the District Council to pay land revenue, and includes survey, demarcation of boundary and classification preliminary to such settlement.
14. “*Permanent Settlement*” means the settling of land under the Act and under these Rules permanently with and individual person or society who have entered into an engagement with the District Council to pay land revenue and to whom a Certificate of land Settlement as prescribed in Appendix ‘A’ of these Rules is issued.
15. “*Periodical Lease*” means a lease of land granted to an individual or society under certain conditions and limitations laid down in the lease terms for any period specified therein.
16. “*Lessee*” means the lessee of periodic lease of land who have not acquired the status of settlement-holder as defined in Section 2 (8) of the Act as amended, but has the right to use the land as specified in the lease terms.
17. “*Revenue Officer*” means Revenue Officer appointed or designated as such by the Executive

Committee.

18. “*Town*” means such station in which only the Executive Committee or any other person or body authorised by it can allot sites for residential and other non-agricultural purposes, under the Lushai Hills District (House Sites) Act, 1953, and under this Act and any other station as may be declared as such by the Executive Committee, from time to time.
19. “*Town Area*” means the area of such town demarcated and notified from time to time by the Executive Committee or any other person or body authorised by it.

D. DEFINITIONS

In the Act of the Agricultural Lands of the Mizo District (Agricultural Land) Act, 1963 and Rules 1971.

- 1) “*Allotment*” with respect to land means allotments made by the Administrator or authority duly empowered by him in the behalf.
- 2) “*District*” means a District in Mizoram declared to be as such by the notification by the Administrator of Mizoram.
- 3) “*Administrator*” means the Administrator of the Union Territory of Mizoram appointed by the President under Article 239 of the Constitution:
- 4) “*Farm*” means Cattle Farm, Poultry Farm, Fish Farm and it shall also include leilet (Wet Paddy Cultivation) and garden (Fruits, vegetables, trees, bamboos etc.):
- 5) “*Land*” includes all lands either vacant or occupied within the Mizoram. It shall include also benefits to arise out of lands and things attached to the earth or permanently fastened to anything attached to the earth, but, shall exclude minerals, minerals oil, natural gas, petroleum;
- 6) “*Vacant Land*” means any land which has not been allotted to anyone, whether occupied or unoccupied and over which nobody has acquired any right;
- 7) “*Pass*” means a Pass granted by competent authority to individual or group for the right to use a land allotted under the Pass and on condition specified in the Pass.
- 8) “*Permit*” means a Permit granted by the Mizo District Council under the Act and under previous Mizo District (Agricultural Land) Act, 1956 which has been repealed but accepted under Section 12 (2) of the Act.
- 9) “*Patta*” means a prescribed land settlement document setting the Agricultural land under the Act and under these Rules, whereby an individual or society has entered into an engagement with the District Council to pay land revenue, taxes, cesses and rates legally assessed or imposed in respect of the land from time to time.
- 10) “*Patta-holder*” means a holder or Patta, who has entered into an engagement with the District Council to pay land revenue, taxes, cesses and rates legally assessed or imposed in respect of the land from time to time and thereby acquired the Patta-holder's right under section 7 of the Act.
- 11) “*Periodic Patta*” means a prescribed land settlement document settling the Agricultural land periodically under these Rules where-by an individual or society has entered into an engagement with the District Council to pay land revenue, taxes, cesses and rates legally assessed or imposed in

respect of the land so settled.

- 12) "*Periodic Patta-holder*" means a holder of Periodic Patta who has not acquired the Patta holder's right under section 7 of the Act.
- 13) "*Classification*" means the classification of Agricultural land into different grades made by the Executive Committee from time to time under the Act and under these Rules.
- 14) "*Valuation*" means the rate of value of different grades of Agricultural land fixed by the Executive Committee from time to time under the Act and under these Rules.