

THE SURVEY ACT, 1875

ACT NO.V OF 1875*

[6th October, 1875]

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

WHEREAS it is expedient, with a view to the definition and identification of lands, ¹[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;

Preamble

It is hereby enacted as follows:—

PART I

PRELIMINARY

1. This Act may be called the ²[* * *] Survey Act, 1875. Short title

It extends to the whole of ³[Bangladesh]. Local extent

* Throughout this Act, except otherwise provided, the words "Government" and "Taka" were substituted, for the words "Provincial Government" and "rupees" respectively by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

¹ The words and commas "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," were inserted by section 2 of the Survey (Amendment) Act, 1975 (Act No. XXVI of 1975).

² The word "Bengal" was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act VIII of 1973).

³ The word "Bangladesh" was substituted, for the words "East Pakistan" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

Interpretation- clause	2. In this Act, unless there be something repugnant in the subject or context,—
"Collector"	"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.
"Deputy Collector"	"Deputy Collector" includes any Deputy Collector to whom the Collector or Superintendent of Survey may delegate any of his functions under this Act:
"Estate"	<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 under the law for the time being in force by the Collector or Deputy Commissioner of a district;</p> <p>any khas mahal and revenue-free land not entered in any register;</p> <p>any <i>char</i> 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;</p> <p>and also includes the following in the district of Sylhet:—</p> <p>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;</p> <p>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;</p> <p>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.</p>

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:

" <i>mauza</i> " includes every village, hamlet, tola and similar subdivision of an estate, <i>pargana</i> or village by whatever name such subdivision may be known:	"Mauza"
"occupant" includes every <i>zaminder</i> , 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 <i>raiyyat</i> in occupation of land;	"Occupant"
"section" means a section of this Act:	"Section"
"survey" includes identification of boundaries, ¹ [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,] and all other operations antecedent to and connected with survey:	"Survey"
"tenure" includes all permanent interests in land, with the exception of estates as above defined, and with the exception of those of <i>raiyyats</i> having a right of occupancy only; it also includes all <i>ghatwali</i> holdings:	"Tenure"
"tenure-holder" means all or any of the holders of a tenure:	"Tenure holder"
" <i>zamindar</i> " means all or any of the holders of an estate.	"Zamindar"

PART II

OF THE 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 ²].

Government may order survey.

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¹ The words and commas "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," were inserted by section 3 of the Survey (Amendment) Act, 1975 (Act No. XXVI of 1975).

² The full-stop was substituted for the colon and thereafter the proviso was omitted by section 4 of the Survey (Amendment) Act, 1975 (Act No. XXVI of 1975).