

The 8th July, 1980

No. LL.239/79/4- The following Act of the Meghalaya Legislative Assembly which received the assent of the Governor is hereby published for general information.

MEGHALAYA ACT 11 OF 1980

THE MEGHALAYA LAND SURVEY AND RECORDS PREPARATION ACT, 1980.

(As passed by the Assembly)

(Received the Assent of the Governor on 7th July, 1980)

(Published in the Gazette of Meghalaya Extraordinary dated the 9th July, 1980)

An

Act

To provide for the Survey of land in the State and the Preparation of preliminary records thereof and for matters, connected therewith or incidental thereto.

Be it enacted by the Legislature of Meghalaya in the Thirty first a Year of the Republic of India as Follows:-

CHAPTER I

Preliminary

- 1. Short title, extent and commencement** – (1) This Act may be called the Meghalaya Land Survey and Records Preparation Act, 1980.
- (2) It extends to the whole of the State of Meghalaya.
- (3) It shall come into force in such areas of the state and such dates as the Government may by notification specify and different dates may be specified for different areas.
- 2. Definition** – In this act, unless the context otherwise requires:-
 - (a) “Director” means the Director of Land Records, Meghalaya and includes such other officers as may be empowered by Government as “ Director within their respective jurisdictions ;
 - (b) “estate” includes any land over which a person has the right of interest of an owner, holder or occupier, and also includes Government lands (State or Central), District Council lands and land of any local authority;
 - (c) “holder” means any person who lawfully holds any lands under Government of District Council or local authority or holds any land under a person is an owner of under another holder of land for any purpose whether a person is in actual possession of the land or not , and shall also include lessee;
 - (d) “land” includes land covered by or under any forest established or constituted under any law, custom or practice agricultural or non agricultural land waste or arable land and land under any cultivation or otherwise and shall also include fisheries;
 - (e) “owner” means a person who owns any land as owner or a person who recognized as such under any law in force, custom or practice and includes Government (State or Central), District Council or local authority in respect of Government lands, District Council lands or lands of a local authority, as the case may be;
 - (f) “occupier” means any person who occupies, holds possesses, manages or acts as custodian of any Ri Kynti land, Raid or Akhing land or any other class of land whether under any custom, usage or practice or otherwise;
 - (g) “prescribed” means prescribed by rules made under this Act,
 - (h) “Revenue Enforcement Inspector” or “ Assistant Revenue Enforcement Inspector” means any person appointed as such under Section 4 and includes any Officer of the Government appointed by the State Government to exercise the powers and perform the duties and functions of the Revenue Enforcement Inspector or Assistant Revenue Enforcement Inspector under this Act;
 - (i) “Records” includes titles and interests of every owner holder or occupier of land as maintained in the prescribed registers;
 - (j) “State” means the State of Meghalaya.
 - (k) “State Government” or Government” means the Government of Meghalaya.
 - (l) “Survey Officer” or “ Assistant Survey Officer” means any person appointed as such under Section 4, and includes any officer of the Government appointed by the State Government to exercise the powers and perform the duties and functions of the Survey or Assistant Survey Officer under this Act;
 - (m) “Survey” includes identification of boundaries and all other operations antecedent to and connected with Survey.

CHAPTER II
Survey, Demarcation and Preparation of Records

3. Powers of the State Government to order survey of land demarcation of boundaries and preparation of records – Notwithstanding anything contained in any law for the time being in force, or any custom or practice, the State Government may, by order published in the Official Gazette direct a survey to be made and conducted of any land class or classes of land or area, as may be specified in the order, or the boundaries of all lands be demarcated and defined or that records all land and estate so surveyed or to be surveyed, be prepared.

4. Appointment of Officer, their duties and powers – (1) For all or any of the purposes of this Act, State Government may appoint one more survey Officers, Revenue Enforcement Inspector and any other Officer.

(2) Subject to the overall control of the State Government, the provisions of this Act and rules made there under, the Survey Officer and the Revenue Enforcement Inspector shall be under the control and supervise of the Director.

(3) Subject to order provisions of this Act, the Survey Officers shall in-charge of the Survey and demarcation of boundaries and the Revenue Enforcement Inspectors shall be in-charge the preparation of the cost within their respective jurisdictions. The Officers shall also exercise such other powers and perform such other duties and functions as may prescribed.

(4) Beside performing the duties and exercising the powers specified and conferred by and under this Act and the Rules made thereunder, the Survey Officer, the Revenue Enforcement Inspector and their Assistant shall perform such other duties and exercise such other powers as may specified or conferred upon them by the Director, general or special order with the approval of the State Government.

5. Publication of a proclamation before entering any lands.

(1) Before entering any land for the purpose of Survey, demarcation of boundaries Preparation of records or for owners, holders or occupiers of the lands which are about to be surveyed and of the conterminous lands, and all persons employed on or connected and the management of, or otherwise interested in such lands, to attend either personally or by agent before the Survey Officer and or the Revenue Enforcement Inspector of their Assistants, or any other officer mentioned in the proclamation at such place and time and on such date as may specify in the proclamation (which shall not be less than fifteen days from the date of the proclamation) for the purpose of pointing out the boundaries production of documents if any or evident in support of their interest and of affording such assistance and information as may be required.

(2) The Director may also, be special notice, require any officer of the District Council or local authority, the Syiem, Lyngdoh, Wahadadar Dolloi, Laskar, Sirdar, Nokma and other village authority to attend before him or before the Survey Office, Revenue Enforcement Inspector or their Assistant or any Officer mentioned in the notice at such place and time and on such date (which shall not be less than 7 days from the date of service of the notice) as may be specified in the notice, for affording such information and assistance as may be necessary for the purposes of this Act.

(3) The Proclamation under this section shall be published:-

(a) by serving a copy of the proclamation upon the District Council concerned, the Syiem, Lyngdoh, Wahadadar Dolloi, Laskar, Sirdar, Nokma and other village authority in whose jurisdiction any portion of the land about to be surveyed is situate.

(b) by making public announcement in the villages concerned by such village authority as the Director may direct;

(c) by publication in the Official Gazette and in at least 8 local Newspapers; and

(d) by posting a copy thereof-

(i) at the Court of the Deputy Commissioner and the District Council Court of every District;

(ii) at the Office of every Sub-Divisional Office and Officer-in-Charge Administrative Unit;

(iii) at every Police Station within the jurisdiction of which any portion of the land about to be surveyed is situate.

(iv) At the Officer of every Block Department Officer within the District where the land is to be surveyed is situate;

(v) At any conspicuous place near the land to be surveyed, and

(vi) At such other place or places as the Director may direct.

(4) The Proclamation and the notice made under this section shall be in English as well as in Khasi or Garo in both and in any other languages as the Director may think necessary.

(5) **The Deputy Commissioner, Subdivisional Officer and the Officer-in-charge** of the Administrative Unit concerned shall be furnished with a copy of every proclamation or notice published or issued under this section.

6 Entry upon lands – After the expiry of the period of 15 days from the date of the proclamation made under Section 5, Director, Survey Officer, Revenue Enforcement Inspector or any other Officer duly authorized by the Director may, between the hour of Sunrise and Sunset enter upon such lands, and do all things necessary for effecting the survey, demarcation of boundaries and preparation of the records whether any person mentioned in subsections (1) and (2) of section 5 attends or not:

Provided that where for any of the purposes of this Act it is necessary to enter upon any other land of which no proclamation has been made under Section 5, such entry shall only be made after a notice of the intention so to enter has been served by the Survey Officer of the Revenue Enforcement

Inspector or any Officer authorized by him in this behalf upon the owner, holder or occupier of such land at least 24 hours previously.

7 Payment of cost of materials or labour supplied and other expenses - (1) When any material or labour has been supplied or has to be supplied for any other purposes mentioned in section 5, the Director shall forthwith cause the cost of such materials or labour to be paid to the person by whom the same were supplied.

(2) The Director shall also pay to every person requisition under Section 5 (2) such expenses as may be prescribed.

8 Owner, holder or occupier of lands to clear boundary lines etc – The Survey Officer or other Officer authorized by him by a notice for this purpose, require any owner, holder or occupier to clear any boundary or other line as may be necessary for all of any of the purposes of this Act, by cutting down and removing any trees, jungles, fences or standing crops on his land.

9 Compensation – If any demand for compensation be made in respect of the clearance of any boundary or line or for any damages caused to the land or standing crops in pursuance of the requisition made under Section 8, or by any other act lawfully done in the course of the survey and demarcation of boundaries or for any other purposes under this Act, the Director or such other Officer as may be authorized by him in his behalf, shall ascertain and record the nature and the estimated value of any trees, jungles, fences or standing crops which have been cut down or removed and of any other damages caused to the land and shall offer compensation to the person entitled.

10 Survey map Registers, etc – (1) The survey Officer shall prepare a cause to be prepared under his direction maps and such registers and other documents as may be prescribed of all lands which are to be, or have been, surveyed and demarcated under this Act.

(2) If at the time of survey, the boundary of any estate or field by 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 in occupation of the land.

(3) In case of dispute regarding boundary, ownerships, 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 Records: - (1) The Revenue Enforcement Inspector shall prepare or cause to be prepared under his direction the records of lands in such form and manner as may be prescribed in respect of all lands and estates which are to be or have been surveyed and demarcated under Section 10.

(2) All entries in the records prepared under Section 11 shall be made on the basis of actual possession provided that such possession is not contrary to any law for the time being in force, and every entry made in the records shall, until the contrary is proved be presumed to be correct.

(3) Any dispute with regard to the rights over, title to or interest in the land so surveyed and demarcated under this section shall be referred to the civil court of competent jurisdiction, for decision.

11. Inspection of maps records, etc, and filing of objections to Survey Officer and Revenue Inspector – (1) As soon as the Survey, demarcation of boundaries and preparation of records of any land or estate in any area have been completed, the survey officer of the Revenue Enforcement Inspector shall, by a general notice issued under his signature call upon all persons specified in the notice to personally or be agent attend before them within 15 days of the date of the said notice for the purpose so called upon shall be allowed to field books and other relevant registers or documents and every person so called upon shall be allowed to inspect the maps, records and other relevant registers or documents in accordance with such requisition.

(2) The notice under subsection (1) shall specify the names of all person required to appear and shall be published or served in such manner as the Director may direct.

(3) Any person so called upon may file objection in writing as to any entry relating to his lands made or recorded in the maps, records or any other relevant registers or documents within 10 days of this inspection of the maps or records and all such objections shall be attached to the relevant registers or documents.

12. Inspection of maps, records, etc, and filing of objections to Director – (1) The Director after receipt of the maps, records, and other relevant registers and documents together with objections, if any, forwarded under section 12, shall cause a notice to be published in the manner mentioned under clause (b) and (c) sub clauses (i), (ii), (iv) and (vi) of clause (d) of sub section (3) of section 5, for general information that the maps, demarcation of boundaries and records relating to the lands or who may have any objection, may file such objection in writing before the Director after depositing such fee, not exceeding one hundred rupees, as may be prescribed within 30 days of the date of the notice.

(2) The Director shall, after the expiry of the said period of 30 days, consider all the objections forwarded under section 12 and those received under this section, and if he is satisfied –

(a) that the objections relate to manifest errors or omission in the maps as to identification or demarcation of boundaries or in any entry in the records of other relevant registers or documents, he may, whether after the making such inquiry or otherwise as he deems to fit, order such corrections to be made and person or persons concerned shall be informed of the corrections so made within 7 days of the order.

Provided that no such order shall be made to the prejudice of any person without affording him reasonable opportunity to show cause---

(b) that the objections may be settled amicably, he shall try for such settlement and, if a settlement is arrived at between the parties, cause necessary corrections to be made, in the maps, registers and other relevant documents.

(3) The Director may, for the purpose of disposal of the objections make such inquiry as he may deem fit and direct any person whom he believes have information or document pertaining to the objection to appear at the hearing and to furnish such information or to produce such documents as maybe required.

(4) The Director shall dispose of all objections within 90 days from the date of expiry of the notice under sub section. (1) and for the purpose of holding the enquiry may sit at any place within the State.

(5) After 90 days from the date of expiry of the notice under sub-section (1) The Director shall forward to the Government the maps, record and other relevant registers or documents with the objections received and orders passed thereon by him.

(14) Confirmation of the maps or records by the Government and their maintenance and custody-(1) the State Government may after considering the maps, records and other documents forwarded under sub-section 5 of section 13, by Order direct the publication of the maps or records prepared under this Act:

Provided that where the Government for reason to be recorded therefore deem it necessary that any maps, records or documents should be corrected or modified, it may direct the Director to cause such correction or modification to be made after hearing the objection, if any, in accordance with the Provision of Section 13.

(2)The State Government after 45 days of the publication of the maps or records under sub-section (1) confirm such maps or records and every such order of confirmation shall be published in the official Gazette, upon which and until the country is proved such maps or records shall be presumed to be corrected.

(3) The maps, records and other registers and documents prepared under this Act shall be maintained in such manner and kept in the custody of such officer as may be prescribed.

15. Order and confirmation to be placed before the state Legislature. – Every order made under sub-section (2) of section 14 shall be laid before the earliest possible session of the Legislature of the State.

16. Erection of temporary boundary marks and maintenance thereof. The Director, the Survey Officers or the Revenue Enforcement Inspector may cause to be erected temporary marks in such manner as may be prescribed in any lands surveyed or to be surveyed under this Act, and may require any occupant of the land to maintain such marks until the survey operation is concluded or until permanent boundary marks are erected.

17. Erection of permanent boundary marks and maintenance thereof-(1) The Director may at any time cause to be erected on any land which has been surveyed under this Act, permanent boundary marks in such manner as maybe prescribed and in such number as may be prescribed:

Provided that, ten days before the erection of any permanent boundary mark, the Director shall, for the information of all concerned, cause to be posted in his office and at such other place or places as the Director may direct, besides causing public announcement in the village authority as the Director may direct a specification of the marks which he proposes to erect on any land or estate and an estimate of their cost.

(2) Every owner, holder or occupier of that land shall preserve such permanent boundary marks, lawfully erected on his land and shall give immediate notice to the Director or such other authority as may be prescribed, if such marks are injured, destroyed or removed.

18. Re-erection of injured boundary marks and recovery of expenses thereof - Whenever is shall come to the notice of the Director, the Survey Officer or the Revenue Enforcement Inspector that any temporary or permanent mark erected under the provision of this Act has been injured, destroyed or removed or requires repairs the Director, the Survey Officer or the Revenue Enforcement Inspector may cause such boundary mark to be re-erected, restored or repaired and the Director may cause to be recovered any expense incurred in respect of such re-erection, restoration or repairs in such proportions as he shall think fit from the owner, holder or occupier of the land to whom such boundary marks may have been assigned under the provision of this Act.

Provided that no such expenses shall be recovered unless the Director is satisfied that the owner holder or occupier has removed,destroyed or injured the said marks withfully.

Chapter III

Miscellaneous

19. Power to exempt from operation of the Act: - 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 maybe specified in the notification.

20. Service of notice-(1) Every notice under this Act or the Rule made there under required to be served on any person maybe served-

(a) by delivering an authenticated copy thereof to the person to whom it is directed, or by delivering such copy at the usual place of abode of such person to some adult member o his family or in case it cannot be so served, by posting such a copy upon some conspicuous part of the usual or last known plac of abode of such person.

(b) by registering post such person usual place of abode, or to the place where he may be known to reside; Provided that incase such notice cannot be served in any of the ways herein before mentioned, it shall be served in such a way as the Officer issuing the notice may direct.

(2) In cases where two or more persons are owners, holders or occupiers of any land services of notice under this Section shall be deemed to be good and sufficient service if it is served on any one of them.

21. Penalty for not giving notice of injury to boundary marks: - If any person, being bound by the provisions of sub-section (2) of Section 17 to give such notice in respect of any boundary marks having been injured, destroyed or removed, or requiring repairs fails to give such notice, he shall on conviction be liable to a fine not exceeding one hundred rupees.

22. Penalty for removing boundary marks:- Any person willfully erasing, removing or damaging any boundary mark which has been lawfully erected under this Act shall; on conviction be punishable with imprisonment for a term which may extend to one year or with fine not exceeding five hundred rupees or with both.

23. (1) An appeal , if presented within 30 days from the date of such order or decision shall lie:-

(i) to the Director, against any order or decision of the Survey Officer, Assistant Survey Officer, a Revenue Enforcement Inspector and

(ii) to the Meghalaya Board of Revenue against any order or decision of the Director.

(2) In computing the period 30 days under sub-section (1) the time required to obtain the certified copy of the order appealed against shall be excluded

24. Delegation of powers of the Director: - The Director with the approval of the State Government may delegate all or any of his duties or functions under this Act to any Officer appointed by the Government in this behalf.

25. Expenses of the persons appearing at the hearings:- All expenses incurred by any person or persons filing an objection, including their witnesses, in attending the hearing before the Director under this Act shall be borne by the persons concerned but persons attending such hearing on a requisition made by the Director or the Government shall be paid such expenses as may be prescribed.

26. Bar of suit in Civil court:- No suit shall lie any Civil Court to set aside or modify any order or decision passed or made by the State Government, the Meghalaya Board of Revenue, the Director or any Officer under this Act.

27. Collection and recovery of amount due under the Act and Rules: - Except as provided in this Act, any costs, fines, expenses or any amount which is payable under this act or the Rules made there under may be recovered as arrears of land Revenue.

28. Officers to have the powers of a Civil Court in certain matters: - The Director, the Survey Officer, the Revenue Enforcement Inspector and their Assistants shall, for the purpose of survey, demarcation of boundaries, enquiry and disposal of objections and preparation of records under this Act, have the powers of a Civil Court under the Code of Civil Procedure,1908(Act 5 1908) in respect of the following matters, namely:-

- (a) summoning the attendance of any person:
- (b) requiring the production of any document:
- (c) examining any person on oath.

29. Bar of suits, etc: - No suit, persecution or legal proceeding shall lie against the Government, Director or any other Officer or person for anything done or intended to be done in good faith under the Act and all officers or persons appointed or engaged in the Survey operation and the preparation of records under this Act shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Codes.

30. Powers to make rules: - (1) The State Government may, by notification make rules to carry out the purposes of this Act. (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters namely:-

- (i). Powers and duties of the Officers under Section 4;
- (ii). Form of the registers and other documents for the purposes of survey and demarcation of boundaries and the forms of records and the manner of maintaining them;
- (iii). The procedure and manner of ascertaining and determining the compensation and the price of materials and labour supplied under Section 7 and payment therefore;
- (iv). The materials and specification of the temporary or permanent boundary marks and the manner erecting them.
- (v) Procedure and fees in appeals;
- (vi) Procedure and manner of collection and recovery of any fines, costs, expenses and other dues;
- (vii) Any other matter that may or which is required to be prescribed under this Act.
- (8) All rules under this Act shall be subject to the condition of previous publication.

D. R Rymbai
Deputy Secretary to the Government of Meghalaya
Law Department