

LMA ISLANDS SURVEY AND BOUNDARIES REGULATION, 1959

LACCADIV I, ANI ISLANDS SURVEY ANI) 1959. No. 4 OF 1959. Protnulgated by l'rc.siden((he survey or lands and the scettlelncl A Regulation to provide for IIIC Union territory or the Laccadive, Minicoy of boundary disputes iu aqd.Amindivi Islands. In exercise of the powers conferred by the article 24() of Constitu- s pleased nade CHAP FER .1 P REL 1M IN ARY (D 'T'llis Regulation tmay bc called (hc .accadive, Minicoy and Amindivi Islands Survey and Boundaries Regulation, 1959, (2) 11 c,xlends to IIIC whole or Union territory or the Laccadive, Minicoy and Atnindivi Islands. 2. of the Islands; tucans lhc Adntinistrador E)cfinitions.. tncans a ny person appointed to bc a survey survey oflice!" oilicet under section 3. (1) 'The Ad 3. Gazette, appoint any person to be a survey for of this Regulaion. in Appoint- any of pt.lrho.ses or survey officer. (hc and of any (2) Subject to the control in this beltatf, every person appointed omccr or authority appointed by .under sub-secclion (1) shall exercei.sc (hc powers and ia survey oflice• within 'such local Illa y direct. SURVIY OF LANDS by notification Inay, whcnccver he thinks fit, 4. The Adininislratör •in i Official Gazette, order lbat a survey shall bc nv,tde of any land siluated in the Islands 01' any bounda ry of such land. Pnwer or set ator to boundaries of lands. Nnlfication (1) When a survey is ordeved 5. inforntation in connection the renvith. section 4, the survey in Incans a person who has been or is pranted (b) "cowledar" lease or pandit runu land on rent. a specil'icd period, one of the conditions of such lease being that he Inakcs ilnprovclnents thereto; Incans Union territory of the Laccadive} (c) • Minicoy and flnindivi Islands; (d) "Land-owner" Illeancs a person (i) who is the proprietor or a parcel of land under the customary law of the Islands; or (ii) who is shown at holding land as lessee thereof in thé Government accounts; or (iii) who is shown as holding pandaralll land as owner or as a COW legat I I i 00 V ci v. a ny registei (iv) whose natne is registered as owner in maintained by the Administrator or by any of his assistants authorised b' hini in this behalf; pandoralll land" Incans land in which Govern Inent has (e) proprietary right; prescribed" Incans prescribed by rules Inade under thi Regulation; (g) "survey" includes all operations incidental to the detei mination, Incasut•erucnc and record or a boundary, or any part of boundary and includes a re-survey; Incans any or object erected, etnployed or specil'icd by a survey ollicer (o indicate or lcternline or in deternlining the position or level of (2) A notification pu blished under sub-section (1) shall be held to be a valid notice to cvery person having interest in lhc land the survey of which has been ordered or in the boundaries or such land

6. The survey officer shall carry out the survey in the prescribed Survey officer ltc Inanner.the cribcd.! manner e; 7. (1) The survey oilicer shall have power to detetunine and' . Power survey record as undisputed any boundary in respect or which no dispute is ccr lö brought to his notice. an undi (2) Notice of' every decision nf ted t)0Li section (i) shall be given in the prescribed nanner lo the land owners the boundaries of whose lands Inay bc affected by his decision. s. (1) Where a boundary is disptiled, lilaking such inqui ry as he considers necessary, shall lcternline the boundary and record it in accordance with his decision and also record writing the reasons for his decision. (2) Notice of every dccision of the survey officer under sub- section (i) shall be given in nanner to the parlic.s to the dispute and other landowners, the boundaries of' whose lands Ina y be affected by his decision. 9. (1) Any person by a decision under section 7 or App •section 8 may appeal to the prescribed oilicer. or 8 5 (2) r l*hc decision of the appella(c authority with the reasons there(or shall bc recorded in w ' d nd of such decision shall bc given in the prescribed nuannct• lo the parties lo the appeal. (3) Any ni0dification of the survey officer's decision ordered by the appellate authority shall be noted in the record prepared under section 7 or section 8, as the case Inay be. (4) A copy of the order and a copy or the Illap recording the boundaries as detertnined under section 7 or section 8 or sub-section (2) of section 9, shall be (urnished to any person interested in such order or Inap, •as the case Inay be, on his application and at his cost. 10. (1) An appeal under section 9 shall be preferred within six Period months fron) the date of service of notice under section 7 or section 8: Provided that in coinputing such period the time requisite for should be preferred. obtaining a copy each or the decision and or the 'nap, and also, if necessary, all,or any of the months of June, July, August and September, shall be excluded. (2) No appeal preferrcd after the expiry of' the said period shall be adlililled•, Provided that the appellate authority Inay adlilit an appeal arter the expiry of the said period on being satisfied that the appellant had good and sufficient cause for not preferring the appeal within the said period. Explanation:—The fact that notice undet section 7 or section 8 was not served personally on

the appellant shall be (learned to be good and sufficient cause within the meaning of the foregoing proviso.

-6- (3) No appeal shall be admitted under sub-section (2) after the issue of the notification specified in section 11. (1) When the survey of any land or boundary which has been notified under section 4, has been completed in accordance with the order passed under section 7, section 8 or section 9, the survey officer shall notify the fact in the Official Gazette and a copy of such notification shall be posted in the Cutchery of the Amin or the office of the Tahsildar, if any, of the Islands. (2) Unless the survey so notified is modified by a decree of a civil court under the provisions of section 12, the record of the survey shall be conclusive proof that the boundaries determined and recorded therein have been correctly determined and recorded. 12. (1) Any person deeming himself aggrieved by the determination of any boundary under section 7, section 8 or section 9 may institute a suit within three years from the date of the notification under section 11 to set aside or modify the said determination and the survey shall, if necessary, be altered in accordance with the final decree in the suit and the alteration, if any, shall be noted in the record. (2) The plaintiff in such suit shall join as parties to it all persons whom he has reason to believe to be interested in the boundary which is the subject of the suit. (3) No suit under this section shall be instituted in any court after the expiry of the period of three years aforesaid: Provided that in computing such period the time requisite for obtaining a copy each of the decision and of the map shall be excluded. 13. (1) Subject to such conditions as may be prescribed in this behalf, every land-owner shall be bound to maintain, renew and repair the survey on or within the boundaries of his land and in default of his doing so, the survey officer or Administrator may, at the cost of Government, renew and repair such survey marks, determine and apportion the cost of so doing, and recover such cost from the landowner concerned as if it were payable under a decree of a civil court and such cost may include the cost of all operations incidental to such renewal or repair but not any charges on of survey officers and supervising account establishment. (2) Before the survey officer or Administrator takes steps to maintain, renew or repair any survey marks, he shall serve a notice in writing on the land-owner in the prescribed manner giving particulars of the survey in which "as contemplated calling upon to maintain, renew or repair the same within the time to be specified in such notice which shall be not less than thirty days from the date of thereof. (3) the notice under sub-section (2) cannot be a copy of the same shall be served personally on the land-owner, cultivator or other person interested in the land. and 14. It shall be the duty of every Amil, (Jumastha of the islands,— service served on the Karani Landowners responsible for maintenance or survey marks, Duties of Guntastha and Karani -8- (a) to prevent the destruction, injury, removal or alteration of any survey mark on or within the limits of his jurisdiction; and (b) when he becomes aware that any such mark has been destroyed, injured, removed or altered, to report the fact without delay to the prescribed officer

CHAPTER III MISCELLANEOUS 15. : For the purposes of any survey, inquiry or other Proceedings under this Regulation, the survey officer or the Administrator or any of the subordinates of such officers shall have power to enter upon, examine and measure any land under survey and to clear by cutting down or removing any trees, jungle fences, standing crops or other obstructions, boundaries or other lines, the clearance of which may be necessary for the purposes of the survey

16. Any survey officer generally or specially authorized in that behalf, or the Administrator or any officer to whom an appeal is preferred under any of the provisions of this Regulation may, for the purposes of rendering assistance in the survey or any land, summon and enforce the attendance of any person who has an interest therein and may, for the purposes of any survey, inquiry or other proceedings under this Regulation, summon and enforce the attendance of any person for giving evidence and for the production of documents in the prescribed manner. Power to enter examination on 'any Power witness' and to produce (to mention 9 17. (1) Administrator or the survey officer may with the consent of all the parties concerned, refer to arbitration any dispute as to a boundary. (2) The decision of the Administrator or the survey officer passed in accordance with such award shall be conclusive between the parties to such arbitration and those claiming under them. 18. Administrator may by general or special order in writing, direct that all or any of the powers or (duties which may be exercised or discharged by under the provisions of this Regulation except those under this section and section 20), shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercised or discharged also by any officer or authority specified in this behalf in the order

19. No suit, prosecution or other legal proceeding shall lie against any person for or in respect of anything in good faith done or intended to be done under this Regulation or any rule or order made thereunder.

20. (1) The Administrator may by notification in the Official Gazette and subject to the condition of previous publication, make rules to carry out the purposes of this Regulation. (2) In particular and without prejudice to the generality of the foregoing powers, such rules may— (a) specify for the localities the unit of survey, the sub-divisions thereof and the description of the survey marks and provide for the maintenance, renewal and repair 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; Referral to arbitration. Delegation of powers and duties. Protection of action taken under Regulation. Power of Administrator to make rules (c) define the classes of officers to be appointed to perform any duty under this Regulation and the powers to be exercised by such officers; (d) provide for and regulate procedure to be followed by those officers in the conduct of proceedings under this Regulation; (e) provide for the publication of all notifications issued under this Regulation and for the form, issue and service of all orders, communications and notices to be issued, communicated, given or served under this Regulation; (f) regulate the furnishing of survey marks, labour and other matters necessary to surveys notified under this Regulation and the recovery of charges incidental thereto where they are recoverable; (g) provide for the fees payable for processes issued and copies granted under this Regulation; (h) provide for the manner in which arbitrators are to be appointed and regulate the procedure to be followed by them; provide for all other matters expressly required or allowed by this Regulation to be prescribed. If immediately before commencement of this regulation there is in force in the whole or any part of the islands any law corresponding to this Regulation, that law shall on such commencement stand repealed. RAJENDRA PRASAD, President. G. R. RAJAGOPAL, Secretary. OFFICE OF THE ADMINISTRATOR LACCADIVE, MINICOIY AND ISLANDS L. M. & A. ISLANDS SURVEY AND BOUNDARIES RULES 1960. I. Short title: These rules may be called the Laccadive, Minicoy and Amindivi Islands Survey and Boundaries Rules, 1960. II. These rules, unless the context otherwise requires— 2. Definitions : In these the Laccadive, Minicoy and Amindivi Islands (a) "Regulation" means the Laccadive and Boundaries Regulation 1959; means a section of the Regulation. (b) "Section" 3. Classes of survey stones to be used in survey and points at which they are to be planted. The following are the survey stones to be used in survey: (1) Theodolite stone—Rough stones of durable quality roughly squared at top or cement concrete slabs 60 cm. in length, and square (20 cm. x 20 cm.) at the top. A plumb hole in a circle of 5 cm. diameter should be cut on the top as also a broad arrow mark on the rock is situated at the required points may be utilised by culling the stones (one Boulders in situ or •Note: holes and a row of marks on these stones are to be planted at the points at which a theodolite has been used. (2) Field stone—Rough stones of durable quality roughly squared top (15 cm. x 15 cm.) or cement concrete slabs 60 cm. in length and square (15 cm. x 15 cm.) at the top with an arrow mark 10 cm. in length at the top. Note: Stone Boulders in situ or rock is situated at the required points may also be utilised by arrow marks on them. These stones are to be planted at junctions and bends of survey field at the bends of poramboke sub-divisions and fields

4. Existing survey marks to be deemed to be of prescribed description Survey marks which have been planted under proper authority before these rules shall be deemed to have been planted under the provisions of these

5. Survey marks when (a) need to require repair— A survey mark requires repair when it is (a) out of its correct position; or (b) entirely covered with earth or overgrown with vegetation so as to be invisible or inaccessible for purposes of measurement

6. Powers exercisable by Survey Officers—Survey Officers appointed under sub-section (1) or section 8 and mentioned in column (1) or the schedule shall exercise the powers specified in column (2) thereof within their respective districts which may be assigned to them in this behalf by the Administrator, or any or the powers conferred on the Administrator may also exercise all or such officers. 2. Officers entitled to receive Assistant Director (In-charge) vs Secretary (Administrator. Assistant Director or Survey, Head Surveyor, Deputy Surveyors, Tahsildars. Director of Survey, Head Surveyor, Deputy Surveyors, Tahsildars and Secretaries to the Administrator. If for or concerned with the orders under section 7 (1) passed by sections 7 (1) subordinate survey officers (Section 9) (1) publish notification of commencement of survey [Sec. 5 To determine undisputed boundaries [Section 7 To inquire into and determine disputed boundaries [Sec. 8 To notify completion of survey (Sec- 1) to receive reports of the destruction, removal of survey field witnesses and require production of documents [Sec. 16] 4

5. Tahsildars, Deputy Surveyors Asst. Director of Survey, Secretary to the Administrator. -14- To maintain, renew and repair survey marks and apportion the costs there- of [Section 13 To issue Notice to the Registered or renewal or repair holders of survey marks [Section 13 (2)] To refer to arbitration [Sec. 17] 7. Collection and record of information and land to be surveyed. (1) When the survey officer empowered under rule 6 has published a notification under sub section (1) of section 5 in respect of any land such officer may by written notice upon any person claiming to be interested in such land. (a) to attend either in person or by agent at a specified place and time and from time to time thereafter in order to point out boundaries and supply information in connection therewith. (b) to produce before him for inspection and registry all grants, deeds and other documents relevant in his opinion to the survey. (2) The survey officer may by written notice, call upon the Amin Karani of the Islands to produce records and information relating to the survey to point out boundaries, and supply information in connection therewith and attend during the survey whenever necessary.

8. Manner Of publication of notification (1) A copy of notification under sub section (1) of section 5 shall be in the following manner, namely by affixing a copy thereof in a conspicuous place in the office of the Amin or Karani of the island concerned and by sending or 9. Form of notices under Section 7 notices issued under sub section (2) of section 7 shall be in the form of an extract relating to the holding and shall state the title within which and (the officer to whom an appeal may be presented. 10. Form of notices issued under 8 (2) and 9— Notice of decision under section (2) of section 8 and section 9 shall give the purport of the decisions passed: and those given under sub-section (2) of section 8 shall also specify the time within which and the officer to whom an appeal may be presented. 11. Notice of appeal is filed against a decision under sub-section (1) of section 7. Notice shall be given by the appellate authority to all the registered holders the boundaries of whose holdings may be affected by the proposed change of an appeal against a decision under sub-section (1) of section 8 notice shall simultaneously be given to the other parties to the dispute. (2) The following records shall be kept by the Survey Officer: (i) the original of the survey records notified under section 7 of the land in the office of the Survey Officer showing the area or each survey field and (ii) as far as ascertainable, the tenure and ownership or the nature, subdivision (if any) of each survey field plotted to scale (iii) the copy of the original or the original of the documents taken for each field and (iv) map plotted to scale showing all survey fields with important topographical details

13. Contents of notice under Section 13 notice under sub-section (2) of section 13 shall specify the numbers of the survey fields or sub-divisions on which the boundaries of which the survey marks requiring renewal or repair are situated

14. Manner of service of notice—(1) The notice issued under the regulation or under these rules shall be served on any person— (i) by delivering or tendering the same to him or if he is absent, by delivering or tendering the same to any adult member of his family or to his authorised agent and an acknowledgment obtained in token of the receipt of such notice; or (ii) if it cannot be so delivered or tendered, by affixing it on the outer door or some other conspicuous part of the premises in which that individual lives and a written report thereof shall be prepared and witnessed by two persons living in the neighbourhood. (2) Every acknowledgment and written report obtained under this rule shall be entered in a book maintained for the purpose

15. Supply of survey marks and labour—The survey marks used and labour employed under sub-section (1) of section 18 shall ordinarily be supplied at the cost of the government. Where, however, a registered holder of land or the survey tenant offers to supply survey marks and labour at his own cost, may grant permission accordingly if the officer is satisfied that the progress of survey will not be retarded thereby. The survey officer shall be competent however, to rescind such permission if he finds at any time that delay in the land holder's or the holder's has set back the progress of survey supply of either survey marks or operations. Reports under Section 14 shall be made to the Survey Officer—The report which the Amin, Gunlastha, or Karani is required to make under Section 14 shall be made to an inspection register to be submitted to the Tahsildar in the Tahsildar at such times as may be specified by him in this behalf

17. Conduct or proceedings (1) The proceedings of all officers authorised to conduct proceedings under section 16 shall be governed, so far as may be practicable, by the law in force in the Islands as to (a) the service of summonses; and witnesses and enforcing their (b) the summoning of

parties attendance ; (c.) III C ilea ring and the examination of parties and witnesses; and (d) the production of documents. Processes issued under the Regulation shall be served by the establishment attached to the Alin or Karani of the Island however, sanction the employment of special establishment. The Administrator is responsible for the service of such notices, and in such event the following scales for fees shall be payable namely: Nature of process For each summons or notice (a) to a single defendant, respondent or witness. (b) to every additional defendant respondent or witness residing in the same island, if the processes be applied for at the same time. -18- A sum leviable by Survey officer When exercising original jurisdiction 50 25 1. 50 . for processes applied for and ordered to be served urgently, the fee shall be one and half times the ordinary fee

19. Fee for grant of copies of Orders etc.—Copies of orders passed under sections 7 (1), 8 (1) and 9 may be granted to the applicant on payment of fee which shall be levied in the form of stamp papers at the rate of one sheet for every 50 words whether in English or in Malayalam. Explanation—For the purpose of this sub-rule 'sheet' means a stamp paper bearing a stamp of the value of 31 nP. 9(2) the fee for copies of plans, sketches or diagrams shall be fixed at Re. 1 per sheet of paper of the size used for a page Field Book and Re. 1 for every additional sheet required. 20. Appointment of Arbitrators—(1) The Administrator shall appoint in the following manner. 19 In any dispute (as to a boundary)- coming up for hearing in the court of the Administrator or the Secretary to the Administrator, or the Assistant Director of Survey the court may, at any stage or the hearing, if satisfied that the facts of the case cannot be ascertained except by reference to local persons, suggest to the parties in dispute that the case be referred to arbitrators. (2) If the parties agree to arbitration, the Alin or Karani of the Island with two Karnavans and two representative land holders as may be agreed upon by the committee (3) If the parties agree to arbitration, but do not agree to the choice of the representatives, the Court may of its own accord appoint two Karnavans, and two representative land holders and the Alin or Karani of the island, as arbitrators who shall have power to act in the reference and to make an award as if they had been appointed by the consent of all parties. (4) The Court shall by order refer to the arbitrators the matter in dispute in which they are required to decide and shall in the order specify such time as it thinks reasonable for the making of the award: Provided that the Court may if it thinks fit, enlarge the time for making the award. not be entitled to any remuneration in respect (5) The arbitrators shall of the arbitrators Alin or Karanavan, on the application of use all reasonable despatch in entering on and removing an arbitrator who fails to proceed with reference. arbitrator who has been misconducted himself - 20- (7) If, for any reason, a vacancy (other than a temporary absence occurs in relation to an arbitrator), the Court shall appoint another person to fill the vacancy and the proceedings may be continued before the arbitrator from the stage at which the vacancy is filled. Provided further that if any such vacancy occurs in case of any arbitrator a representative land holder who has been appointed to fill the vacancy except the consent of such parties: Provided further that if the parties do not agree to the choice of such arbitrator, the Court may, of its own accord, appoint any person to fill the vacancy (8) The Court may from time to time remit the award to the court for reconsideration where the award has left undermined any of the matters referred to arbitration. (9) The Court may by order modify or correct an award where it appears that the award is imperfect in form or contains any obvious error which can be amended or rectified without affecting the decision. The Court shall decide dispute according to the majority opinion given in the award. The decision of the Court passed in accordance with such award shall be conclusive between the parties to such arbitration and those claiming under them. Procedure to be followed by The arbitrators shall conduct proceedings jointly, the Alin or Karani presiding over the deliberations. (2) The arbitrators shall take such oral evidence and consider such documentary evidence as may be considered by them to be relevant or material to the dispute. 21 (3) The Court shall issue the same processes to the parties and witnesses when the arbitrators desire to examine as the Court may issue in matters tried before it. (4) The award shall be joint document signed by all or a majority of the arbitrators and shall be submitted to Court by the Alin or Karani. The Alin or Karani shall also file along with the award a brief note regarding the documents verified and the witnesses examined, and the local inspections made by the arbitrators. System of Survey to be adopted—The Diagonal and off-set system of survey shall be adopted for survey of the islands, provided that the Administrator may adopt such other procedure as may appear to him most

suitable. C. K. BALAKRISHNAN NAIR, Adminisrator. Laccadive, Minicoy & Amindivi' Islands, KOZHIKODE-4.

