

CHAPTER 7

THE RECORD OF RIGHTS AND PERIODICAL RECORDS

Replaces standing order no.23, original issue dated 19th October,1909, 1st reprint, dated 2nd September, 1912, 2nd reprint, dated 21st September, 1916, 3rd reprint, dated 3rd March, 1921, and 4th reprint, dated 1st June, 1927.

Chapter XIV and appendices VII and VIII of the Settlement Manual and Chapter X of Land Administration Manual should be read in connection with this chapter.

PART A

A- RECORD OF MUTATIONS

Paragraph 372 to 386 of Chapter X of the Land Administration Manual and paragraph 279 to 282 of the Settlement Manual relate to the record of mutations.

7.1. Entry of Mutation: The mutation register is prescribed in ¹[sections 33 (3) and 34 of the Land Revenue Act] for the entry of ²[every acquisition of any right or interest in an estate as a landowner, assignee or occupancy tenant], and under ³[section 35] for disputed acquisition of other rights. The mutation register is not a part of the record-of-rights and its entries do not share in the presumption of truth attached to that record⁴. All mutations of rights of ownership including voluntary partitions, shall be entered by the patwari in the register when they are reported to him by the transferee as required by ⁵[section 34 of the Land Revenue Act], and if not so reported, then as soon as they appear to have been acted upon. When he enters a mutation affecting the shajra nasb the patwari shall not in pencil the number of the mutation against the entry affected. If and when the mutation is sanctioned he shall amend the shajra nasb in red ink in accordance with the mutation order.

⁶[To effect the prompt entry of mutations the following procedure shall be followed :-

- (i) On an oral or application in writing, made to the Patwari by either of the parties concerned, necessary entries in the remarks column in the mutation sheet shall be made immediately.

¹ Now "Section 41(3) and 42 of the West Pakistan Land Revenue Act, 1967."

² Section 41(3) and 42 of the West Pakistan Land Revenue Act, 1967, provides that the mutation register is maintained for the entry of every acquisition of any right or interest as a land-owner or a tenant for a fix term exceeding one year.

³ Now "Section 43 of the West Pakistan Land Revenue Act, 1967".

⁴ 1934 L.L.T.2

⁵ Now "Section 42 of the West Pakistan Land Revenue Act, 1967".

⁶ Added by correction slip No. 37, L.R.M. dated 20.6.1961.

- (ii) As laid down in the standing instructions, in para 3.81 the factum of receipt of such a report or application shall also be recorded in the
- (iii) In no case shall the completion of the entries in the mutation sheet remain pending with the Patwari for more than 15 days without obtaining prior approval of the circle revenue officer. The reasons for the delay, if any, shall be recorded in the remarks column.
- (iv) Presence of parties are not necessary for entering a mutation; hence their absence or the Patwari's preoccupation with other work shall not be accepted as pretext for delayed entry of mutations beyond 15 days of the original report. Action shall invariably be initiated by the halqa revenue officer whenever a case of delayed entry is detected. In case he fails to do so action shall be taken against the halqa officer himself.
- (v) It shall not be difficult for a Patwari (resident official) to learn in normal course of the occurrence of death of land-owner in his small circle. Mutations of inheritance in such case can, therefore, be entered by the Patwari suo motu on the basis of his personal knowledge without waiting for any formal intimation from any quarter. In further failure to enter a mutation of inheritance on the death of a resident land-owner shall be construed to reflect adversely on the vigilance and awareness of Patwari and shall be taken due notice of.
- (vi) It shall be the duty of the Patwari to bring the fact of having entered a mutation to the notice of the halqa officer during the Patwari's next visit to the Tehsil headquarters if the officer has not toured his circle earlier and noted on every pending mutation. The halqa officer shall initial all mutations entered by the Patwari or Tapedar since his last visit and shall note the fact for planning his subsequent tour programme.]

⁷**[7.1-A. Report under Section 42 regarding acquisition of rights to the Assistant Commissioner or Chairman of the Union Council. – In addition to the procedure referred to in para 7.1 any interested person may report regarding acquisition of right orally or in writing to the –**

- (a) Assistant Commissioner concerned on the first 4 working days of every month when the Patwari attend the Tehsil Officer; and
- (b) Chairman/Vice-Chairman of the Union Council concerned on every Sunday when Patwari attend the office of the Union Council under paragraph 3.17(2).

The Assistant Commissioner or the Chairman/Vice-Chairman as the case may be, shall thereupon cause such report to be entered by the Patwari in the Roznamcha Waqiyati and in the register of mutation.]

7.2. Reference in jamabandi (Register Haqdarar Zamin): The patwari should, whenever a mutation case is entered in the register, not the serial number and nature of the transfer in pencil in the column of remarks of the ⁸[jamabandi] opposite the

⁷ Para. 7.1-A added vice Correction Slip No. 5/87, Land Records Manual, dated 12-5-1987.

⁸ Now called "Register Haqdarar Zamin".

appropriate holding. If and when the mutation is sanctioned, he should make the above note in red ink. Serial number of fard badar entries should also be similarly noted and in order to distinguish them from the serial number of mutations the word "badar" should be added. Fard badar entries will thus be referred to as I badar, 1 badar, etc. etc.

7.3. ⁹[**Register Dakhil Kharij – Land Revenue Rule 73 (Now Rule 72)** : The form of Register Dakhil Kharij with instructions as to the enteries to be made in it is given below:-

Serial No.	Entry in the Register Haqdaran Zamin or last entry in Register Dekhil Kharij which is proposed to be corrected.					New entry which is proposed to be substituted.					Nature nad date of Dekhil Kharij with price in case of sale and amount of mortgage debt in case of mortgage.	Land Revenue and Dakhil Kharij fee.	Reports and orders. Signature/Thumb-Impression of witness.
	No. Khewat Register Haqdaran Zamin.	Name of owner with description.	Name of cultivator with description.	Survey/Khasra No. with name, if any	Area and Kind of soil.	No. of Khewat which will be substituted in the new Register Haqdaran Zamin.	Name of owner with description.	Name of cultivator with description.	Survey/Khasra No. with name, if any	Area and Kind of soil.			
1	2	3	4	5	6	7	8	9	10	11	12	13	14

Note : In column 13, the land revenue shall be recorded in red ink.]

7.4. General instructions: (i) The mutations register consists of a counterfoil and a foil. The former is the patwari's copy of the register. The latter is removed after orders have been passed, and sent to the tahsil to be filed with the ¹⁰[jamabandi]. The

⁹ Amended by correction slip No. 59, L.R.M., dated 5-11-1964. Form XXXV given in Appendix A to the West Pakistan Land Revenue Rules, 1968, has been incorporated in this paragraph.

¹⁰ Now called "Records-of-Rights and Preodical Records".

patwari should make his entries in columns 1 to 13 of the counterfoil ¹¹[except the entry relating to Dekhil Kharij fee]. Having thus filled up columns 1 to 13 in the counterfoil, the patwari shall copy these entries in the foil. He shall then write his report in ¹²[column 14] of the foil, briefly state the facts explaining the change, the names of the persons on whose information the entry is based, and require the lambardar concerned to attest the entry by seal or signature. He is however, strictly forbidden to take the thumb-mark of the signature of any of the parties to the transaction anywhere on the mutation sheet.

(ii) The field kanungo must attest, by personal examination of the papers concerned, every entry made by the patwari in the counterfoil and foil, noting briefly that he has done so. He should mention the date below the report in the latter. He must sign the entries in both counterfoil and foil.

(iii) The Revenue Officer should carefully compare entries in the counterfoil and the foil, and must write his order on the latter. He should see that all entries in the mutation sheets as well as his orders thereon whether the parties interested were all present; or if any one was absent, the way in which his evidence was obtained, or if it was not obtained, what opportunity was given to him to be present; also who identified the parties present and the place at which, and date on which, it was written. ¹³[In mutation of alienation of land the tribes of the parties should be named in the order. It is not sufficient to note that parties are zaraat pasha or ghair zaraat pasha]. No detailed record of the statements of parties and witnesses need be made, but the order must state briefly the person examined by the revenue officer, the facts to which they deposed and the grounds of the order. except in the case of killabandi mutations (paragraph 15 of appendix XIV to Settlement Manual) no revenue officer any more than the kanungo or patwari should take the signatures or thumb-marks of parties or witnesses anywhere on the mutation proceedings. Except where the mutation order relates to an entire holding and in cases of undisputed inheritance the revenue officer must enter with his own hand the numbers of the fields affected and their total area, in the case of mutations relating to registered companies or firms, the attesting officer shall not pass final orders unless he has satisfied himself that the company or the firm has been duly registered and the party concerned has produced a certificate of registration by the Registrar of Companies Mention to his effect shall be made in the attestation order.

It is irregular to sanction a mutation behind the back of the parties concerned and such an order in mutation is liable to be set aside. When in a mutation order the presence of a party concerned is not mentioned, the presumption is that such party was not present. (1941 L.L.T. page 14). It is irregular to sanction a mutation of gift without summoning the donor as his consent to the mutation is necessary (1937 L.L.T. 1).

(iv) He must write with his own hand in the counterfoil a very brief abstract of the operative part of his order giving the numbers of the fields effected and their total area, thus, "dakhil kharij numberhai falan rakba falan manzur hai". No recital of the facts on which the order is based should be entered in the counterfoil.

¹¹ Added/Amended by correction slip No. 60, L.R.M., dated 5.11.1964.

¹² Added/Amended by correction slip No. 60, L.R.M., dated 5.11.1964.

¹³ Every person residing in the Province has since been declared as 'Agricultruist' and as such this procedure has been discontinued. See note under para 7.22 infra.

(v) When mutation is refused the revenue officer must similarly pass his order to that effect on the foil and note the fact in the counter-foil. He must sign the entries in the counterfoil after comparing them with those on the soil.

(vi) For the action to be taken with reference to the share of the shamilat attached to land transferred, see paragraph 7.19 *infra*. Regarding the procedure to be observed in connection with alienation which are affected by the Punjab Alienation of Land Act, see paragraph 7.22 ¹⁴[and 7.23] ¹⁵*infra*.

(vii) To save heavy stamp duty and registration fee on deeds relating to the alienation of immovable property, it has become the practice, especially in urban areas, to execute, instead of regular sale deed, two documents as follows:-

- (a) a receipt for the payment of the price of the property which is described as having been orally sold, together with.
- (b) An indemnity bond relating to such oral sale; and then get both these proceedings as “zabai bazaria rasid registri shuda” with the object of clothing what is essentially an oral transaction with something of the protection attaching to registration proceedings, In such cases, no mention of any receipt or indemnity bond should be made in the mutation proceedings either in the Patwari or Kanungo’s report or in the order of the revenue officer, who should treat such transactions purely as “zabani” and not as “zabani bazaria rasid registri shuda”

Any contravention of these instructions by the Patwari and other revenue staff will be severely dealt with.

¹⁶[(viii) All revenue officers responsible for mutation work should be give immediate attention to all mutation applied for to give effect to schemes of consolidation. It must be remembered that every member before joining or being admitted to a consolidation of holding society has signed a statement that he-

- (1) agrees to the principles of the re-arrangement of scattered holdings so as to secure more compact blocks of fields for each owner;
- (2) agrees to submit to any arrangements approved by two-thirds of the whole number of members in a general meeting or such other proportion as the by-laws of the society concerned may prescribe.
- (3) agrees to permit the re-arrangement of his lands in accordance with any such scheme and to give possession in accordance therewith for ever;
- (4) agrees to submit to arbitration in accordance with by-law No.29, all disputes touching the business of the society (including disputes as to rights, boundaries, rents, responsibility for land revenue and cesses and possession of the land effected by any such scheme), that may arise during the existence of this society;

¹⁴ Paragraph 7.23 has been deleted.

¹⁵ See also footnote No. 3 at page 229.

¹⁶ This procedure has since been changed. See the West Pakistan Consolidation of Holdings Ordinance, 1960, the West Pakistan Consolidation of Holdings Rules, 1960, and the instructions issued by the Board of Revenue for the guidance of the consolidation staff.

- (5) agrees to submit to any arrangement approval by tow-third of the whole number of members in general meeting or such other proportion as the key-law of the society concerned may prescribe in case of any future partition or re-arrangement of the consolidated area in which he may be concerned.

In view of this the Sub-Inspector of Consolidation, appointment Patwari of the village for the purpose of consolidation, will enter mutations arising out of the consolidation of holdings, and these entries will be verified by the Inspector Consolidation, by comparison with the relevant records. On receipt of information that the enties are ready for attestation, the Tehsildar or Naib-Tehsildar, Consolidation concerned, will process immediately to the spot to hear the case and to pass orders.]

¹⁷[(ix) As regards mutations for the consolidation of holding affected by a Co-operative Consolidation Society the Board of Revenue have ruled as follows:

- (a) Revenue officer are bound to hear all relevant objections to proposed mutations.
- (b) Revenue officer can refer to proceddings of the Consolidation of Holdings Society concerned in order to decide whether --
- (i) the objection is or not correct;
 - (ii) the objector is a member or a non-member;
 - (iii) he offered the area objected to for consolidation; and
 - (iv) the area allotted to him has been allotted in accordance with a scheme approved by the prescribed majority of the society in accordance with its by-laws;
- (c) when the objector is a member of the Consolidation Society, he has his remedy under rule 18 of the rules published with Punjab Government Notification No. 13819, dated the 23rd June 1917, and the decision of the Register, Co-operative Societies, or of the arbitrator, should be followed by the revenue officer.
- (d) No general rule can be laid down with regard to the attestation of mutations of holdings of which the possession has not yet passed, or the exchange whereof has been reversed after one or two harvests. Possession is however, very strong avidence of facts that have actually accured.

It should be clearly understood that the duty of the revenue officer attesting a mutation is confiened to ascertained whether a fact does or does not exist. It is not his function to entertain an application and come to a finding upon it in the manner laid down in the rules under the Co-operative Socities Act. On the other hand, he should follow any decision given by the Registrar or arbitrator under those rules, or by the society in accordance with its by-laws. His only duty is to ascertain whether a fact does or does not exist.]

¹⁷ See footnote No. 1 at page 231.

(x) ¹⁸{No mutation shall remain pending for more than three months after entry in the Patwari's register. In case of any hitch or legal complication rendering further postponement imperative the matter shall be brought to the notice of the ¹⁹[Revenue Assistant] or the ²⁰[Sub-Divisional Officer] concerned. This statement shall accompany the monthly diary of the circle revenue officer (prescribed under Standing Order No. 12) and shall contain a complete report on all the mutations pending over three months in the circle giving reasons for non-attestation as well as the measures proposed to be adopted for disposal of each case. ²¹[All mutations, not attested within a period of three months shall also be shown in the quarterly business return of revenue work for each district by Tehsils.

When Commissioner and Deputy Commissioner tour the interior, they shall take the monthly diaries and statements so delayed mutations with them. They shall also require the Kanungos to submit to them a statement of pending mutations clearly or Naib-showing the mutations pending over three months. They shall ascertain from the Tehsildar or Tehsildar the reasons for delayed disposal of these mutations and shall take prompt and affective action against persistent defaulters. Compliments that mutations have not been attested within four months of the entry shall be attended to in persons by the Deputy Commissioners and Commissioners on tour and each case of serious delay shall be taken up with the halqa officer with a view to ascertain the reason and punish any deliberate default. The action and pursuance of these instructions shall also be discussed in the regular revenue business returns].

A practice has been followed in some districts under which parties to a transaction pertaining to land put in an application on a court fee stamp of Re.1/- before a revenue officer for recording their statements to the effect that their transaction has been completed and that the mutation be sanctioned in their absence. In pursuance of this request the revenue officer sanction the mutation. This practice is liable to gross abuse and should, therefore, be stopped, ²²[Rule 34(ii) of the Land Revenue Rules] cannot be construed as doing away with the necessity of the mutation being decided in public. Persons acquiring rights can certainly report ²³[under Section 34 of the Land Revenue Act], in writing, but this does not justify a decision of the mutation being made outside the estate in the manner explained above.

(xi) It is a wrong notion that all disputed mutations should be sent up to the Assistant Collector 1st grade for final orders. Under ²⁴[section 10 of the Punjab Land Revenue Act] orders in mutation cases can be passed by an Assistant Collector of either grade in practice nearly the whole of the work is disposed of by Tehsildar and Naib-Tehsildars. Only cases mentioned in paragraph 7.22 (v)(i) of the Manual, and those placing persons in possession of diputed property cannot be disposed of by any revenue

¹⁸ Amended by correction slip No.38, L.R.M., date 20-6-1961.

¹⁹ Now designated as "E.A.C(Revenue)G.A."

²⁰ Now designated as "Assistant Commissioner,".

²¹ Also see section 42(10) of the West Pakistan Land Revenue Act, 1967 and rule 33 of the West Pakistan Land Revenue Rules, 1968.

²² Now "rule 4 of the West Pakistan Land Revenue Rules, 1968.

²³ No "section 42 of the West Pakistan Land Revenue Act, 1970. "Sub-section (8) of that section provides that mutations shall be attested at any place in the estate in which the land is situated and a mutation attested outside the estate concerned shall be void.

²⁴ Now "section 17 of the West Pakistan Land Revenue Act, 1967.

officer exercising powers below those of Assistant Collector, 1st grade, - vide ²⁵[section 36(2) of the Punjab Revenue Act] and ²⁶[Schedule B of the Punjab Government Notification No.81, dated the 1st March 1888], (Punjab Land Administration Acts, Volume II)].

(xii) The regular practice in regard to mutation proceedings is that if a person alleges an oral transaction in his favour, which is not admitted by the other party, the mutation must be refused and such person left to seek his remedy in the Civil Court. (1941 L.L.T. 146).

(xiii) In mutation proceedings revenue officers are required to arrive at a decision in so far as they are able to do so, in summary proceedings, as to the disputed title to the land in question. The decision on a mutation is not a final adjudication on a question of title, it is the formal recording of what the revenue officers dealing with the case consider the facts in regard to title to be. The final adjudication on a question of title between the parties is a matter for the civil court, except in so far as the legislature may by special statutes take away the jurisdiction of civil courts in regard to certain matters and confer their jurisdiction on another authority (1941 L.L.T. 183).

(xiv) No period of limitation being prescribed under ²⁷[section 37 of the Land Revenue Act], a mutation cannot be refused merely because of the lapse of time (1937 L.L.T.26).

²⁸[(xv) In addition to the general instructions contained in sub-paragraph (i) to (xiv), the following instructions shall also be observed in connection with attestation of mutations:-

- (a) (1) The field Kanungo who is required to visit each Patwari halqa twice a month shall make a comparison of the entries of mutation with the relevant records of rights on his first inspection tour to the circle of the Patwari concerned and in no case, shall this comparison be delayed for than a month.
- (2) If an attesting revenue officer finds that a mutation has not been compared by the field Kanungo during this prescribed period, he shall himself make the comparison and attest the mutation besides recommending suitable action against the field Kanungo.
- (b) There is general tendency among the circle revenue officers to attest only those mutations which are presented to them by Patwari. This is against the rules on the subject as it is the duty of the revenue officer to go through the entire Mutations Register, detect all pending mutation and take suitable action in every case. He is bound to record on every pending mutation the reason for not attesting it. He shall also clearly indicate what further action is necessary to make the case ripe for disposal on his next visit.

²⁵ Now "section 44(2) of the West Pakistan Land Revenue Act, 1967".

²⁶ See West Pakistan Board of Revenue's Notification No.54/69/88-U(I) dated the 8th Feb, 1969 issued under section 17 of the West Pakistan Revenue Act, 1967 which provides that the functions in connection with attestation of mutations (except as provided in section 44) may be discharged by any class of revenue officers.

²⁷ Now "section 45 of the West Pakistan Land Revenue Act, 1967".

²⁸ Added by correction slip No.39, LRM., dated 20-6-1961.

- (c) The non-appearance of parties concerned shall not be made an excuse for delaying attestation work. Notice of the tour shall be sent in advance and all the parties be informed, if possible, be service in person at least 7 days ahead of the arrival of the circle revenue officer through the Patwari concerned. This will provide a valid ground for ex-parte disposal of mutation pending for more then the three months, where proof of personal service is on the record. Naib-Tehsildar and Tehsildar shall submit monthly tour programmes for approvaql of the Deputy Commissioner and shall undertake regular touring according to their programmes. The instruction shall be strictly complied with and action to be taken against revenue officer who do not submit their monthly tour programmes. The circle revenue officer shall also send a copy of his tour program to the ²⁹[Local Union Council] for publicity in the village proposed to be visited.]

7.5 ³⁰[Omitted]

³¹[**7.6 Correction of clerical or arithmetical mistakes made in the mutations-**

Correction of clerical or arithmetical mistakes made inadvertently made in the order passed on mutation: (1) (i) Section 166 of the West Pakistan Land Revenue Act, 1967, provides that clerical or arithmetical mistake in any order made by any revenue officer, or errors therein from any accidental slip or omission may, at any time, be corrected by such officer (which also includes the successor-in-office of the revenue officer).

(ii) No permission, no proceedings for review under section 163 of the West Pakistan Land Revenue Act, will be necessary for the purpose of making the aforesaid alterations, and any revenue officer before whom the mutations, in which such corrections are needed, are produced, will be at liberty to correct the mistakes provided that it does not effect the rights of the parties.

(iii) It will not be necessary to hear the parties concerned in connection with such corrections.

(iv) In making such corrections that the original order should not be altered, but a separate note briefly describing the mistakes under corrections, should be recorded in red ink, signed and dated by the revenue officer.

(2) Correction of entries in columns 8 to 12 of the mutation: (i) The entries in columns 8 to 12 should be correspond in every case with the order passed on the mutation. Where owing to a mistake or otherwise they do not correspond, they should be altered so as to bring them to correspond with that order.

(ii) Any alterations required for the above-said purpose should be made as far as possible at the time of passing the order, but if not then made, such alterations, corrections, etc., can be subsequently made at any time before the original copy of the Record-of-Rights/Periodical Record, in which the respective mutation are incorporated, is

²⁹ Union council have since been dissolved vide Government of Punjab's Notification No.OSD-BD[XXI/71, dated 23rd June 1971 issued under the Local Government Institutions (Dissolution) Order (Martial Law Order No.21). See also foot note No. 1 at page 260

³⁰ Omitted by Correction slip No.110, L.R.M., dated 30-1-1970 dad B.O.R's Memo No.5497-69/5916-LR II, dated 19-2-1969.

³¹ Amended by correction slip No. III, L.R.M. dated 30-1-1970 and BOR's letter refered to in foot note No. 1 above.

sent to the district office for consignment under sub-rule(7) of rule 31 of the West Pakistan Land Revenue Rules, 1968.

(iii) All such alterations will be made in red ink and will be signed and dated by the officer making them.

(3) Correction of certain entries of mutations of inheritance by fard badar: The fard badar procedure described in paragraph 7.44-F infra may be for the purpose of avoiding the entry of a further mutation of inheritance in case where in entering the mutation, some of the holdings of the deceased were inadvertently omitted. In such cases the Patwari/Tapedar will merely state in his report in the fard badar that such and such holdings have been omitted from such and such mutation and the revenue officer's order upon this report will merely state that the order already passed upon the mutation in question should be considered applicable to these holdings].

CASE LAWS

Mandatory requirement of para. 7.6(2)(iii) is that all alternations in Revenue Record shall be made in red ink and will be signed and dated by officer making them. Alternations in mutation register which are not in red ink and though initialed have not been signed and protected would be covered by Para. 7.6(2)(iii). Person who made cutting/overwriting in most important columns of mutation register in manner not authorized by para. 7.6 cannot hide behind Para. 7.6.³²

Para 7.6 covers only minor clerical or arithmetical mistake and lays down a procedure for rectifying mistakes in Revenue Record in rectifying them in a bona fide protect overwriting in most important columns of mutation register.³³

7.7 Numbering of the entries: The number of entries in the mutation register should be continuous for the term of settlement. A new register should be opened only when the old register has been used up. Both the counterfoil and foil sheets are numbered in the press. Only one sheet will not necessarily be used for each case. If the transfer involves lengthy entries, e.g., in the case of more than one holding being affected, one or more additional sheets may be used, but the same number should be used for the counterfoil and foil. The foils should not be detached from the register until orders are finally passed by the revenue officer, who should take them off and make them over to the office kanungo, stitching the forms together with stout thread.

7.8 Transfer of portion of field: If the part or a share of a field has been transferred and separate possession has been taken, draw on the back of the mutation sheet and its counterfoil a map of the whole field and show as a sub-number the part transferred. No partition proceedings are necessary³⁴. The field kanungo must attest the correctness of the map after personal examination of the field on the spot and satisfy himself as to the fact of possession. He must also see that the field as drawn on the back of the mutation sheet is an exact copy of the field as shown in the shajra kishtwar. Further details in regard to the preparation, check and use of these maps on the mutation sheets are given in chapter 4 of the manual. The attesting officer must defer the passing of an

³² NLR 1998 Revenue 82(b)

³³ NLR 1998 Revenue 82(b)

³⁴ See also rules 66 and 67 of the West Pakistan Land Revenue Rules, 1968.

order sanctioning a mutation if he finds that these instructions have not been carried out exactly.

7.9 Partition: Final orders in partition cases will be entered if partition is sanctioned and the order has been carried into effect. Such entries will be attested in the same way as other mutations.

7.10 Lambardari cases: Lambardari cases will not be entered in the mutation register.³⁵[.].

7.11 Land hypothecated to Government: Mortgage of land hypothecated to Government for repayment of takavi or for other purposes will be entered in the mutation register.

7.11-A. Treatment of mutation relating to land presented to Government for specific purposes: (a) Land is sometimes verbally leased by land-owners to Government for specific purposes e.g., construction of school, hospitals, seepage drains, etc. In order to safeguard the interests of the lessor in the event of the relinquishment of the land by Government, on the one hand, and to ensure the continued utility of the schemes, in furtherance of which the leases are made, on the other, it has been decided that effect should be given to them by the entry of a mutation in the form of a lease in each case. It is of the utmost importance that the terms of the lease in each case be properly recorded both in the patwari's report and the revenue officer's order on the mutation. Consequently, the Patwari's report in³⁶[column 14] of the mutation register should contain the terms of the lease and a full and correct description of the files regarding negotiations with land-owners for the use of the land. These details should also be given by the revenue officer in his order for the disposal of the mutation. Revenue officers should be careful to base their orders on the statements of the parties or their accredited agents only, so that there may be no possibility of the lease being repudiated later.

(b) The relinquishment of the land by Government should be given effect to by entering a mutation in favour of the lessor or his representatives in interest.

(c) In the interest of the lessor or lessee it is necessary that the Departmental files regarding the negotiations with the owners of the land for such leases should not be destroyed until the land is returned by the Department of the owners or their successors. (Deputy Secretary to Government of Punjab letter No. 1827-R, dated 21st August 1936.)

7.12 Order of court: In entering orders of court the patwari should note in red ink in³⁷[column 14] of the foil and counterfoil the following particulars:-

- (1) Name of court;
- (2) Names of parties;
- (3) Abstract of decree;
- ³⁸(4) Date of decision].

³⁵ Omitted by correction slip No. 130 L.R.M., dated 27-10-1871.

³⁶ Amended by correction slip No. 61 L.R.M. dated 5-11-1964.

³⁷ Amended by correction slip No. 72 L.R.M. dated 25-08-1966.

³⁸ Item (4) added vide Correction Slip No. 138, Land Records Manual dated 16-05-1972.

7.13 Consideration money: When a sale, mortgage or lease embraces land in more than one estate and no specific portion of the sale or mortgage money or rent is ascribed to the land entered in the mutation, the portion of the consideration money to be entered in the mutation shall be in proportion to the share of the total area transferred that is dealt with in the mutation.

³⁹[**7.14 Special instructions:** The instructions laid down in paragraph 7.41 infra as to entries in the jamabandi apply to the register of mutations subject to the following order:-

- (1) Column 2 and 8 – In a case of transfer of ownership it will usually be enough to enter the jamabandi number. In a case of a transfer of tenant's holdings, enter both the jamabandi and the khatauni number thus:-

10 No. Khata

23 No. Khatauni

- (2) Reasonable abbreviations may be allowed in making entries in columns 3,4,8 and 9 in cases affecting a number of holdings more especially where there are a large number of co-sharers and only one or two of them transfer. The names of the co-sharers transferring and their shares should be entered in detail and the names of other may be omitted with a note:-

"Baki indraj Register Haqdarar Zamin badastur". Similarly in case of transfer of ownership where the tenancy of the holding is unaffected, the only entry that need be made in columns 4 and 9 is badastur.

- (3) Columns 5, 6, 10 and 11 – Except where to follow a different course may be unavoidable, the field number and area will in both columns be those shown in the last jamabandi. If the mutation relates to a whole holding this can be noted and the total area given without any detail of field numbers.

- (4) Column 7. – This column will be filled up when the new jamabandi has been prepared.

- ⁴⁰[(5) Column 8 and 9. – If a sharer in a joint holding transfers by sale, mortgage, gift exchange or otherwise the whole or a fraction of his/her share, the name of the transferee will be shown in column 8 of register Dakhil Kharij where as if he/she transfers an area of certain specific Khasra Numbers in his/her 'Hissadari' possession, the transferee's name should also be shown in column No. 9 of Register Dakhil Kharij and a brief explanation of his occupancy be noted in column No. 14 (Remarks).

- (6) Column 4 and 9. – These columns used to show the tenant, but as the corresponding column of the jamabandi show the cultivator they have been altered to correspond.

- (7) Column 13. – After a mutation has been disposed of the mutation fee due should be entered in both foil and counterfoil by the revenue officer himself.]

³⁹ Amended by correction slip No. 72 L.R.M. dated 25-08-1966.

⁴⁰ Para 8-9 Added by Noti. No. 57-2001/LR-II B.O.R. dated 09-01-2001

Correction slip No. 2-2001/LRM dated 09-01-2001

7.15 The scope of mutation: The status of a land owner or tenant cannot be altered except:-

- (a) by agreement of all the parties interested, or
- (b) in consequence of a decree or order which is binding upon them, or
- (c) in accordance with facts proved or admitted to have occurred.

⁴¹[(Section 5 of the Pakistan Land Revenue Act, 1967)].

⁴²[In cases of inheritance a summary inquiry into title is necessary on the lines indicated in 5 P.R. of 1912. Where it is claimed that property devolves by reason of a will this should be treated as a case of succession by inheritance and the inquiry will include an inquiry into the validity of the will.⁴³]

7.16 Transfers: (Board of Revenue's Circular 74 of 1878 and 12 of 1881) - In the case of transfers by gift, sale or mortgage, the patwari should ascertain whether a deed has been written. If so, he should inspect it, and take a note of its nature, the names of the parties, the dates of execution and registration, if it has been registered and any other necessary particulars, A brief not of these matters should be entered in ⁴⁴[column 14] of the counterfoil of the register. The patwari must not retain the deed in his possession, or take a copy of it. Attesting officers should satisfy themselves that the particulars as to deeds of transfer given in the patwari's mutations reports are correct.

It is the duty of the revenue officers in mutation proceedings to give effect to the deed. If there has been a mistake in the deed that mistake can be rectify, not by a revenue officer in mutation proceedings, but only in a civil court (1941 L.L.T.11).

7.17 Transfers not yet carried into effect to be disallowed: Except in cases of entries of collateral mortgages in ⁴⁵[column 12 of the jamabandi], the patwari should also ascertain whether possession has passed and a mutation of transfer by gift, sale or mortgage should not be attested unless (a) possession is proved to have actually passed, or (b) the parties all agree before the attesting officer that possession has passed, or (c) the parties have all agreed in a registered document that possession has passed. A should not be refused merely because it is claimed that the alienor has no right by custom or statute to make such an alienation. Such a transaction is a "fact" until it is set aside in due course of law.

In the case of a mutation in which it is a condition of the transfer that possession be given after certain harvests, if the alienor is prepared to give and the alienee to receive possession on the date, attention should be postponed until such time, and mutation then allowed on evidence that possession has been taken. On being informed of a second transfer in which it is a condition that possession will be given after certain harvests, the Patwari should enter a report to this effect in his diary ⁴⁶[roznamcha] and make a red ink

⁴¹ Subs. Nvide Correction slip No. 136 Land Records Manual, dated 20-01-1972

⁴² This such-paragraph has now taken place as such-paras(1) and (4) of para 7.26-A with slight modification (see page 251).

⁴³ 1934. L.L.T.1.

⁴⁴ Amended by correction slip No. 63, L.R.M. dated 05-11-1964

⁴⁵ Now "column 10 of the Register Haqadaran Zamin".

⁴⁶ Roznamcha Waqiyati.

note in the remarks column of the ⁴⁷[jamabandi] against the relevant khata and carry it on the next quardrennial ⁴⁸[jamabandi]. A mutation can then be entered on the prescribed date and allowed on evidence that possession has passed on spot. But, in the event of any dispute between the parties, the attesting officer should refuse the mutation on the ground that no possession has been given, leaving it to he patwari to make a fresh entry in the mutation register when the ⁴⁹[khasra girdawari] shows that the change has taken place, or on the report of one of the parties to the effect.

7.18 Mortgages: (Punjab Government letter No 29-Rev., dated 8th March 1915)-(i) All mortgages and sub-mortgages, whether collateral or with possession, whether contracted for long or short periods, and whether by deed or by oral agreement, should be entered in the mutation register. Redemptions of such mortgages should also be entered. ⁵⁰[Cases of increase of mortgage money on a previous mortgage between an agriculturist mortgagor and a non-agriculturist mortgagee, even though the other conditions of the mortgage are maintained unchanged, should be entered in the mutation register; in such cases if the revenue officer is of opinion that the change sought to be introduced would result in contravention or evasion of any of the provisions of the Land Alienation Act, such, for instance, as those described in paragraph 29 of Standing Order No. 1, he should forward the mutation, without passing orders on it, to the Deputy Commissioner for the exercise, in his direction, of the powers vested in him under that Act.] But other cases of mere increase of mortgage money on a pervious mortgage which is otherwise maintained unchanged should not be entered in the mutation register. In order however, to ascertain the correct account of mortgage and redemption money for purposes to statements 5 and 5-A of the village note book (paragraph 10.1), the patwari shall enter such cases in the village diary 1[roznamcha], noting therein the name of the village, parties and the amount of increase mortgage money.

In cases of mutations of redemption of mustajri mortgages the patwari should not in ⁵¹[column 12] of this register the amount of mortgage money discharged by referring to the original entry of the mutation of mortgage. If the register containing the original entry is not in his possession, he should get the necessary information from the office or the sadar kanungo. If for any reason such information cannot be secured without under delay, the amount admitted by the parties or proved should be accepted.

Care cultivated, how the prodcue or rent is enjoyed, and by whom the revenue is paid. Other conditions of mortgages need not be particularly acquired into, but the amount of the mortgage debt as admitted by the mortgagor should be noted in ⁵²[column 12] of the mutation register. Collateral mortgage though entered in the register are only noted in the remarks column of the ⁵³[jamabandi]. Nor is the amount of the mortgage debt shown in ⁵⁴[jamabandi]. Land which is already subject to mortgage is sometimes

⁴⁷ Now called 'Register Haqadaran Zamin'.

⁴⁸ Now called 'Register Haqadaran Zamin'.

⁴⁹ Now called 'Register Girdawari'.

⁵⁰ Now every person holding land as landlord or tenant or ordinarily residing in the Province has been declared as 'Agriculturist' (see note under para, 7.22 at p. 249.)

⁵¹ Amanded by correction slip No. 73, L.R.M. dated 25-08-1966.

⁵² Amanded by correction slip No. 73, L.R.M. dated 25-08-1996.

⁵³ Now called 'Register Haqadaran Zamin'.

⁵⁴ Now called 'Register Haqadaran Zamin'.

mortgaged by the mortgagor to a third person on the condition that the previous mortgage will be redeemed by the latter. This second mortgage should be treated as a collateral mortgage and subsequently a new mortgage with possession should be sanctioned when the land is redeemed by the second mortgagee. A sub-mortgage, accompanied by transfer of possession is treated as a mortgage with possession.

(ii) Under paragraph 13 of standing order No.32 a mutation should be entered up in respect of land hypothecated to Government by way of security for repayment of an advance. If a second loan is taken on the same security it is not necessary to enter up a new mutation.

(iii) Transaction relating to mortgage of right of cultivation by owners, involve the acquisition of a right and as such mutation should be entered in such cases.

Care should be exercised to see that such alienations are not made to be defeat the purpose of the Punjab Alienation Act, 1900, and when they do mutation should be refused.

7.19 Cases in which mutation order must show whether the transfer includes a share in the shamilat: As regards transfers by sale, gift, mortgage or exchange, it is necessary to show whether a share of the shamilat is transfer with the land and the following instructions should therefore be observed in this subject:-

- (1) In cases of sale, gift or mortgage the mutation order should always state whether a share of the shamilat is included in the transfer. In cases of exchange the shamilat is seldom excluded from the transfer and nothing should therefore be said about it except where it is excluded when the fact that it is excluded should be mentioned in the mutation order.
- (2) If a deed of transfer by sale, gift, mortgage or exchange does not specially mention that a share of shamilat is transferred with the land it should be presumed that the shamilat is not transferred.
- (3) Where a mutation of inheritance, sale, gift or mortgage covers a share of the shamilat, the shamilat khata should be entered in the mutation so that the mutation of the co-sharers in the shamilat may be correctly entered in the ⁵⁵[jamabandi].
- (4) When the mutation does not cover a share in the shamilat then in ⁵⁶[column 8] of the mutation sheet and in the ownership column of the ⁵⁷[jamabandi] the new alienee shall be shown as bila hissa shamilat or malik kabza so as to secure that at partition he shall not simply by being a khewatdar receive a share of the shamilat to which he has no title. The name of the person to whom the shamilat appertaining to this new khata belongs shall also be recorded in the column of ownership under that of the new owner with the title hissadar shamilat, and the khata of the new holding shall always be incorporated in the ⁵⁸[jamabandi] immediately below the khata of the holding from which it was taken. In the case of owners (1) whose entire land in any estate has been acquired by

⁵⁵ Now called 'Register Haqadaran Zamin'.

⁵⁶ Amended by correction slip No. 74, L.R.M. dated 25-08-1966.

⁵⁷ Now called 'Register Haqadaran Zamin'.

⁵⁸ Now called 'Register Haqadaran Zamin'.

Government without a share of the shamilat, and (2) whose land has been partially acquired, the Revenue officer shall give a direction in this order to the effect that a note showing the name of the owner and the area transferred together with the number of the relevant mutation, shall be recorded in the remarks column of the ⁵⁹[jamabandi]. In the case of (1) this note will be recorded against the khewat of shamilat, and in the case of (2) against the khewat from which the land has been acquired. It should also be specifically stated in this note that the owner concerned will be entitled to a due share of the shamilat at the time of partition.

- (5) When the mutation refers to a mortgage it is only necessary to show the mortgage as murtahin mae hissa shamilat or murtahin bila hissa shamilat, as the case may be.
- (6) Appendix A is an example of the kind of entry which should be made in the mutation register when a share of the shamilat is transferred. It is not intended that the whole of the shamilat khata, as it stands in the last ⁶⁰[jamabandi], should be copied in the mutation register. The mutation of the share of the shamilat should be dealt with as part of the same mutation proceeding as the transfer of the original holding, but it is a part in which any of the co-sharers of the shamilat have a right to be heard, and a distinct order should be passed by the revenue officer whether the mutation of the shamilat is sanctioned or not.

7.20 Mutation of occupancy right: in mutation proceedings relating to alienations of occupancy rights the landlord undoubtedly an interested party, and he should be made a party to the proceedings. The revenue officer's order should note briefly whether the landlord has been examined by him, and, if so, whether the landlord consented to the alienation, and whether the provisions of section 53 and 56 of the Tenancy Act have been followed or not. This procedure will do much to obviate the difficulty of deciding whether the landlord has acquiesced in the transfer within the meaning of I.L.T. 1933, page I, but if, as a matter of fact, the transfer has taken place, the mutation must not be refused simply because the landlord refuses his consent or because the provisions of section 53 and 56 have not been complied with. Landlord for the purpose of this paragraph means any one of the landlords, where there are several landlords.⁶¹

7.21 Mutation in connection with consolidation of holding: In respect of consolidation of holdings affected by ⁶²[Co-operative Consolidation of Holdings Societies and] Revenue Consolidation two mutations should be entered, namely, one (of ishtarak) showing the separate holdings affected by the consolidation as the joint property of the proprietors of those holdings and the other of partition showing the area allotted to each owner or group of owners. No fee shall be charged on the first mutation (ishtarak) nor on

⁵⁹ Now called 'Register Haqadaran Zamin'.

⁶⁰ Now called 'Register Haqadaran Zamin'.

⁶¹ The period for payment of compensation by occupancy tenants for acquiring proprietary rights in their tenancies (except in case of State or Evacuee land) extended upto 5th Nov. 1970 under the West Pakistan Ordinance No.XXXI of 1969 has since been expired.

⁶² Consolidation work has since been transferred to the Revenue Consolidation Staff.

the second mutation (taqsim) relating to the entry of the transfer of holdings between numbers of a society on the analogy of the orders contained in paragraph 7 of Appendix XIV to the Settlement Manual.

⁶³[7.21-A. **Leases:** (1) A lease for fixed term exceeding one year shall be entered in the mutation register (section 42(1) of the West Pakistan Land Revenue Act, 1967).

(2) The following conditions and restrictions imposed on leases shall be followed while deciding the mutation of leases:-

- (i) **Restriction under the Land Reforms Regulation:** Under the restrictions imposed by the West Pakistan Land Commission, -- vide Notification No.ASR-2132/59/3313-LC, dated 3rd August, 1959 (Subsequently amended by Notification No.ASR-12/66/243-LC, dated the 12th January, 1966) a land owner may give any part of his holding on cultivating lease for a period not exceeding ten years.
- (ii) **Restrictions under the Colonization of Government Lands (Punjab) Act, 1912,:** Section 19 of the above said Act provides that a sub-lease of land, --
 - (a) for more then one year in the case of a tenant who has not acquired a right of occupancy; and
 - (b) dor more then seven years in the case of a tenant who has acquired a right of occupancy; can be made only with the consent in writing of the Commissioner, or of such officer as he may by written order empower in this behalf. In case where the sub-leasor is a tenant under the said Act, the Revenue Officer shall examine whether the required consent in writing of the competent authority has been obtained or not.
- (iii) **Certain conditions under the Transfer of Property Act, 1882:** (i) Section 107 of the above said Act provides that lease of immoveable property from year to year, or for any term exceeding one year, or reserving a yearly rent, can be made only by a registered instrument duly executed by both the lessor and the leasee.
- (iv) **The said section 107 has been extended to the following area:-**
 - (a) All Cantonment areas (see sub-section (1) of section 287 of the Cantonment Act, 1924);

⁶³ Added by correction slip No. 128, L.R.M. dated 13-02-1971 published in the Extraordinary issue (Page 343 and 344) of the Punjab Gazette, dated 30-03-1971.

- (b) All Municipalities and all notified areas in Lahore, Multan, Rawalpindi and Sargodha Divisions (see Punjab Government Revenue Department's Notification No.183-St, dated 27th April, 1935).
- (v) In the area given in item (ii) supra, the mutations of leases shall be sanctioned subject to the deeds duly registered.
- (vi) Leases granted by Government, are outside the operation of the Transfer of Property Act.
- (vii) **Lease based on unregistered documents or oral agreements:** In the areas where, under the law in force for the time being, a lease of immovable property can be made by unregistered document or oral agreement, no mutation relating to lease based on such agreement shall be sanctioned by the Revenue Officer with out recording the statement of both the lessor and the leasee.
- (3) Instructions regarding the entry of leasee given in para 7.41 (5) infra should be followed:

The relinquishment of the land by the leasee should be given effect to by entering a mutation.]

7.22 ⁶⁴[**Treatment of Mutations of alienation which contravene the provisions of the Punjab Alienation of Land Act: I.** General: The Punjab alienation of Land Act, 1900, permits free transfer between members of the same notified agricultural tribe or of tribes in the same group in the same district. The provisions of the Act, therefore, come into operations, if –

- (a) it is asserted or there in any other reason to believe that the alienor is a member of a notified agricultural tribe; and
- (b) it is asserted or there in any other reason to believe that the alienor is not a member of a notified tribe or of a tribe in the same group and in the same district as the alienor.

The act is not concered the alienation by a person who is not a member of a notified agricultural tribe, the only exception being mortgages which contain a condition intended to operate by way of a conditional sale. Such mortgages are void under section 10 of the Act, even if the alienor is not a member of a notified agricultural tribe.

II. Duty of the Patwari: If the Patwari making an entry in the Register of Mutations under ⁶⁵[sub-section (3) of section 34 of the Land Revenue Act] has reason to believe that the transaction contravenes any of the provisions of the Alienation of Land Act, he shall make a note of all the relevant facts in the report column of the said register.

⁶⁴ This procedure has since been discontinued because every person holding land as land-lord or tenant or ordinarily residing in the Province has now been declared as 'Agriculturist' (see note under para 7.22 page 249).

⁶⁵ Now "section 42(3) of the West Pakistan Land Revenue Act, 1967".

Section 18(1) of the Act prescribed that, where, by reason of any transaction that under this Act requires that sanction of a Deputy Commissioner, a person claims to have acquired a right which he is bound to report under ⁶⁶[section 34 of the Punjab Land Revenue Act, 1887], such person shall, when making his report, state whether the required sanction has been obtained or not. The Patwari should in all doubtful cases warn accordingly the person making the report.

III. Duties of the revenue officer: Every revenue officer conducting inquiry under ⁶⁷[sub section (4) of the section 34 of the Land Revenue Act] shall examine every transaction into which he has to inquire under the provisions of that sub-section whether a note has been made by the Patwari under the preceding paragraph or not, in order to make certain that no right which would be invalid under the provisions of the Act is entered in the ⁶⁸[jamabandi].

IV. Treatment of mutations relating to the acquisition of a right claimed by reasons of any transaction or condition which is declared by the Act to be null and void: In dealing with a mutation relating to the acquisition of a right claimed by reason of any transaction or condition which is declared by the Act to be null and void, the Revenue Officer should bear in mind the provisions of sub-section (2) of section 18 of the Alienation of Land Act, which prohibits the making of such entries in the ⁶⁹[jamabandi]. Where, however, a particular condition in a mortgage deed contravenes any provision of Land Act, it is the condition only and not the whole mortgage that can be treated a void (56 P.R. 1918 and I.L.R. 13. Lah. 508)

V. Treatment of mutations of alienation which contravene the provisions of the Act – The Punjab Alienation of Land Rules, 1937; Doubtful cases to be transferred to an Assistant Collector of the first grade: (1) No Revenue Officer of a rank lower than that of an Assistant Collector of the first grade shall make an order directing a fresh entry in the ⁷⁰[jamabandi] relating to any transaction, including a gift alleged to be for a religious or charitable purpose, if the transaction reports (a) to create rights in land for a period of more than twenty years, or (b) to create rights in land already under lease, farm or mortgage when the total period of the alienations would amount to more than twenty years, or (c) to alienate or change the produce of land for more than one year, if –

- (a) it is asserted or there is any other person to believe that the alienor is a member of an agricultural tribe; and
 - (b) it is asserted or there is any other person to believe that the alienor is not a member of the same notified tribe or group of tribes as the alienor.
- (2) In every such case, if the officer conducting the enquiry is not himself an Assistant collector of the first grade, and if he considers that a fresh entry should be made in the ⁷¹[jamabandi], he shall refer the case to an Assistant Collector of the first

⁶⁶ Now “section 42 of the West Pakistan Land Revenue Act, 1967”.

⁶⁷ Now “section 42(6) of the West Pakistan Land Revenue Act, 1967”.

⁶⁸ Now called ‘Register Haqadaran Zamin’.

⁶⁹ Now called ‘Register Haqadaran Zamin’.

⁷⁰ Now called ‘Register Haqadaran Zamin’.

⁷¹ Now called ‘Register Haqadaran Zamin’.

grade for disposal, together with the statements of the parties, a report of any facts that he may have been able to ascertain, and his recommendations thereon.

- (3) If the Revenue Officer is himself an Assistant Collector of the first grade, or if the case is transferred to him under sub-rule (2), he shall proceed to dispose of it in the manner prescribed by the following rules:

VI. Procedures where orders have already been passed by the deputy Commissioner: (1) If the transaction is one in respect of which the Deputy Commissioner has passed a final order under sections, 3, 9, 14 or 15 of the Act and if a certified copy of the order is produced, the Assistant Collector shall, to the extent necessary, enquire into the facts of the transaction and the rights of the parties, with due regard to the provisions of the section 5 of the Act, which provide that when a Deputy Commissioner sanctions a permanent alienation of land, his order shall not be taken to decide or affect any question of title, or any question relating to any reversionary right.

(2) If the Assistant Collector decides that a fresh entry should be made in the ⁷²[jamabandi], he shall direct that it be made with due regard to the Deputy Commissioner's order, the conditions, if any, imposed by the Deputy Commissioner under section 14 of the Act being recorded in the column of remarks.

(3) If the transaction is one of temporary alienation, the fresh entry shall state the date on which the period of the alienation is to expire.

VII. Procedures when orders of the Deputy Commissioner have not yet been obtained: (1) If no final order as specified in paragraph VI(1) above has been passed by the Deputy Commissioner, the Assistant Collector shall, if he is of the opinion that a fresh entry should be made in the [jamabandi], refer the case to the Deputy Commissioner by means of a separate self-contained report for such orders as the Deputy Commissioner may deem necessary to pass for carrying into effect the purpose of the Act, and the Deputy Commissioner's orders on such reference shall include a decision on the question whether in regard to the transaction in question the alienor is to be deemed a member of an agricultural tribe and whether the alienee is to be deemed a member of the same notified tribe, or group of tribe as the alienor.

(2) The Assistant Collector shall, on receiving the Deputy Commissioner's order in response to his reference or otherwise proceed in the manner prescribed in paragraph VI above.

VIII. If no final orders as specified in paragraph VI(1) above has been passed by the Deputy Commissioner, and the Assistant Collector does not consider it necessary to make the reference, he should ordinarily adjourn the proceedings for a reasonable period to enable the parties to make any lawful application to the Deputy Commissioner for exercising the said powers.

IX. Final orders to be reported to the Deputy Commissioner: Every final order passed by the Assistant Collector under paragraph VI or VII shall be reported to the Deputy Commissioner as soon as possible after it has been passed, whether the case has already been referred to the Deputy Commissioner or not.

X. Cancellation of transactions: (1) When the parties agree to cancel the transaction in respect of which an entry has been made by the Patwari in the Register of Mutations unde ⁷³[sub-section (3) of section 34 of the Land Revenue Act], any Revenue

⁷² Now called 'Register Haqadaran Zamin'.

⁷³ Now "section 42(3) of the West Pakistan Land Revenue Act, 1967".

Officer may at any stage, terminate the proceedings without reference to any other authority, although this may otherwise be required by the foregoing rules.

(2) If the case has already been referred to the Deputy Commissioner under paragraph VII(1), the Assistant Collector shall make a supplementary report accordingly, and may thereafter terminate the proceedings without awaiting further orders.

Note: Vide Punjab Government Notification No.657-R, dated the 3rd April 1950, the term “group of agricultural tribes” was declared to include every person holding land as landlord or tenant or ordinarily residing in the Province. Special provision was, however withdrawn subsequently, - vide Punjab Government Notification No.3505-R, dated the 2nd October, 1952..

7.23 [Deleted].

7.24 [Deleted].

7.25 Treatment of right of absentees: (1) Rules regarding the omission from the ⁷⁴[jamabandi] of the names of persons entered as ghairhazir or ghair-kabiz are given in paragraph 281 of the Settlement Manual, sub-clause (1) and (2), and should be carefully followed.

(2) When a right-holder entered in the record of rights or annual record as ghair-hazir or ghair-kabiz has been heard of within seven years but has not been so entered in his register of mutations and shall report it to the revenue officer.

(3) When a right-holder, entered in the record of rights or ⁷⁵[annual record] whether he is or not described therein as an absentee (ghair-hazir) or as out of possession (ghair-kabiz), has not been heard of for seven years by those who would naturally have heard of him if he had been alive, the officer attesting a mutation may (unless he sees reason to the contrary) presume that he is dead and pass orders on the case accordingly; but before ordering the omission of his name from the record of rights or ⁷⁶[annual record], such officer should satisfy himself that all reasonable endeavour has been made to ascertain whether the absentee is alive and to give him an opportunity of appearing.

(4) No new entry of any one as ghair-hazir should be made. A right-holder should not be entered as ghair-kabiz if he is himself in legal or constructive possession, as when he has put some one else in possession on his behalf, or the land is lying waste, or he is by reason of poverty unable to cultivate it. A familiar instance would be where a sepoy has left his land in his brother's possession while he is with his regiment. In such a case the sepoy should be entered as in possession of the land through his brother. Any entry of ghair-kabiz should not be made unless some other person than the right-holder is in adverse possession.

(5) No effect shall be given to any order (1) directing the omission of the name of a right-holder who has been entered as ghair-hazir or ghair-kabiz or (2) directing

⁷⁴ Now called ‘Register Haqadaran Zamin’.

⁷⁵ Now called ‘Periodical Record’.

⁷⁶ Now called ‘Periodical Record’.

the entry of a right-holder as ghair-kabiz until such order has been confirmed by the Collector or the ⁷⁷[Revenue Assistant].

(6) For reason explained in ⁷⁸[paragraph 7.41 (4) infra] the entry against a tenant-at-will of bila lagan ba waja tusuwwur milkiyat is misleading and no new entry of this description should be made, but when this entry exists it should not be altered except by mutation sanctioned by the Collector or the ⁷⁹[Revenue Assistant].

7.26 In mutation cases dealing with lands of deceased proprietors who have left no apparent legal or customary heirs or successors, the mutation should be disposed of by the Collector or by an Assistant Collector of the 1st Grade. Deputy Commissioners should see that there is no indiscriminate or indiscreet pressing of Government's claim to escheat and careful attention should be paid to the instructions contained in paragraph 838 of the Land Administration Manual, which inter alia, provides that escheat should not be claimed for Government where there is a daughter, daughter's son, sister or sister's son.

⁸⁰**[7.26-A. Inheritance:** (1) In case of inheritance a summary inquiry into title is necessary.

(2) The Patwari (which also include a Tapedar) should draw the shajra nasab on foil and counterfoil showing the names of all heirs the deceased and write the report in column 14 of the foil of mutation briefly stating the fact and the result of inquiry regarding heirs.

(3) If the Revenue Officer, as a result of his inquiry, finds that the Patwari has not prepared the shajra nasab or the shajra nasab prepared by the Patwari is not correct, he should prepare or correct the same, as the case may be, and initial it in both the foil and counterfoil.

(4) Where it is claimed that property devolves by reason of a 'will' this should be treated as a case of succession by inheritance and dealt with in accordance with the law on his subject governing the parties.

(5) It has been observed that while deciding the mutation of inheritance the females are, in most cases, deprived of their rights by recording in the mutation orders that they are not willing to accept their shares and that they gift their shares to their brothers or other male relatives. In fact this process comprises of two distinct and separate transactions and as much should not be confused into one. Besides, not only there is an implied circumvention of the West Pakistan Land Forms Regulation, 1959, by the two transactions being made into one, the mutation fees are also lost to Government.

The correct procedure for the disposal of parents or other relatives a mutation of inheritance must first be recorded and sanctioned showing the correct shares of each heir in accordance with the instructions contained in sub-para (6) infra. If the female heirs wish to gift the lands thereafter to their brothers, etc., this should take place in a separate mutation, which should not, however, be recorded until a week after the 40 days of

⁷⁷ Now designated "E.C.A. (Revenue/G.A.)" But w.e.f. 15-11-1969, the powers of Assistant Collector 1st Grade have been delegated to all Tehsildars and not to the E.A.Cs (Revenue).

⁷⁸ See explanation under para 7.41(xi) at page 279 and item VI of sub-para (5)(iv) at page 281 and clauses (ix)

⁷⁹ Now designated "E.C.A. (Revenue/G.A.)" But w.e.f. 15-11-1969, the powers of Assistant Collector 1st Grade have been delegated to all Tehsildars and not to the E.A.Cs (Revenue).

⁸⁰ Added by correction slip No. 112, L.R.M., dated 24-04-1970 published in the Extraordinary issue (pages 1961 and 1962) of the Gazette of West Pakistan dated 30-06-1970.

mourning so as to save them from undue influence and enable them to appreciate in a calm and cool atmosphere that such action on their part would deprive them and their own children of their rights in the inheritance of the deceased for ever.

(6) Section 2 of the West Pakistan Muslim Personal Law (Shariat) Application Act, 1962 provides that in all questions regarding succession, (whether testate or intestate) the rule of decision, shall be the Muslim Personal Law (Shariat), in cases where the parties are Muslims. The following instructions should be meticulously observed by the Revenue Officers while deciding the mutations of inheritance:-

- (i) The order of the Revenue Officer must be show whether the deceased was a Muslim following Hanfi or Shia Fiqah or a non-Muslim.
- (ii) In cases where the parties are Muslims, the provisions laid down in section 4 of the Muslim Family Law Ordinance, 1961, shall also be followed⁸¹.
- (iii) In cases where the parties are non-Muslims, the Law or Customs of inheritance governing the parties shall be followed.

(7) The following is an example of Revenue Officer's order to be recorded under section 42(6) of the West Pakistan Land Revenue Act, 1967, in cases of mutations of simple inheritance:-

Order on the foil

Appearing in the common assembly today, the _____ at _____, "C" from amongst the sons of A deceased identified by 'G' Lambardar deh (or member of the Union Council or Khatedar), testified to the death of his father and authenticated the shajra nasab drawn up here, deposing that the deceased was a Muslim following Hanfi Fiqah.

Hence the mutation of inheritance of 'A' deceased in favour of Mst. 'B' his widow 1/8th share, 'C' and 'D' his sons in equal shares = 7/12th share, Mst. 'E' and 'F' his daughters in equal shares = 7/24th share, as set down in the portion of new entries is hereby sanctioned.

Sd/-
Assistant Collector,
1st or 2nd grade.

Order on the counterfoil

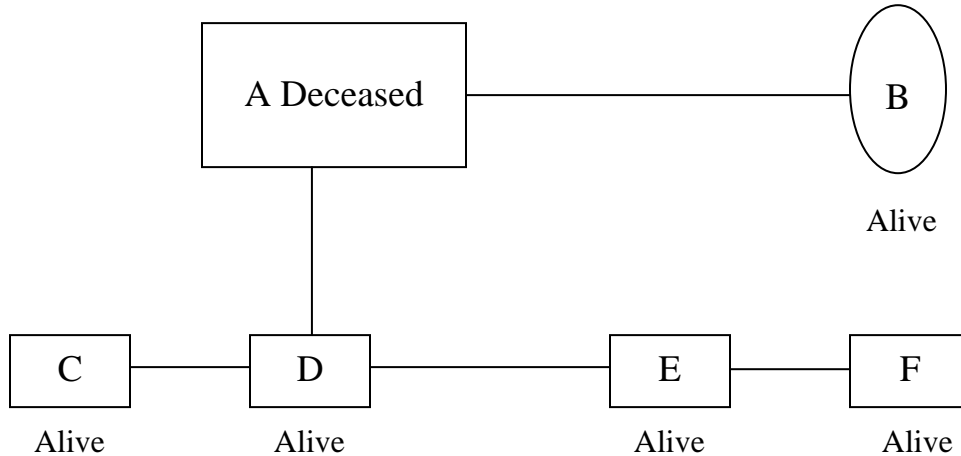
The mutation of inheritance of 'A' deceased in favour of Mst. 'B' his widow 1/8th share, 'C' and 'D' his sons in equal shares = 7/12th share and Mst., 'E' and 'F' his daughters in equal shares = 7/24th share, as set down in the portion of new entries is hereby sanctioned.

Sd/-
Assistant Collector,
1st or 2nd grade.

Dated -----ace -----

⁸¹ In this connection instructions given at pages 359 and 360 of this Manual should also be consulted.

SHAJRA NASAB



7.27 ⁸²[Omitted].

⁸³[7.28 **Cases where no dakhil kharij are necessary:** Punjab (Government letter No. 144-Rev. dated 23-12-1914) - With the following exceptions, no mutation of rights can be incorporated in the jamabandi until a revenue officer has sanctioned it by an order record in the mutation register. The jamabandi entries concerning holdings in which mutations have occurred, but on which no orders have been passed will remain unaltered, see also paragraph 7.41 infra. The only entries in the jamabandi for the variation of which in subsequent records no mutation need be entered in the registers, are the following:-

- (i) The entries in columns 1 and 2 of the Register Haqadaran Zamin as given in paragraph 7.40 infra.
- (ii) In column 3 –
 - (a) the name or the father's name when it has been legally changed, but in such case the former name shall continue to be shown also, preceded by the word "alias" or "formerly" (ufr).
 - (b) the military rank or civil title,
 - (c) the place of residence,
 - (d) the omission of the word "minor" and of the name of the guardian under paragraph 7.41 infra,
 - (e) the recasting of the form of the details of internal shares without changing the shares.
- (iii) In cloumn 4 –

⁸² Omitted by Correction slip No.131-LRM., dated 27-10-1971.

⁸³ Amended by Correction slip No.79-LRM., dated 02-11-1966.

- (a) undisputed entries relating to cultivation by an owner shown in column 3, or by a non-occupancy tenant holding under a lease, whether oral or written, for a period not exceeding one year;

Provided that even for such a lease a mutation shall be entered if the owner of a joint holding to whom the tenant pays rent has to be specified;

- (b) entries relating to tenants described, otherwise than in these terms may be varied without a mutation order only to the extent that entries relating to owners may be varied under clause (ii) above.
- (iv) The entries in column 7 – "Source of irrigation including name of well, Rajba etc."
- (v) (a) entries in column 5 and 6 "field number" and "area" and "soil" resulting from map correction (chapter 4) or from measurements in connection with alluvion and diluvion or with fluctuating assessments,
(b) corrections in addition of the area, where the area of each field has been correctly shown, but the total has been wrongly added up.
- (vi) Undisputed entries in column 8, relating to rents of tenants-at-will and entries made in pursuance of an order under section 27 of the Tenancy Act.
- (vii) Entries in column 9 "demand" provided that the variations are supported by an order by the Collector, or higher authority.
- (viii) Entries in column 10 "Remarks", relating to the matters specified in the instructions relating to that column given in paragraph 7.41 infra; provided that new remarks shall be limited to such matters, and provided further that entries relating to the rights of mortgagors or mortgagees ⁸⁴[or assignees of land revenue] or the user of trees or grass shall not be varied without orders being obtained in the mutation register.
- (ix) Entries, in column 19 "Remarks" of the form of jamabandi Abadi given in paragraph 7.45 infra, of particulars relating to cases of allotment of Government land required by the last sub-paragraph of paragraph 7.46(19) infra].

7.29 ⁸⁵[Omitted].

7.30 Mutation of correction not to be made: When an entry has been incorporated in the ⁸⁶[jamabandi] a mutation should not be entered up or sanctioned for the purpose of correcting it, except to correct a clerical error (Where this cannot be done by a fard badar)

⁸⁴ Revenue assignments have since been abolished.

⁸⁵ Omitted by correction slip No.102, L.R.M., dated 02-10-1969 published in the Extraordinary issue (page 2307) of the Gazette of West Pakistan dated 30th Dec. 1969. For instructions relating to Fard Badar para. 7.44-F (page 309) should now be consulted.

⁸⁶ Now called 'Register Haqadaran Zamin'

or in consequence of a patent fact. The party aggrieved by such an entry must seek his remedy by suit. (L.L.T 1934, page 2).

It is now settled law that no disputed entry in a ⁸⁷[jamabandi] shown be altered whether on the ground of mistake or of fraud except on the basis of an obvious clerical error or a patent fact. A fact that needs an elaborate enquiry to establish, is not a 'patent fact' (1934 L.L.T. 37).

When mutation entry has been incorporated in a ⁸⁸[jamabandi] it should not be altered except on the basis of an obvious clerical error or a 'patent fact'. Thus, where a mutation was effected several years ago and was incorporated in subsequent ⁸⁹[jamabandis] it should not be reversed or reviewed on the ground that it was effected as a result of fraud in collusion with the subordinate revenue staff 91941 L.L.T. 65).

⁸⁷ Now called 'Register Haqadaran Zamin'.

⁸⁸ Now called 'Register Haqadaran Zamin'.

⁸⁹ Now called 'Register Haqadaran Zamin'.

7.31 Interrogatories: If a patwari finds, when entering a case in the mutation register or otherwise, that a person whose statement is essential for the disposal of the case, is residing outside the limits of the tahsil, he should write up an interrogatory which may conveniently be in the following form:

⁹⁰[Interrogatory in the name of _____ son/daughter/wife of _____ caste _____, village _____ tahsil _____, Distt _____ .

Serial No.	Estate	Tehsil	District	Mutation No.	Brief account of the transfer showing the name of transfers and transferee, the total area of the land transferred the nature and date of transfer, and consideration and money, etc.	Questions	Date and Signatures of Patwari and Kanungo	Answers	Date and Signatures/thumb-impression of person giving statement	Date and Signatures/thumb-impression of person identifying	Place, date and signature of officer recording the statement	Order as to compliance with the interrogatory	Reports and orders, after compliance with the interrogatory	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

Notes: (1) The patwari will fill in column 1 to 8 of form and despatch it to the field Kanungo who will add this signature in column 8 of the form and send it on the Tehsildar. In column 13 the Tahsildar will address the Tahsildar or other officer in whose jurisdiction the person is residing. The tahsildar addressed should himself, as far as possible, take the statement of the person concerned, but may depute the naib-tahsildar (Head Munshi) or the field kanungo of the circle to do so.]

⁹⁰ From XXXIX given in Appendix 'A' to the West Pakistan Land Rules, 1968, has been incorporated in this paragraph.

The date of receipt and dispatch of interrogatories should be recorded in the dispatch book of every officer through whose hands they pass. In case of person residing in Pakistan States ⁹¹Paragraph 3-6 of Standing Order No.3 should be referred to:-

(a) Tehsildars and Naib-Tehsildars to examine all mutations: Tehsildars and Naib-Tehsildars on visiting a village should examine all mutations in which interrogatories have issued and either decides such as are ripe for decision and the parties are present, or arrange for the decision of the mutation on the next suitable occasion.

(b) Period for replies to interrogatories: Replies to interrogatories should generally be awaited three months if the enquiry is to be made within the Punjab and four or five months in the case of person residing elsewhere, but it is left to the discretion of the attesting officers to wait longer in particular cases for special reasons⁹².

An interrogatory may also be issued under the orders of the attesting officer for the examination of a person residing within the limits of the Tehsil if the officer thinks that such person cannot attend without an amount of expenditure and inconvenience which would be unreasonable in the circumstances of the case. No interrogatory should, however, be issued for the examination of a person residing within the limits of the Tehsil unless such person resides at a distance of more than 25 miles from the village of which the mutation relates. An interrogatory issued under this clause should be entered on the same form as that prescribed for other interrogatories and should be addressed to the Tehsildar who, after taking or having taken the statement of the person concerned, will return it to the field Kanungo, the dates of receipt in and despatch from the Tehsil using entered in the dispatch book. In the absence of any special reasons replies to interrogatories issued within the limits of the Tehsil should not be waited for more than three weeks.

In order to see that prompt action is taken on interrogatories, inspecting officers should devote particular attention to ascertaining that interrogatories sent from other district are promptly dealt with in the district concerned. The Tehsildar should at the close of each month send a list to the Deputy Commissioner showing the interrogatories received in his Tehsil which have not been returned to the Tehsil or district concerned as well as the dates of their receipt. The Deputy Commissioner should scrutinize these lists and taken disciplinary action in cases where he finds that unnecessary delay has been allowed to occur in the disposal of these interrogatories. A separate dispatch register should be opened in each Tehsil office for entering interrogatories only. This register will be kept by the office Kanungo who will enter in it all interrogatories issued to or received from other Tehsils. He will divide this register in two parts. In one part he will enter the interrogatories issued from his Tehsil and in the second part those received from other Tehsil, in the last column of the register will be entered the date on which the reply to the interrogatory has been received or the date on which a reply has been sent to the Tehsil from which the interrogatory was received.

⁹¹ Almost all States have since been amalgamated with the provinces of Pakistan.

⁹² For mutations pending over three months see also rule 33 of the West Pakistan Land Revenue Rules, 1968.

7.32. Procedures as regards registered deeds of transfer:

Registrars and Sub-Registrars send monthly to Tehsildars particulars of all registered deeds which purport to transfer agricultural land. The office Kanungo forwards these slips to the field Kanungo of the circle who distributes them to the Patwaris concerned.

The form of the notice is as follows: -

1	2	3	4	5	6	7	8
Sr No.	Name of the village where the land is situated	Nature of alienation and the area, field No. and ⁹³ [Jamabandi] holding No. of the land alienated and in the case of buildings situated within the limits of a municipal committee, a small town committee or notified area committee, details of property according to section 21(2) of the Registration Act.	Amount of the consideration money entered in the deed	Name and residence of person executing the deed	Name and residence of the person to whom the land is alienated	Number and date of the registration of the deed	Remarks

With the memorandas is sent an invoice in the following form:

1	2	3	4	5
Sr.No	No of deed	Name of village	Dated of field kanungo's report returning the Registration memo to the tahsil office	Remarks

Where a deed is not to take effect immediately but after a specified period this fact should be noted in the column for remarks.

(i) A file should be kept of all invoices received during the year and a fly index will be attached to it in the form usually adopted for miscellaneous files.

⁹³

Now called as "Register Haqadaran Zamin".

(ii) The registration memoranda should then be sent to the filed kanungo, who will distribute them to the various patwaris for entry in their mutation registers in the usual way. The information in the memoranda is sufficient to enable the patwari to enter up the transfer in this register of mutations as soon as he receives them without reference to the transferee⁹⁴.

(iii) When the field kanungo hands over the memoranda to the patwari, the latter should make a note of the fact in his diary recording the serial number of the sheet received by him. The entry should be signed by the field kanungo. The patwari will then enter up in his register the mutations detailed in the memoranda and endorse the fact of entry on the memoranda giving the serial number of each mutation and the date of entry. On his next inspection the field kanungo will see that this has been done and after comparing the entries in the mutation registers with the memoranda contains land situated in more than one patwari circle, the field kanungo will take similar action as regards all the circles concerned before forwarding the memorandum to the officer kanungo 1.

(iv) On receipt of the memoranda from the field kanungo the office kanungo will place them on the file together with the invoice covering them. In the "remarks" column of this he will note the date of receipt. Thus he will be able to detect any delay in the return of the memoranda and bring it home to the responsible official.

(v) When all the memoranda appertaining to an annual file have been returned by the patwaris, a note of the date on which the last memoranda is received should be entered on the fly Index. The annual file which will then be complete should be kept in the Tehsil and destroyed on the expiry of one year from such date.

⁹⁵[7.32-A. **Preparation of "musanna" (duplicate copy) of the mutation the original of which has been misplaced or lost :** No mutation, the foil of which after attestation has been misplaced, or lost, should be given effect to in the records-of-rights or periodical records merely on the basis of entries of the counterfoil. In such case, the following instructions should be followed in connection with the preparation of 'musanna' (duplicate copy) of the same: -

- (i) The Tehsil Office Kanungo (which also includes any person appointed or deputed by the Collector for the purpose) is responsible for the safe custody of the foils of mutations after the same have been to him.
- (ii) In the last week of March, the Tehsil Office Kanungo should examine if all the mutations of the estates, of which records-of-rights/periodical records are to be prepared during the current year, are intact. If he finds any mutation missing, he should make a through search thereof. In case,

⁹⁴ See also I.G.R.'s circular letter No. 77 dated 26-10-1963 with DLR's endt: No. 6503-6600/Rdr. Dated 26-7-1965 which provides that the Reg : Memoranda prepared during a month should be delivered to the office Kanungo by the 1st of the following month and the office Kanungo, in turn, should give the memoranda to the field Kanungos concerned with the direction that they should get the necessary mutation entered by the Patwaris, during the course of their stay at Tehsil headquarters (i.e. first week of every month), and return the memoranda to the office Kanungo before they leave for their circles.

⁹⁵ Added by correction slip No. 121, L.R.M., dated 30-07-1971 published in the Extraordinary issue (pages 287 and 288) of the Punjab Gazettee, dated 03-10-1970, PLD 1971 Punjab Statutes.

the same is not traceable, he should report the matter to the circle revenue officer.

- (iii) The circle revenue officer, after conducting the preliminary enquiry and fixing responsibility upon the official concerned for the loss, should submit his report in this respect, with a copy of such mutation prepared formt he counterfoil (parat patwar), to the Collector of the District through the Assistant Commissioner, so as to reach the former by the 15th of April for obtaining his sanction for the preparation of a musanna (duplicate copy) thereof.
- (iv) The Collector, after examining the report of the Circle Revenue Officer and remarks of the Assistant Commissioner, will pass such orders, as he deems fit, and convey the same to the Circle Revenue Officer, through the Assistant Commissioner concerned, on or before the 30th April.
- (v) On receipt of sanction of Collector, the Circle Revenue Officer should again pass his order on musanna after attestation on the spot, before 30th June, as far as possible, in the light of provisions contained in section 42 and 44 of the West Pakistan Land Revenue Act, 1967. He should also record brief abstract of the operative part of his order on the counterfoil of the mutation.
- (vi) In case such order on musanna is passed after the 30th June of the year in which the periodical record of that estate is to be prepared orders of such mutations will be given effect to in the Register Haqdaran Zamin, Register Haqdaran Nakhlistan or Register Haqdaran Zamin Abadi, as the case may be, prepared at the subsequent quadreminal attestation, and musanna of such mutations should be appended with that record

PART B MUTATION FEE

⁹⁶[7.33 Scale of mutation fees: (1) The scale of mutation fees fixed by the Board of Revenue under the authority vested in it by fixed sub-section (1) of section 46 of West Pakistan Land Revenue Act, 1967 is given in Appendix "B".

2. The mutation fee levied on any mutation if subsequently found to be incorrect, can be corrected at any time by the Revenue Officer, who attested the mutation, y his successor, or by a superior office.

3. Two fifths of the fee charged shall be paid to the Patwari/Tepedar making the entry in the mutation register.

In the areas where collection of Government dues is made through headman (Iambardar) the commission at the rate of 3 per cent of the amount collected shall be paid to the headman for his services, under the provision of rule 23(2) (iii) (f) of the West Pakistan Land Revenue Rules.

Explanation: If the total demand of mutation fee of an estate comes to Rs.100, of this 2/5th viz. Rs.40 shal be share of Patware/Tapedar and Rs.60 shall fall to the share of

⁹⁶ Amended by correction slip No. 100 L.R.M. dated 20-09-1969 published in the Extraordinary issue (pages 385 and 386) of the Gazette of West Pakistan, dated 04-03-1970.

Government. But in the areas where collection is made by Lambardars, the commission Lambardar, viz. Rs.3 ill be deducted form the Government share and paid to the said Lambardar and the remaining amount of Rs.57 shall be credited to Government accounts.

1. The Government share of mutation fee shall be credited into the Government Treasury under the head"VII-Land Revenue-Miscellaneous-Mutation Fee".]

⁹⁷[7.33-A. **Calculation of mutation fees:** The mutation fee shall be calculated under:

- i. Where a mutation fee is to be levied in respect of a holding of which the revenue is in the form of prescribed rates (ghair mustaqil), the mutatin fee shuld be calculated on the total of the kharif and rabi assessments of the agricultural year during which the transfer took place. If this, however, is the current year and the rabi assessment has not been made at the time of attestation of mutation, the fee should be calculated on the assessments of the preceding year.
- ii. The fee shall be charged on all mutations, whether accepted or rejected; provided that the attestating officer may remit the fee on any rrjected mutation when in his opinion it would not be proper to reoer it from the person in whose favour the mutation entered.
In case of every rejected mutation whose fee is not this remitted, the mutation order both on foil and counterfoil should give the name of the person/party from whom it should be recovered. This precaution is necessary in order to ensure tht the fee is not recovered from the person from whom it is not recoverable.
- iii. No mutation fee is leviable-
 - (a) for any alienation in favour of Provincial of Central Government;
 - (b) On mortgage of land to Government or redemption of such mortgage;
 - (c) On simple corrections or mistakes in a previous record-of-rights or periodical record as not right as acquired;
 - (d) For an entry of charge of name provided that it involves no acquisition of any definite right in the estate concernd;
 - (e) On land redeemed as a preliminary to its sale to the mortgage; and
 - (f) On an entry of the name of a posthumous child.
- iv. Local bodies are not esemped from the payment of mutataion fees, even then the propery is acquired under the Land Acquisition Act.
- v. In cases of exchange of land the fee should be taken from each of the parties.
- vi. In the following cases the mutation fee shall be levied under serial No. 1 of the Schedule given in Appendix 'B'
 - a) When land which has originally been mortgaged through registered deed is redeemed; and

⁹⁷ Added by correction slip No. 100 L.R.M. dated 20-09-1969 referred in foot-note No. 1 at page 262.

b) Voluntary partition.

- vii For a mutation entry made under section 42 of the West Pakistan Land Revenue Act, 1967, for the acquisition by tenant of a right of occupancy with the statement of conditions under the Colonization of Government Lands (Punjab, Act, 1912, the mutation fee should be charged under serial No. 3 of the Schedule given in Appendix 'B'.
- viii Separate mutation fees are leviable in respect of each holding created by partition proceedings (including the residuary holding if any part of the original joint holding is left undivided), and not one fee only for the whole.
In the case, however, of the annual recurring partition of common (shamilat) land affected by river action among the several share-holders, only one fee should be levied in respect of the entries holding; and then the converse case occurs land diluviated land held severally is on recovery treated as shamilat, only one fee, of course, is leviable.
- ix A separate mutation fee should be levied for the holding of common (shamilat) where a land transfer includes a share of the Shamilat land.
- x. If holding is transferred in separate parts by different instruments even though executed on the same day, the transaction should be separately recorded in the mutation register, and a separate fee should be levied for each transaction.
- xi. A second mortgage should be regarded as a collateral one and that subsequently a new mortgage with possession should be sanctioned when the land is redeemed by the second mortgagor from the first one. 'A' mortgages his land in the first instance to 'B' in whose favour a mutation of mortgage with possession is sanctioned. Then 'A' re-mortgages with possession is sanctioned. Then 'A' re-mortgages the same land to 'C' and a mutation of collateral mortgage in favour of 'C' is to be entered. Subsequently 'C' redeems the land from 'B' and consequently two mutations of redemption in favour of 'A'-one from 'B' and the other from 'C' followed by a mutation by a mutation of mortgage with possession in favour 'C' are entered up, and sanctioned. In the case of redemption from 'B' in favour of 'A' the mutation fee should be levied from 'A' in accordance with the provisions of section 46(2) of the West Pakistan Land Revenue Act, 1967, while no such fee should be levied in the case of redemption from 'C' as such redemption is only a 'tartibi' one and analogous to the case mentioned in item (iii)(e) above.]

7.34. Payment of fees into the treasury: Each year in the month of September the Patwari should prepare for each village in his circle, a list of the fees entered on mutations attested during the past year and of the persons from whom fees are due. He should also give full detail of the amount to which the various Patwaris are entitled as their respective share. After the field Kanungo has completed the check prescribed by paragraph 7.36 infra the Patwari will, after revising the list, if necessary, ke it over to the Lambardar whose duty it is to pay the amount of the fees, when the first instalment of the next kharif land reveue is due, less any share to which the Patwari is entitled. The Lambardar will pay the share of the Patwari in charge of the village and will obtain a receipt for the same. The share of the other Patwaris, if any, will be deposited by him into the treasury and placed in revenue deposit and the Tehsildar will arrange for its disbursement among the rightful claimants. The receipt obtained by the Lambardar for the amount paid to the Patwari must be produced by him when fees are paid into the treasury and in its absence no deduction on account of Patwari's share of the fees will be allowed by the Tehsildar. In case of the absence, death or transfer of the Patwari entitled, or in case of a dispute as to who is entitled, the Tehsildar on the application of the absentee or by a disputant, shall keep the money in deposit pending the appearance of the absentee or the rightful claimant or settlement of the dispute. The Patwari's share of the mutation fee shall otherwise not be put in deposit.

Any over-payment made to a Patwari on account of mutation fee should be recovered by deduction of this amount from his next pay bill under the orders of the Collector. Recovery of any amount of over-payment from a dismissed Patwari may be made from his Revenue Patwaris Provident Fund.¹³⁷⁹⁸ under rule 16 of the Revenue Patwari Provident Fund Rules.

7.35 Patwari's share to whome due: The share of the mutation fee to which the Patwari is entitled should always be paid to the man who enters the case in the mutation register and not to the man who incorporates the sanctioned entreis in the⁹⁹[jamabandi].

7.36 Entry of fees in lists - In order to secure the correct entry and collection of mutation fees, the patwari when preparing the list referred to in paragraph 7.38 (v) infra, will enter in red ink over the serial number of each mutation (column 4 of the lists) the amount of the fee according to the mutation sheets, and at the bottom of column 4 will enter the total demand of the village. It is the duty of the field kanungo when checking¹⁰⁰[jamabandis] in the tahsil (see paragraph 7.61 infra), carefully to check these entries with the original sheets of accepted and rejected mutations, and to certify that they are correct. Any mistake discovered by the field kanungo should be communicated by him at once to the patwari who will then complete the lists referred to in paragraph 7.34 supra.

⁹⁸ Now "General Provident Fund".

⁹⁹ Now called as "Register Haqdaran Zamin".

¹⁰⁰ Now called "Preiodical Records".

7.37 Officer kanungo's statement of mutation fees: As soon as the field kanungo's check is completed the officer kanungo will prepare a statement in duplicate in the form below¹⁰¹:-

TEHSIL: _____

***Statement of Account of Mutation Fees
for the Year Kharif 19 and Rabi 19***

Number of mauza	Name of mauza	Total mutation fees due from each estate	Deduct Patwari's share	Balance to be credited to Government with first kharif instalment of land revenue

Explanation: Give against each mauza only the total sum due from it and not the fee due from each holding.

One copy of the statement should be sent by the Tehsildar to the Collector as soon after the end of September as possible for incorporation in the Running Register. [see paragraph 29(12)(g) of standing order no.31]. The other copy should be over the Tehsil Wasil Baqi Navis in whose custody it will remain. It will then be the duty of the Tehsil Wasil Baqi Navis to see that the fees are realized and credited in the Tehsil account as above directed.

7.38 Disposal of forms containing mutation orders - The following instructions prescribe the method of disposal of forms containing mutation orders:

- (i) Each patwari will be provided with two counter-foil registers, the one for accepted, the other for rejected, mutations. This register will be in the following form in duplicate, except that the last column will only be in the foil:

¹⁰¹ Revised Patwari Form No. XXXV-E namely "Statement showing the demand of mutation fee" is as under:-

- (i) Name of estate with H.B. No.
- (ii) Total mutation fee.
- (iii) Patwari's share (a) Name of Patwari (b) Amount.
- (iv) Lambardari fee (if any).
- (v) Balance to be credited to Government.
- (vi) Remarks.

1	2	3	4	5	6	7	8	9
Hadbast No. and name of village	Sr. no of batch for the current year for the village shown in column 1	Particulars of mutation					Signature of attesting officer	Date of receipt in tahsil with signature of office kanungo.
		Date of order	Total no of mutations	No. of Mutation sheets	Sr. No of Mutation	Signature of Patwaris		

- (ii) On each occasion that he attests the mutations of a village, a revenue officer should have the mutation sheets, on which orders have been passed, arranged in serial order in two bundles, the one of accepted, the other the patwari to enter the necessary particulars in the registers aforesaid. The foils should then be detached from the counterfoils and affixed as indices to the two bundles, each of which should be stitched together with stout thread.
- (iii) The bundles of sheets should then be dispatched, or personally made over by attesting officer to the Tehsil office Kanungo. Attesting officers are responsible for the safe custody of the sheets until they are so made over and should be very careful to prevent their loss.
- (vi) On receiving the sheets the office kanungo will check them with the indices, sign the latter and then place both sheets and indices in an almirah, where he will arrange them in files by field kanungo's circles and between boards tied round with tape or string. Within these boards the sheets should be arranged by Patwaris' circle, those of each village being placed together, along with their indices in the order in which they reach the office Kanungo. The files of accepted and rejected mutations in each field Kanungo's circle should be kept distinct and on separate shelves.

- (v) After ¹⁰²[June 15th] the Patwari should prepare two lists in the form below of all mutations attested during the year fo reach village in his circle. One list will show accepted, the other rejected, mutations.

	2	3	4	5	6	7
Hadbast No. and name of village	Total number of mutation	Total number of sheets	Numbers of mutations in serial order	Signature of Patwari	Signature of Tehsil office kanungo	Remarks

These lists should be prepared from the counteroil register described in paragraph 7.4 supra and after being checked with the register of mutations should be sent to the Tehsil not later than August 1st, a copy of entries in the first flour columns being retained by the Patwari in his diary.

- (vi) On receipt of these lists of office Kanungo should compare them with the mutation sheets in his custody, arrange the latter in their serial order, remove and destroy their indices, sign the list in column 6 in token of heir correctness, and attach them to the bundles of sheets to which they refer.
- (vii) As soon a ¹⁰³[jamabandi] is field, the office kanungo should make over the accepted mutation sheets of the village in question to the Field Kanungo and take his receipt in the last column of the list which is attached to those sheets and which he will retain. The sheets will then be attached by the fielf Kanungo to he ¹⁰⁴[jamabandi].
- (viii) The list containing the receipts of the field Kanungos should be made into Kuliat files, one for each field Kanungo's cidrcle. Each file should be indexed and he lists which it contains should be arranged by the serial order of the Hadbast numbers of the village to which they relate. The files should be destroyed after four years, that is, after the nest ¹⁰⁵[detailed Jamabandis] have been prepared.

¹⁰² This date has now been fixed as "June 30th" (see D.L.R's circular letter No. 103, dated 06-06-1969 given at the end of this Manual.

¹⁰³ Now called as " Preiodical Record(s)".

¹⁰⁴ Now called as " Preiodical Record(s)".

¹⁰⁵ Now called as " Preiodical Record(s)".

- (ix) The rejected mutation sheets of any village for which a ¹⁰⁶[jamabandi] has been prepared should be sent to the district record room along with that ¹[jamabandi] and the lists attached to them. These sheets should be kept in the Land Record Office for twelve years and then destroyed.

7.39 Disposal of miscellaneous papers: Petition and exhibits should be returned to the parties by the attesting officer. If depositions are taken by commission the essential part of them should be very briefly incorporated in the attesting order so that the mutation sheet be complete in itself. Any papers which cannot be returned should remain attached to their proper mutations. When the ¹⁰⁷[jamabandi] of any village is filed the miscellaneous papers should be removed from the sanctioned sheets of mutations and made into distinct files one for each Kanungo's circle. These should be kept with the files mentioned in paragraph 7.38(viii) supra and destroyed with them after 4 years.

Miscellaneous papers attached to sanctioned mutations relating to the investigation of benami transactions, together with the benami files, should, however be preserved as permanent records and filed in the General Record Room.

¹⁰⁶ Now called as "Preiodical Record(s)".

¹⁰⁷ Now called as "Preiodical Record(s)".

PART C

DOCUMENTS INCLUDED IN THE RECORDS-OF-RIGHTS AND PERIODICAL RECORDS

¹⁰⁸[7.39-A. **Preparation of chithas of certain documents included in the Records of Rights:** (1) Before preparing the documents included in the Records of Rights in the final shape, the following preliminary documents to be known as Chithas shall be prepared first:

Sr. No.	Name of document	Patwari/Tapedar Standard Form No.
(i)	Chitha Genealogical tree (Shajra Nasab)	III-A (for opening page) and III-B (for other pages).
(ii)	Holding Slip	XXXVIII
(iii)	Documents to be appended to the holding slip: -	
	(a) List of Mortgages with possession	LIX
	(b) List of Rents	LX
	(c) List of Khatauni Totals	LXI
	(d) Index of Survey/Khasra No.	IV-A
	(e) Alphabetical Index of owners	V-A
	(f) Alphabetical Index of Mortgagees	VI-A
	(g) Fard Badar	XV-A
(iv)	Chitha Statement of Rights in well and Tube-wells	IX
(v)	Chitha Statement of Distribution of water	X
(vi)	Chitha Statement of Rights in Water-Mills	XI
(vii)	Chitha Statement of Customs	XXXVI-A (for opening page) and XXXVI-C (for other pages).
(viii)	Map of the estate including Index Map	M-I, M-3 or M-6 (for land measurement on rectangulation system), M-2 (for land measurement on Square system) M-4, M-5 or M-7 (for land measurement on Kishtwari system).
(ix)	Field Book including list of page wise totals of field book	XII (for field book) and XII-A (for list of pagewise totals of field book).

¹⁰⁸

Added by correction slip No. 104, L.R.M., dated 13-10-1969 published in the Extraordinary issue (Pages 2317 and 2318) of the West Pakistan Gazette, dated 30-12-1969.

(2) The above said preliminary documents do not from the part of the record-of-rights nor are they to be considered at par with the such record. The only purpose underlying their preparation is that they should serve a guide for the preparation of correction record-of-rights, so that ay cuttings, amendments changes, etc., which may occur before the final checking and attestation of the original records. As required by rule 31 of the Land Revenue Rules, could be made in the said Chithas and therefrom a correct copy of the record prepared.

(3) Soon after the checking and attestation of the above-said Chithas cent per cent by the Kanungo/Supervising Tapedar and Naib-Tehsildar/Head Munshi or Assistant Consolidation Officer, and at least 25 per cent by the Tehsildar/Mukhtiarkar or Consolidation Officer, as the case may be, the preparation of the original documents of record-of-rights should be taken in hand.

Explanation: Where there is no post of Naib/Tehsildar/Head Munsih or Assistant Consolidation Officer, the Tehsildar/Mukhtarikar or Consolidation Officer, as the case may be, will carry out cent per cent checking and attestation of the Chithas, before the preparation of the original record-of-rights.]

¹⁰⁹**[7.40. Register Haqdarar Zamin (Form No.XXXIV given in Appendix ‘A’ to the West Pakistan Land Revenue Rules, 1968):** (1) The Register Haqdarar Zamin is one of the most important documents of the Record-of-Rights as well as Periodical Record. The form of Register Haqdarar Zamin is as under: -

¹⁰⁹ Added by correction slip No. 113, L.R.M., dated 25-04-1970 published in the Extraordinary issue (Pages 1957 and 1958) of the West Pakistan Gazette, dated 30-12-1970.

REGISTER HAQDARAN ZAMIN

Estate ----- Taraf/Patti ----- (if any) ----- Tehsil ----- District -----
 Year ----- Book No./Leaf No. -----

No. Khewat Malik	No. Khatauni Cultivator	Name of owner with description	Name of cultivator with description	Survey/Khasra No. and name (if any)	Area and soil classification of each number and total Khatauni cultivator and khewat Malik	Source of irrigation including name of well, Rajbah, etc.	Rent paid by cultivator, rate and demand	Demand with details of revenue and cesses	Remarks including: 1. Name of Lambardar (if any) 2. Rate of Land Revenue
1	2	3	4	5	6	7	8	9	10

Note: In the Register Haqdarar Zamin which forms part of the Record-of-Rights, column 5 (survey/khasra No.) should be divided into two sub-columns headed respectively "format" and "present".

(2) Clause (a) of sub-section (2) of Section 39 of the West Pakistan Land Revenue Act, 1967, provides that so far as may be practicable the following particulars shall be recorded in the form namely "Register Haqdarar Zamin": -

- (i) The persons who are land-owners, tenants, or who are entitled to receive any of the rents, profits or produce of the estate or to occupy land therein:
- (ii) The nature and extent of the interests of those persons, and the conditions and liabilities attaching thereto; and
- (iii) The rent, land-revenue rates, caeses or other payments, due the conditions and liabilities attaching thereto; and

Notes: (1) In case of estate which is partly within Cantonment limits, Municipal Committee or Town Committee, Register Haqdarar Zamin should be prepared in parts, namely (a) for rural lands, and (b) for urban lands.

(2) For Colony Towns/Chaks see form namely, "Register Haqdarar Zamin Abadi". (Patwari/Tapedar Standard Form No.XXXIV-B). This form will be used where the land in a Colony Town/Chak has been built upon.]

¹¹⁰[7.41. **Special instructions relating to Register Haqdaran Zamin: (1) Heading of form of Register Haqdaran Zamin:** (i) The name of estate (mahal, deh or mauza, etc.) defined in para 7.69, should be entered on each leaf.

- (ii) Where the sub-divisions of estate (Taraf, Patti, Khel or Jum etc.) exist, such sub-divisions should be arranged in the order in which they appear in the Genealogical Tree (Shajra Nasab), and their names should be entered on each respective leaf.
- (iii) The name of Tehsil and District should be entered on each leaf.
- (iv) The year to which the record relates should be entered on each leaf. For example, if record is prepared on the basis of entries for the harvests of Kharif 1968, and Rabi 1969 the entry should be as "year, 1968-69".
- (v) Book No. (Volume No.) and leaf No. should also be entered on each leaf. Paging in ink should be made at the time of filing the record in the Tehsil Office.
- (vi) Appendix 'E' is an example of the entries which should be made on the heading of each leaf.

(2) Column 1 (No. Khewat Malik): (i) The words 'Khewat and Khata' are the vernacular equivalent of term "holding," defined in clause (10) of section 4 of the West Pakistan Land Revenue Act, 1967, as a share or portion of an estate held by one land-owner or jointly by two or more land-owners. The No. Khewat Malik (Khatedar) is the No. given to an owner's holding as illustrated in Appendix 'E'.

- (ii) The khewat holdings should be arranged in the following order: -
 - (a) Owners' holdings should be arranged in the order in which their names are given in the Genealogical Tree (Shajra Nasab). The individual holdings of owners should be arranged prior to their joint holdings.
 - (b) A mortgage in actual possession and paying the land revenue should have a khewat and not a khatauni No. except as provided in item (vi) of the sub para (5) infra.
 - (c) If there is any common (Shamilat) land belonging to all the owners of the Patti, Taraf, ¹¹¹[Khel] or ¹¹²[Jum], enter it in a separate khewat after the khewat of the individual and joint owner of that Patti, Taraf, Khel, or Jum. Similarly, estate should be

¹¹⁰ Subs by correction slip No. 122, L.R.M., dated 07-08-1970 published in the Extraordinary issue (Pages 631-638) of the Punjab Gazette, dated 28-12-1971 Punjab Statutes.

¹¹¹ In N.W.F.P.

¹¹² In Balochistan Province.

entered in a separate khewat after the khewat of the individual and joint owners of the estate.

- (d) After the khewat of common (Shamilat) land, the land owned by Municipal Committee or Town Committee, etc., District Council, Provincial Government and Central Government should be entered.
- (e) The khewat of Abadi Deh land which is occupied as inhibited site of a town or village) should be entered at the end.

- (iii) No. khewat in last Register Haqdarar Zamin shall be entered in red ink below the figure for new khewat No. as illustrated in column 1 of Appendix 'E'.

(3) Column 2 (No. Khatauni cultivator) (i): The no. Khatauni cultivator (Kashitkar) is the No. of the holding of the tenant or of the person responsible for the cultivation.

- (ii) The khatauni holdings within each khewat should be arranged in the following order: -

First:	The holding, if any cultivated by the land owner himself (khud-kasht).
Next:	The holding, if any, cultivated by the land owner through tenant-at-will.
Third:	The holding of occupancy tenant, if any, cultivated by the occupancy tenant himself.
Last:	The holding, if any, cultivated by the occupancy tenant through tenant-at-will.

- (iii) If a tenant holds land under one owner part in occupancy right and part as a tenant-at-will, the whole may be entered as a single holding, the fields held under each tenure, and, if necessary, their rent, being separately detailed.
- (iv) Where there are several tenancy holdings under one proprietor the tenants in their several classes should be entered, as far as possible, in alphabetical order.

Explanation: If the instructions contained in item (ii) to (iv) above cannot be suitably followed in a colony are, the Collector may, in consultation with the Director Land Records, prescribe a different order of entry for the Khatauni holdings.

(4) Column 3 (Name of owner with description): (i) The terms "Land-owner" has been defined in clause (13) of section 4 of the Land Revenue Act.

- (ii) "Description" in this column includes - -
- (a) the name of medal or title awarded by Government as 'Tamgha-e-Pakistan', 'Sitara-i-Khidmat' etc.
 - (b) father's/husband's name.
 - (c) caste or tribe, sub-caste 9got or sub-tribe, if any;
 - (d) residence and
 - (e) for officers of the Pakistan Army the title of their ranm, as Subedar, Major, Lieut; Colonel, etct.

(iii) If the owner is Firm, Company, Co-operative Society or Society registered under the law for the time being in force relating to Partnership, Companies, Co-operative Societies or Registration of Societies respectively, the partners/members need not be mentioned. In such cases the entry should be made as illustrated below: -

First illustration -- "M/s. Trading Corporation (Regd:)
Shahrah-i-Quaid-i-Aza, Lahore".

Second illustration -- "M/s. & Sons Ltd: Road,
Islamabad.

(iv) If the firm, Company, Co-operative Society or Society is not registered body, the partners/members should also be named and described and the details of their shares recorded as illustrated below: -

"M/s. A & Brothers Road, Nazimabad Karachi through
A. B and C sons of D caste in equal share".

(v) The mortgagee with possession, i.e., one who is responsible for the payment of land revenue for the mortgaged land, should also be entered wi a similar description in this column under the name of the owner, as illustrated below: -

" son of caset, resident of mortgagor and
....., son of caste, resident of mortgagee."

(vi) If a co-share in a joint holding sells or mortgages the whole or a definite fraction of his share, the name of the transferee will be shown in this column.

(vii) When a person is a minor, a female or otherwise incapacitated and not able to manage his own affairs, the mname of his or her guardian (Sarparast) need not be shown.

In case of a minor who has no legal or natural guardian, the fact of his minority should be written in brackets after his name. in the case of holdings under the guardianships of the Colector, etc., or the Court of Wards of if the guardian has been appointed by the competent Court, the name of guardian should be shown as "AB, under the guardianship of CD".

In other cases, it is needless to specify whether a right-holder is of age, or a minor. Where such entries have already been made, the Patwari should, when preparing the next Register Haqdaran Zamin, omit the designation 'Minor' and the name of the guardian without entering the case in the mutation register.

(viii) In cases of joint holdings, shares shall be recorded in such method in which these can easily be understandable to the right holders.

The total number of shares shall be worked out and recorded at the top of the entry relating to the holding, and below it the whole share of each share-holder shall be recorded opposite his name both in figures as well as in words as illustrated below: -

Total shares = 110 (One hundred and ten)

- (a) ----- son of ----- caste ----- resident of ----- 52 (fifty two) share;
- (b) ----- son of ----- caste ----- resident of ----- 33 (thirty three) shares;
- (c) ----- son of ----- $\frac{1}{4}$ (one fourth); ----- wife of ----- $\frac{1}{8}$ (one-eighth); ----- son of ----- $\frac{3}{8}$ (three-eighth); and ----- daughter of ----- $\frac{1}{4}$ (one fourth) caste ----- resident of ----- (out of) 25 (twenty five) shares.

(ix) In certain areas according to old practice the shares are recorded in paisa or annas and pies as under: -

	SHARES		
	Rupees	Annas	Pies
A – Co-share	=0	4	$6 \frac{2}{3}$
B – Co-share	=0	2	$3 \frac{1}{3}$
C – Co-share	=0	1	$1 \frac{2}{3}$
D – Co-share	=0	4	$6 \frac{2}{3}$
E – Co-share	=0	2	$3 \frac{1}{3}$
F – Co-share	=0	1	$2 \frac{1}{3}$
Total	1	00	00
	(Rupee One)		

In such cases in order to have the shares in round figures, one rupee being equal to 192 pies, the shares in annas and pies will be converted in pies first, i.e., $54 \frac{2}{3}$, $27 \frac{1}{3}$, $13 \frac{2}{3}$, $54 \frac{2}{3}$, $27 \frac{1}{3}$ and $14 \frac{1}{3}$, shares of converted into round figures as illustrated below: -

Total shares = 5769 (FIVE HUNDRED AND SEVENTY SIX)

A – Co-share = 164 shares

B – Co-share = 82 shares

- C – Co-share = 41 shares
- D – Co-share = 164 shares
- E – Co-share = 82 shares
- F – Co-share = 43 shares

(x) In case of a person (s) who resides in the same estate in which the land is situated, the words “Sakin Deh/Sakinan Deh” should be entered to show the place of residence thereof.

(xi) In the estate, where the common (Shamilat) land exists, the owner who has no share in common land should be shown as “Malik Qabza” and the person who has no land but has right in the common land should be shown as “Righ holder in common land (Qadar Shamilat)” as illustrated below: -

“ ---- son of ---- caset ---- resident of ----- Malik Qabza and
---- son of ---- caste ---- resident of ---- Haqdar Shamilat”.

Explanation: In this colun only the name of the owner along with description should be recorded. No entry regardint his absence from the estate ghaini haziri) or his being out of possession (ghari (qabiz) should be made in this column. Entries about the possession of land as well as the ownership of material of well/tube well are to be made in the column of cultivation and not in this column.

(5) Column 4 (Name of cultivator with description): (i) “Description” in this column includes the same particulars as given item (ii) of sub-para (4) supra.

(ii) If the cultivator is Firm, Company, Society or Co-operative Society, duly registered, the head of the Managing/Executive Body should be named and described as illustratged below: -

- I. “M/s. (Regd:) Hyderabad, through Managing Partner.”
- II. “M/s. & Co., Ltd: G.T.Road Wazirabad, through Managing Director”.

(iii) In case of unregistered body, the entries should be made in accordance with the procedure contained in item (iv) of sub para (4) supra.

¹¹³[(iv) If a Co-sharer in a joint holding transfers an area of certain khasra numbers in his ‘Hisadari’ possession, the name of the transferee should be shown in column No.4 as well as in column No.3]”.

I Cultivating Owners

¹¹³ Now para added 2-2001/LRM by Noti. No. 57-2001/LR-II B.O.R. dated 9th January, 2001.

- (a) if the land is cultivated by the sole owner or owners jointly, and entry of self cultivations (Khud-Kasht/Khud Abad) should be made.
- (b) If one of the owners alone is in cultivation, “Kasht Flan Hissadar” should be entered.
- (c) If the land is uncultivated, and is in the possession of an owner or owners, the words “Maqbooza Malikat”, or “Maqbooza Fran Hisadar”, as the case may be, should be entered.
- (d) If some land is uncultivated by the owner or owners and some uncultivated land is also in his/their possession, separate khatauni for cultivated and uncultivated area need not be formed, and an entry of “Khud Kasht wa (and Maqbooza Malik/Malikan” should be made.
- (e) If a person cultivates certain Survey/Khasra Nos. partly as co-share (hissadar) and also pays due rent of the same land to other co-share, the entry should be as under: -
“A” co-sharer himself (bazatchi) 1/3 (one third) and on behalf of B co-sharer 2/3 (two third)”.

II Occupancy Tenants under The Tenancy Act

- (a) Where a tenant having right to occupancy legally exists, he should be recorded as “Muzaria Mauroosi”, “Buzgar Dakhilkar”, “Muqarraridar” or “Mauroosi Hari” etc., according to the local usage along with the relevant provisions of the Tenancy Act as illustrated below: -

“ ---- S/o ---- caste ---- R/o ----- occupancy tenant under clause (a) of section 5 (1) of the Punjab Tenancy Act, 1887”.

- (b) Where the section of the Tenancy Act applicable has been omitted, the deficiency should be supplied without a mutation.
- (c) The entries of this column should show—
Whether the land is cultivated by a muzaria or ¹¹⁴[hari] of the occupancy tenant;
Whether the land has been leased out to a tenant and is cultivated by that tenant or by a muzaria or hari of the tenant.

III Tenants under the Colonization of Government Lands Act

- (a) In case of a tenant under the Colonization of Government Land (Punjab) Act, 1912, he should be recorded as “grantee”, “lessee”, “muzaria lathband” or “hari lathband” etc., as the case may be, according to local usage.
- (b) Where the statements of conditions of tenancies have been issued by the Government under section 10 of the said Act, the following entry should be made

¹¹⁴

In Sindh Province, Muzaria is called as ‘Hari’.

in the first relevant Khatauni and thereafter a reference to this Khatauni should be made in the subsequent khataunis of such type: -

Ist illustration: “Muhammad Taqi son of Ghulam Ali Shah caste Syed Bukhari, resident of Naddala Pakka Tehsil Wazirabad Muzaria Lathband under the statement of conditions issued under section 10(2) of the Colonization of Government Land Act, 1912 and published in the Government’s Notification No. ----- dated -----.

Second illustration: “Abdul Rashid Son of Abdul Latif caste Mughal, resident of Nafriabad Lahore Muzaria Lathband under the statement of conditions referred to in Khatauni No. --- issued under section 10(2) of the Colonization of Government Land Act, 1912”.

(c) Instructions contained in item II (c) above shall apply in case of tenants in the Colony Area.

IV Tenants for a fixed term exceeding one year

(a) Tenants, holding land for a fixed terms under a contract or a decree of a Court of an order of competent authority should be described as pattedar as illustrated below: -

“ --- so of --- caste --- r/o ----- pattedar maidi
five years from Kharif 1968 to DRabi 1973”.

(b) The entry for fixed term exceeding one year shall be subject to the order passed by the revenue officer on a mutation.

(c) It should be remembered that the status of a lease-holder for a year differs from that of a tenant-at-will.

V Tenants-at-Will

The entry “Ghair Maurusi”, “Ghair Dakhilkar” or “Muzaria Ghari Mustaqil” does not necessarily mean that the person described is a tenant-at-will. The use of above-said terms for every person who is in possession without any right or title is not correct. Tenant-at-will should be recorded as “muzaria tabe marzi” or “hari tabe-marzi” as illustrated below: -

1st illustration:

“---s/o --- caste --- r/o -----
Muzaria tabe marzi”

2nd illustration

“A” Co-sharer through ----- and sons of ----- caste ----- r/o -----
in equal share muzarian tabe marzi”.

VI Other Cultivators

A person, who is determined to be in adverse possession should not be described as “ghair dakhildar”, “ghari maurusi” or “muzaria tabe-marzi”. These words imply a relationship of landlord and tenant which is incompatible with adverse possession. In such cases, if the fact of adverse possession by the cultivator is not disputed, he person in possession should be recorded as ‘qabiz’. Such entries should not be made without a mutation duly attested by the revenue officer.

There may, however, be cases where while, on the one hand, the owner claims the cultivator to be his tenant, the cultivator, on the other hand, claims his possession independent of the owner and adverse to him. In such cases, the Patwari should enter a mutation of dispute of rights of tenancy/possession (tenazia haquq kashit/qabza) and put up to the revenue officer, who will decide it on the spot in the presence of the parties and the village community as per instructions on the subject of treatment of rights of absentee or out of possession.

VII Partners in Cultivation.

Adhjogias Siris, Lachhains, Halis, Adhalis, ¹¹⁵[sirriaria-hari], ¹¹⁶[Dehqan] and such other partners in cultivation are not tenants within the meaning of clause (26) of section 4 of the West Pakistan Land Revenue Act, 1967, and they do not possess the right of excluding the landlord from interfering in the cultivation under the law relating to Tenancy as in force for the time being. Care should be taken to distinguish them from tenants. So far as may be practicable, the entry regarding cultivation of land by the landowner with the help of such partners in cultivation should be as “Khud Kasht Faran Hissadar Ba-Shirakat Falan Siri etc.”

VIII Field Workers.

Field workers (Kama), whose status is that of mere labourers receiving fixed wages in cash or in kind, should not find a place in the Register Haqdarar Zamin.

(v) Where the cultivation of the same field in the two harvests is done by different cultivators, the name of the rabi cultivator should be entered in red ink under the kharif cultivator. In such cases a separate khatauni No. should not be given.

(vi) If a co-sharer in a joint holding transfers certain fields (Survey Khasra numbers) by sale, mortgage, gift, exchange or otherwise, and the transferee obtains possession, the name of the later should be shown in the column as illustrated below and not in column (3): -

“ ----s/o ---- caste ---- r/o ----
Vendor, and ---- s/o ---- caste ---- r/o ---- Vendee”.

¹¹⁵ This term is in use in Sindh Province.

¹¹⁶ This term is use in certain areas of the N.W.F.P.

Such vendee should be given a Khatauni No. and not a Khewat No.

(vii) The tenant is the person responsible for paying the rent. If he sublets the land the entry should be as under: -

“ ---- s/o ---- caste ---- r/o ---- Mazaria tabe-marzi
Awwal marfat ---- s/o ---- caste ---- r/o ---- Muzaria
Ttabe-marzi doyam”.

(viii) In cases of Trust properties the entries shall be as illustrated below: -

- I. Mandar ---- Ba-ehatemam (under administration of)
Evacuee Trust Properties Board.
- II. Darbar Data Gunj Bakhsh Ba-ehatemam Chief Administrator of
Auqaf.
- III. Khanqah --- Ba-ehatemam ---- s/o ---- caste ----- r/o ---- matwalli.

(ix) If a person other than land owner installed a well or tube-well at his own expenses, he should be entered in red ink as “Owner of material of the well (malik mhal chah)” or “Owner of material of the tubewell” as the case may be.

Entries in respect of owners of material of well/tube-well shall be based on mutations duly attested by the Revenue Officer. Similar procedure should be adopted in cases where one or more co-sharers of a joint khewat installs a well or tube-well.

In such cases the name of owners of material of well/tube-well with description and share in ownership of well/tube-well and share of water enjoyed by each should be entered in this column as illustrated below: -

Malikan mahl chah:

‘A’ co-sharer and ---- s/o ---- caste ----- r/o ---- in equal share.

Abpashi kunindgan:

‘A’ co-sharer $\frac{1}{4}$ (one fourth) share, ‘B’ co-sharer through ‘E’ tenant at will $\frac{1}{3}$ (one third) share ‘C’ co-sharer $\frac{1}{6}$ (one sixth), and ‘D’ mortgagee $\frac{1}{4}$ (one fourth) share.

(x) In a joint khewat or khatuani if two or more members of a family are jointly enjoying the produce of any land have not made a partition by metes and bounds, the share of each member of the family, including minors and women, etc., should be recorded according to his/her share in the ownership or occupancy, as the case may be.

(xi) The name of Manager, if any, appointed under the West-Pakistan Land reforms (Appointment of Managers of Impartible Joint Holdings) Rules, 1964,¹¹⁷ shall be entered in this column.

(xii) Keeping in view the provisions of section 3(1) of the West Pakistan Land Revenue Act, no detail of occupiers etc, shall be given in this column in respect of land which is occupied as the site of a town or village (i.e. land shown as “Abadi Deh” in the column of ownership). In such cases the entries should be made as “Maqbooz Bashindgan Deh” etc.

(6) Column 5(Survey/Khasra No. and name (if any): (i) The terms “Survey Number” or “Khasra Number” as defined in clause (25) of section 4 of the West Pakistan Land Revenue Act, 1967, means a portion of land of which the area is separately entered under an indicative number in the record of rights.

The term “Survey Number” in use in the ¹¹⁸[Division of Hyderabad and Khairpur and District of Karachi] is equivalent to the term “Khasra Number” used in ¹¹⁹[other areas of the West Pakistan.]

(ii) Each sub-division of Survey/Khasra number made under rule 67 of the West Pakistan Land Revenue Rules, 1968, should be separately numbered in accordance with the method prescribed for dividing and numbering of fields.

Explanation: Re-numbering of Survey/Khasra numbers should so far as may be practicable, be done as in the following examples: -

(a) The numbers generally go from left to right and from north to south as illustrated below: -

Survey/Khasra No.6	6/1	6/2
		6/3

Survey/Khasra No.7	7/1			
	7/2	7/3	7/4	7/5

Sub-division No.3 of Survey/Khasra No.6 may be briefly written as 6/3.

(b) If a Survey/Khasra No. say 124, has been sub divided into two, and the 1st Survey/Khasra number in the field book(Patwari/Tapedar Standard Form No.XII) of the estate is 150, entry No.124 should be scored through and the sub-divided Survey/Khasra Nos. entered as 151/124 and 152/124.

¹¹⁷ Rules relating to appointment of Managers of Impartible Joint Holdings are given at pages 665 to 668 of this Manual.

¹¹⁸ ‘Sindh Province’.

¹¹⁹ Punjab, Balochistan and N.W.F.P.

- (c) If field Nos.31 and 32 have been joined into one field, and the last Survey/Khasra no. in the field book is 152, the new entry may be 153/31 and 32.

(iii) In the areas where the land measurement or survey is on square or rectangulation system referred to in items (a) and (b) of rule 65 of the Land Revenue Rules and each square/rectangulation has been divided into ¹²⁰[14], ¹²¹[10], ¹²²[16] or 25 small squares/rectangulations (as the case may be) known as survey, Khasra, Killa or field equivalent to about four or one acre (as the case may be), the square/rectangulation number should be entered in red ink. In such cases the figures for “Survey/Khasra Number” should be entered below the figures for ‘Square/Rectangulation No. “as illustrated in column 5-B of Appendix ‘E’.

(iv) The order of entry within the khewat or khatauni usually be that of the Register Girdawari.

(v) It is not necessary to enter a name of every Survey/Khasra along with its number, but in the districts where the fields are known by name, the name should, however, be entered.

(7) column 6 (Area and soil classification of each number and total khatauni cultivator and khewat malik): (i) (a) ¹²³[Where the ghumao] acre and kanal measure is in use enter the area of holdings in kanals and marlas as illustrated in Appendix ‘E’. The total area of patti or taraf (if any) and of the estate should be converted into acres, kanals and marlas and shown in red ink.

- (b) ¹⁶[Where area is measured in acres, roads and poles, the area of the holdings as well as the total area of taraf or patti (if any) and of the estate should be entered in acres, roads, and poles.]
- (c) ¹⁷[Where the acre and ghunta measure is in use, enter the area of holdings in acres and ghuntas, as illustrated below: -

$$\begin{array}{l} \text{Acres} = \text{Ghuntas} \\ 7\text{-----}5 \end{array}$$

- (ii) The following is the table of area measure: -

1	Marla	=	1 Pole
4	Marlas	=	1 Ghunta
20	Marlas	=	1 Kanal
8	Kanals	=	1 Acre
40	Ghuntas	=	1 Acre
40	Poles	=	1 Road
4	Roads	=	1 Acre

¹²⁰ In Sindh Province.

¹²¹ In Thal area of Punjab Province.

¹²² In Sindh Province.

¹²³ The system of area measure is in use in Sindh Province only.

(iii) Area of field number should be recorded in numerals but totals of each khatauni, (maizan khattauni), Khewat, (mizan haqiat/khata), sub-division of the estate, (mizan patti or taraf), if any, and of the estate (mizan deh) should be recorded in words as well as in numerals. While writing the area in numerals, the figures regarding kanals/acres should be written on the left hand while those for marlas/ghuntas/roads and poles on the right hand.

(iv) Where the patties/tarafs exist, enter the total for each patti/tafraf after the last khewat number contained in it.

(v) In Survey/Khasra No. which contains a well, tube-well or jhalar capable of use, note in this column whether the well, tube-well or jhalar is in working order (jari) or not (ghair jari) and if not, whether it is unfit for use. In case of a well or jhalar enter whether it is pacca or kacha.

(vi) For soils and classes of land see paragraph 7.49.

(8) Column 7 (Source of irrigation including name of well, rajbah etc):

(i) If the land is watered from well-tube well the name of well-tube-ell should be recorded.

(ii) The name of the main canal, distributary, Minor wah, rajbah or ¹²⁴[kasi (water course)], as the case may be, from which the land is irrigated should be entered.

(9) Column 8 (rent paid by cultivator, rate and demand): (i) As defined in clause (21) of section 4 of the West Pakistan Land Revenue Act, 1967, the term 'rent' means whatever is payable to landlord in money or kind by a tenant on account of the use of occupation of land by him. The classification or rent (lagan) which are commonly met with are ---

- (a) a definite share of the crop (lagan batai);
- (b) cash rent for particular crops which cannot conveniently be divided, at a fixed rate, per kanal or area etc. (lagan Zabti);
- (c) cash rents paid on land irrespective of the crop grown upon it (lagan naqdi);
- (d) lump grain rents or rents consisting of a fixed amount of grain in the spring and fixed amount of money in the autumn harvest (lagan chakota); and
- (e) a definite share of crops in addition to some cash at certain rate per kanal or acre.

¹²⁴

The word 'Kasi' is in use in the Revenue Records of Sindh Province.

(ii) In the case of rent in kind, it may either be a share of the produce or a fixed weight of grain. Where rent in kind is paid by a share of the produce (batai) enter the share only. In such cases the entries should be as illustrated below: -

“Batai one half grain with straw after deducting expenses of village auxiliaries (moeens) from common heap as detailed in the remarks column”.

(iii) Where the rent in kind is paid by chakota record the total amount and quantity of grain to be paid.

(iv) In the case of each rent, it may be either at a certain rate or fixed amount. If by a lump sum, note the amount, otherwise note both the rate and the amount.

(v) Where part of a holding is paid at one rate and part at the other, see that areas, etc., are given in sufficient details; so also where cash rents are paid in particular crops (Zabti).

(vi) Where no rent is paid, by a person in possession, other than the owner, briefly explain the reasons for non-payment of rent if the fact is undisputed.

(vii) A person, other than the owner, may be in possession either with the consent of the owner, or without his consent. If such a person is in possession with the consent of the owner he will be regarded as a tenant and some rent is usually paid.

(viii) Rent may not necessarily be either in cash or in kind. It sometimes takes the form of service. For example, when the owner allots some land for cultivation in lieu of personal services to himself or to a religious institution, it should not, be treated as free of rent. The service thus rendered will be regarded as rent. In such cases, the words ‘Khidmat Khanqah’ or ‘Khidmat Masjid’ etc.as the case may be, should be recorded in this column.

(ix) If the land is cultivated by a person without the consent of the owner, with an adverse claim of ownership, and no rent is paid, in such cases, if undisputed, the words “bila lagan bawa ja tasawwur milkiyat” should be recorded in this column. Such entries should not be made without a mutation duly attested by the Revenue Officer.

(x) Where the relationship of landlord or the amount of rent is in dispute between the owner and the cultivator, a mutation of ‘Tanazza haqooq kasht’ or Tanazza lagan’, as the case may be, should be entered by the Patwari as required by clause (b) of section 43 of the West Pakistan Land Revenue Act, 1967 and attested by the Revenue Officer in the light of provisions contained in sections 42 and 44 of the said Act. In such cases, the entry of this column should follow the order passed by the Revenue Officer on the mutation.

(10) Column 9 (Demand with details of revenue and cesses): (i) For the definition of terms “Land Revenue” and “Rates and Cesses” see clauses (14) and (20) respectively of section 4 of the Land Revenue Act.

(ii) For the lands exempted from the payment of land revenue see subsection(1) of section 56 of the Land Revenue Act.

(iii) The details of land revenue i.e., fixed (mustaqil) or in the form of prescribed rates (ghair mustaqi), as the case may be, and rates and cesses or other Government dues (i.e., Water-rate, Historical Mosque Fund cess, Development Cess, Lambardari fee, if any, etc) on the basis of total demand of kharif and rabi assessment of the year for which the record is prepared should be recorded in this column against each khata as illustrated in Appendix 'E'.

(vi) Total demand of taraf or patti (if any) and of estate should be recorded in red ink after the last khewat contained therein.

(11) Column 10 (Remarks including (1) Name of Lambardar (if any) (2) Rate of land revenue: (i) In the case of all new entries of names of owners mortgagees with possession and occupancy tenants and alterations in shares, etc., which are supported by any mutation or fard badar entry, refer in this column to the entry by which they are supported as illustrated below: -

Mutation No.	Nature	Date of attestation
114	Sale	14 th April, 1968
116	Inheritance	12 th May, 1968

Fard Badar No.

Correction of
3 Survey/Khasra No. 12th June, 1968

(ii) If a new well/tube-well has been installed or a deserted well/tube-well has been brought into use, or if a well/tube-well has fallen in or been deserted, be very careful to note the fact.

(iii) If a holding of part of a holding has been hypothecated to Government as security for a taccavi loan or to Agricultural Development Bank of Pakistan or similar loan advancing agency, make a note of the fact in red ink as illustrated below: -

'A' co-sharer has hypothecated Survey/Khasra Nos: - measuring – kanals to Agricultural Development Bank of Pakistan for loan of Rs. -----

If a second loan is given on the same security a second mutation is not required, but whether a mutation has to be entered up or not, a note about the loan should be recorded in this column of the current Register Haqdaran Zamin which should be carried over to all succeeding Register Haqdaran Zamin.

(iv) A brief description of the terms of collateral mortgages (i.e. without giving possession of land to the mortgagee) duly attested by the Revenue Officer in the mutation register will be entered in this column as illustrated below: -

“B” co-sharer has mortgaged Survey/Khasra Nos. ---- measuring --- kanals without possession to ---- s/o ---- caste ---- r/o ---- murtahinard”.

(v) The mortgage-debt should only be entered in the mutation and not in the Register Haqdarar Zamin except where the land has been hypothecated to Government, Agricultural Development Bank of Pakistan or similar laon advancing agency.

No entry relating to collateral mortgages will be made in any other column of the Register Haqdarar Zamin.

(vi) The amount of procedure received by Siris Adhjogias and other partners in cultivation from the land-owner as their shares and the contribution towards seeds, etc., if any, made by them, should be recorded in this column and not in the column of rent or demand.

(vii) Customary dues payable to village auxiliaries (Moeens) referred to in item 8 of the statement of customs given in sub-para (4) of paragraph 7.44.E should be recorded in this column against one Khatauni and reference to this effect should be given in the column of rent against the other respective Khataunis of such type.

(viii) A note showing the names of owners whose land has been acquired by Government wholly or partially and without a share of the shamilat, together with the area transferred and the number of the relevant mutation, should be entered in this column. It should also be stated in this note that the owner concerned will be entitled a due share of the shalimat area at the time of its partion. The note in question shall continue be copied from one Register Haqdarar Zamin to another till partition of the shamilat takes place.

(ix) If a holding is attached by a competent court, a note about it should be recorded in red ink in this column. Another note should be made on the receipt of the release order. If no release orders are received the entry should be repeated in the subsequent Register Haqdarar Zamin in black ink, ooder to safeguard the right of the decree-holder¹²⁵.

(x) The name of the headman (Lambardar), his substitute (sarbrah) (i) any alongwith commission permissible to him, should be entered in this column.

(xi) The rate of land revenue should be entered in this column against the first Khata].

¹²⁵ For recording a note in respect of evacuee lands allotted to refugees under permanent allotment scheme see instructions at pages 377 and 378 of this Manual.

¹²⁶[7.42. **Entry of State Land:** All lands owned by Sdtate should be entered as under: -

- (i) Where land belongs to a department of the Provincial Government the words 'Provincial Government (Subai Hukumat)' should be recorded in the column of ownership of Register Haqdaran Zamin. Similarly, where land belongs to a department of the Government of Pakistan, the words "Central Government (Markazi Kukumat)" should be entered in that column.
- (ii) (a) In the column of cultivation the name of the department which has charge of the land, e.g. Deputy Commissioner. Irrigation Department, Railway Board, Postal Department, Defence Department, etc., should be recorded.
(b) In case of evacuee land, which stands transferred to the Central Government, and is meant for allotment to refugees against their verified claim forms, the entry shall be as "Maqbooza Chief Settlement Commisioner" in the column of cultivation.
- (iii) In lieu of soil entries, staste he purpose to which the land is applied, e.g., encamping grounds sarai, canal, rajbah, bungalow, railway, etc.
- (iv) When nazul or other State property is vested in a local body, or is otherwise in its possession, such property should be recorded as "Central Government" or "Provincial Government" as the case may be, in the column of ownership and in the cultivator's column, name of the occupancy local body such as muqbuza District Council, Cantonment Board etc., should be recorded. But Property acquired by a local body should be shown as owned by that body. In order to guard the interests of State, no mutation of any new acquisition or of sale of property owned by a local body should be made without the order of the Collector.
- (v) Concerning land occupied by Government at the date of last settlement which Government still holds, he entries of the last settlement in the column of ownership will be repeated unaltered. The columns of cultivator and description land will be filled up as above directed.
- (vi) If the land is occupied only temporarily as for instance, the approach to a ferry, the names of the owners and occupancy tenants (if any) will usually be continued, and separate numbers need not be made. Government possession can be described in the column of remarks.]

¹²⁷[7.42-A. **Land held by Government on lease for specific purposes:** In connection with the making of entries in the Register Haqdaran Zamin in respect of land referred to in paragraph 7.11-A held by Government on lease for specific purposes, the following instructions shall be followed: -

¹²⁶ Amended by correction slip No. 126, LRM, dated 21-01-1971 published in the Extraordinary issue of the Punjab Gazette dated 13-03-1971..

¹²⁷ Amended by correction slip No. 127, LRM, dated 21-01-1971 published in the Extraordinary issue of the Punjab Gazette dated 13-03-1971.

- (i) The entry in the column of ownership of the Register Haqdaran Zamin should remain unaffected.
- (ii) In the column of cultivation, the department of Government, for whose operations the lease has been effected, should be shown as lessee and the land-owner as lessor.
- (iii) In the column of rent, the entry should be shown “rent at owner’s rate on account of the construction and maintenance of (...here specify the purpose of the lease.]

¹²⁸**[7.43. Note of changes in kind of soil:** A note of changes in the kind of soil, referred to in rule 30 of the Land Revenue Rules, should be prepared for appending to the Record-of-Rights, as well as Periodical Record, stating briefly what changes have been made in the kind of soil, and where the changes are important, explaining the reasons in the column of increase or decrease, as the case may be, for making them. The specimen of the said note (Form No. VII given in Appendix ‘A’ to the Land Revenue Rules) is as under: -

¹²⁸

Amended by correction slip No. 129, LRM, dated 29-03-1971 published in the Extraordinary issue (page 637) of the Punjab Gazette dated 12-06-1971.

NOTE OF CHANGES IN KIND OF SOIL

Estate ----- Tehsil ----- District ----- Year -----

		Area (in Acres) and Classes of Land															
		Cultivated						Un-cultivated								Grand Total	
		Chahi	Nehri	Nul Chahi	Barani			Total	Banjar Kham	Banjar Jadid	Banjar Qadeem	Ghair Mumkin					Total
According to the entries of last Register Haqdaran Zamin of the year																	
According to the entries of the current Register Haqdaran Zamin.																	
Difference	Increase																
	Decrease																

Signature of Patwari

Signature of Kanungo

Signature of Revenue Officer

7.43 ¹²⁹[Omitted].

¹³⁰[7.44-A. **Register Haqdarani Nakhlistan:** (1) In certain areas the nakhlistan is not entered to revenue. In such areas at the time of preparation of Record-of-Rights or Periodical Record an up-to-date copy of Register Haqdarani nakhlistan should be prepared for appending to that record.

The specimen of said register (Form No.VIII given in Appendix 'A' to the West Pakistan Land Revenue Rules, 1968.) is as under: -

Register haqdarani nakhlistan (date-tree)
 Estate — — — — — Tehsil/Taluka — — — — — District — — — — — Year Book No.
Leaf No.

Khewat No.	Khatauni No.	Name of the owner of land with description	Name of the owner of date-trees with description	Survey/khasra No.	Area	Source of irrigation including name of well, Rajbah, etc.	Number of date-trees				Government demand		Remarks
							Female	Eunuch	Male	Total	Revenue	Cesses	
1	2	3	4	5	6	7	8	9	10	11	12	13	14

(2) The following instructions shall be followed in connection with filling up the said register: -

¹²⁹ Omitted by correction slip No. 114, LRM, dated 25-04-1971 published in the Extraordinary Gazette of West Pakistan dated 30-06-1970.

¹³⁰ Added by correction slip No. 103, LRM, dated 02-10-1969 published in the Extraordinary issue of the Gazette of West Pakistan dated 30-12-1969.

- (i) The entries in column 1 to 3 and 5 to 7 of Register Haqdaran Nakhlistan will be the same as in columns 1 to 3 and 5 to 7 of the Register Haqdaran Zamin respectively.
- (ii) All changes of entries in column 4 of Register Haqdaran Nakhlistan shall be based on mutation or Fard Badar, as the case may be, duly attested by the Revenue Officer concerned.
- (iii) The entries of column 8 to 11 can be ascertained from the Register Girdawari or after verification on the spot, as the case may be.

(3) The mutations in respect of date-palm proprietary holding shall be entered in the same register maintained for other transactions. In such cases the name of owner of date-trees shall be entered in red ink in columns 4 or 9 "Name of Cultivator with description" of the Mutation Register with the addition of words "Owner of date-trees" in brackets as illustrated below: -

" Muhammad Taqi, son of Ghulam Ali Shah, caste Syed Bukhari, resident of Naddala Pakka, Tehsil Wazirabad (Owner of date-trees)."

(4) In case of transaction concerning partly date-trees holding and partly other holding of land a separate mutation for date-trees holding shall be entered.

(5) In areas where the date-trees are not assessed to revenue irrespective of the fact whether date-trees exist or not, there is no need for the preparation and maintenance of Register Haqdaran Nakhlistan. In such cases the entry about the non-preparation of this document, in respective column of form "Preliminary Proceedings" of "Title Page of Register Haqdaran Zamin" as the case may be, shall be shown as "Nil". However, if according to the requirement of the area the preparation of said register is necessary where the date trees are not assessed to land revenue, the Collector may, with the previous approval of the Board of Revenue obtained through the Director of Land Records, direct the preparation of Register Haqdaran Nakhlistan.]

¹³¹**[7.44-B. Statement of rights in wells and tube-wells:** (1) For the estates in which Wells (Chah), or tube-wells (nul chah) exist, an up-to-date statement of rights in wells and tube-wells shall be prepared at the time of preparation of Record-of-Rights as well as periodical Record for appending to that record. The specimen of said statement (Form No.IX given in Appendix 'A' to the West Pakistan Land Revenue Rules, 1968) is as under: -

¹³¹ Added by correction slip No. 103, LRM, dated 02-10-1969 referred in foot note No. 2 at page 293.

**STATEMENT OF RIGHTS IN WELLS AND TUBE-WELLS (NAQSHA HAQUQ)
(CHAHAT WA NUL-CHAHAT)**

Estate — — — — Tehsil/Taluka — — — — — Distirct — — — — — Year — — — — —

Serial No.	Survey/khasra No.	Khatauni No.	Name of Well/Tube-well	Wells			Tube-Wells						Whether at work at last Settlement or made subsequently and in the later case, in what year it began to be used	Name of owner with description and share in ownership of well/tube-well	Name of persons with description who use the well/tube-well, and share of water enjoyed by each	Remarks
				Depth to water (in feet)	Depth on water (in feet)	Whether single or double, <i>pacca</i> or <i>kacha</i> , in use or out of use	Length of tube (in feet)	Length of filter (in feet)	Depth of water (in feet)	Mouth of tube (in inches)	Whether working on oil engine or electric motor with horse power	Whether in use or out of order				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17

(2) (a) Ordinary drinking Wells/Tube-wells need not be entered in this statement; but care is needed that Well/Tube-wells which are likely to be used for agricultural purposes are not omitted.

(b) Tube-wells installed by WAPDA or any other department of Government to aid canal or river irrigation shall also be entered in this statement.

(3) The following instructions shall be followed in connection with filling up the above-said statement: -

(i) Column 1 (Serial No.): (a), Every entry in respect of the well/tube-well shall be made separately.

- (b) All wells shall be entered first and thereafter the entry of tube-wells shall be made.
- (ii) Column 2 (Survey/Khasra No.): In this column, the Survey/Khasra No. in which the well/tube-well is situated shall be entered.
- (iii) Column 3 (Khatauni No.): In this column, the Khatauni No. of the land in which the well/tube-well is situated as per entry in column 2 of the Register Haqdaran Zamin shall be entered.
- (iv) Column 4 (Name of well/tube-well): (a) The name of well/tube-well as “Chah Ahmadwala” or “Nul Chah Rasheedwala” etc., will be entered.
 - (c) Draw a red circle round the name of the every well/tube-well made since last settlement.
- (v) Columns 5 to 7 (Wells): In these columns, (a) the depth to water (in feet), (b) the depth on water (Amaq Ab) (in feet) and (c) whether the well is single (Yak-harta) or double (Do-harta), Pacca or Kacha, in use or out of use should be entered after verification on the spot.
- (vi) Columns 8 to 13 (Tube-wells): In these columns (a) the length of tube-well (in feet) (b) the length of filter (in feet) and (c) the depth to water (in feet), (d) the mouth (Quttar) of tube (in inches), (e) whether working on oil engine or electric motor with horse power, and (f) whether in use or out of order should be entered.

As the water-surface is not visible in a tube-well, it is not possible to measure the actual depth of water without removing the pumping-set. The informations regarding (a) to (c) above can be ascertained from the cultivators. The particulars about (d) to (f) above, should be entered after verification on the spot.

- (vii) Column 14: (Whether at work at last Settlement or made subsequently and in the later case, in what year it began to be used): This information can be ascertained from the Register Girdawari and last statement of rights in wells and tube wells or after verification on the spot.
- (viii) Column 15 (Name of owner with description and share in ownership of well tube well): These particulars should be ascertained by reference to the Register Haqdaran Zamin.
- (ix) Column 16 (Name of persons with description who use the well/tube well, and share of water enjoyed by each): These particulars can be ascertained from the Register Girdawari or after verification on the spot.
- (x) Column 17 (Remarks): In this column answers to the following questions will be given:-
 - (a) History of the well/tube-well, and when built or repaired, and when the present rights in it were acquired;
 - (b) Method of working the well/tube-well, with other irrigation arrangements now in force; and
 - (c) Particulars of exemption from irrigated rates, if any.

(4) In the estates where no well or tube-well exists, the entry in the respective column of form “Preliminary Proceeding” or “Title Page of Register Haqdarar Zamin”, as the case may be, shall be as “Nil”.]

¹³²[7.44-C. **Statement of distribution of water (Fard Taqseem Ab)** (1) In the areas where the lands are irrigated by means of ¹³³[Karez] or other similar source, a statement of distribution of water (Fard Taqseem Ab) shall be prepared and appended to the Record of Rights as well as to the Periodical Records. The specimen of the said statement (Form No.X given in Appendix ‘A’ to the West Pakistan Land Revenue Rules) is as under: -

**STATEMENT OF DISTRIBUTION OF WATER
(FARD TAQSEEM AB)**

Estate ----- Tehsil/Taluka ----- District ----- Year -----

Source of Irrigation	Serial No.	Number Khewat	Name of owner with description	Share	Remarks
1	2	3	4	5	6

¹³² Added by correction slip No. 103, LRM, dated 02-10-1969 referred in foot note No. 2 at page 293.
¹³³ Karezes are in Balochistan Province.

(2) The following instructions shall be followed in connection with filling up the above said statement: -

- (i) Column 1 (Source of irrigation): In this column the source of irrigation with name i.e. name of ¹³⁴[Karez], Chashma or ¹³⁵[Roud], etc., as the case may be, shall be entered as illustrated below: -
Karez Tazi, Karez Gulzar, Viala Samli, Viala Katir, Chashma Balei, etc.
- (ii) Column 2 (Serial No.): In this column, every entry in respect of every owner or joint owners, as the case may be, shall be numbered separately.
- (iii) Column 3 (Number Khewat): In this column, the Khewat No. of the owner of water as per entry in Register Haqdaran Zamin will be entered.
- (iv) Column 4 (Name of owner with eescription): (a) In this column, the name of owner/owners of water, with details of father's/husband's name, caste or tribe, sub-caste (got) or sub-tribe, if any, and residence will be recorded.
(b) In case the Owners are more than one, then their respective shares in wate will also be shown.
- (i) Column 5 (share): (a) In this column the details in respect of water of every owner, viz, one day and night (one shabanaroz), half of the day and night (one Wail), one-fourth of the day and night(one Ghuki), three hours (two sayas or one pahar) etc., shall be entered.
(b) In certain areas, when the quantity of water in springs or karezes decreases and is found insufficient for the purpose of irrigation, one of the following practices is generally adopted: -
 - I. Excavation and construction work is required to be undertaken for the purpose of increasing water-supply. This requires money which the owners cannot afford to procure. Consequently, arrangements are made with a third person who spends the money on theexcavation and constructions works and, in turn, instead of getting cash, he gets a share of water.¹
 - II. This share is given by increasing the circle of irrigational turns (Dor-e-Ab), so that if formerly karez consisted of 10 shabana-roz (ten days and nights) is increased to say 12 shabana-roz the circle would not be completed in 12 shabana-roz (12 days and nights). These additional 2 shabana-roz are allocated to he new entrant and is called temporary (Khan or Kachha) as compared to the permanent ones. If the nature of work is continuing one, this new entrant has the right to remain as long as he performs his duties. But if the nature of work is as such that he has spend the money in lump sum this new entrant has the right to the additional two shabana-roz of water till he paid the expenditure he has made on the water works. Mention to this effect shall be made against serial No.4 (Customs

¹³⁴ Karezes are in Balochistan Province.

¹³⁵ In Punjab Province, Rounds are mostly in Dera Ghazi Khan district and Isa Khel tehsil of Mianwali district.

relating to the irrigation of land) in the Statement of Customs given in pra
7.44-E, infra.¹³⁶

In such cases the entry in this column shall be as permanent share of temporary share, as the case may be.

(ii) Column 6 (Remarks): In this column, answers to the following questions will be given: -

- (a) What is the internal distribution of the shaban-roz?
- (b) How is the turn for utilizing irrigation water fixed? Is it done through toss (Qura Andazi) or in another way? Is the system of distribution of water based on yearly or half yearly, permanently or temporarily and when or why is the temporary kham one fixed?
- (c) Is irrigation done direct from the Karez or the water is first stored in the pond/tank and then used? In case pond/tank is used then it may be clarified whether it is for the facility of the Zamindars or due to deficiency of water in the Karez, etc.
- (d) What is the mode of desilting of water channel or the karez?
- (e) Is the land under the command of the Karez portioned or is it held jointly?
- (f) Is the land in excess of what the Karez can irrigate, or is water in excess of the land? In case water is more than lands, then how is the extra water utilized? If the land is in excess then wherefrom the extra water is obtained?
- (g) How many crops does the land yield yearly? Details of all the crops should be given.
- (h) Whether the Karez courses through sandy/stoney sol, or it flows through clayish soil?
- (i) In case of sudden break down of Nallah which results in wastage of water, is the person in whose turn the loss occurs compensated by giving him more water or not, if yes, in what manner?

(3) If a doubt arises with regard to the preparation of statement of distribution of water by means of source of irrigation other than Karez, as provided in item (ix) of sub-rule (1) and item (ii) of sub-rule (2) of rule 30 of the Land Revenue Rules, the Collector will, in consultation with the Director of Land Records, decide whether such statement is to be prepared or not.

(4) In the canal irrigated areas where the distribution of water (warabandi) is conducted by Irrigation Department under the law relating to Canal Irrigation, for the time being in force, no statement of distribution of water shall be appended to the Record-of-Rights or Periodical Record. In such cases, however, entry about the non-preparation of this document, in respective column of form "Preliminary Proceeding" or "Title Page of Register Haqdararan Zamin," as the case may be shall be shown as "Nil".

¹³⁶

This procedure is generally adopted in Balochistan Province.

¹³⁷[7.44.-D. Statement of rights in water-mills (Naqsha Haquq Punchakiat or Fard Asiab): (1) In the areas where the water-mills are assessed to revenue an upto-date statement of rights in water-mills shall be prepared for each estate for appending it to the Record-of-Rights as well as to the Periodical Record. The specimen of said Statement (Form No.XI given in Appendix 'A' to the West Pakistan Land Revenue Rules) is as under: -

¹³⁷ Added by correction slip No. 103, L.R.M., dated 02-10-1969, referred to in foot note No. 2 at page 293.

Statement of rights in water mills (naqsha haquq panchakiat or fard asiab)

Estate — — — — Tehsil/Taluka — — — — District — — — — Year — — — —

Serial No.	Survey/Khasra No.	No. Khatauni	Name of karez, water-fountain, stream, roud, on which the water-mill is installed	Whether at work at last Settlement or made subsequently and in the latter case in what year it began to be used and at what expenses	Name of owner of water with description	Name of owner of water-mill with description	Name of asiaban with description	Grinding for one day and night	Income per day and night			For how many days and nights the water-mill remains closed in a year	Government demand	Remarks
									Share of owner of water	Share of owner of water-mill	Share of asiaban			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

(2) The following instructions shall be followed in connection with filling up the above-said statement: -

- (i) **Column 1 (Serial No.):** In this column, the entries in respect of each water-mill (Punchaki, Asiab, Jandar or Pecko) shall be made separately. If there be more than one water-mill in the estate, then each will have a separate serial No.
- (ii) **Column 2 (Survey/Khasra No.):** In this column, the Survey/Khasra No. in which the water-mill is situated and the name of water-mill (if any) shall be entered. Every water-mill will be given a separate survey/dhasra No.
- (iii) **Column 3 (No. Khatauni):** The No. of Khatuni of the land in which the water-mill is situated as per entry in column 2 of the Register Haqdaran Zamin for the respective Survey/khasra No. shall be entered.
- (iv) **Column 4 (Name of karez, water-fountain, stream, roud on which the water-mill is installed):** In this column, the name of that karez, Nadi, Roud or Viala etc., as the case may be, will be entered on which the water-mill has been constructed.
- (v) **Column 5 (Whether at work at last Settlement or made subsequently and in the later case in what year it began to be used and at what**

expenses): The entry will show whether the water mill was in working order during the last Settlement or it was constructed later on. If constructed after Settlement, it should show the year of its construction. The total expenditure incurred in construction thereof should also be shown in this column.

- (vi) **Column 6 (Name of owner with description):** “Description” in this column includes the father’s/husband’s name, caste or tribe, sub-caste(got) or sub-tribe, if any, and residence.
- (vii) **Column 7 (Name of owner of water with description):** “Description” in this column includes the same particulars as given in item (vi) above. If there be more than one owner, the share of every owner will also be shown.
- (viii) **Column 8 (name of asiaban with description):** In this column, the name of asiaban in respect of every water-mill will be shown. His father’s/husband’s name, caste or tribe, sub-caste (got) or sub-tribe, if any, and residence will also be recorded.
- (ix) **Column 9 (Grinding for one day and night):** In this column, the grinding capacity (maundage) for 24 hours will be shown. The entries in this column as well as in column 13 should be made very carefully as the assessment of revenue mostly depends thereon.
- (x) **Column 10 (Share of owner of Water):** In this column, the share of the owner of water, out of total income of 24 hours, will be entered.
- (xi) **Column 11 (Share of owner of water-mill):** The share of the owner of the water-mill out of the total income of 24 hours, will be entered in this column.
- (xii) **Column 12 (Share of asiaban):** Out of the total income in 24 hours, the share of the Asiaban will be shown in this column. Wages for grinding obtained by the asiaban from the owner of the grains shall also be recorded in this column. Wages should be indicated per maund. In this way the total annual income of the water-mill and the expenditure can be worked out which facilitate the assessment of revenue on the water-mill. The total of columns 10 to 12 will show the total income of the water-mill per day and night (i.e., 24 hours).
- (xiii) **Column 13 (For how many days and nights the water-mill remains closed in a year):** In this column, the period for which the water-mill remains closed during the year will be entered.
- (xiv) **Column 14 (Government demand):** In this column, the annual Government demand i.e., Revenue and Cesses (if any), on water-mill will be entered.
- (xv) **Column 15 (Remarks):** Any other details, other than those given for column Nos. 1 to 14, if necessary, will be entered in this column.]

¹³⁸[7.44-E. **Statement of Customs (Wajib-ul-Araz):** (1) A Statement of customs (Wajib-ul-Araz) respecting rights and liabilities in the estate shall be prepared at the time of preparation on Record-of-Rights for appending to that record. The specimen of said statement (Form XXXVI given in Appendix 'A' to the West Pakistan Land Revenue Rules, 1968) is as under: -

STATEMENT OF CUSTOMS (WAJIB-UL-ARZ)

Estate — — — — Tehsil/Taluka — — — — District — — — — Year — — — —

1	2	3
Serial No.	Heading of Customs	Information

(2) The statement of customs shall be in narrative form, it shall be as brief as the nature of the subject admits and shall not be argumentative, but shall be confined to a simple statement of the customs which are ascertained to exist.

(3) The statement shall be divided into 11 paragraphs numbered consecutively each paragraph describing separate customs as shown in sub-paragraph (4) infra.

(4) The statement shall not contain entries relating to matters regulated by-law or rule, nor shall customs contrary to justice, equity or good conscience, or which have been declared to be void by any competent authority, be entered in it. Subject to these restrictions, the statement should contain information on so many of the following matters as are pertinent to the estate: -

- (i) Common land, its cultivation and management, and the enjoyment of the proceeds thereof.
- (ii) Rights of grazing in common land.
- (iii) Rights to the enjoyment of sayer produce (miscellaneous income connected with land).
- (iv) Customs relating to the irrigation of land.
- (v) Customs relating to mills, tanks, streams, or natural drainages.
- (vi) Customs of alluvion and diluvion.

¹³⁸ Added by correction slip No. 103, L.R.M., dated 02-10-1969, referred to in foot note No. 2 at page 293.

- (vii) The rights of cultivators of all classes not expressly provided for by law (e.g., rights to trees or manure, and right to plant trees), and their customary liabilities other than rent.
- (viii) Customary dues payable to the village servants and the service to be rendered by them.
- (ix) The rights of Government to any Nazul property (e.g., property which has become the property of Government by escheat of failure of heirs), forests, unclaimed, unoccupied deserted or water lands, quarries, ruin or object of antiquarian interest, spontaneous products and other necessary interest in land, included within the boundaries of the estate.
- (x) The rights of Government in respect of fish and fisheries in streams, rivers, etc.
- (xi) Any other important usage affecting the rights of land-owners, cultivators or other persons interested in the estate, not being a usage relating to succession and transfer of land property.

(5) Before preparing the final statement of customs a preliminary (Chitha) statement of customs shall be prepared in the following form in accordance with the instructions contained in the foregoing sub-paragraphs and attested by the kanungo [Supervising Tapedar] and Naib-Tehsildar ¹³⁹{Head Munshi}.

PRELIMINARY STATEMENT OF CUSTOMS (CHITHA-WAJIB-UL-ARZ)

Estate — — — — Tehsil/Taluka — — — — District — — — — Year — — — —

1	2	3	4	5	6	7	8
Serial No.	Heading of custom	Previous entry (if any)	Statement of owners and other concerned persons	Report of kanungo/supervising Tapedar	Report of Naib Tehsildar/Head Munshi	Order of Tehsildar/ ³⁴ [Mukhtiarkar]	Order of Collector or Assistant Collector 1 st Grade (if any)

¹³⁹ In Sindh Province ‘Kanungo’ and ‘Naib Tehsildar’ are called as ‘Supervising Tapedar’ and ‘Head Munshi’ respectively.

(6) Tehsildar/¹⁴⁰Mukhtiarkars are authorized finally to attest all undisputed entries in the Chitha Wajib-ul-Arz. When the Chitha Wajib-ul-Arz is prepared and attested in the manner provided in sub-paragraph (5) supra, the Tehsildar/ 1[Mukhtiarkar] shall fix a date for its attestation and final approval and shall summon the persons interested to appear on that date at a place in the estate to which the statement relates. And on the date and at the place appointed, the statement shall be read over in the presence of persons in attendance and their signatures or thumb impressions obtained.

(7) All entries which at the time of attestation are found to be disputed should be referred for decision to ¹⁴¹[Assistant Collector of the 1st grade] or to the Collector. The Assistant Collector 1st grade or Collector, as the case may be, shall decide the dispute in the manner provided in section 44 of the West Pakistan Land Revenue Act, 1967. In the case of revision, he shall have regard to the provisions of section 45 of the said Act (see explanation under Form XXXVI given in Appendix 'A' to the Land Revenue Rules).

(8) After incorporation of such corrections which were made by the Tehsildar/Mukhtiarkar at the time of his attestation under sub-para (6) supra, or the decision of dispute made by the ¹⁴²[Assistant Collector 1st grade] or Collector under sub-para (7) supra, a statement of customs in the final shape shall be prepared in form referred to sub-para (1) supra and signed by the Kanungo/Supervising Tapedar and Naib-Tehsildar/Head Munshi. The Tehsildar/Mukhtiarkar shall add at its foot an order declaring that it has been duly attested.]

¹⁴³[**7.44-F. Correction of clerical mistakes made in the Register Haqdaran Zamin by Fard Badar:** (1) Where the variation merely consists in the removal of a clerical mistake, which has been made in copying the entries of one Register Haqdaran Zamin into another or in incorporating a mutation in a Register Haqdaran Zamin and the correction of which does not involve the alteration of any mutation order, subject to the exception noted below, such mistakes in the subsequent record shall be entered in the Fard Badar for correction.

(2) The specimen of Fard Badar (Form No.XV given in Appendix 'A' to the West Pakistan Land Revenue Rules, 1968) is as under: 0

CASE LAW

Clerical error in the entries in the Register Haqdaran Zamin by Fard Badar could be corrected in the exercise of revisional jurisdiction by the Board of Revenue¹⁴⁴.

¹⁴⁰ In Sindh Province 'Tehsildar' are called as 'Mukhiarkars'.

¹⁴¹ Power of Asstt. Collector 1st Grade have been delegated to all Tehsildars w.e.f. 15-11-1969 (see notification given at the end of this Manual).

¹⁴² Power of Asstt. Collector 1st Grade have been delegated to all Tehsildars w.e.f. 15-11-1969 (see notification given at the end of this Manual).

¹⁴³ Added by correction slip No. 103, L.R.M., dated 02-10-1969.

¹⁴⁴ PLD 1991 Lah. 314.

FARD BADAR (STATEMENT OF CORRECTION OF CLERICAL MISTAKES)

Estate ----- Tehsil/Taluka -----District -----BookNo./Leaf No. -----

Serial No.	No. of Khewat		Patwari's/Tapedar's Report	Field Kanungo's/Supervising Tapedar's Report	Order of the Revenue Officer
	In last Register Haqdaran Zamin	In new Register Haqdaran Zamin			
1	2	3	4	5	6

(3) The Fard Badar Register consists of a counterfoil and foil. The former is the Patwari's/Tapedar's copy which remains in the register while the later is removed after orders have been passed for filing with the Periodical Record.

(4) In the areas where the Record-of-Rights are under preparation, Patwari/Tapedar Form No.XV-A namely "Fard Badar (size Parcha Khatauni)" shall be used for the purpose which shall be appended with the Holding Slip. In such cases the orders passed in the Fard Badar, shall be incorporated in the Holding Slip (Form No.XXXVIII given in the Appendix 'A' to the Land Revenue Rules.

(5) Whenever a clerical mistake is detected in the current Register Haqdaran Zamin after it has been finally attstd and consigned to Sub-Divisional/District Revenue Record Room, whether that mistake was originally made in that or any previous Register Haqdaran Zamin, the Patwari/Tapedar should make the necessary entries about it in the Fard Badar. The following instructions shall also be followed: -

- (i) **Column 1 (Serial No.):** The number of the entries in the Fard Badar should be continuous till the preparation of the next Record-of-Rights Act. Each Fard Badar should be entered on a separate leaf. The same number should be entered on each counterfoil and foil.
- (ii) **Column 2 (No. of Khewat in last Register Haqdaran Zamin):** In the case of correction of clerical mistake relating to entries of column of

ownership it will usually be enough to enter the No. Khewat. In other cases enter both the No. Khewat and the No. Khatauni thus: -

<u>10</u>	<u>No. Khewat</u>
23	No. Khatauni.

- (iii) **Column 3 (No. of Khewat in new Register Haqdaran Zamin):** This column will be filled up when the new Register Haqdaran Zamin has been prepared and will be given the number of Khewat or Khatauni, as the case may be, of the new Register Haqdaran Zamin in which the Fard Badar is first incorporated.
- (iv) **Column 4 (Patwari's/Tapedar's report):** The Patwari's/Tapedar's report should be as brief as possible. For instance, if any Survey/Khasra No. has been omitted by mistake from any holding the report should merely state that such and such Survey/Khasra Nos. have been omitted, and if any proprietor's share has been entered as one-half instead of one-third the report should merely state that the share should be one-third and not one-half.
- (v) **Column 5 (Field Kanungo's/ Supervising Tapedar's report):** The Field Kanungo/Supervising Tapedar should, from time to time, examine the fard badar entries and enter his own report in this column. He should carefully compare the entries of columns 1,2, and 4 in counterfoil and foil. His report should also be as brief as possible and where he finds that he has nothing to add to the Patwari's/Tapedar's report, he should merely put his signature in his column.
- (vi) **Column 6 (Order of the revenue officer):** (a) In passing order upon any fard badar entry the Revenue Officer should see whether it actually relates to a clerical mistake which, under the rules and instructions should be dealt with in the fard badar and if he finds that it relates to such a mistake, he should record with his own hand in the foil and order for the correction thereof. Otherwise he should order that the fard badar entry should be considered as cancelled.
- (b) The Revenue Officer must write with his own hand in the counterfoil a very brief abstract of the operative part of the order.

(C) It will not be necessary to hear the parties concerned in connection with the disposal of fard badar entries.

(6) The only clerical mistakes in Register Haqdaran Zamin entries orders for the correction of which in a subsequent record should not be obtained on the fard badar, are those which cannot be conveniently described in the fard badar. The difficulty of describing a clerical mistake in the fard badar may, for instance, arise where the mistake relates to the share of an owner whose name enters into several different combinations in the Register Haqdaran Zamin entry relating to the same holding.

(7) As soon as the final order is passed on the fard badars, the Revenue Officer should take the foils off and make them over to the official Incharge of the Tehsil/Taluka Revenue Record Room specified in explanation (1) under rule 37 of the West Pakista Land Revenue Rules, stitching the form together with stout thread.

When the net Periodical Record is prepared, the original copies of the accepted fard badars shall be attached to the original copy of the Periodical Record of the respective estate.

(8) The Collector and ¹⁴⁵[Revenue Assistant/Revenue E.A.C./Assistat Commissioner should examine fard badars from time to time in order to see that the procedure prescribed in connection therewith is properly understood and followed by the subordinate revenue staff.]

7.45. Alternative form of jamabandi (Register Haqdran Zamin) for colony towns: Alternative form of ¹⁴⁶[jamabandi] for colony towns and chaks referred to in the note to the form in paragraph 7.40 supra.

¹⁴⁷**[JAMABANDI ABADI]**

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Serial No. according to auction or allotment register or private treaty	Khevat number	Khatauni number	Name of <i>lambardar</i> with revenue	Name of owner with description	Name of tenant with description	Name of owner of building material with description	Name of rent payer with description	Number of block	Field number of site number	Area in kanals, marlas and sirsahis or square feet	Description of land		Rent annually paid by the occupier	Class of <i>ahata</i>	Rate of revenue imposed	Demand with details of revenue and cesses	Remarks	
										Area according to the registered deed or according to the original contract	Present area	Purpose for which the land was originally allotted						Purpose for which it is being used

Note: This form will be used where the land in colony town or a chak has been built upon. The ordinary form of the ¹⁴⁸[jamabandi] (paragraph 7.40 supra) will be used in the case of land which is still culturable though within the town limits.

¹⁴⁵ Now designated as "E.A.C.(Revenue)/G.A.".

¹⁴⁶ Now called "Register Haqadaran Zamin".

¹⁴⁷ Now called "Register Haqadaran Zamin Abadi".

¹⁴⁸ Now called "Register Haqadaran Zamin".

7.46 Instructions (relating to Register Haqdaran Zamin Abadi): (1)

Column 1.- Against each field numbers included in the khewat, the serial number of the auction or allotment register or the register of sales by private treaties, in which the land of each field no. is included, should be given in this column.

(2) Column 2.- The khewat is the number of owner's holdings which should be arranged in the order in which the names of owners are given in the village genealogical tree. In the case of towns where the genealogical trees are not in existence, the order of khasra numbers will be followed. No one should be given a separate khewat number, until he has obtained full proprietary rights.

The old khewat number should be given in red ink under the new khewat number.

(3) Column 3.- The khatuni number of the holdings of persons responsible for the payment of rent or are in possession of the site. Auction purchases, peasant grantees, or persons holding sites under special conditions, will be given separate khatauni number under the khewat or ¹⁴⁹[Sarkar]. In such cases the old number of khatauni should be in red ink under the new khatauni number.

(4) Column 4.- The name of lambardars responsible for the realization of ¹⁵⁰[land revenue assessed on sites] should be entered. The total land revenue demand for which each lambardar is responsible should be entered in this column.

(5) Column 5.- "Description" in this column includes father's name, grandfather's name and residence, and in the case of officers of the Indian Army, the title of their ranks such as Subedar, Risaldar, Jamadar, etc. The name of a mortgagee with possession must be shown under the name of mortgagor. If a sharer in the joint holding sells or mortgages the whole or a definite fraction of his share the name of the transferee will be shown in this column. The name of sarbrah or guardian of minors or females need not be shown.

(6) Column 6.- In this column those persons will be entered who will ultimately obtain proprietary rights but have not yet acquired their rights. Their holdings will be entered in the following order:-

- (1) Auction purchasers.
- (2) Occupancy tenants.
- (3) Peasant grantees.
- (4) Persons holding on half-resumable conditions.
- (5) Persons holding land on the planting conditions.
- (6) Lambardari grants.
- (7) Lease-holders on horse-breeding conditions.

These persons will be shown within their separate groups in the order given in the pedigree table.

“Occupancy tenants holding their tenancies under the statement of conditions issued under section 10(2) of the Colonization of Government Lands Act V, 1912, and published in Punjab Government notification No., ---- dated the -----.”

This entry will be made in the subsequent khata and thereafter a reference to this khata will be made in the subsequent khatas of such occupancy tenants, care being taken to see that occupancy tenants governed by conditions issued with different notifications are indicated properly.”

¹⁴⁹ In this connection item (i) of para 7.42 should also be consulted.

¹⁵⁰ Lands included in village site have been exempted from the payment of land-revenue (see section 56(1) of the West Pakistan Land Revenue Act, 1967.

After the holdings of the above named persons the holdings of the following should be entered:-

- (1) Non-occupancy tenants.
- (2) Shopkeepers
- (3) Kamins (menials) permanently settled.
- (4) Additional kamins
- (5) Ahatas allotted for masjids, dharamsalas etc.
- (6) Takies.
- (7) Deras.

These persons will be shown within the groups in alphabetical order.

"Description" in this column includes father's name, grandfather's name, residence and status, e.g., rent-payer, abadkar, etc. In the case of an officer of the Indian Army, the title of his rank should also be prefixed to his name. In case the site is in the possession of malik, the words maqbuza malik should only be written.

(7) Column 7.- This column will be filled in the case where the owner of the site has lent the area to another person and has at the same time allowed him to erect building at the latter's own cost. "Description" in this column also includes father's name, grandfather's name, residence. In case of an officer of the Indian Army, the title of his rank should also be prefixed to his name.

(8) Column 8.- In this column those persons will be shown who pay rent to persons shown in columns 5,6 and 7. They will be shown in alphabetical order. The holdings of maliks will also be shown in this column. The "Description", in this column includes father's name, grand- father's name, residence of the person occupying the building erected by the person mentioned in column 7. In the case of officers of the Indian Army the title of their rank should be prefixed to their names.

(9) Column 9.- Block number should be given against the site number or field number in column 10.

(10) Column 10.- The field number or the site number means the number given to it in the map. The order of entries should usually be that of ¹⁵¹[khasra girdawari].

(11) Column 11.- This column will be left blank when area originally allotted has been divided or amalgamated with other areas and given separate field numbers.

(12) Column 12.- The area arrived at the last girdwari of the field concerned or shown in the mutation register will be given in this column and will be in kanals, marlas and sarsahis or square feet.

(13) Column 13.- This should be ascertained by reference to the order of allotment.

(14) Column 14.- This should be ascertained by reference to the ¹⁵²[khasra girdawari].

(15) Column 15.- The amount of rent paid annually by the occupier should be entered here. This can be ascertained from the [khasra girdawari].

¹⁵¹ Such properties are now under the administration of Evacuee Trust Properties Board (see para 7.41 (5)(viii) at page 282 of this Manual)

¹⁵² Now called as "Register Girdawari".

(16) Column 16.- According to the condition of sale or allotment, ¹⁵³[as far as payment of revenue is concerned], the ahatas are classified differently such as (1) residential sites, (2) shop sites, (3) combined residential and shop sites, (4) menials sites and (5) factories, etc. This column should show the class of ahatas.

(17) Column 17.- The rate of revenue sanctioned should be given.

(18) Column 18.- The total amount of the land revenue demand with details of revenue and cesses should be specified in this column.

(19) Column 19.- In the case of all new entries of names of owners, mortgages with possession, and alterations in shares, etc. which are supported by any mutation or fard badar entry, the number of such mutation or fard badar should be given.

A brief description of the terms of collateral mortgages attested in the mutation register will be entered in this column, but no entry relating to such mortgagee will be made in any other column.

A mutation is refused in any case with reference to which notice of the registration of a deed has been received, note the fact in this column specifying the nature of the deed (sale, mortgage, etc) and its date.

For special instructions regarding transfers on which certain conditions are imposed by the Punjab Alienation of Land Act, see paragraph 7.22 supra.

In the case of allotment of Government land to local bodies or other private persons on certain conditions the following particulars should be given in this column against the khewat concerned:-

- (a) **Where there is a registered deed-** Place of registration, number of deed, date of registration, number of bahi and number of volume.
- (b) **Where the deed is unregistered –** Number of file and the date of execution of the deed. The number of goshwara should also be given.
- (c) **In other cases, e.g., agreements, etc. –** Number of the file and the date of agreement. The number of goshwara should be given.

(20) No mutation of rights can be incorporated in the ¹⁵⁴[jamabandi] until a revenue officer has sanctioned it by an order recorded in the mutation register. The jamabandi entries concerning holdings in which mutations have occurred, but on which no orders have been passed will remain unaltered.

7.47 Notes in the remarks column with regard to transfers to which conditions are attached by the Punjab Alienation of Land Act : ¹⁵⁵[The following instructions are intended to enable a Deputy Commissioner to determine the cases in which he can exercise the authority given to him by section 13 of the Alienation of Land Act of his own motion, to eject a mortgages, lessee or farmer in possession after the expiry of the term for which he is entitled to hold under his mortgage, lease or farm under section 6, 11 or 12 of the Act:-

¹⁵³ See also foot note No. 2 at page 314 supraz.

¹⁵⁴ Now called as "Register Girdawari".

¹⁵⁵ See also note under para 7.22 supra at page 249.

- (a) In case of mortgage, lease or farm effected with possession after June 8th 1901, by a member of an agricultural tribe, to a person who is not a member of an agricultural tribe, the Patwari shall enter in the remarks column of the ¹⁵⁶[jamabandi] a note stating the date of the commencement and, except in case of a mortgage under section 6(c), the date of expiry of the term of possession.
- (b) These remarks also will be carried from one ¹⁵⁷[jamabandi] to another during the currency of mortgage, lease or farm]

7.48 Treatment of the transferee after refusal of the mutation on account of the contravention of the provisions of the Punjab Alienation of Land Act : ¹⁵⁸[If the order passed on a mutation under paragraph 7.22 supra amounts to a refusal because a transfer contravenes the provisions of the Punjab Alienation of Land Act, the name of the transferee must not appear in any column of the ¹⁵⁹[jamabandi] unless he himself cultivates the land, when his name will appear as a tenant-at-will in the cultivation column and the rent column will be left blank. If the transferor cultivates, and makes at each harvest a payment in cash or kind to the transferee, the payment must not be shown as rent in ¹⁶⁰[column 9] of the ¹⁶¹[jamabandi] and the entry in ¹⁶²[column 5] will be khudkast].

¹⁶³[**7.49. Soils and classes of land :** (1) The soil description in the Register Haqdarar Zamin is intended to show the permanent method of husbandry applied to each field and not the condition applicable to any particular harvest or harvests. The soil entry must, therefore, be changed, when, but only when, a permanent change has occurred, as, e.g., by the cultivation of land which was previously banjar kham, banjar jaded or banjar kadim etc. or by the conversion of barani into chahi or nul-chahi land owing to the sinking of the new well or tube-well or when cultivated land is so injured as to make it unculturable (e.g., by the action of rivers or torrents). Change in soil classification need only be made in the next Register Haqdarar Zamin. However, during the harvest inspection the change in the soil should be noted in the Register Girdawari in the harvest in which it occurred and repeated till preparation of new Register Haqdarar Zamin.

(2) The division of land into classes in that founded on the source from which the moisture required for the growth of the crops is derived. Thus, the classification of soil shall be considered under two main heads i.e. (a) cultivated land and (b) uncultivated land. The cultivated land is divided into two sub-heads as under:-

- (a) Unirrigated land: Land which is cultivated without the aid or irrigation.

¹⁵⁶ Now called as "Register Haqdarar Zamin".

¹⁵⁷ Now called as "Register Haqdarar Zamin".

¹⁵⁸ See also note under para 7.22 supra.

¹⁵⁹ Now called as "Register Haqdarar Zamin".

¹⁶⁰ Now "Column 8"

¹⁶¹ Now called as "Register Haqdarar Zamin".

¹⁶² Now "Column 4"

¹⁶³ Amended by correction slip No. 116, LRM, dated 28-04-1970 published in the Extraordinary issue of the West Pakistan Gazette dated 30-06-1970.

(b) Irrigated land: Land which is cultivated with the aid of irrigation.

(3) The most important classes of cultivated land, as defined in sub-rule (1) of rule 4 of the West Pakistan Land Revenue Assessment Rules, 1968, are as under:-

- (a) Barani: Dependent on rainfall. (In certain areas this term is called as ¹⁶⁴[Khushkaba]: whereas in certain hilly areas land dependent on rainfall is called as “Pahari Barani”, Sub-classes of barani lands are called as Mera, Rakar, ¹⁶⁵[Dagoba] and lapara etc.);
- (b) Sailab: Flooded or kept permanently moist by rivers, (In certain areas this term is used as ‘Sailaba’ or ‘Salabi’. If the sailab land is watered from well or tube-well, such land shall be classed as “chahi-Sailab” or “nul-chahi-Sailab”, as the case may be);
- (c) Rod-kohi: Watered from hill torrents. [(In certain areas this term is called as “Bandeza”)];
- (d) Abi: Watered by lift from tanks, jhils, streams by flow from springs or ¹⁶⁶[karezes]. (In certain areas land watered from tank is called as ‘talabi’ and land watered from spring is called as ‘Chashmi’. Similarly, lands irrigated from water, as defined for abi lands, but such water is taken on loan are called as ‘abi mustaar’);
- (e) nehri: Irrigated by canals by flow or lift. (Where the irrigation by canal by flow and by lift exists in the same district, the later land shall be classes as “nehri jhalari” or “charkha”). ¹⁶⁷[In certain areas nehri is called as ‘Moki’];
- (f) Chahi: Watered from wells.
- (g) Chahi-nehri: Irrigated partly from a well and partly from a canal (i.e. nehri lands aided by well, chahi lands aided by canal or lands irrigated by canals in one harvest and watered from well in the other harvests).
- (h) Nul chahi: Watered from tube-wells. (Where the Government tube-wells and private tube-wells exist in the same district and the rates of incidence of land watered from tube-wells installed by and under the management of ay Government Department or Semi-Government Organization differ from the rates of incidence of land watered from tube-wells installed by land owners themselves, the former land shall be callsed as “nul chahi Sarkari”. The land irrigated partly from a tube-well and partly from a canal is called as “nul-chahi nehri”.

¹⁶⁴ In Balochistan Province.

¹⁶⁵ In N.W.F.P.

¹⁶⁶ In Balochistan Province.

¹⁶⁷ In Sindh Province only.

The land irrigated from tube-well, the water of which is taken on loan shall be called as “null chahi mustaar”); and

- (i) Chahi-mustaar: Irrigated from water taken on loan.

The barani and Sailab classes fall under the sub-head of un irrigated land, and the remaining under that of irrigated land.

(4) The most important classes of un-cultivated land as defined in sub rule(2) of rule 4 of the West Pakistan Land Revenue Assessment Rules, 1968, are as under: -

- (a) Banjar Khan: Land which has remain un sown for 4 to 11 successive harvests;

Note: The land remained un sown for any number of harvests upon 3rd harvest sould be entered as ‘Khali’ in the register girdawar.

- (b) Banjar jaded: Land which has remained unsown for tweleve successive harvests.

- (c) Banjar qadim: Waste and barren land which has remained unsown for more than twelve successive harvests; and

- (d) Ghair-mumkin: Land which has, for any reason, become permanently unculturable, such as land under road, buildings, steams, canal, ¹⁶⁸[karezes], tanks, or the like, or land which is barren, sand or revines.

(5) If more than 50 per cent of Survey/Khasra number of any class of land enumerated in sub-para (3) and (4) supra is affected by thur or sem the entry should show the word thur or sem, as the case may, like as, ‘banjar-qadim thur’ etc.

(6) In certain areas un-irrigated lands which are not affected by flooding or percolation from rivers are simply classified as barani. In those areas where the barani lands are classified according to the kind of soil, no revision of such classification should ordinarlity by attempted. If, for special reason, as far instance the spread of sand or reh it may sometimes be necessary to revise any entries relating to the classification of barani land such revision should always be limited strictly to those lands in which some real occasion for the revision exists.

(7) The limis of the land permanently served by each well/tube-well or canal distributory having once been ascertained and indicated in the revenue record, the same caution should be observed in changing these entries as is directed in sub para (6) supra.

(8) Sub-section (4) of section 67 the West Pakistan Land Revenue Act, 1967 provides that arid land i.e., land in which canal irrigation has not been introduced (whether cultivated or not) in which well or tube well irrigation facilities are provided by or on behalf of the land owner or the tenant shll, for a period not less than for year the date such irrigation facilites are first provided in such land, not be liable to pay land revenue at a higher rate than was payable thereon before such irrigation facilities were provided. Thus, in carrying out changes referred to in sub para (1) supra in the Register Girdwari as well as in the Register Haqadaran Zamin care should be taken that land once

classed as un irrigated or waste land be not classed as irrigated unless a permanent change of this nature has occurred.]

7.50. ¹⁶⁹[Omitted.]

7.51. ¹⁷⁰[Omitted.]

7.52. Distribution of the cropped area in crop abstract and in area statement: It will result from these instructions that the method of distributing the cropped area over the various classes of cultivation shown in column 27 of the jinswar abstracts will differ from the method adopted in columns 7 and 11 of the molan rakba. The entries in the jinswar returns are derived from the ¹⁷¹[Register Girdawari] and the entries in that ¹⁷²{Register} are intended to show how each field is treated from harvest to harvest; whereas the classification of soils in the Milan rakba is taken from the [Register Haqdaran Zamin], and is intended to show the conditions under which the village husbandry is permanently carried on.

7.53 ¹⁷³[Omitted].

PART D MISCELLANEOUS

¹⁷⁴[**7.54. Records-of-Rights and Periodical Records when to be prepared:**

(A) Records-of-Rights (Misil-i-Haqiat): A record prepared during the Settlement Operations or at any other time in pursuance of the orders of the Board of Revenue, issued by Notification under section 40 of the West Pakistan Land Revenue Act, is known as 'Record-of-Rights'.

(B) Periodical Record (Misil-i-Miadi): (i) An amended edition of the Record-of-Rights prepared for each estate under sub-section (1) of section 41 of the Land Revenue Act periodically (quadrennially) or at such intervals as may be prescribed under sub rule (1) of rule 31 of Land Revenue Rules is called 'Periodical Record'

(ii) A schedule duly approved by the Collector under sub-rule (1) of rule 31 of the Land Revenue Rules should be given to each field Kanungo/Supervising Tapedar showing the arrangements for the preparation of Periodical Records of the estates for each Patwari's /Tapedar's circle in his charge, this table being so arranged that the work

¹⁶⁹ Omitted by correction Slip No. 117, LRM dated 28-04-1970 published in the Extraordinary issue of the Gazette of the West Pakistan dated 30-06-70.

¹⁷⁰ Omitted by correction Slip No. 118, LRM dated 28-04-1970 published in the Gazette referred to footnote No. 1 above.

¹⁷¹ Amended by correction Slip No. 119, LRM dated 28-04-1970 published in the Extraordinary issue of the Gazette of the West Pakistan dated 30-06-70.

¹⁷² Amended by correction Slip No. 119, LRM dated 28-04-1970 published in the Extraordinary issue of the Gazette of the West Pakistan dated 30-06-70.

¹⁷³ Omitted by correction Slip No. 120, LRM dated 28-04-1970 published in the Extraordinary issue of the Gazette referred to footnote No. 1 above.

¹⁷⁴ Amended by correction Slip No. 105, LRM dated 13-10-1969 published in the Extraordinary issue of the Gazette of the West Pakistan dated 30-12-70.

of each year shall cover about one fourth of the Kanungo's/Supervising Tapedar's whole circl. The specimen of said schedule is given in Appendinx 'D'

(iii) Tehsil / Taluk-wise copies of the Schedule referred to in item (ii) supra should be submitted by the collector to the Director of Land Records.

(iv) The sanction of the Board of Revenue under sub-section (1) of section 41 of the Land Revenue Act should be obtained through the Director of Land Records, if after the approval of arrangements referred to in item (ii) supra, the preparation of the Periodical Record of an estate is postponed.]

7.55 Necessary of preventing errors, etc., in the khasra girdawari (Register Girdawari):- Thus for a large portion of the district no ¹⁷⁵[jamabandi] will be prepared for one, two, three or four years, and certain precautions are therefore necessary to avoid errors and preventing the patwaris from tempering with the entries in the ¹⁷⁶[khasra girdawari] or other papers. The instructions issued for this purpose are contained in chapter 9.

7.56 Mutation occurring up to ¹⁷⁷[15th June] to be incorporated in the jamabandi (Periodical Record):- Tahsildars and Nai-tahsildar must, without neglecting record work in other villages, pay special attention to estates for which new ¹⁷⁸[detailed jamabandi] are to be drawn up. All mutations upon which final orders have been passed up to ¹⁷⁹[15th June] inclusive or any later date approved by the Director of Land Records are incorporated in the ¹⁸⁰[jamabandi]. Every effort should be made to have all mutations which have occurred up to that date entered in the register and attested by that date.

The Tahsildar or Naib-tahsildar in charge of the circle in which any estate for which a ¹⁸¹[jamabadi] is to be drawn up is situated, must visit the estate in the cold weather before the middle of January, and, as far as possible, attest all lpending mutations. All attestations of mutations during the nine months preceding the drawing up of a new ¹⁸²[detailed jamabandi] must be carried out in the village itself. At his first visit to the estate in the cold weather the tahsildar or naib-tahsildar should see that the patwari and kanungo have arranged their work so as to carry out the instructions in the next paragraph.

¹⁸³**[7.57 Preliminary measures for the Preparation of Preiodical Record:-** (1) Before preparation of a new Periodical Record of the estate concerned preliminary attestation should be carried out by the Patwari/Tapedar and

¹⁷⁵ Now called as 'Periodical Records(s)'.

¹⁷⁶ Now called as 'Register Girdawari'.

¹⁷⁷ This date has now been fixed as '30th June' (See D.L.R's circular letter No.103 dated 06-06-1968 and para 7.60(1)(ii)(infra).

¹⁷⁸ Now called as 'Periodical Records(s)'.

¹⁷⁹ This date has now been fixed as '30th June' (See D.L.R's circular letter No.103 dated 06-06-1968 and para 7.60(1)(ii)(infra).

¹⁸⁰ Now called as 'Periodical Records(s)'.

¹⁸¹ Now called as 'Periodical Records(s)'.

¹⁸² Now called as 'Periodical Records(s)'.

¹⁸³ Amended by correction Slip No. 106, LRM dated 13-10-1969 published in the Extraordinary issue of the Gazette of the West Pakistan dated 13-12-69.

Kanungo/Supervising Tapedar in the cold weather, and if possible before the middle of the January. For example, this work should be started from November, or December, 1969, in case the Preiodical Record is prepared for the year 1969-70. They should together visit each estate for which such a record is to be prepared and by enquiry from right holders ascertain whether any changes have occurred which have not been brought to record.

The Kanungo/Supervising Tapedar should read out to the right holders the entries in the latest Record-of-Right of Preiodical Records, as the case may be, and note the result of his attestation in General Inspection Book of Patwari/Tapedar (Patwari/Tapedar Standard Form No.LVI-A).

(2) In case in which mutation orders are required, the Patwari/Tapedar should make the necessary entries in the mutation register within seven days from such attestation.

(3) Irrespective of the fact that the agricultural year shall commence on the 1st day of August in the ¹⁸⁴[Division of Hyderabad and Khairpur and the district of Karachi.] vide Board of Revenue's Notification No. 1767-68/1751-LRV, dated 6th June 1968, and from 1st day of July in ¹⁸⁵[other areas of the West Province] as required by clause (1) of section 4 of the West Pakistan Land Revenue Act, 1967, the recording of new Preiodical Record by the Patwaris/Tapedars shall be started from the 1st day of July. For example, the recording of Periodical Record for the year 1969-70, should be started from the 1st day of July 1970].

¹⁸⁶[7.57-A. **Preparation of Register Haqdaran Zamin of the estates within 'Rating Area' of the Urban Immovable Property Tax Act:-** At the time of checking and inspection of kharif of the estate within 'Rating Area' of the Urban Immoveable Property Tax Act, for which new Register Haqdaran Zamin is to be prepared the field Kanungo should visit the existing abadi deh and make a report in the Patwari's diary about the fields which have entirely been covered by constructions in the period intervening between two Register Haqdaran Zamin. The field Kanungo should also send a copy of his report to the circle revenue officer. It is the duty of the circle revenue officer to personally inspect the existing abadi deh before the middle of December and make a self contain report about the field numbers newly covered by building that he would propose to include in the abadi deh for the order of the Collector. On receipt of Collector's order the Patwari shall enter a dekhil kharij-Extension of abadi deh area – in respect of field numbers, covered by buildings in favour of abadi deh and put up the same to the revenue officer for necessary orders. The circle revenue officer must attest such dekhil kharij before 15th of June.

Notes: (i) The record of State land in Urban Areas should be maintained as prescribed in paragraph 7.42, irrespect of the fact that the land has been covered by constructions or not.

¹⁸⁴ Now 'Sindh Province'.

¹⁸⁵ Now 'Punjab Province, N.W.F.P. and Balochistan Province'.

¹⁸⁶ Added by correction slip No.71, LRM dated 03-08-1966..

- (ii) The field numbers the portions of which are being utilized for agricultural purposes or are still left un-constructed will not be treated as abadi deh.
- (iii) No land revenue should be charged on land which have been treated as abadi deh.
- (iv) ¹⁸⁷[Any land enclosed within ‘Lal Lakir’ if use for the purpose of growing crops or gardens should be assessed to land revenue.]
- (v) ¹⁸⁸[Land revenue be assessed on vacant sites not put to agricultural use, provided they have not been assessed to property tax.]]

¹⁸⁹**[7.58 Kharif and Rabi girdawari of estates of which Periodical Record is to be prepared:** - The schedule of programme for crop inspection (Patwari/Tapedar Standard Form No.XXIV-F) being so arranged that at the Kharji and Rabi Girdawari Record is to be drawn up, and be very careful to note all changes and fresh cases requiring mutation orders. If the work described in sub-paragraph (1) and (2) of para 7.57 supra has been properly done the new entries in the mutation register should be few in number. All such entries should be made in the mutation register before the crop inspection of the next estate is started. Soon after making necessary entries in the mutation register, the Patwari should bring this fact to the notice of the revenue officer in the manner provided in this repect].

7.59 Attestation of almutations before the ¹⁹⁰[15th June]: - After receiving this notice the Naib-Tehsildar or Tehsildar concerned must visit the estate as soon as possible, but in any case before the ¹⁹¹[15th of June] or the date approved by the Director of Land Records, and attest all pending cases.

¹⁹²**[7.60 checking and attestation of Periodical Records by the field Kanungo– (1) Checking and attestation of Periodical Records on the spot:** (i) in the months of July and August the field Kanungo should pay special attention to the Periodical Records which are being prepared in his circle by the Patwaris.

(ii) Sub-rule (2) of rule 31 of the West Pakistan Land Revenue Rules, 1968, provides that cent per cent entries of the Periodical Records shall be checked and attested

¹⁸⁷ Under section 56(1)(d) of the West Pakistan Land Revenue Act, 1967 land on which Property Tax under the West Pakistan Urban Immovable Property Tax Act of 1958 (West Pakistan Act, V of 1958) is payable is exempted from the assessment of land revenue with effect from Rabi 1968 (Government of West Pakistan Revenue Department’s Memo No.3417-68/1203(s) dated 08-07-1968).

¹⁸⁸ Under section 56(1)(d) of the West Pakistan Land Revenue Act, 1967 land on which Property Tax under the West Pakistan Urban Immovable Property Tax Act of 1958 (West Pakistan Act, V of 1958) is payable is exempted from the assessment of land revenue with effect from Rabi 1968 (Government of West Pakistan Revenue Department’s Memo No.3417-68/1203(s) dated 08-07-1968).

¹⁸⁹ Amended by correction Slip No. 107, LRM dated 13-10-1969 published in the Extraordinary issue of the Gazette of the West Pakistan dated 30-12-1969.

¹⁹⁰ Now this date has been fixed as ‘30th June’ (See D.L.R.’s circular letter No. 103 dated 06-06-1969.

¹⁹¹ Now this date has been fixed as ‘30th June’ (See D.L.R.’s circular letter No. 103 dated 06-06-1969.

¹⁹² Amended by correction Slip No. 125, LRM dated 24-11-1970 published in the Extraordinary issue of the Punjab Gazette dated 30-01-1971.

on the spot by the field Kanungo. He should see that due effect has been given to the mutations on which final orders have been passed by the 30th of June or the date approved by the Director of Land Records for the purpose. He should attest all the entries, holding by holding, in the presence of the Zamindars concerned.

(iii) The checking and, attestation notes by the Kanungo should be recorded on form given in sub-para (3) infra, in which shall be attached with the original parat of the Periodical Record. This parat should contain his note to the effect that he has duly checked and finally attested it; a list of errors discovered and alterations made being added in the Kanungo's hand writing. A copy of this note, signed by the field Kanungo, should be attached to the Patwari's copy of the Periodical Record. Any alteration that may be found to be necessary should be made at once in blue ink by Kanungo in original parat and Patwar of the Periodical Record and signed by him.

(iv) The Kanungo is personally responsible that the Patwari's copy tallies in all respect with the original part. Fairing of the Periodical Record by the substitution of a new page for the one on which corrections have been made is absolutely forbidden.

(v) The kanungo should sign in the remarks column of all the pages of documents included in the Periodical Records.

(2) Checking of Periodical Records at Tehsil Office: During the month, in which the Periodical Record is filed in the Tehsil Office or during first fortnight of next month, the field Kanungo, with a view to seeing that the changes based on mutations have been properly incorporated and that the statistical statements filed with Periodical Record are correct, should again check the latter at the Tehsil, following the same procedure as before, i.e., he should himself make a copy in duplicate of the list of the errors discovered and the alterations made at the checking and sign it. He should stitch on copy into the original parat of Periodical Record and should make necessary alterations therein with his own hand. The other copy should be handed over to the Patwari who should stitch it into the parat Patwar of Periodical Record and make necessary alterations in the latter. The field Kanungo at his next visit to the Patwari's circle should see that the Patwari has done this, and initial all the alterations made.

(3) The specimen of Patwari Form No.XVI-A, is as under: -
Notes of checking and attestation of Periodical Record by the kanungo and Revenue Officer.

Estate-----Tehsil-----District-----Year-----Book No./Leaf No.

Date	Checking and attestation notes	Remarks

7.60-A. Preparation and attestation of khakas and fard taqsim in the canal colonies: Khakas of agricultural and abadi areas and fards taqsim indicate how State Waste is allotted to colonists. With the help of these documents applications for the grant of occupancy or proprietary rights, additional ahatas, new village roads and exchanges from one chak to another and the renewal of horse breeding leases, can be disposed of easily and promptly. It is, therefore, of the utmost importance the these records which are

kept in duplicate-one set with the Patwari and the other in the colony office-should be kept up to date. Wide divergencies often come to light between the Sadr and the field records on account of their not being attested at regular intervals. To obviate this difficulty and to ensure prompt disposal of the applications mentioned above, the following instructions have been issued: -

New fards taqsim and khakas should be prepared in duplicate along with the ¹⁹³[jamabandis] of villages which come under quadrennial attestation. As in the case of ¹⁹⁴[jamabandis] they should be properly attested by field Kanungos and Tehsil Revenue Officers. Patwaris should, when they come to the Tehsil for filing ¹⁹⁵[jamabandis] being with them fard taqsim and khakas, where they will be compared with the Sadr copies of these records, as the Sadr copies of fard taqsim and khakas will not be the duty of the Colony Assistant or the 2[Revenue Assistant], as the case may be, to arrange to send these records to Tehsil headquarters for attestation and comparison should be done under the supervision of the Colony Assistant and his Reader or the 2[Revenue Assistant] his Reader and Ahlmad assisted by the Tehsildars and Kanungos. For this purpose the Colony Assistant or ²[Revenue Assistant] will fix dates on which the two records will be compared at the different Tehsil headquarters. It will be the duty of Colony or ¹⁹⁶[Revenue Assistant] as the case may be, to watch this work very closely. After the comparison has been made, one copy of the records will be kept at Sadr and the other returned to the Patwari. In order to keep the Sadr copies of fards taqsim up to date during the four years in which they will be in use, information of all mutations of death, exchanges, mortgages, etc., will be sent in the form of parcha intiqal (printed copies whereof will be supplied to Patwaris) by the Patwaris direct to Sadr Colony Office.

When no change has occurred since the last attestation of fards taqsim and khakas, fresh fards taqsim and khakas need not be prepared, but the old ones should be signed in token of their being correct and up-to-date.

Blank forms of fard taqsim and parcha intiqal and khakas can be obtained on indent from the Superintendent, Government Printing.

(Development Secretary to the Board of Revenue's letter No.,424-C., dated the 26th January, 1939)

¹⁹⁷**[7.61. Filing of Records-of-Rights and Periodical Records in the Tehsil office and consignment thereof of the District Revenue Record Room: - (1)** Under sub rule (7) of rule 31 of the West Pakistan Land Revenue Rules, the original copy

¹⁹³ Now called as 'Periodical Records(s)'.

¹⁹⁴ Now called as 'Periodical Records(s)'.

¹⁹⁵ Now called as 'Periodical Records(s)'.

¹⁹⁶ Now "E.A.C.O." or G.A/EAC,(Rev)".

¹⁹⁷ Amended by correction Slip No. 124, LRM dated 16-09-1970 published in the Extraordinary issue of the Punjab Gazette dated 10-10-1970.

of the Records-of-Rights and Periodical Records shall be consigned to the District Revenue Record Room and the second copy thereof shall be taken kept by the Patwari. In this connection the following instructions shall be followed: -

I--Records-of-Rights:

- (i) As and when the Records-of-Rights are prepared in pursuance of the orders of the Board of Revenue under section 40 of the West Pakistan Land Revenue Act as a result of Settlement, Consolidation of Holding or Survey/Killabandi operations, etc. the original copy (part sarkar) of Records-of-Rights after their completion in all respects, shall be filed in the Tehsil Land Records Office in the first instance and then consigned to the District Revenue Records Room on the dates fixed by the Collector for the purpose. Such dates fixed by the Collector should be communicated to the Commissioner and Director of Land Records.
- (ii) Second copy of the map of the estate shall be consigned to the Tehsil Revenue Record Room and a copy of the map of the estate, prepared on cloth, shall be kept by the Patwari.

II--Periodical Records:

- (i) On the preparation of Periodical Records in accordance with the arrangements referred to in para 7.54, and after its checking and attestation by the field Kanungo, the Patwari shall give the original copy (part sarkar) thereof to the Tehsil Office Kanungo (which also includes any person appointed or deputed by the Collector for the purpose), at the Tehsil not later than the dates given below:

Districts		Dates of filling the Periodical Records at Tehsil Office
(a)	Rawalpindi, Campbellpur, Jhelum, Gujrat, Muzaffargarh and Dera Ghazi Khan. ¹⁹⁸	7 th November,
(b)	All toher districts of the Punjab Province not mentioned above. ¹⁹⁹	15 th September.

- (ii) In unavoidable circumstances on a move from the Assistant Commissioner through the Collector of the District, the Divisional Commissioner may extend the date of filing of the original copy of Periodical Records in the Tehsil Office for one month. The order passed in such cases by the Commissioner shuld invariably be endorsed to the Director of Land Records and the Board of Revenue. In special circumstances, the date of filing the Periodical Records in the Tehsil Office may further be extended with the approval of the Board of Revenue obtained through the Director of Land Records.

¹⁹⁸ These dates also apply to D.I.Khan division of N.W.F.P. and Balochistan and Sindh Provinces. (See W.P.B.O.R.'s Memo No.437-70/519-LR. II, dated 11-03-1970).

¹⁹⁹ These dates also apply to Peshawar division of N.W.F.P. (See B.O.R.'s Memo referred to in footnote No. 1 above).

(iii) The original copy of the Periodical Record must reach the District Revenue Record Room after completion in all respects within a fortnight from the date on which the Rabi Girdawari ends.

(2) The Records-of-Rights and Periodical Records of Rajanpur sub-Division of dera Ghazi Khan district are consigned to the Sub-Divisional Revenue Record Room. As far as the system of filing of records of this sub-division and similar other sub-divisions as in vogue before the promulgation of the West Pakistan Land Revenue Rules, 1968, the present practice should be continued].

7.62 Check of detailed jamabandi (Periodical Records) by Revenue Officers – The Tehsildar or Naib-Tehsildar in charge of the circle in which the village lies shall make his final attestation on the spot and shall observe the following instructions:-

- (i) At least 25 per cent of the Khatauni holdings should be read out on the spot and in the presence of the assembled right holders.
- (ii) At least 25 per cent of the mutations attached to the ²⁰⁰[jamabandi] should be compared with the khewats concerned.
- (iii) At least 25 per cent of the khewat holdings should be compared with the old ²⁰¹[jamabandis].
- (iv) At least 25 per cent of the khewat entries in the original copy should be compared with the corresponding entries in the Patwari's copy of the ²⁰²[jamabandi].

The number of the fields, the tatima shajras of which have been attested, must be specified as also that of the unattested mutations entered before the ²⁰³[15th June] or the date approved by the Director of Land Records; of these there should be a few as possible. This check must usually be carried out in the cold weather months between the end of the kharif and the beginning of the rabi girdawari. For the purposes of this check the Revenue Officer should take with him the copy of the ²⁰⁴[jamabandi] which has been filed in the Tehsil, and he should record on this the report of the attestation and a list of mistakes discovered and alterations ordered. The report should specify what and how many entries were attested by personal enquiry from the right-holders and when and where the attestation was made. A copy of the report signed by the Tehsildar or Naib-Tehsildar, as the case may be, should be attached to the Patwari's copy of the ²⁰⁵[jamabandi]. Any alterations that may be found to be necessary should be made in both copies of the ²⁰⁶[jamabandi] and initialed by the Revenue Officer under whose orders they are made.

²⁰⁰ Now called as "Register Haqdarar Zamin".

²⁰¹ Now called as "Register Haqdarar Zamin".

²⁰² Now called as "Register Haqdarar Zamin".

²⁰³ Now "30th June" (See D.L.R.'s circular letter No. 103 dated 06-06-1968.

²⁰⁴ Now called "Preiodical Records".

²⁰⁵ Now called "Preiodical Records".

²⁰⁶ Now called "Preiodical Records".

When this has been done, the Revenue Officer should fill in two copies of the final attestation slip in the form given below and attach one copy to each of the two copies of the ²⁰⁷[jamabandi].

²⁰⁸[Final attestation certificate of Register Haqdarar Zamin].

For the year-----

Estate -----, Tehsil -----, District -----, Book No./Leaf No.

1	2	3	4	5	6	7	8	9	10
Date of Attestation	Place of attestation	Khewat attested	Verification of mutation orders incorporated in the Register Haqdarar Zamin	Khewat checked with the previous register Haqdarar Zamin	Khewat compared with the Patwari's current copy of the Register Haqdarar Zamin	Survey/Khasra Nos. of which supplementary maps were checked on the spot	Survey/Khasra Nos. of which supplementary maps were checked with reference to their incorporation in the Tehsil copy of the map	Mutations entered but not attested before 30th June	remarks

I certify that all necessary corrections have been made and that this Register Haqdarar Zamin is correct and complete in all respects except as regards mutations shown in column 9 and other transfers discovered to have taken place before 30th June last and referred to in the memorandum attached to the Register Haqdarar Zamin.

Dated -----

Revenue Officer]

If any part of the local attestation can be done adequately in the hot weather before the ²⁰⁹[jamabandis] are filed in the Tehsil, so much the better, but in that case

²⁰⁷ Now called "Preiodical Records".

²⁰⁸ Form XVI given in Appendix 'A' to the West Pakistan Land Revenue Rules, 1968, has been incorporated in this paragraph.

²⁰⁹ Now called "Preiodical Records".

further check must be made to see that the Kanungo has carried out properly the instructions in paragraph ²¹⁰[7.61 supra] and the final certificate of correctness alluded to above must not be given until the second check has been carried out. A Revenue Officer superior in rank to the Tehsildar or Naib-Tehsildar should note the result of his attestation on the spot, of a ²¹¹[jamabandis] on the copy to be eventually filed in the district office and attach a copy of this note signed by hi to the Patwari's copy of the ²¹²[jamabandi]. He should initial all alterations made in both copies of the ²¹³[jamabandis] under his orders. The result of any examination ²¹⁴[jamabandis] may be such officer in the Tehsil office should be entered in the minute book of the Tehsil and note on the ²¹⁵[jamabandis] examined by him. The district Kanungo should note the result of his attestation of a ²¹⁶[jamabandi] in his diary and not on the ²¹⁷[jamabandi] itself.

7.62-A. Duties of Revenue Officers in regard to the checking and inspection of jamabandi (Periodical Record) work: ²¹⁸[Jamabandis] are the basic record and their punctual and correct preparation is enjoined by law. These records are extremely valuable for the State as well as for landowners, and it is, therefore, the foremost duty of the Revenue Officials to ensure their accuracy and to preserve their age-long authenticity and utility. To achieve this object, it is most essential that Collectors should take keen interest in this work and keep a vigilant control over the staff. They should not only test the accuracy of some of the ²¹⁹[jamabandis] during their winter village tours but should also impress upon the subordinates the desirability of preparing their record punctually and correctly. In order to persuade them to give proper attention to this part of their duties, the interest shown by the officials in their respect should be taken into consideration while assessing their work at the time of annual remarks.

7.63 Appellate orders - When an order is passed in appeal, on review or revision after the ²²⁰[15th June] a note in red ink should be made on the original mutation sheet by the district Kanungo if the ²²¹[jamabandis] are at sadr or by the Office Kanungo if the ²²²[jamabandis] are in the Tehsil office.

The field kanungo of the circle will make a similar note on the patwari's copy of the mutation order. If the ²²³[jamabandi] entries are not in accordance with the order finally passed on appeal, review or revision, the patwari should be instructed to enter a mutation by way of correction of the ²²⁴[jamabandi] and this mutation will be given effect

²¹⁰ Now paragraph '7.60 supra'.
²¹¹ Now called "Preiodical Records".
²¹² Now called "Preiodical Records".
²¹³ Now called "Preiodical Records".
²¹⁴ Now called "Preiodical Records".
²¹⁵ Now called "Preiodical Records".
²¹⁶ Now called "Preiodical Records".
²¹⁷ Now called "Preiodical Records".
²¹⁸ Now called "Preiodical Records".
²¹⁹ Now called "Preiodical Records".
²²⁰ Now 30th June (See D.L.R.'s circular letter No. 103 dated 06-06-1960)
²²¹ Now called "Preiodical Records".
²²² Now called "Preiodical Records".
²²³ Now called "Preiodical Records".
²²⁴ Now called "Preiodical Records".

in the ²²⁵[jamabandi] prepared at the subsequent quinquennial attestation. No fee will be charged.

2[7.64 List of pensions: A list of pensions will be compiled for every village when a Register Haqdarar Zamin is prepared (paragraph 284 of the Settlement manual) and its form is as follows:

List of Pensions _____ Mauza _____ Tehsil _____

1	2	3	4
S. No.	Name of pensioner with description	Cash pension per annum paid from the treasury or through the post office	Remarks

Pensions of all kinds whether civil or military or political paid from the treasury, or through the post office to persons resident in the estate should be entered in this list.

The field Kanungo must assist the Patwari in the compiling of this return, and must sign it in token that he is satisfied of its accuracy. During the course of checking of Register Haqdarar Zamin at the Tehsil ²²⁶[vide paragraph 7.610], he should carefully compare the entries of this list with the list of pensioners maintained by the Tehsil Office Kanungo and make such alterations in red ink in the list appended to the Register

²²⁵ Now called "Preiodical Records".

²²⁶ Columns relating to area and revenue have been omitted in the of Shajra Nasab (see Form III given in Appendix 'A' to the West Pakistan Land Revenue Rules, 1968.

Haqdarar Zamin¹ as are found to be necessary. He will also add a note in remarks column or at the foot of the return explaining any difference between it and the previous returns.

The Tehsildar or Naib-Tehsildar must attest every entry in the list of pensions appended to the Register Haqdarar Zamin.²²⁷

Note: As regards the amendment of pensioners list see paragraph 63 of the Stading Order No.7].

7.65 Maps to be filed with the jamabandi (Periodical Record): As regards the maps to be filed with the ²²⁸[jamabandi], the relevant instructions will be found in paragraph 4.27, 4.32 and 4.33.

7.66. Genealogical tree: An amended copy of the genealogical tree of owners complete to date shall be filed with the ²²⁹[jamabandi]. In these trees the first entries shall in every case be the names of the holders at the last settlement, the earlier entries being permitted. ²³⁰[No general statements or entries of area and revenue need be made at the foot of those amended copies]. In other respects, the orders in Appendix VIII to the Settlement Manual apply to the amended copy of the shajra nasab. The new entries shall be attested by the field Kanungo and he shall sign the paper in evidence thereof.²³¹

²³²[*Note:* In any estate or part of an estate situated in the Lahore urban assessment circle for which a khasra imarti has been prepared, it shall not be necessary to include in he shajra nasab the names of any of the owners recorded in the khasra imarti who are not descendants of the original owners of the estate or who do not possess a share in the shamilat].

²³³**7.67. Arrangement of documents included in the Records-of-Rights and Periodical Records:** (1) The arrangements and sitching of documents included in the Record-of-Rights and Periodical Record should in the following order: -

A-RECORD OF RIGHTS (MISIL-I-HAQIAT)

S. No.	Name of document	Patwari/Tapedar Standrd Form No.
1	Preliminary Proceeding	II-A (in case of record

²²⁷ Under the West Pakistan Land Revenue Rules, 1968 list of pensioners is not a part of the Record of Rights or Preiodical Record and as such now this list is not appended with the aforesaid records.

²²⁸ Now called "Preiodical Records".

²²⁹ Now called "Preiodical Records".

²³⁰ Column relating to area and revenue have been omitted in the of Shajra Nasab (see Form III given in Appendix 'A' to the West Pakistan Lnad Revenue Rules, 1968.

²³¹ For instructions relating to Shajra Nasab see also D.L.R's circular letter given at pages 353 to 359 of this Manual.

²³² Further maintenance of revenue records of built up urban area has been discontinued (see Government of West Pakistan, Revenue Department's Memo No. 3417-68/1203-(s) dated 08-07-1969.

²³³ Amended by correction Slip No. 108, LRM dated 13-10-1968, published in the Extraordinary issue of the Gazette of West Pakistan, dated 30-12-1969.

		prepared as a result of Consolidation of Holdings) and II (in other cases)
2	Index Map and Map of the estate. (They should be kept flat after being filed in the Record Room. The mapping sheets of each estate should be attached together by tape or string running through two eyelets pierced in the top right and left-hand corners of each sheet).	M-1, M-3 or M-6 (for land measurement on rectangulation system) M-2 (for land measurement on square system) M-4, M-5 or M-7 (for land measurement on Kishtwari system)
3	Genealogical tree. It should be placed in the pocket of the cover or, if too large, in a separate cover).	III-A (for opening page) and III-B (for other pages)
4	Index Survey/Khasra Numbers	IV
5	Alphabetical Index of owners	V
6	Alphabetical Index of mortgagees	VI
7	Register Haqdaran Zamin	XXXIV
8	Note of changes in kind of soil	VII
9	Register Haqdaran Nakhlistan (where the nakhlistan is assessed to revenue)	VIII
10	Statement of Rights in Wells and Tube-Wells	IX
11	Statement of distribution of water (where the lands are irrigated by means of Karez or other similar source)	X
12	Statement of rights in water-mills	XI
13	Statement of Customs	XXXVI-A (for opening page) and XXXVI-B (for other pages)
14	Order of the Revenue Officer determining the assessment. (See section 60 of the West Pakistan Land Revenue Act, 1967, and rule 32 of the West Pakistan Land Revenue Assessment Rules, 1968)	Being a non-standard form, it will be prescribed by the Collector concerned
15	Order of the Revenue Officer distributing the assessment over holdings (see section 67 of the West Pakistan Land Revenue Act, 1967, and rule 25 of the West Pakistan Land Revenue Assessment Rules, 1968)	Being a non-standard form it will be prescribed by the Collector concerned
16	(i) Index of accepted mutations attached with the Record-of Rights	XXX V-C
	(ii) Sheets of accepted mutations (with original copy of Record-of-Rights only)	XXXV
17	Field Book including --	XII (for field book)
	(a) List of page-wise totals of field book, and	XXI-A (for list of page-wise totals of field book), and
	(b) Statement of colours to be shown in the	XII-B (for fard rangzazi)

	map of estate (fard rangsazi), (The field book should be in a separate volume. The fard rangzazi is prepared only for the guidance of the colourist, who will have to colour the map of the estate at Tehsil/Taluka or district headquarters. This statement can be dispensed with entirely if the Patwari/Tapedar preparing the map of estate and field book can be entrusted with the colouring).	
18	Register <i>Haqdarar Zamin Abadi</i> (This register is to be kept in a separate volume for colony towns and chaks only)	XXXIV-B

B-PERIODICAL RECORD (MISIL-I-MIADI)

1	Title page of Register Haqdarar Zamin	XIII
2	Genealogical tree (it should be placed in the pocket of the cover or, if too large, in a separate cover)	III-A (for opening page) and II-B (for other pages)
3	Index Survey/Khasra Number	IV
4	Register <i>Haqdarar Zamin</i>	XXXIV-A
5	Note of changes in kind of soil	VII
6	Register <i>Haqdarar Nakhlistan</i> (where the <i>Nakhlistan</i> is assessed to revenue)	VIII-A
7	Statement of rights in Wells and Tubewells	IX
8	Statement of distribution of water (where the lands are irrigated by means of Karez or other similar source)	X
9	Statement of rights in Water-mills	XI
10	Supplementary Map	XVI-A (for land measurement on square system or Kishtwari system) SIV-B or XIV-C (for land measurement on rectangulation system)
11	Sheets of accepted fard badar (with the original copy of Periodical Record only)	XV
12	Checking and attestation notes by the Kanungo/Supervising Tapedar and Revenue Officer	XVI-A
	<i>Note</i> – Sufficient number of blank forms should be added for this purpose	
13	Final attestation certificate of Register Haqdarar Zamin by the Revenue Officer	XVI

14	(i) Index of accepted mutations attached with the Periodical Record	XXXV-C
	(ii) Sheets of accepted mutations (with the original copy of Periodical Record only)	XXXV
15	Register Haqdaran Zamin Abadi (This register is to be kept in a separate volume for colony towns and chaks only)	XXXIV-B

(2) Having arranged the documents in the manner described in sub-para. (1) supra, the documents noted at serial Nos.1 and 4 to 16 under Record-of-Rights and those mentioned at Serial Nos.1 and 3 to 14 under Periodical Record, should be sewn with a strong thread, but care should be taken that the sewing does not pass through any writing. However, if the number of accepted mutation sheets mentioned at serial No.16(ii) in case of Record-of-Rights and serial No.14(ii) in case of Periodical Record exceeds one hundred, they alongwith the indexes given at serial Nos.16(i) and 14(i), respectively, should be sewn and got bound in a separate volume.

Before sewing the documents as described above, at least four sheets of blank paper of the size of form of Register Haqdaran Zamin should be prefixed and similar number of blank sheets suffixed to the documents referred to above.

(3) In the case of original copy of Record-of-Rights/Periodical Record to be consigned to the Sub-Divisional/District Revenue Record Room and Parat Patwar/Tapedar of Record-of-Rights, binding should be got done, at normal rates and the charges should be met from the contingent grant. For the Parat Patwar/Tapedar of Periodical Record, paper bindings covered with chintz or thin cloth should be provided.

(4) A slip should be pasted at the title cover of the Record-of-Rights/Periodical Record, the specimen of which is as under: -

<p><u>Record-of-Rights</u> for the year---</p> <p>Periodical Record</p> <p>Volume No. -----Parat---</p> <p>Estate ----- Hadbast No. -----</p> <p>Assessment Circle — Tehsil/Taluka—</p> <p>District -----</p>
--

[(See Patwari/Tapedar Standard Form No.II-B namely “Slip for Record-of-Rights” and No.XIII-A, namely “Slip for Periodical Record”)].

7.68. Check of jamabandi (Periodical Record) by District Kanungo: All ²³⁴[jamabandis] must reach the district office by the date ²³⁵[on which the rabi girdawari ends (vide paragraph 3.104(2)]. On receipt the district Kanungo should check them to see

²³⁴ Now called as ‘Preiodical Records’.

²³⁵ Now this date has been changed. The original copy of the Preiodical Record must reach the District Revenue Record Room within a fortnight from the date on which the Rabi Girdawari ends (see paragraph 7.61 supra as amended by correction slip No. 124, LRM dated 16-09-1970).

that all the instructions contained in paragraphs 7.28 and 7.60 to 7.67 supra have been compiled with. If incomplete in any respect which admits of correction they should be returned for completion.

²³⁶[7.69. Estate (Mahal or Deh) and Sub-Division of Estate (taraf or patti) –

(1) Estate: (i) as defined in clause (9) of Section 4 of the West Pakistan Land Revenue Act, 1967, the term “estate” means any area —

- (a) for which a separate Record-of-Rights has been made; or
 - (b) which has been separately assessed to land-revenue; or
 - (c) which the Board of Revenue may, be general rule of special order, declare to be an estate.
- (ii) The words “Mahal”, “Deh”, Mauza” are the vernacular equivalent of term “estate”. Thw words “Gaon”, “Pind”, “Chak” or “Gran” are usually translated as “village”.
- (iii) An estate, generally consists of a single block of land. But occassionally the whole of its land does not lie in a ring fence and some outlying fields are found mixed up with the land of another estate.
- (iv) All demarcated area of uncultivated and forest land owned by Government are declared to be estates within the meaning of the Land Revenue Act (See Rule 62 of the West Pakistan Land Revenue Rules, 1968).
- (v) Sub-section (1) of section 39 and sections 41 and 54 of the West Pakistan Land Revenue Act, 1967 provides that there shall be Record-of-Rights as well as eriodical Record of each esdtate or in exceptional cases with the sanction of Board of Revenue, for a group of neighbouring estates.
- (v) The Board of Revenue may, by notification, direct that –
- (a) an estate be divided into so many estates; or
 - (b) so many estates be combined into one; or
 - (c) the name of estate be changed.

(2) Sub-Division of Estate: (i) Sub-division of estate is called as Taraf, Patti, Khel or Jum, etc.

- (ii) Giving the regards to all the subsisting rights of land owners, the Collector of the district may direct that ----
- (a) an estate be divided into so many sub divisions in the form of----
- (i) Khet-bat (e.g., where all the land does not lie in a single block); or
- (ii) Chak-bat (e.g., where all the land lying in one block); or
- (b) So many sub-divisions of an estate be combined into one; or
 - or
 - (c) the name of sub-division of the estate be changed.

In case where the number of headmen (Lambardars) is changed as a result of revision in tarafs/patties, before making such revision, the Collector shall report the

²³⁶

Added by correction Slip No. 115, LRM dated 25-04-1970, published in the Extraordinary issue of the Gazette of West Pakistan, dated 30-06-1970.

matter to the Commissioner for obtaining the orders under sub-rule (1) of rule 16 of the West Pakistan Land Revenue Rules, 1968.]

APPENDICES

²³⁷[Appendix A]

[Paragraph 7.19 (6)]

Hadbast — — 1, Tehsil Jhelum, District Jhelum, Book No.4
Leaf No.6

Register Dhakhil Kharig Estate — — Diwal — — No.

Serial No.	Entry in Register Haqdarar Zamin or last entry in Register Dakhil Kharif which is proposed to be corrected					New entry which is proposed to be substituted					Nature and date of Dakhil Kharif with price in case of sale and amount of mortgage-debt in case of mortgage	Land Revenue and Dakhil Kharif fee	Reports and orders. Signature/ Thumb impression of witness
	No. khewat Register Haqdarar Zamin	Name of owner with description	Name of cultivator with description	Survey Khasran No. with name, if any	Area and kind of soil	No. of khewat which will be substituted in the new Register Haqdarar Zamin	Name of owner with description	Name of cultivator with description	Survey/Khasra No. with name, if any	Area and kind of soil			
1	2	3	4	5	6	7	8	9	10	11	12	13	14
34	122	Shams-ud-Din S/o Karam Illahi, Caste Jat Tor, resident of the village	Khud Kasht	474	K ₈ — 7M Chahi (eight kanals and seven marlas)	—	100 Shares. Ghulam Rasool, s/o Ham-ud-Din Caste Arian, R/o Mozang, Lahore. 42 (fourty two) shares. Abdul Rashid s/o Abdul Latif caste Mughal, R/o Darogawala, Lahore 33(thirty three) shares. Muhammad Taqi, s/o Ghulam Ali, caste Syed Bukhari R/o Naddala Pakka, Teh. Wazirabad 25(Twenty five) shares.	Khud kasht	474	K ₈ — 7M Chahi (eight kanals and seven marlas)	Sale oral on 14 th April 1966, for Rs.1000/- (one Thousand) together with the share in shamilat.	Net Revenue Rs.1/50 (Rupee one and paise fifty). Fee Rs.2/50	Sir, Shams-ud-Din, he owner, has sold 8 kanals, 7 marlas of his land with share in shamilat to Ghulam Rasool etc., and the vendees have taken possession. The case has been entered in the Register Dakhil Kharig. Sd/- Muhammad Saeed Pawari
	490	Shamilat Deh (hasab Rasad Khata or as the case may be).	Maqbooza owners and cultivators	---	K ₁₀₇ — 11M Ghair mumkin (one hundred seven kanals and eleven marlas)	—	As before	As before	K ₁₀₇ — 11M Ghair mumkin (one hundred seven kanals and eleven marlas) Share transferred 1 K-2 M as before 106K — 9M				

APPENDIX B

²³⁸[(See paragraphs 7.33 and 7.33A)]

Notification No.998/69/858-L.R.II, dated 21st March, 1969.

In exercise of the powers conferred by sub-section (1) of section 46 of the West Pakistan Land Revenue Act, 1967 (W.P. Act XVII of 1967), and in supersession of the Board of Revenue Notification No.1811-62/904-LR.II, dated 12th April, 1962 and No.4355-62/131-LR.II, dated 19th January, 1963, and any other notification prescribing the scale of fees to be paid for entries in the Register of Mutations, the Board of Revenue is placed to fix, with effect from the date of this notification, in respect of the entries described in column 2 of the Schedule hereunder, the scale of fees specified against such entries in column 3 of the said Schedule, which fee shall be payable by the person in whose favour the entry is made:-

Sr. No. 1	Description of entry 2	Mutation fee 3
1	Entries relating to the acquisition of a right or interest transferred by a registered deed or by or under an order or decree of a court, or by an order of a Revenue Officer making or affirming a partition under Chapter XI of the West Pakistan Land Revenue Act, 1967, or directing the incorporation in the record of a private partition	Re. 1/- on each proprietary holding: Provided that: - (i) When the land revenue in respect of such holding does not exceed Rs.5/- the fee in respect of the holding shall be fifty paise only; and (ii) when a proprietary holding consists entirely of date-palms, the fee shall be twenty-five paise for each holding
2	Entries relating to the acquisition of a right or interest by inheritance.	Si paise per rupee of the land revenue assessed: Provided that: - (i) When the land revenue does not exceed Rs.5/-, the fee shall be Rs.1,25; (ii) when the land revenue exceeds Rs.5/- but does not exceed Rs.33/- the fee shall be Rs.2/-; and (iii) not more than one fee shall be charged on the acquisition in one and the same estate, of a right or interest in one and the same capacity, although entries may have been made in more than

		one proprietary holding.
3	Entries relating to the acquisition of a right or interest, otherwise than provided for in S. Nos. 1 and 2 above.	<p>19 paise per rupee of the land revenue assessed on each proprietary holding:</p> <p>(i) When the land revenue of any proprietary holding does not exceed Rs.5/- the fee in respect of that holding shall be Rs.2.50;</p> <p>(ii) When the revenue exceeds Rs.5/- but does not exceed Rs.21/- the fee in respect of that holding shall be Rs.4/-; and</p> <p>(iii) In the case of a date-palm proprietary holding —</p> <p>(a) When the land revenue hereon does not exceed Rs.1/-, the fee shall be 50 paise per holding;</p> <p>(b) When the land revenue thereon exceeds Rs.1/- but does not exceed Rs.5/- the fee shall be Rs.1/- per holding; and</p> <p>(c) When the land revenue thereon exceeds Rs.5/- the fee shall be Rs.2.50 per holding.</p>

Explanation: In any case in which the fee payable under the Schedule is found to be excessive in amount with reference to the value of right or interest acquired or transferred, or for any other reason, the Commissioner may either remit the fee or reduce it to such amount as he may deem to be reasonable.]

APPENDIX C

Paragraph 13.11 (10) of the Revenue Manual of Irrigation Branch requires the Collector to supply the following documents for the guidance of Patwari (canal), Zilladars and Ahlmad: -

- (a) Certified copies of shajras (field maps).
- (b) Certified copies of Khasra Bandobast (field books showing areas of fields).
- (c) Certified copies of ²³⁹[jamabandi] showing the area, numbers and owners of fields.
- (d) Papers showing areas, numbers and owners of fields and holdings
- (e) Correction slip for ²⁴⁰[jamabandi], (fard intiqal).
- (f) Rates for land revenue, malikana, owner's rate, and cesses by villages and correction slips from time to time as changes are sanctioned from time to time.
- (g) Names of grantees with allotted areas.
- (h) Detailed lists of assigned revenue when necessary²⁴¹.
- (i) Information concerning exemption from malikana and grant of proprietary rights as they occur.
- (j) List or remissions under the tenancy rules.
- (k) Statement of areas allotted on temporary cultivation with conditions of lease.

²³⁹ Now called 'Register Haqdaran Zamin'.

²⁴⁰ Now called 'Register Haqdaran Zamin'.

²⁴¹ All revenue assignments have been abolished under para 21 of the West Pakistan Land Reforms Regulation, 1959.

243 [APPENDIX E]

(See Paragraph 7.54)

Register Haqdarar Zamin (Misil-i-Haqiat)

Estate Nadala Pakka Taraf (if any) Tehsil Wazirabad District Gujranwala Year 1968-69 Book No. 1
Patti Leaf No. 10

No. Khewat Malik	No. Khatauni cultivator	Name of owner with description	Name of cultivator with description	Survey/Khasra No. and Name (if any)		Area and soil classification of each number and total Khatauni cultivator and khewat	Source of irrigation including name of Wel, Rajbah, etc.	Rent paid by cultivator, rate and demand	Demand with details of revenue and cesses	Remarks including - (1) Name of Lamdar (if any) (2) Rate of Land Revenue
				Former	Present					
1	2	3	4	5	5-A	6	7	8	9	10
6/4	14	Muhammad Taqi, son of Ghulam Ali Shah, caste Syed Bukhari Sakin Deh	Self Cultivation	195 195 197 199	42 - Square 1 2 3 4	K. M. 6 - 10 Chahi 2 - 10 Chahi 2 - 10 Chahi 1 - 5 Chahi	Ahah Ahmadwala Nutt Minor		Fixed Land Revenue ...Rs. 20.00 Local Rate Rs. 10.00 Lambardari Fee Rs. 01.00 Mosque Fund Rs. 0.40 ----- Total Rs. 31.00 (Rupees thirty-one and forty pisa)	
			Total Khatauni		Qitta 4	12 - 15 (Twelve kanals and fifteen marlas) 9 - 0 Chahi 3 - 15 Nehri				
	15	Ahsan son of Ijaz Ahmad, caste Syed Bukhari Sakin Deh tenant-at-will		45 - Square 2 3		4 - 0 Nul Chahi 2 - 10 Nul Chahi	Tube-well Naqiwala	Batai one half grain with straw as details given in the remarks column against Khatauni		
Total Khatauni		Qitta 2	6 - 10 Nul Chahi (six kanals and ten marlas)							

		Total of holding						No. 1		
					Qitta 6	19 - 5 (nineteen kanals and five marlas) 9 - 0 Chahi 3 - 15 Nehri 6 - 10 Null Chahi				

CIRCULAR LETTERS

(Concerning Records-of-Rights and Periodical Records)

ISSUED BY

DIRECTOR OF LAND RECORDS.

