

Scope of Existing Legal Framework for creating Punjab Urban Land Titling Registration System

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Land Revenue Act 1967- Sec. 3. (1) Except so far as may be necessary for the record, recovery and administration of village cess, or for purposes of survey, nothing in this Act applies to land which is occupied as the site of a town or village, and is not assessed to land revenue.

Even after having excluded the urban area under section 3 (2) of the LRA 1967, the survey of the area thus excluded may be conducted under the very Act.


- The section 3 (1) may be read with Section 116 of LRA, 1967 i.e.

116. Revenue survey may be introduced by Board of Revenue in any part of Province. –

(1) It shall be lawful for the Board of Revenue, whenever it may deem expedient, to direct by notification, the survey of any land in any part of the Province with a view to the settlement of land revenue, the preparation of record-of-rights and preservation thereof, or for any other similar purpose, and such survey shall be called a revenue survey.

(2) A revenue survey may extend to the lands of any village, town, or city generally, or to such land only as may be specified in the notification.

(3) Subject to the orders of the Board of Revenue, it shall be lawful for the officers conducting any such survey to except any land to which it may not seem expedient that such survey should extend.




LRA 1967

- Section 117 of the LRA, 1967 details with powers of Revenue Officers to define boundaries & also states that such survey can be initiated for the purpose of framing any record, or on the application of any person interested; a revenue officer under the same section can define limit of any holding or portion of an estate & may also erect boundary marks.

The proposed urban titling registration system requires involvement of property owners for collection of varied information & surveying of their properties & related areas.

Section 118 (1) of LRA 1967 states:

“..under section 116, any Revenue Officer directing the survey may, by notice or proclamation, require all persons having rights or interests in the land to attend personally or through authorized agent, and indicate, within a specified time, by temporary marks of a kind to be described in the notice or proclamation, the limits of those rights or interests.”



LRA 1967

- Similarly section 119 generally empowers the revenue officer for the purpose of survey to call for material support of the persons whose rights are involved in the piece of land under survey & sub-section (2) specifically provides the facility to retrieve the cost of such survey for such land owners as arrears of land revenue.

Here some people may cite different Court decisions wherein built up area/urban area has been excluded from the preview of revenue officers for the purpose of demarcation. The difference, albeit a very subtle one, is that first no such authority of the revenue officer can be barred by any Court order if he simply goes for a survey for the purpose of collection of information as is where is basis and not for a demarcation, secondly there is another provision in the LRA, 1967 i.e. section 120, which allows for “Professional Surveys”.

- *Section 120. “Professional Surveys.- (1) If it is found necessary to make a survey by an agency other than that of Revenue Officers and Village Officers, the Board of Revenue may publish a notification stating—*
 - *(a) the local area to be surveyed and the nature of the survey;*
 - *(b) the names or official designations of the officers by whom the survey is to be made;*
 - *(c) the kind of boundary marks to be erected by those officers.*
- *(2) From the date of the notification, the officers specified therein, & the person acting under their orders, shall have, for the purposes of the survey, the powers conferred on Revenue Officers by section 30.”*

- ✓ Interestingly section 121 of the LRA, 1967 confers on the BOR the power to make rules for demarcation of boundaries & erection of boundary marks.
- ✓ Under the same section the BOR may legally sanctify by notification the virtual boundary marks in a GIS based model & also define (*new*) manners in which boundaries are to be demarcated, say in a GIS based system using high tech equipment.
- ✓ Section 122 (2) of the LRA 1967 implies that the BOR may frame rules relating to the previous paragraph & the Collector may evict any land holder wrongfully in possession of any land which had been adjudged in the settlement of a boundary.

Broadly speaking section 20 of the LRA 1967 empowers BOR to make rules as to procedure:

Section 20. Powers to make rules as to procedure. – (1) The Board of Revenue may, with the previous approval of Government, make rules, not inconsistent with this Act, for regulating the procedure of Revenue Officers in cases in which a procedure has not been provided for by this Act.

(2) The rules may provide, among other matters, for the mode of enforcing orders of ejectment under this Act from, and delivery of possession of, immovable property, and rules providing for those matters may confer on any Revenue Officer all or any of the powers in regard to contempt, resistance, and the like, which a Civil Court may exercise in the execution of a decree whereby it has adjudged ejectment from, or delivery of possession of such property.

(3) Subject to the rules made under this section, a Revenue Officer may refer any case which he is empowered to dispose of under this Act to another Revenue Officer subordinate to him for investigation and report, and may decide the case upon such report after giving the parties concerned an opportunity of being heard.

- ✓ It should be noted here that in Section 20 sub-section (3) as reproduced above the word “investigation” obviously does not fall under simple cursory proceedings which is the case with usual business under this Act.
- ✓ The word investigation here amply confers the value and sanctity of evidence on such report.
- ✓ Moreover, parties under the same provision have the opportunity to contest their *locus standi*.
- ✓ This is very significant provision that gives a workable elasticity to this Act, stretching its scope beyond the practiced & perceived applications to the advantage of our proposed urban titling registration system in conjunction with other laws discussed below



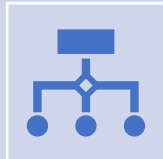
Now no system of property registration exists in the urban area.



Technically for the area that has come under the definition of the built up area the preparation of record of rights of that area ceases to be maintained under relevant sections of the LRA, 1967.



Last jamabandi is prepared and consigned to the record room and the area thus comes out of the preview of the revenue authority.



But for the purpose of our model system, we have to retrieve information from that latest/ last prepared jamabandi and that be in the manner required by the new system.



For the same, examination of relevant provisions of the LRA, 1967 dealing with **Record of Rights & Periodical Records** is essential.

Section 39 of the LRA, 1967 stipulates documents for the record of rights of an estate.

Section 39. Records-of-rights and documents included therein. –
(1) Save as otherwise provided by this Chapter there shall be a record-of-rights for each estate.

39 (2) The record-of-rights for an estate shall include the following documents, namely:-

- (a) statements showing, so far as may be practicable –

39(2)(a)(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

39(2)(a)(iii) the rent, land-revenue, rates, cesses or other payments, due from and to each of those persons and to Government;

39(2)(b) a statement of customs respecting rights and liabilities in the estate;

39(c) a map of the estate; and

39(d) such other documents as the BOR may, with the previous approval of Govt., prescribe. m

Subsection (2) (d) gives the leverage for devising the documents that may collect any additional information required by our proposed system like sequential chain of title duly verified and attested by the competent authority, land use history/ girdawri data linked on a time scale to each land owner/ holder of a given piece of land, implying the possession, notices & reports thus generated on the basis of such notices to the neighbours for the predetermination of different things like right to pre-emption etc.

Declarations of all concerned that can be used as a substitute of a public oversight of common assembly in the new system, and may also be used as an evidence and conclusive truth rather than a presumptive truth when it comes to determine the title to a given property.

The same will be incorporated in the new system's information data bank for future retrieval and use, and will be used to help the government to provide guarantee to the title without fear of incurring loss to the public exchequer owing to possible existence of hidden frauds.

Rule 30 of the Land Revenue Rules 1968 mentions: *Other documents included in the records-of-rights & periodical records-*

(1) In addition to the documents specified in clauses (a) to (c) of sub section (2) of section 39, the following other documents shall be included in the record-of-rights (Misl-i-Haqiat) under clause (d) of that sub section:-

(i) Preliminary proceeding (Form II),

(ii) Genealogical tree (Form III).

(iii) Index Survey / Khasra Numbers (Form IV).

(iv) Alphabetical index of owners [and mortgagees] (Form V).

(xiii) Field Book (Form XII).

(2) The following documents shall also be included in the periodical record (Chaharsala) under the provisions of sub section (2) of section 41:

(i) Title page of register haqdararan zamin (Form XIII).

(ii) Documents referred to in items 31[(ii) to (iv)] & (vi) to (x) of sub-rule (1).

(iii) Supplementary map (Form XIV).

(iv) Fard Badar (Form XV).

(v) Checking and attestation notes by the Qanungo.

(vi) Checking and attestation notes by the Revenue Officer.

(vii) Final attestation certificate of Register Haqdararan Zamin by the Revenue Officer (Form XVI).



It may be noted that there is difference between Record of Rights & Periodical Records. Record of Rights of an estate is prepared as a result of settlement; it is *de novo* preparation of the record of an estate like new surveys and maps; assigning new survey numbers, the register thus created is called the register 'Haqdar-e-Zamin' whereas Periodical Record incorporates the changes that took place in the last four years, particularly the mutation entries, as the latter is prepared every fourth year and the register resultantly prepared is called the 'Chaharsala'.



Here comes a question: whether the veracity, applicability & utility of the information in real time that may form the basis of new system after retrieving the information from a Chaharsala/ jamabandi rather than a newly prepared register Haqdara-e-Zamin (RHZ) incorporating all sort of fresh information as the result of a settlement operation?



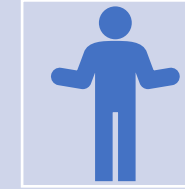
The answer lies in Sec. 40 of the LRA, 1967 dealing with special revision of record of rights.



Moreover, a notification under sub-section (1) of Sec. 40 may direct that record-of-rights shall be made or specially revised for all or any of the estates in any local area.



It clearly stipulates that if it appears to the BOR that the existing record of rights for an estate requires special revision, the BOR may, by notification, direct that a record of rights be made, or that the record of rights be specially revised, as the case may be.



This interpretation may be taken distinctly different from full-fledged settlement operation.

~~(2) Whoever fails, without reasonable cause, to furnish the information required under subsection (1) or furnishes information which he knows, or has reason to believe to be false or omits to give any information material for the purpose for which it is required, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.~~

55. Powers to make rules respecting records and other matters connected therewith. –
The Board of Revenue may, with the previous approval of Government, make rules–

(a) prescribing the language in which records and registers under this Chapter are to be made;

(b) prescribing the form of those records and registers, and the manner in which they are to be prepared, signed and attested;

(c) for the survey of land so far as may be necessary for the preparation and correction of those records and registers;

(f) for reporting, preparation, authentication, revision and correction of computerized land records.

141. Disposal of questions as to title in the property to be divided.

141.(1) When there is a question as to title in any property of which partition is sought, the Revenue Officer may decline to grant the application for partition until the question has been determined by a competent Court, or he may himself proceed to determine the question as though he were such a Court.



141(2) Where the Revenue Officer does not himself proceed to determine the question of title as a Civil Court, he may, for reasons to be recorded by him in this behalf, require a party specified by him to file a suit in a Civil Court, within such period not exceeding ninety days from the date of his order as he may fix, for obtaining a decision regarding the question.

141 (3) On the filing of a civil suit by the party required so to do within the specified period, the Revenue Officer shall suspend further action on the application for partition till the said civil suit is decided by the Court and a copy of the Court's order is produced before him.

141 (4) In case the party so required fails to file a suit within the specified period, the Revenue Officer may proceed with the partition and decide the question of title himself.

141 (5) Where the Revenue Officer himself proceeds to determine the question (of title), the following rules shall apply, namely:-

- (a) If the question is one over which a Revenue Court has jurisdiction, the Revenue Officer shall proceed as a Revenue Court under the law for the time being in force.**
- (b) If the question is one over which a Civil Court has jurisdiction, the procedure of the Revenue Officer shall be that applicable to the trial of an original suit by a Civil Court, and he shall record a judgment and a decree containing the particulars required by the Code of Civil Procedure 1908 (Act V of 1908), to be specified therein.**
- (c) An appeal shall lie from the decree of the Revenue Officer under clause (b) as though that decree were a decree of a Civil Judge in an original suit.**
- (d) Upon such an appeal being made, the District Court or the High Court, as the case may be, may issue an injunction to the Revenue Officer requiring him to stay proceedings pending the disposal of the appeal.**
- (e) From the appellate decree of a District Court upon such an appeal, a further appeal shall lie to the High Court, if such further appeal is allowed by the law for the time being in force.**

Section 141 when read with Section 173 of the LRA, 1967, assume great significance in the perspective of our proposed titling registration system.

173.Powers to invest officers making records-of-rights or general re-assessments with powers of Civil Courts.—

174.(1) The Board of Revenue may, by notification, invest any Revenue Officer making or specially revising record-of-rights in any local area in pursuance of a notification under section 40, or making a general re-assessment of land revenue in any local area in pursuance of a notification under section 59, or any Revenue Officer in a Colony as defined in the Colonization of Government Lands (Punjab) Act, 1912 (Punjab Act V of 1912), or any Revenue Officer to whose control that officer is subject with all or any of the powers of any Court, constituted under the [Punjab] Civil Courts Ordinance, 1962, for the purpose of trying all or any specified classes of suits or appeals relating to land arising in the local area.

174. Control over such officers and appeals from and revision of their decrees and orders.—

(1) *The Board of Revenue may by notification direct that the provisions of this Act with respect to the superintendence and control over Revenue Officers shall apply to any Revenue Officer who has been invested with the powers of a Civil Court of any of the classes specified in the [Punjab] Civil Courts Ordinance, 1962, and that appeal shall lie from his decrees and orders to and his decrees and orders be subject to revision by, a Revenue Officer invested under section 173 with the powers of a Court which would be competent under that Ordinance to hear appeals from or revise such decrees and orders if they had been made by a Court with the powers of which the Revenue Officer who made them has been invested.*

(2) *In the absence of any such notification, a Revenue Officer invested under section 173 with the powers of any such Civil Court as aforesaid shall, with respect to the exercise of those powers, be deemed to be such a Civil Court for the purposes of the aforesaid Ordinance*

182. Power to make rules. – *The Board of Revenue, with the previous approval of Government, may, in addition to the other rules which may be made by it under this Act, make rules not inconsistent with this Act–*

(a) fixing the number and amount of the installment and the times and places and the manner, by, at and in which any sum other than rent or land revenue which is payable under this Act or of which a record has been made thereunder is to be paid;

(c) prescribing the fees to be charged for the service and execution of processes issued by Revenue Officers and Revenue Courts, the mode in which those fees are to be collected, the number of persons to be employed in the service and execution of those processes, and the remuneration and duties of those persons;

182. Power to make rules. – *The Board of Revenue, with the previous approval of Government, may, in addition to the other rules which may be made by it under this Act, make rules not inconsistent with this Act–*

*(d) regulating the procedure in cases where persons are entitled to inspect records of Revenue Officers or records or papers in the custody of Village Officers, or to obtain copies of the same, and **prescribing the fees payable for searches and copies;***

*(e) **prescribing forms for such books, entries, statistics and accounts** as the Board of Revenue thinks **necessary to be kept, made or compiled** in Revenue Offices or **submitted to any authority;***

- The above sections of the LRA, 1967 are covered by following procedures laid down in the Land Revenue Rules, 1968.

4. ***Verification of applications, etc.***- Every written application or statement filed by a party to a proceeding before a Revenue Officer **shall be drawn up and verified in the manner provided by the Civil Procedure Code for written statements in suits.**

6. ***In fixing dates, etc. Revenue Officer to follow procedure of Revenue Court. -***
In fixing dates for the **hearing of parties and their witnesses**, in adjourning proceedings, and in dismissing applications for default, or for other sufficient reason, **a Revenue Officer, shall, so far as the nature of the case may require or permit, be guided generally by the principles laid down in the Civil Procedure Code, 1908 (Act V of 1908).**

7. Commissions - Act V of 1908.- 23[(1)] The provisions of sections 75 to 78 of the Civil Procedure Code and of Order XXVI, in Schedule I, annexed to the said Code in respect of Commissions shall apply to proceedings before a Revenue Officer.

24[(2) If for any reason it is not possible for a female heir to appear before the Revenue Officer, he may either himself record her statement at her residence or issue a Commission to do so:

Provided that the Commission, if issued, may preferably comprise a lady member of the Provincial Assembly or the National Assembly or a lady member of the Local Council concerned or any other lady carrying a social / official status.]

8. Expenses of witnesses. - (1) A Revenue Officer may award to a witness, attending his Court or office a sum on account of his expenses, not exceeding the amount admissible to him in civil suits under the Rules and Orders of the High Court.

(2) The sum so awarded shall be the costs in the proceedings.

12. Apportionment and recovery of costs. - (1) In proceedings in which costs have been incurred, the final order shall apportion the costs between the parties to the proceedings.

13. Execution of orders of ejectment, etc.- (1) Orders of ejectment from, and delivery of possession of immovable property, shall be enforced in the manner provided in the Code of Civil Procedure and the Rules and Orders of the High Court, for the time being in force, in respect of the execution of a decree of a Civil Court.

(2) And in enforcing these orders, a Revenue Officer shall have all the powers in regard to contempt, resistance and the like, which a Civil Court may exercise in the execution of a decree of the description mentioned in sub-rule (1).

Rule 72. Forms. - Following forms are ALSO prescribed:

- (i) Register Haqdararan Zamin (Form XXXIV).*
- (ii) Mutation Register (Form XXXV)*
- (iv) Requisition of information/documents (Form XXX VII).*
- (v) Holding Slip (Form XXXVIII).*
- (vi) Interrogatory (Form XXXIX).*
- (xiii) Warrant of Transfer of Holding (Form XLVI).*
- (xiv) Warrant of Attachment (Form XLVII).*
- (xv) Proclamation of Sale (Form XLVIII).*
- (xvi) Certificate of Sale (Form XLIX).*
- (xvii) Instrument of Partition (Form L).*
- (xviii) Register showing the amount of fee realized by Patwari; for inspection of records and grant of certified copies therefrom (Form LI).*
- (xix) Register showing survey equipment (Form LII).*
- (xxi) Statement showing the condition of Survey and Boundary Marks (Form LIV).*
- (xxvi) List of Mortgages with possession (Form LIX).*

Following occurrences shall be entered in the Roznamcha on the day on which they come to the Patwari's notice, and the manner in which they come to his knowledge.

(vi) The ejectment, absconding, or settling of cultivators or right-holders, and the relinquishment, change or renewal of any tenure.

(vii) The execution of any decree of Court affecting the land, its rent, or its produce.

(ix) Orders of Revenue Officers or Qanungos received by the Patwari or executed in the circle.

(x) Attachment proceedings affecting the land, its cultivation, or its produce, or cattle.

(xi) Any encroachment on or damage to Nazul or Government Property or roads.

(xvi) Any fact relating to land or its revenue or rent specially reported to the Patwari by a person interested therein, with a request that it be entered in his Roznamcha or which the Patwari may think of importance.

(xvii) Any alteration in the ownership, cultivating possession or rent of land, which may have been recorded in the crop-inspection register.

(xviii) The receipt of any registration Memos.

- The information maintained by the Sub-Registrar ideally includes:
 - ✓ description of property & maps or plans sufficient to identify the same;
 - ✓ description of houses in towns as they are situated on the north or other side of the street or road, to which they front, and
 - ✓ by their existing and former occupancies, and
 - ✓ by their numbers if the houses in such street or road are numbered;
 - ✓ description of houses and land by their name, if any, and
 - ✓ as being in the territorial division in which they are situated, and
 - ✓ by their superficial contents,
 - ✓ the roads and other properties on which they abut, and
 - ✓ their existing occupancies, and
 - ✓ also whenever it is practicable, by reference to a Government map or survey;

- ✓ a true copy of map or plan of a property;
- ✓ information regarding personal appearance before the registration officer & verification of identity;
- ✓ record of the day, hour and place of presentation, and
- ✓ the signature of every person presenting a document for registration,
- ✓ endorsed on every such document at the time of presentation;
- ✓ receipt for such document given by the registering officer to the person presenting the same and current indices of contents of above mentioned books.
- ✓ Each index may contain any prescribed information e.g., certificate of registration, signed, sealed and dated by the registering officer, containing the number and page of the book in which the document has been copied;

The major emphasis of the registration process is the identification of the parties.

There is no investigation of the property, and no visit to the site.

The Sub-Registrar generally accepts the declared sale price nominated by the parties, provided that the land value is in line with the values determined from valuation tables published by the District Collector.

Section 2 (6) of the Registration Act 1908 (RA 1908) defines immovable property as under:

'immovable property' includes land, buildings, benefits to arise out of land, things attached to the earth, or permanently fastened to anything attached to the earth, hereditary allowances, rights to ways, lights, ferries and fisheries

The Registration Officer can endorse 'any information' and such information axiomatically may get incorporated in the official data bank, maintained by the proposed Title Registry.

Section (5) 'endorsement' and 'endorsed' include and apply to an entry in writing by a registering officer on a rider or covering slip to any document tendered for registration under this Act;

Provincial Govt. under this Act may appoint any number of officers for the purpose of as Registrars/ sub-Registrars and may allocate business and assign roles and responsibilities among such officers; the Govt. may appoint inspection officer also. The government may establish as many Registration offices in a given area as it may deem required.

RA 1908 sections chiefly fulfilling basic cadastral/ GIS information requirement of the proposed Title Register i.e.,

- ✓ *identification of the property, with map and plan,*
- ✓ *dimensions,*
- ✓ *complete description of adjoining properties & facilities like roads, references & addresses like street, name etc. of the property etc.*



21. Description of property and maps or plans: (1) No non-testamentary document relating to immovable property shall be accepted for registration unless it contains **a description of such property sufficient to identify the same.**

(2) **Houses in towns shall be described as situated on the north or other side of the street or road (which should be specified) to which they front, and by their existing and former occupancies, and by their numbers if the houses in such street or road are numbered.**

(3) Other houses and lands shall be described by their name, if any, and as being in the territorial division in which they are situated, and by their superficial contents, the roads and other properties on which they abut, and their existing occupancies, and also whenever it is practicable, by reference to a Government map or survey.

*(4) No non-testamentary document containing a map or plan of any property comprised therein shall be accepted for registration unless it is accompanied by **a true copy of the map** or, plan, or, in case such property is situated in several districts, by such number of true copies of the map or plan as are equal to the number of such districts.*

22 Description of houses and land by reference to Government maps or surveys: (1)

Where it is, in the opinion of the Provincial Government, practicable to describe houses, not being houses in towns, and lands by reference to a Government map or survey, the Provincial Government, may, by rule made under this Act, require that such houses and lands as aforesaid shall, for the purposes of Sec. 21, be so described.

(2) Save as otherwise provided by any rule made under sub-section (1), failure to comply with the provisions of Section 21, sub-section.

Section 22 (1), mentioned above provides room for registration of such property that is in the rural periphery of the city or town; it covers the extension of urban limits and also make allowance for **using maps and similar data/ grid of government agencies** other than the revenue department. Moreover, “*the registering authority shall not disentitle a document to be registered if the description of the property to which it relates is sufficient to identify that property.*”



The proposed “Punjab Urban Titling Registration System” envisages that the buyer and seller ensure their physical presence along with witnesses at the time of transfer of title in the title registry as photographs and biometric thumb impressions would be required to be taken for matching with the NADRA database and with the already existing data bank of the title registry; for storage in the electronic database of the title registry, and for printing the same on the document of title transfer.

Sections of the RA, 1908 that can be employed for the purpose to ensure presence thereby facilitating main requirements of the modern title registry when it comes to collect necessary information & the ‘evidence’ for creating the title document & for the registration of title transfer in the ‘Title Register’.

70-C. Appointment of Photo-Registrar: The Provincial Government may appoint a Registrar or Sub-Registrar or any other person to be a Photo-Registrar for the performance of duties under this Part.....

- **36. Procedure where appearance of executant or witness is desired:** *If any person presenting any document for registration or claiming under any document which is capable of being so presented, desires the appearance of any person whose presence or testimony is necessary for the registration of such document, the registering officer may, in his discretion, call upon such officer or Court as the Provincial Government directs in this behalf to issue a summons requiring him to appear at the registration-office, either in person or by duly authorised gent, as in the summons may be mentioned, and at a time named therein.*
- **39. Law as to summonses, commissions and witnesses:** *The law in force for the time being as to summonses, commissions and compelling the attendance of witnesses, and for their remuneration in suits before Civil Courts, shall save as aforesaid and mutatis mutandis, apply to any summons or commission issued and any person summoned to appear under the provisions of this Act.*

- All Revenue Record is deemed to be considered '**registered**' under RA 1908 & copies of same may be provided thereunder

90. (2) All such (following) documents and maps shall, for the purposes of Sections 48 and 49, be deemed to have been and to be registered in accordance with the provisions of this Act.

- ***documents issued, received or attested by any officer engaged in making a settlement or revision of settlement of land-revenue, & which form part of the records of such settlement ; or***

- documents and map, issued, received or authenticated by any officer engaged on behalf of Government in making or revising the survey of any land, and which form part of the record of such survey ;or
- documents which, under any law for the time being in force, are filed periodically in any revenue office by Patwaris or other officer charged with the preparation of village records; or
- *sanads, inam, title-deeds and other documents purporting to be or to evidence grants of assignments by Government of land or of any interest in land ; or*

48. Registered documents relating to property when to take effect against oral agreements.— All non-testamentary documents duly registered under this Act, and relating to any property, whether movable or immovable shall take effect against any oral agreement or declaration relating to such property, unless where the agreement or declaration has been accompanied or followed by delivery of possession [101][and the same constitutes a valid transfer under any law for the time being in force:

Provided that a mortgage by deposit of title-deeds as defined in Section 58 of the Transfer of Property Act, 1882[102], shall take effect against any mortgage-deed subsequently executed and registered which relates to the same property.]

49. Effect of non-Registration of documents required to be registered.— No document required to be registered under this Act or under any earlier law providing for or relating to registration of documents shall—

(a) operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, to or in immovable property, or

(b) confer any power to adopt, unless it has been registered.

91. Inspection & copies of such documents : Subject to such rules and the previous payment of such fees as the Provincial Government prescribed in this behalf, **all documents and maps mentioned in Section 90,** clauses (a), (b), (c) and (e) and all registers of the documents mentioned in clause (d), - (just mentioned above) shall be open to the inspection of any person applying to inspect the same, and, subject as aforesaid, copies of such documents shall be given to all persons applying for such copies.

- As per provisions of Section 1 of the Transfer of Property Act, 1882, Act ibid or any part thereof may by notification in the official Gazette be extended to the whole or any part of a Province.
- According to existing Punjab Government Revenue Department's notification No.2293-89/2484-LRI, dated 19-10-1989,
 - the provisions of Sections 54 (sales of immovable property), 59 (mortgages of immovable property), 107 (leases of immovable property), 118 (exchanges) and 123 (gifts) stand extended to all urban areas in the Punjab as defined in the Punjab Local Government Ordinance, 1979 (since repealed and succeeded by the Punjab Local Government Ordinance, 2001, LGA 2013, & LGA 2019).
- Under Section 54 of the Transfer of Property Act, 1882, transfer through sale of immovable property of the value of one hundred rupees and upwards can be made only by a registered instrument.
- The registration of sale of agricultural land in rural areas of the Punjab is optional and such sale can be effected orally and evidenced by oral mutation got entered & attested under the Punjab Land Revenue Act, 1967.
- The sale deeds written on impressed stamps of the prescribed value are registered under the Registration Act, 1908.

- Moreover, PUIPT can be applied through the proposed modern title registry, which will also collect such taxes for different local governments/entities.
- It may be noted that in almost all systems of property registration in practice in different countries of the world, property transaction takes place only after having clearance from municipal/local tax authorities that the tax has been paid.
- A certificate to that effect is a prerequisite for transfer of property.
- While designing the Punjab Urban Titling Registration System, all aspects of such clearance certificate as a prerequisite of title transfer have been evaluated.
- Steps, cost in terms of efforts and money, business processes involved in either way and management function all have been taken into calculus and it was felt more productive and efficient that this tax should be collected by the title registry.

- Since title registry will have the GIS based archiving of all the land related information in the urban area, and it will be using a Spatial Data Infrastructure, enabling it to link up with different tiers of local government/ other local entities, housing authorities, banks, businesses, diverse surveying, etc., to name but a few, it would be in a far better position to use this robust information data mine relating to property for assessing, enforcing and collecting the immovable property tax.
- The system is so designed that a title transfer would automatically update database & new owner will be charged accordingly.
- This arrangement is a leap frog as compared to best advanced systems in the world.