THE PUNJAB] LAND REVENUE RULES, 1968

13th July, 1968

No. 377/68-219-U (1).- With reference to the Board of Revenue, West Pakistan Notification No. 82/68-43-U (1), dated the 4th March, 1969, published in the Extraordinary issue of the 'Gazette of West Pakistan', dated the 12th March, 1968 and in supersession of all existing rules on the subject, the Board of Revenue, in exercise of the powers conferred upon it by sections 4 (9) (iii), 20, 36, 37 (2), 38 (2), 39 (2), 41, 42, 43, 55, 77, 113, 121, 122 (2), 129 (1), 133, 148, 170, 177 and 182 of the West Pakistan Land Revenue Act, 1967 (West Pakistan Act XVII of 1967), and with the prior approval of Government, and in the case of rules under section 170 of the said Act, with the concurrence of the High Court, is pleased to make the following rules:--

PART I

Preliminary

1. Short title and commencement.- (1) These rules may be called the West Pakistan Land Revenue Rules, 1968.

(2) They shall come into force at once.

2. Definitions. In these rules unless there is anything repugnant in the subject or context'

(a) 'Act' means the Punjab Land Revenue Act, 1967;

^[3][(aa) "computerized record" includes document, record, data, information, communications, transactions, reports and maps in electronic, digital or computerized form;

(ab) "electronic signatures" means any letter, thumb impressions, numbers, symbols, images, characters or combination thereof obtained through electrical, digital, magnetic, optical, biometric, electro-chemical, wireless or electromagnetic technology, applied to, incorporated in, or associated with, the computerized record, with the intention of authenticated or approving it, so as to establish authenticity or integrity or both;]

- (b) 'Form' means a form appended to these rules;
- (c) 'Section' means a section of the Act; and

(d) 'Union Committee', 'Town committee' and 'Union Council' shall have the meanings respectively assigned to them under the Basic Democracies Order, 1959 (P.O. No. 18 of 1959).

PART II

Procedure of Revenue Officers

3. Statements and pleadings to be brief. - The statements and pleadings made by or on behalf of parties' to any proceedings before a Revenue Officer, whether oral or written, shall be as brief as the nature of the case admits; and shall not be argumentative, but shall be confined as much as possible to a simple and concise narrative of the facts which the party by whom or on whose behalf the statement or pleading is made believes to be material to the case and which he either admits or believes that he will-be able to prove.

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.

5. Proceeding not to abate on death or marriage of party. - The death of one of the parties to a proceeding before a Revenue Officer, or, in a proceeding to which a female is a party, her marriage, shall not cause the proceeding to abate; and the Revenue Officer before whom the proceeding is held shall have power to make the successor-in-interest of the deceased person or of the married female, a party thereto.

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).

6-A. Remand of case. (a) In an appeal under section 164. or in a revision under section 1641 against the final order of a Revenue Officer in a case, no Appellate or Revisional authority other than the Board or Revenue shall have the power to remand he case:

(b) Subject to clause (a), the Appellate or the Revisional Authority, as the case may be, shall finally determine the case notwithstanding that the impugned order proceeds upon a ground other than that on which the Appellate or Revisional Authority precedes:

(c) Where the impugned order has omitted to decide a question of fact which appears to the Appellate or the Revisional Authority, as the case may be, to be essential for the correct decision of the case, the said Authority may direct the Revenue Officer who passed the impugned order to return a finding thereon, after recording additional evidence, if necessary, the Appellate or the Revisional Authority, as the case may be, shall after considering any objections which may be preferred against such finding by a party within a time to be fixed by the said Authority, proceed to decide the case;

(d) The Appellate or the Revisional Authority may, for reasons to be recorded in writing, allow additional evidence to be produced and take such evidence either itself or direct the Revenue Officer whole passed the impugned order or any other subordinate Revenue Officer to take such evidence and sent the same to it.

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

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.

9. Record of mutation proceedings. - In proceedings under subsection (6) of section 42, a record of statements of parties and witnesses shall be made by the Revenue Officer with his own hand, and his order shall state briefly the persons examined by him, the facts to which they deposed and the grounds of the order.

Explanation.- Where the acquisition of the right is by a registered deed or by or under the order or decree of a Court, it shall not be necessary to record the statements of the parties, and witnesses or to enforce their attendance.

10. Record to other proceedings under the Act. -In other proceedings under the Act, not being proceedings under section 141, the Revenue Officer shall make, with his own hand, a brief memorandum of the statements of parties and witnesses at the time when each statement is made.

11. Contents of orders. - In every proceeding in which an order is passed on merits after inquiry, the Revenue Officer making the order shall also record a brief statement of the reasons on which it is founded.

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

(2) Costs thus apportioned shall be recoverable by the Revenue Officer by attachment and sale of the movable property of the person liable for the same in the manner prescribed in section 83.

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 order of the High Court, for the time being in force, in respect of the execution of a decree of a civil Court; and in enforcing these orders, a Revenue Officer shall have all the powers in regard to contempts, resistance and the like, which a Civil Court may exercise in the execution of a decree of the description mentioned in sub-rule (1).

14. Charges for service of process through post. - In all cases in which processes are issued by post, the parties concerned shall be required to pay talbana, at the rate of [Rupee one] per head.

PART III Village Headmen (Lambardars)

15. The rules in this Part and Rules 55, 56, 57 and 58 in sc far as they relate to headmen (Lambardars), shall not extend to the areas excepted under section 180.

16. Number of headmen.-(I) A sufficient number of headmen shall be appointed to every estate, and this number when once fixed shall not be increased except by or under the order of the Commissioner.

(2) Except as provided in Rule 21, if an estate or a considerable portion thereof is owned by Government, the headmen may be appointed from among the tenants and in other estates he shall be appointed from among the land-owners.

(3) The lessee of an uncultivated or forest estate owned by Government shall, during the currency of his lease, be the headman thereof.

17. Matters to be considered in first appointment.- In all first appointments of headmen regard shall be had among other matters to:-

(a) the hereditary claims of the candidate;

(b) extent of property in the estate, if there are no sub-divisions of the estate, and in case there be sub-divisions of the estate the extent of the property in the sub-division for which appointment is to be made, possessed by the candidate;

(c) services rendered to the Government by him or by his family;

(d) his personal influence, character, ability and freedom from indebtedness;

(e) the strength and importance of the community from which selection of a headman is to be made;

(f) his ability to undergo training in Civil Defence in the case of headmen in Tehsils situated along the Border.

18. Dismissal of headmen.- (1) A headman shall be dismissed when-

(a) he has been, on conviction for an offence involving moral turpitude, sentence to imprisonment for a term of not less than six months; or

(b) in an estate owned altogether or chiefly by Government, he ceases to possess the interest which led to his appointment; or

(c) in any other estate, he ceases to be a land owner in the estate or sub-division of the estate in respect of which he holds office; or

(d) he has mortgaged his holding and has delivered possession of the holding to the mortgagee; provided that in special cases the Collector may, with the Commissioner's sanction, retain him in his office, if he can furnish adequate security for the payment of the revenue he has to collect and for the due discharge of his duties; or

(e) his holding has been transferred under section 84, or the assessment thereof has been annulled under section 86

(2) A headman may be dismissed when-

(a) any criminal proceedings which have been taken against him show that he is unfit to be entrusted any longer with the duties of a headman; or

(b) he is seriously embarrassed by debt, or if his unencumbered holding is so small as to disqualify him, in the Collector's opinion, for the responsibilities of a headman; or

(c) owing to age or physical or mental incapacity, or absence from the estate, he is unable to discharge his duties; or

(d) there is reason to believe that he has taken part in, or concealed illicit distillation, or the smuggling of food grains, cocaine, opium or charas; or

(e) he takes part in any unconstitutional agitation against the Government or fails to give his active support to the Government in the maintenance of law and order; or

(f) he neglects to discharge his duties, or is otherwise shown to be incompetent; or

(g) the estate or sub-division thereof, in respect of which he holds office, or his own holding, is attached, either for an arrear of land revenue or by order of any Court.

(3) A headman shall not be dismissed unless an opportunity has been afforded to him of showing cause against the proposed action.

19. Matters to be considered in appointment of successor. - (1) In an estate or sub-division thereof, owned chiefly or altogether by Government, a successor to the office of headman shall be selected, with due regard to all the considerations, other than hereditary claims, stated in Rule 17:

Provided that in such an estate or sub-division thereof, notified for the purpose by the Board of Revenue, the selection shall, as far as possible, be made in the manner prescribed by sub-rule (2) if a suitable heir is forthcoming.

(2) In other estates, the nearest eligible heir, according to the rules of primogeniture shall be appointed unless some special custom of succession to the office be distinctly proved but subject, in every case, to the following provisions-

(a) The claim of collateral of the last incumbent to succeed shall not be admitted solely on the ground of inheritance, unless the claimant is a descendant, in the male line, of the paternal greatgrand father of the last incumbent.

(b) Where a headman has been dismissed in accordance with the provisions of Rule 18, the Collector may refuse to appoint any of his heirs-

(i) if the circumstances of the offence, dereliction of duty or disqualification, for which the headman was dismissed, make it probable that he would be unsuitable as a headman;

(ii) if there is reason to believe that he has connived at the offence or dereliction of duty for which the headman has been dismissed;

(iii) if any disqualification for which the headman has been dismissed, attaches to him;

(iv) if he may reasonably be supposed to be under the influence of the dismissed headman or his family to an undesirable extent.

Explanation.- If a dismissed headman's heir is considered fit to succeed, regard shall be had to the property which he would inherit.

(c) The Collector may also refuse to appoint a person claiming as an heir, on any ground which would necessitate or justify the dismissal of that person from the office of the headman.

(d) A female is not ordinarily eligible for appointment to the office of a headman, but may be appointed, when she is the sole owner of the estate for which the appointment has to be made, or for special reasons.

(3) Failing the appointment of an heir, a successor to the office shall be appointed in the manner, and with regard to the considerations, described in Rule 17.

(4) Election shall not, in any case, be restorted to as an aid in making appointments under this rule or Rule 16.

20. Appointment of revenue farmers and mortgagees as Headman. - (1) Where an office of headman becomes vacant in consequence of any proceedings taken for the recovery of an arrear of land revenue, under section 84, 85 or 86, the transferee, agent, or farmer who, under these proceedings, obtains possession of the land on which the arrears were due may, in the discretion of the Collector, be appointed a headman.

(2) Where a headman, who is personally responsible for more than half the land-revenue of an estate or of the sub-division thereof, in respect of which he holds office, has mortgaged his holding and has delivered possession thereof to the mortgagee, and the office of headman has become vacant in consequence thereof, the mortgagee may, at th' discretion of Collector, be appointed as headman.

(3) On the termination of any such transfer, farm or attachment, as is referred to in sub-rule (1), or on the release of any such mortgage as is referred to in sub-rule (2), a headman appointed under this rue shall cease to hold office, and a new headman shall be appointed with reference to the considerations enumerated in Rule 17.

21. Appointment of officiating headman in place of absentees. - Where a headman has abandoned the estate, a temporary headman may be appointed by the Collector in place of absentee headman, till a permanent headman is appointed, keeping in view the following principles.

(i) In estates wholly abandoned by the proprietors, or in which a major area or the whole of a patti has been abandoned, appointment shall be made from among the persons who have been resettled on the land in the estate, preferably from those who have previously been headmen in the estates vacated by them in India; and if no such persons are available, selection should be made from among other persons who have been re-settled on the land in the estate in accordance with the provisions of Rules 16 and 17.

(ii) In estates which are wholly or mostly owned by Government, appointment shall be made in the manner provided in Rule 16 (2); preference being given to those who have previously been headmen.

(iii) In estates where only a small portion of land has been abandoned by the proprietors, the appointment may be made from among the landowners or those resettled in the estate.

Explanation. - A surety for persons appointed as headmen may be taken, in cases where may be considered appropriate.

22. Duties of headmen.- In addition to the duties imposed upon headmen under any other law, a headman shall-

(i) collect, by due date, the land-revenue and all sums recoverable as land-revenue, from the estate or sub-division of an estate in which he holds office, and pay the same personally or by revenue money-order or by remittance of currency notes through the post or at place where treasury business is conducted by the State Bank of Pakistan, or any other bank, by cheque, on a local bank, at the place and time appointed in that behalf, to the Tehsildar concerned;

(ii) collect the rents and other income of the common land, and account for these to the persons entitled thereto;

(iii) issue receipts in Form I to the landowners, and others, in token of having recovered the Government dues from them;

Explanation. - The Tehsildar should arrange to supply printed receipt books (Form I) to the headmen, free of cost, according to their requirements.

(iv) report to the Tehsildar all encroachments on roads (including village roads) or on Governments waste lands and injuries to, or appropriation of, Government property situated within the estate;

(v) report any injury to public buildings in the estate;

(vi) implement, to the best of his ability, any orders that he may receive from the Collector, requiring him to furnish information or to assist in providing, on payment, supplies or means of transport for troops or for officers of Government on duly;

(vii) assist, in such manner as the Collector may from time to time direct, at all crop inspection, recording of mutations, surveys, preparation of records of rights or other revenue business within the estate.

(viii) attend the summons of all authorities having jurisdiction in the estate; assist, when so required by them, all officers of the Government in the discharge of their duties: furnish all relevant information in this behalf and generally act for the land-owner, tenants and other residents of the estate or sub-division of the estate in which he holds office, in regard to their responsibilities to the Government;

(ix) report to the patwari any outbreak of disease among human beings or cattle in the estate or subdivision of an estate in which he holds office;

(x) report to the patwari the deaths of any right-borders in the estate, or sub-division of the estate, in which he holds office.

(xi) report any breach or cut in a Government Irrigation canal or channel, to the nearest Canal Officer, Zilladar or canal patwari.

(xii) under the general or special directions of the Collector, to use his good offices to assist all officers of Government and other persons, duly authorized by the Collector, in the enrollment of military personnel.

23. Collection, control and distribution of village officers cesses.- (1) The Collector may, at any time, revise the arrangements in an estate regarding the collection, control and distribution of the village officers cess.

(2) The headman shall be paid the following remunerations for his services:--

(i) for collection of land-revenue (Pachotra, 5% of the amount of land-revenue collected.

(ii) for collection of water rate (abiana), 3% of the amount collected.

- (iii) for the collection of:-
- (a) Rehabilitation Fee;
- (b) Historical Mosque Fund Cess;

(c) Cultivation Commission at the rate of Lease Money and Cash 3% of the amount collected Rent;

- (d) Consolidation Fee;
- (e) Development cess; and
- (f) Mutation Fee.

Explanation 1. - The remuneration or Lambardari fee shall be calculated on the actual amount collected and not on the demand.

Explanation 2. - The remuneration for the collection of land-revenue (Pachotra) is a surcharge and is to be recovered from the land-owners, in addition to the land-revenue.

Explanation 3. - In the case of water-rate (Abiana) and the fees and cesses mentioned in subrule (2), the Commission payable to the Lambardar is not recovered as surcharge, but is deducted from the amount recovered.

24. Punishments. - Where a headman commits a breach of or neglects, the duties imposed on him, by or under these rules or by or under any other law for the time being in force, the Collector may, after giving him an opportunity of showing cause against the proposed action, by order direct that-

(a) the emoluments of his office be withheld and forfeited to Government, for a term, not exceeding one year; or

(b) he may be suspended form office, for a term not exceeding one year.

Explanation.- In the case of suspension, the Collector may appoint a substitute.

25. Appointment of substitutes for non-resident headman. - (1) Where an estate is owned by a non-resident land-owner, he may nominate for Collector's approval, a substitute (Sarbrah) from among the residents in the estate to discharge the duties of headman. If the owner fails to nominate a fit person, the Collector may appoint a substitute from among the resident tenants.

(2) Where, in an estate owned by more land-owners than one, a nonresident headman is liable for more than half the land-revenue of the estate, a substitute for such headman may be appointed from among the resident land-owners or tenants. In making such appointment, the Collector shall consult the wishes of the non-resident headman.

26. Appointment of other substitutes and their position. - (1) Where, by reason of old age, physical infirmity, or absence from his circle or estate, with the permission of the Collector, or by reason of his being a minor, or for any other good cause, a headman is unable to perform the duties of this office in person, a substitute may be appointed for the purpose,

(2) A substitute appointed under this rule or Rule 25 shall be deemed to be the headman and shall be responsible, equally with the person in whose behalf he is appointed; provided that the Collector may, in each such case direct, from time to time, whether the duties shall be performed by the headman (lambardar) himself or by the Sarbarah or by both.

27. Determination of office of substitute. - (1) When the person on whose behalf the substitute was appointed vacates his office, the tenure of office by the substitute shall also abate thereon.

(2) In other cases, an order appointing a substitute shall remain in force until it is revoked, or until the substitute dies or is dismissed or resigns the appointment.

28. Rules governing appointment and removal of substitute. - (1) In appointing a substitute for a minor headman, the Collector shall select any land-owner resident in the estate, or any resident tenant, if the case falls under Rule 16 (2).

(2) In making other substitute appointments under Rule 26, the Collector shall consult the substantive headman (.Lambardar).

(3) Any resident land-owner in the estate or circle, as the case may be, or any resident tenant in cases falling under Rule 16 (2), shall be eligible for appointment as a substitute under this sub-rule.

(4) A substitute may be removed at any time by the Collector either on his own motion, at the request of the person for whom the substitute was

29. Remuneration of substitute.- (1) For special reason to be recorded in the order appointing a substitute, the person in whose stead a substitute is appointed may be permitted to enjoy a portion not exceeding one-half of the lambardari fee.

(2) In the absence of any such order, a substitute is entitled to the whole fee.

PART IV

Record-of-rights And Periodical Records

30. Other documents included in the records-of-rights and periodical records. - (1) In addition to the documents specified in clauses (a) to (c) of subsection (2) of section 39 the following other documents shall be included in the record-of-rights (Misl-i-Haqiat) under clause (d) of that subsection: -

- (i) Preliminary proceeding (Form II).
- (ii) Geneological tree (Form III).

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

(iv) Alphabetical index of owners (Form V).

(v) Alphabetical index of mortgagees (Form VI).

(vi) Note of changes in kind of soil (Form VII).

(vii) Register haqdaran nakhlistan (where the nakhlistan is assessed to revenue (Form VIII).

(viii) Statement of rights in wells and tube-wells (Form DC).

(ix) Statement of distribution of water (where the lands are irrigated by means of Kares or other similar source (Form X).

(x) Statement of rights in water-mills (Form XI).

(xi) Order of the Revenue Officer determining the assessment.

(xii) Order of Revenue Officer distributing the assessment over holding.

(xiii) Field Book (Form XII).

(2) The following documents shall also be included in the periodical record (Chaharsaia), under the provisions of subsection (2) of subsection 41:-

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

(ii) Documents referred to in items (ii), (iii) and (vi) to (x) of sub-rule (1).

(iii) Supplementary map (Form XIV).

(iv) Fard Badar (Form XV).

(v) Checking and attestation notes by the Kanungo.

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

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

30. Other documents included in the records-of-rights and periodical records. - (1) In addition to the documents specified in clauses (a) to (c) of subsection (2) of section 39 the following other doc

31. Manner in which the Record-of-Rights prepared, signed and attested. - (1) A schedule shall be approved by the Collector for each Tehsil, prescribing the arrangements for the preparation of the record referred to in Rule 30 (2) of the estates, and shall be so arranged that the work of each year shall cover about a fourth of each Kanungo's whole circle.

(2) Cent per cent entries of the record-of-rights and periodical records shall be checked and attested on the spot by the Field Kanungo.

(3) The entries and documents included in the record-of-rights (Misl-i-Haqiat) shall be checked and attested, cent per cent by the Naib-Tehsildar/Head Munshi incharge of the circle in all respect and at least 25% by the Tehsildar concerned.

(4) The Tehsildar or Naib Tehsildar/Head Munshi incharge of the circle, shall check the periodical records and make his final attestation and shall observe the following procedure:-

(i) 25 per cent Khatauni shall be read out on the spot, in the presence of the right-holders.

(ii) At least 25% of the mutations attached to the Register Haqdaran Zamin shall be compared with the Khewats concerned.

(iii) At least 25% of the Khata holdings shall be compared with the previous Register Haqdaran Zamin.

(5) The Assistant Collector of the first grade, Collector, Commissioner, Assistant to the Director of Land Records and the Director of Land Records shall also check and attest the record-of-rights and periodical records, from time to time, to ensure that the Kanungo and Tehsildar/Naib Tehsildar (Head Munshi) have carried out the prescribed checking and attestation and that the other provisions of the act and these rules are being compiled with.

(6) A statement in Form XVII with regard to checking and attestation carried out under subrules (2) to (5), for each month, shall be submitted by the Tehsildar to the Collector through the Revenue Assistant, Sub-Divisional Officer concerned and the Collector shall submit all such statements in a consolidated form to the Commissioner and the Director of Land Records.

(7) The original copy of the record-of-rights and periodical records shall be consigned to the District Revenue Record Room, and the second copy thereof shall be kept by the Patwari:

Provided that in the case of the map of the estate, the second copy shall be consigned to the Tehsil/Sub-Divisional Revenue Record Room and a copy of the map of the estate, prepared on cloth, shall be kept by the patwari.

(8) A third copy of the documents listed below, shall be supplied to the Union Committee, Town Committee or Union Council concerned: -

- (i) Register Haqdaran Zamin.
- (ii) Register Girdawari.
- (iii) Dhal Bachh.
- (iv) Map of estate.

32. Gist of the order of mutation. - When a mutation is decided by a Revenue Officer, a gist of the order shall be sent, in Form XVIII to the Secretary of the Union Committee, Town Committee or the Union Council, as the case may be, in which the estate is situated, and to the person whose rights have been transferred.

Explanation. In case of mutation of inheritance, the copy of the gist of the order shall be sent to the heir(s) of the deceased.

33. Report regarding cause of delay in mutation cases. - In respect of all mutations, pending over three months, the Revenue Officer shall submit to the Collector, through the Revenue Assistant or the Sub-Divisional Officer concerned, a report in Form XIX.

34. Roznamcha Waqiati to be maintained by the patwari. - (1) The Roznamcha Waqiati i Daily Diary) to be maintained by the Patwari under clause (x) of subsection 11) of section 42, shall be in the Form XX.

(2) The pages of Roznamcha shall be stitched in a volume and each page shall bear the book number and page number in print.

(3) The patwari shall prefix to every entry in the Roznamcha a separate serial number, in large and clear figures. Every entry shall be closed by an asterisk, and no blank line shall be left between two consecutive entries. Such orders and instructions as relate to rules of practice, shall be entered in red ink. The date of each day's entries shall be given according to the official calender.

(4) In addition to the events to be entered in the Roznamcha according to the instructions which may be issued by the Commissioner from time to time, the 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:-

(i) Any epidemic disease among human being or livestock, or any calamity affecting crops, including crop pests.

(ii) All alluvion or diluvion, with approximate areas and details so far as known at that time.

(iii) Falls of rain and their duration, and whether slight, medium or heavy and the damage or benefit to the standing crops as a result.

(iv) The dates on which canals or rajbahas began or ceased to run, and on which there was any marked change in the supply of canal water.

(v) Deaths of land-owners, village officers and pensioners.

(vi) The ejectment, absconding, or setting 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.

(viii) Taccavi advances made by Government and repayments of the same as also notes of the progress of completion of works for which taccavi has been granted.

(ix) Orders of Revenue Officers or Kanungos 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.

(xii) Any suspensions or remissions of revenue, and any alteration of the rate of cesses.

(xiii) The cultivation of land occupied by groves held free of revenue.

(xiv) The erection, destruction or decay of survey marks or boundary marks and the alteration of village boundaries.

(xv) The visit of any Government official to the circle.

(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 ^ay have been recorded in the crop-inspection register.

(xviii) The receipt of any registration memos received in respect of item (xvii).

(xix) Any case of rick-burning, and, when it is suspected that the crime is due to incendiarism, this should be specified.

(xx) Any cases of increase of mortgage money, with details of the amount, parties and village.

(xxi) Distribution of Dhal Bachhes to headmen and bills of assessment to landowners.

(5) The signature or thumb-impression of the headman or member of the Union Committee, Town Committee or Union Council concerned, shall also be obtained at the time of making the entries, relating to changes in revenue records.

(6) A copy of the report, recorded by the Patwari, in the Roznamcha under subsections (1) to r (3) of section 42, shall be exhibited at the Patwari's office for a period of one month, from the date of its recording and shall, be made available to the public for inspection during office hours, without any fee.

Court Decisions

Roznamcha Waqiati, Roznamcha Waqiati is a public document and certified copy of the same is admissible per se---Report recorded therein, however, cannot be relied upon. 1999 Y L R 1979

34-A. Collection of mutation fee in cases of registered deeds. - (1) Where the acquisition of right or interest in an estate is by a registered deed, the mutation fee at the time fixed under section 46 shall be collected at the time of registration of such deed by the Registering Officer.

(2) The Registering Officer collecting the fee under sub-rule (1) shall credit 7/10th of the amount into Government Treasury under the head '0.124 Land Revenue-Other-Mutation Fee' and the remaining 3/10th of the amount of the fee shall be paid by the Registering Officer to the Circle Revenue Officer for disbursement to the Patwari making the entries in the register of mutations.'

35. Production of documents or furnishing of information under section 47. - When any information is furnished to the Revenue Officer or patwari, or any document is produced before him, under the provisions of section 47, the Revenue Officer or the patwari concerned, as the case may be, shall give a written acknowledgment thereof, to the person furnishing the information or producing the document, in Form XXI.

(2) Any document so requisitioned and produced shall be returned in original, after inspection, to the person who produced it, with an endorsement by the Revenue Officer or the patwari, as the case may be, under his signature.

36. Inspection of Records of Patwaris and grant of certified copies or extracts therefrom. - (1) The patwari shall allow any one interested to inspect his records and to take notes therefrom, in pencil, in his presence, during office hours, on all working days. He shall give to the applicants certified copies or extracts therefrom, and enter in his diary a note of the inspections allowed and copies or extracts given.

(2) Such copies or extracts shall be given by the patwari, to the applicants, within three days from the receipt of the application.

(2-A) A person who desires to obtain a certified copy of revenue record in possession of a patwari may apply to the Collector of the Sub-division on all working days except Sundays giving necessary particulars of the record of which a copy is required. All such applications will be entered in a register in Form XXI-A. The applicant shall be given a date to receive the said copy within a week from the receipt of application.

Provided that if so required the copy shall be provided on payment of urgent fee within 24 hours.

(3) The charges shall be made, as detailed in the Schedule in Appendix B

^[4][36-A. Grant of certified copies of record or extracts at the Service Centre:--- (1) Any person may apply to a Service Centre for supply of certified copy of the computerized record and the Service Centre shall, on receipt of prescribed fee, immediately supply a certified copy of the record or extract from the record under signatures of the concerned official and the official seal.

(2) Notwithstanding anything contained in rule 36, from the date notified by the Board of Revenue under sub-section (1-A) of section 42 of the Act, the Patwari of the estate shall not issue a copy of the computerized record or extract from the record mentioned in sub-rule (1) of the rule 37-B.

(3) The Board of Revenue shall notify fee for obtaining certified copies of the computerized record or extracts from the record.]

37. Inspection of maps and land records filed in the tehsil revenue record room or consigned to the district/sub-divisional revenue record room. - (1) The Officer-Incharge of the Tehsil, Sub-Division or District Revenue record Room, shall allow any one interested to inspect the maps and land records prepared under the Act and the documents prepared under the West Pakistan Consolidation of Holding Ordinance, 1960, and to take notes therefrom, in pencil, in his presence in the record room, during office hours, on all working days.

(2) An application for the inspection of maps and land records kept in the revenue Records Room, shall be made in writing and shall distinctly specified the records, inspection of which is desired. -

(3) The following charges shall be paid for each hour or part thereof on which the inspection is made:-

- (i) Ordinary [Rs. 2/-
- (ii) Urgent [Rs. 4/-

When the application does not specify the number, date and nature of the records to be inspected, or if the description given in such application is incorrect and it shall, in consequence, be necessary to search the records, a fee at Rupees [two] shall be payable for such search.

Explanation. - (1) For the purposes of this rule, the District Kanungo and Tehsil Office Kanungo will be the incharge of the Revenue Record Rooms at District and Tehsil/Sub-Division, respectively. In the absence of these officials, their Assistants or other officials appointed or deputed by the Collector, shall perform duties.

(2) A separate application shall be made and separate fee paid, for the inspection of each record.

(3) The fee shall be paid, by means of court-fee stamp(s), affixed to the original application, before the record is handed over to the applicant.

37-A. Preparation of produce statements and five yearly abstracts of yield. - (1) Any interested person may apply to the Court concerned for the preparation of produce statements required in connection with the disposal of rent cases and five-yearly abstracts of yield required in cases relating to the temporary alienation of land in satisfaction of a decree of a Civil or Revenue Court.

(2) The following fees shall be charged for-

(i) Produce statement... Rs. 2 for first 10 Khasra Nos. and 20 paisa for each additional Khasra No. per harvest subject to a maximum of Rs. 20 in single case.

(ii) Five yearly abstract of yield. 50 paisa for one Khasra No. and 20 paisa for every additional Khasra No. subject to a maximum of Rs. 20 in a single case.

(3) On receiving the application under sub-rule (1) the Court concerned should:-

(a) Collect from the parties concerned the amount of fee prescribed in sub-rule (2).

(b) Credit three fourth of the fee thus realized into the treasury under the receipt head 'VII-Land Revenue-Misc-Copying fee for the preparation of produce statement and five-yearly abstracts of yield.'

(c) Credit the rest one fourth to the Deposit head 'Deposit of fees received by Government servant for work done for private bodies under 'Civil Deposit' and

(d) issue the requisition for the preparation for such statement or abstracts, to the Sadar Kanungo or Tehsildar concerned, who shall thereupon cause such statement or abstracts to be prepared by the concerned official within ten days from the receipt of such requisition.

(4) (i) Statements or abstracts relating to Civil Court at District Headquarters -shall be prepared by the Naib-Sadar Kanungo and those relating to the Courts of Assistant Commissioner, Tehsildar, Naib-Tehsildar and other Courts at Sub-Division Tehsil or Sub-Tehsil Headquarter shall be prepared by the Tehsil Office Kanungo.

(ii) For the purpose of this rule, the Naib-Sadar Kanungo shall be deemed to include any official appointment or deputed by the Collector for this purpose.

(5) At the close of each quarter the Court concerned shall send the deposit receipts to the Tehsildar or Sadar Kanungo concerned who will arrange to draw one fourth of the amount of fee referred to in clause (c) of sub-rule (3) for payment to the official concerned from the expenditure head (7) Land Revenue-Land Records-District Charges-Other Allowances and Honoraria-Fee to Kanungo for preparing produce statement and five yearly abstracts of yield'.

(6) The particular of all such requisitions and the amount of fee chargeable shall be entered, in the register maintained in the Land Records Office of the District or Tehsil, as the case may be in

Form XXIII-A.

[5][PART IV-A

PREPARATION AND MAINTENANCE OF COMPUTERIZED RECORD

37-B. Preparation of Computerized Record of Rights and Periodical Records.--- (1) The record of rights or periodical record, currently under use, shall form the basis of preparation of computerized record in an estate.

(2) In the process of computerization, computerized record of the following documents of an estate shall be prepared:---

(a) register Haqdaran Zamin (Form XXXIV) of the estate currently under use including:---

(i) genealogical tree (Shajra Nasab) of owners (Form III);

(ii) register Haqdaran Nakhlistan in estate where Nakhlistan is maintained (Form VIII);

(iii) statement of rights in wells and tube-wells (Form IX); and

(iv) statement of distribution of water (Where the lands are irrigated by means of *Karez* or other similar source (Form X);

(b) statement of customs respecting rights and liabilities in the estate (Wajib-ul-Arz) (Form XXXIV);

(c) register of mutations (Form XXXV) pertaining to the mutations decided during the currency of the register Haqdaran Zamin (Form XXXIX) mentioned under clause (a) above;

(d) register Fard Badar (Form XV) during the currency of register Haqdaran Zamin (Form XXXIV) mentioned under clause (a) above;

(e) crop Inspection register (register Girdwari) (Form XXIV) and register Taghayurat-e-Kasht (Form XXIV-A) during the currency of the register Haqdaran Zamin (Form XXXIV) mentioned under clause (a) above;

(f) field Book of the estate including all the supplementary field books (Form XII); and map of the estate including supplementary maps; and

(g) any other Form or record as may be notified by the Board of Revenue.

(3) After the start of preparation of computerized record in an estate, the Board of Revenue shall issue a notification under sub-section (3) of section 41-A of the Act prohibiting further preparation of periodical records prescribed under rule 30 and 31 and the periodical records of the estate henceforth shall be prepared from the computerized records and copies of the same shall be provided to the Patwaris.

(4) During the preparation of computerized record, the data entry service provider shall supply a list of errors or inconsistencies in revenue record of the estate to the Circle Revenue Officer through the Collector of the District and the Circle Revenue Officer shall get the errors or inconsistencies corrected in prescribed manner.

(5) A copy of the computerized register Haqdaran Zamin, prior to the entry of mutations, shall be supplied to the Circle Revenue Officer who shall cause it to be compared by the Patwari of the estate with his copy of manual register Haqdaran Zamin.

(6) The Patwari shall:---

(i) make corrections, if any, in red ink and prepare a list of corrections under his signature; and

(ii) fill in the remarks column of the copy of computerized register Haqdaran Zamin supplied to him in accordance with entries in manual register Haqdaran Zamin.

(7) The corrections and entries made under sub-rule (6) shall be verified and signed by field Kanungo and Circle Revenue Officer and the Circle Revenue Officer shall forward these to the Circle Centre In-charge who shall cause these to be incorporated in the computerized record, verify the amended entries, save the amended version in the system and the corrected

copy of the computerized register Haqdaran Zamin received form the Patwari shall be consigned to the Tehsil record room.

(8) The Collector of the District shall cause to be maintained a list of all the mutations or fard badr sanctioned after the start of preparation of computerized record in an estate.

(9) After the data entry for preparation of computerized record of an estate under subrule (1) has been completed, the Collector of the District shall supply the list of mutations or fard badr, along-with all such mutations or fard badr (part sarkar) to the Service Centre Incharge, who shall cause these mutations or fard badr to be entered in the computerized record.

(10) One copy of the computerized periodical record, after entering the mutations (part sarkar), shall be consigned to the District record room and another shall be supplied to the Patwari of the estate and the copies supplied as such shall be the periodical record of the estate from the date notified by the Board of Revenue under sub-section (2) of section 41-A.

(11) The Patwari of the estate shall examine every entry in the periodical record, supplied to him for its correctness and get the errors rectified in the prescribed manner and intimate the Service Centre In-charge regarding correctness made in the record through Field Kanungo and Circle Revenue Officer and if no such intimation is received at the Service Centre within one month or the period extended by the Collector of the District, due to reasons to be recorded in writing it shall be presumed that the record has been checked by the Patwari, Field Kanungo and Circle Revenue Officer and found correct.

(12) The Board of Revenue may make computerized record available on its website for general information.

37-C. Making of records at Service Centre after the notified date.--- (1) At the end of the period specified under sub-section (1-A) of section 42 of the Act, the Circle Revenue Officer shall ensure that all foils of mutations or fard badr decided during the said period by him or his predecessor in office are submitted to the Service Centre In-charge and provide a certificate to this effect to the Service Centre In-charge and shall also supply a list all pending mutations or fard badr registers to the Service Centre In-charge.

(2) After the date notified by the Board of Revenue under sub-section (1-A) of section 42 of the Act, any person, acquiring right in an estate by inheritance, purchase, mortgage, gift or otherwise as a landowner or a tenant, for a term exceeding one year, shall report such acquisition to the Service Centre Official of the estate at the Service Centre, either orally or in writing on Form XXXV-A who, upon receipt of such report, shall enter it in the computerized record and request the person making the report to authenticate the same through his electronic signature.

(3) If the information contained in the oral or written report does not match the existing computerized record, the Service Centre Official shall inform the person, making the report, about the discrepancy and in case the person making the report states that there is an error in the existing computerized record, the matter shall be referred to the Service Centre in-charge and:---

(a) the Service Centre In-charge, upon receipt of such report, shall verify the entries from the scanned copies of record, available in the existing computerized record, and in case of any error in the data entry, he shall correct the same and electronically forward it to the Revenue Officer of the Service Centre, who after satisfying himself, shall approve the same through his electronic signatures; and

(b) in case no discrepancy is found in the existing computerized record and the scanned copies of the record as mentioned in clause (a), the matter shall be referred to Circle Revenue Officer for his consideration and decision in accordance with law.

(4) In case the information provided by the person making the report matches the information available in the existing computerized record and there is no stay order of any competent forum upon alienation of rights in land reported to be acquired, the Service Centre Official shall provide the person making the report:---

(i) a bank challan containing the following details:---

(a) name and addresses of the person(s) on whose behalf the amount is to be paid;

(b) amounts of taxes, duties, fees and cesses payable;

(c) heads of accounts under which the taxes, duties, fees, and cesses are to be deposited;

(d) nature of mutation requested:---

Provided that if the person(s) making the report has any reservation against the assessed taxes, duties, fees or cesses payable, he may submit representation to the Circle Revenue Officer against such assessment who may, after on ground inspection of land reported to be acquired, after the assessed amount;

(ii) a receipt of the report containing the following details:---

(a) the date and time when the person making the report has to appear before the Revenue Officer at the Service Centre;

(b) the name of person(s) who have to appear before the Revenue Officer on the date given at clause (a) which shall include:---

(i) the person(s) whose right is being acquired, except in cases of inheritance, transfer by registered deed or by an order of the court or competent authority or when such person(s) has executed a power of attorney in favour of another person(s), then the person(s) in whose favor the power of attorney has been executed, along-with original and latest certified copy of power of attorney;

(ii) the person(s) who is acquiring the right except when such person has executed a power of attorney in favour of another person(s), then the person(s) in whose favour the power of attorney has been executed, along-with original power of attorney and its certified copy; and

(iii) in cases where the person acquiring the right is a minor or lunatic, his guardian, with the identity documents applicable as given in clause (c) below.

(c) A detail of the documents required for proving the identity of the parties and witnesses, which shall include:---

(i) in case of a citizen of Pakistan, of the age of eighteen years or above, his original Computerized Identity Card;

(ii) in case of citizen of Pakistan below the age of eighteen years, the original Computerized National Identity Card of his guardian and Form B of the minor;

(iii) in case of non-resident Pakistani, his original Computerized National Identity Card for Overseas Paksitanis;

(iv) in case of foreign citizen, his original passport and permission of competent authority to acquire land, if required; and

(v) in case of a legal person, proof of legal personality; and

(d) a detail of other documents required in certain cases:---

(i) in case of mutation based on court decree or order of competent forum, recent certified copy of the decree; and

(ii) in case of mutation based on a registered deed, the original and recent certified copy of registered deed.

(5) If the Revenue Officer has any doubt regarding the genuineness of any of the documents presented, as required above, he may, after recording reasons, get it re-verified from the relevant authority.

(6) If the preparation of a supplementary map (Tatima Shajra) or filed book (Form XIV) for sanctioning the requested mutation is required, a copy of unapproved mutation shall be supplied to the Circle Revenue Officer along-with the date on which such supplementary map or field book is required to be deposited back to the Service Centre In-charge.

(7) The Circle Revenue Officer shall cause the verified by the Field Kanungo on ground and shall also verify the supplementary map or field book prepared as such and shall be responsible for its timely submission to the Service Centre In-charge.

(8) The Service Centre Revenue Officer, upon receipt of the supplementary map or field book, shall cause to scan and save it to the computerized record and pass such order as he may deem appropriate.

(9) If the requested mutation pertains to inheritance, a copy of unapproved mutation shall be supplied to the Circle Revenue Officer and he shall also be given a date by which he has to deposit it back to the Service Centre.

(10) The Circle Revenue Officer shall make a summary enquiry regarding legal heirs of the right holders of the deceased, determine shares of each legal heir in the property left by the deceased in accordance with the law of inheritance by which the deceased was governed and prepare a Shajra Nasab (Form III) of the deceased in prescribed manner.

(11) The Circle Revenue Officer shall be responsible for the timely submission of the results of the enquiry along-with the Shajra Nasab of the deceased prepared as such and the Service Centre Revenue Officer, upon receipt of the report of such enquiry, shall cause to scan and save it to the computerized record and pass such order as he deems appropriate.

(12) No order under sub-section (6) of Section 42-A of the Act shall be passed by the Revenue Officer at the Service Centre unless:---

(a) the person(s) whose right is being acquired is present before him at the Service Centre, except in cases where:---

- (i) the mutation is a mutation of inheritance;
- (ii) the mutation is based on registered deed;
- (iii) the mutation is based on decree or an order of the competent court or authority;

(iv) the mutation is based upon registered power of attorney;

(v) the person whose rights are being altered is a legal person;

Provided that in case of (iv) or (v) above, the order shall only be passed in the presence of the authorized agent of the person(s) whose right is being acquired.

(b) he has ensured that the electronic signatures and digital photographs of the person(s) whose right is being acquired or his authorized agent (in cases mentioned at clause (a) above is obtained and stored in the computerized record in his presence;

(c) except the cases of mutation of inheritance or mutation based upon registered deed or an order or decree of a court or forum, he has examined and satisfied himself about the genuineness of:---

(i) the documents of identity presented before him;

(ii) the identity of the person(s) whose right is being acquired or his authorized agent.

(iii) the identity of the person(s) acquiring the right or his authorized agent:---

Provided that he shall require two residents of the estate one of whom, preferably Lambardar of the estate or an elected representative of the local government, to verify the genuineness of the persons mentioned in (ii) and (iii) above;

Provided further that he shall satisfy himself that the electronic signatures and digital photographs of the persons mentioned above are saved in the computerized record;

(d) he has caused:---

(i) to store the scanned images of the identity documents in the computerized record; and

(ii) to verify the Computerized National Identity Card numbers of the persons mentioned in clause (c);

(e) he has caused to save the scanned copy of the challan in the computerized record;

(f) in case where sanctioning the mutation requires preparation of a supplementary map or filed book, he has satisfied himself that supplementary map or field book has been prepared and its scanned copy saved to the computerized record;

(g) in case of mutation of inheritance, he has satisfied himself that the report of Circle Revenue Officer including Shajra Nasab (Form III) has been prepared and saved in the computerized record;

(h) the person, whose right is being acquired, affirms before him that he has alienated his right and received the consideration thereof; and

(i) the person acquiring the rights affirms before him that he has received the possession;

(13) If the Service Centre Revenue Officer is satisfied that the above conditions have been fulfilled, he shall record his order in the computerized record sanction the mutation under his electronic signatures.

(14) If the Service Centre Revenue Officer is not satisfied, he may either reject the mutation or give another date for inquiry and in either case he shall give reasons for rejection or postponement:---

Provided that in case of rejection, he shall record his order in the computerized record, under his electronic signatures.

(15) The Revenue Officer shall provide, free of cost, to both parties, a copy of the decided mutation and a certified copy of the updated computerized register Haqdaran Zamin concerning the mutation.]

PART V

Crop Inspection And Kharaba

38. Date on which inspection of each harvest to be commenced. - (1) The Commissioner may fix the date on which the inspection of each harvest shall commence, according to the circumstances of the area. In the absence of such fixation of dates, the inspection of each harvest shall commence, as follows: -

Kharif.....1st^t OctoberRabi.....1stMarchExtra(ZaidRabi).....15th(2)When for any reason, the ripening of the crop is later than usual, the Collector

(2) When for any reason, the ripening of the crop is later than usual, the collector may postpone the inspection for a period not exceeding fifteen days.

39. Crop Inspection Register. -(I) For each estate, a crop inspection register (Girdawari) shall be maintained in Form XXIV.

(2) For each estate, a register of changes in cultivations, possession and rent to be known as the 'Register Taghayyurat-e-Kasht' shall also be maintained by the Patiwari in Form XXIV-A in which he will enter such harvest-wise changes as are not disputed and will incorporate the same in the Register Girdawari after the checking and attestation thereof by the Field Kanungo and the Circle Revenue Officer.

^[6][(3) After the date specified by the Board of Revenue under sub-seciton (2) of section 41-A of the Act, the Patwari shall, within fifteen calendar days of completion of girdwari of Rabi/Khareef each year, submit the register *Taghyyurat-e-Kashit* (Form XXIV-A), duly verified by the field *Kanungo* and the Circle Revenue Officer to the Service Centre In-charge of the estate who shall cause it to be immediately scanned, saved in the computerized record and returned to the *Patwari*.

(4) The Service Centre In-charge shall cause the Service Centre Official to update the computerized record of the estate on the basis of variations recorded in the register *Taghyyurat-e-Kashit* and the entries made as such shall be presented to the Service Centre Revenue Officer for his approval through his electronic signatures, and after his approval, the changes shall become a part of the computerized register Haqdawan Zamin of the estate.]

39-A. Fard Raftar Girdawari. - (1) The schedule of programme for Crop Inspection (Fard Raftar Girdawari) shall be so arranged that at the time of Kharif and Rabi Girdawaris, the Patwari should first take up the estate for which the periodical record is to be prepared.

A copy of the Fard Raftar Girdawari shall be sent by the Patwari in advance to the Chairman of the respective Union Council who may depute one of the Members of the Union Council to be present at the time of harvest inspection by the Patwari.

40. Correction of entries in the Crop Inspection Register. - No alteration shall be made in the Register Girdawari after the dhal bachh of respective harvest has been drawn up, except with the sanction of the Collector. If at the time of preparation of Register Haqdaran Zamin, an entry in the Register Girdawari is found to be incorrect, it shall nevertheless be retained

unaltered and the correct entry shall be noted, in red ink, in the remarks column and shall be attested by the Kanungo.

41. Failure of crop to be entered in the Register Girdawari. - (1) When a crop fails to germinate or dries up, or is destroyed by calamity of season or the yield falls short of the normal out-turn a corresponding entry of the failure of crop (Kharaba), shall be made in the Register Girdawari (Form XXIV), at the time of harvest inspections.

(2) In areas in which land-revenue is assessed in the form of prescribed rates, under clause(b) of subsection (3) of section 56, a statement of Kharaba shall be prepared in Form XXV.

(3) The entries in the statement of Kharaba shall be checked, on the spot, cent per cent by the Kanungo; 50% by the Naib Tehsildar/Head Munshi or Tehsildar and 25% by the Assistant Collector of the first Grade.

(4) The checking of statements of Kharaba shall be carried out within fifteen days following the day on which the crop inspection by the Patwari is concluded.

42. Scale on which relief to be given.- Deductions for Kharaba shall be entered in/accordance with the following scale (taking 100 paisa as the average yield of crop):-

(a)	Yield more than 75 paisa	No deduction.
(b)	Yield more than 50 paisa but not more than 75 paisa	Deduct 1/4 of the sown area
(c)	Yield more than 25 paisa but not more than 50 paisa.	Deduct 1/2 of the sown area
(d)	Yield not more than 25 paisa.	Deduct whole sown area

Explanation 1. - When the crop has been cut before the field is inspected, the crop shall be presumed to have matured and no deductions for Kharaba under this rule shall be allowed.

Explanation 2.- In case a land-owner has objection to the Kharaba allotted by the Patwari or Kanungo, his objection shall be noted in the remarks column of Form XXV and the Tehsildar,

Naib-Tehsildar (Head Munshi) shall pass orders after personally inspecting the survey/Khasra numbers concerned.

43. Circumstances under which no Kharaba Statement is to be prepared.- In the vent of widespread calamity, such as floods or hailstorms or locust, the Collector may dispense with the preparation of statements of Kharaba, prescribed under Rule 41 (2).

PART VI

Demand Statements (Dhal Bachh)

44. Bachh Papers.- (1) In each estate, a distribution of revenue (dhal bachh), of fixed Malia Mustaqil or in the form of prescribed rates (Ghair Mustaqil), shall be prepared by the Patwari, Khewat-wise in Form XXVI or Form XXVII, as the case may be.

(2) In the areas where collection of revenue is made by Tapedars, the Tapedar (Patwari) shall prepare a bill of assessment, in respect of each landowner in Form XXVIII and deliver the same to him.

(3) In the areas where collection of revenue is made through headmen (Lambardars), the Patwari shall prepare a copy of Dhal bachh, headman-wise, showing the particulars of each land-owner and deliver the same to the headman (Lambardar).

PART VII

A - Collection Of Land-revenue By Lambardars

45. Place of payment.- Land-revenue shall be paid at the office of the Tehsil to which the estate belongs, except in the following cases:---

(a) Where the Tehsil treasury at the District headquarters has been incorporated with the District treasury, the payment shall be made into the District treasury.

Explanation I.- The headman shall present the Arz Irsal (Form XXIX) to the Tehsil revenue accountant (wasil baqi nawis) at the Tehsil, who shall verify the correctness and proper distribution of the amount tendered, by reference to the demand statement (village khatauni) and shall prepare receipts (dakhilas) (Form XXX), in triplicate, shall sign them and shall obtain the signature of the Tehsildar or the Naib-Tehsildar/Head Munshi thereon. The headman, shall then take the money and three copies of the receipt to the treasury and deposit the amount in the treasury.

Explanation II.- The headman may pay land-revenue, rates and cesses, etc., by means of-

(i) a crossed cheque, in favour of the Tehsildar concerned,- alongwith the arz irsal referred to in Explanation I; or

(ii) revenue money order in favour of Tehsildar concerned, in which case the entries of arz irsal shall be copied on the coupon of the money order form.

Explanation III.- If the land-revenue cesses, etc. are paid by means of a cheque or revenue money order, the Tehsildar concerned shall arrange for the deposit of the same into the treasury, in the manner referred to in Explanation I-

(b) Where a special arrangement has been made, with the sanction of the Collector, authorizing any person, to pay land-revenue direct into the District treasury, the payment shall be made as provided in clause (a).

(c) Where special permission of the Commissioner has been given, authorizing any person, to pay land-revenue into the headquarters treasury of another District, within his Division or, with the concurrence of the Commissioner concerned, into the headquarters treasury of any District, in another Division of West Pakistan, the payment shall be made at the place so approved.

Explanation.- The continuance of such special arrangement shall depend on the punctual payment of the revenue and, on any arrear falling due, the Collector or the Commissioner, as the case may be, shall make an order cancelling that arrangement.

B - Collection Of Land-revenue By Tapedars

46. Payment of land-revenue and rates and cesses.- (1) All payment of land-revenue, rates and cesses shall be made to the Tapedar concerned, who shall issue receipts in Form I to

the land-owners in token of having received the Government dues, from them. The Tapedar shall deposit the amount in the Treasury on Form XXX, which shall be checked and signed by the Revenue Accountant and the Mukhtiarkar or Head Munshi.

(2) Where a special arrangement has been made, with the sanction of the Collector, authorizing any person, to pay land-revenue direct into the Government treasury, the payment shall be made in Form XXX, which shall be checked and signed by the Revenue Accountant and the Mukhtiarkar or Head Munshi.

(3) The land-owner may remit the amount of land-revenue or other dues by means of-

a crossed cheque in favour of the Mukhtiarkar concerned alongwith a copy of the bill (a) of assessment; or

(b) revenue money-order in favour of the Mukhtiarkar concerned, in which case the entries of bill of assessment shall be copied on the coupon of the money-order form.

In the aforesaid cases, the Mukhtiarkar concerned shall arrange for the deposit of the amount in the Treasury in Form XXX.

47. Security to be furnished by Mukhtiarkar, Head Munshi, Supervising Tapedar and Tapedar.- (1) All Mukhtiarkars, Head Munshis, Supervising Tapedars and Tapedars shall, before entering upon their office, furnish security in the amounts respectively shown hereunder against them, either by deposit of securities of the Central Government duly endorsed, accompanied by a power to sell or in Form XXXI:-

(i)	Mukhtiark	ar	Rs.	ten	thousand
(ii)	Head	Munshis	Rs.	five	thousand
(iii)	Supervising	Tapedars	Rs.	five	thousand
(iv)	Tapedars		Rs.	five	thousand
(2)	The securities shall h	a denosited with t	he Collector		

(2) The securities shall be deposited with the collector.

48. Surety to be liable in the same manner as principal. - The surety or sureties of the officers referred to in Rule 47 shall be liable to be proceeded against jointly and severally, in the same manner as his or their Principal is liable to be proceeded against, in case of default, and notwithstanding such Principal may be so proceeded against:

Provided that in any case of failure to discharge or make good any sum of money due to Government, no greater sum than is sufficient to cover any loss which the Government may actually sustain by the default of the Principal, shall be recovered from the surety or sureties, as the amount which may be due from such surety or sureties, under the terms of the security bond executed by him or them.

49. Liability of surety not affected by death of Principal or by his taking a different appointment.- The liability of the surety or sureties shall not be affected by the death of principal, or by his appointment to a post different from that which he held when the bond was executed, but shall continue so long as the Principal occupies any post in which security is required and until his bond is cancelled.

50. How surety may withdraw from further liability. - Any surety, whether under a separate or joint bond, may withdraw from his suretyship, at any time, on his stating in writing, to the officer to whom the bond has been given, that he desire so to withdraw; and his responsibility under the bond shall cease, after sixty days from the date on which he gives such writing, as to all demands upon his Principal concerning money, for which his Principal may become chargeable after the expiration of such period of sixty days, but shall not cease as to any demands for which his Principal may have become liable before the expiration of such period, even though the facts establishing such liability may not be discovered till afterwards.

51. Register of securities. - The Collector shall keep a register in Form XXXII of all securities furnished by each officer, in his Department.

COLLECTION OF RATES AND CESSES

52. Number of instalments and amount. - (1) Where the annual land-revenue of an estate is payable at one harvest, the demand of each year from that estate on account of rates an cesses shall be paid at the same harvest.

(2) In all other cases, the demand of each year from an estate on account of rates and cesses shall be paid in two instalments, viz. one at the kharif harvest and the other at the Rabi harvest, and each instalment shall bear the same proportion to the total demand of the year as

the instalment or instalments of land-revenue due on the same state for the same harvest bear to the total land revenue payable by the estate for the same year.

53. Rates and cesses paid alongwith first instalment of land-revenue. - Rates and cesses due at each harvest shall be payable on the date on which the first instalment of land revenue due from the same estate, on account of the same harvest, is payable, and except as by these rules is otherwise provided, at the revenue office appointed for the receipt of land-revenue due to Government in the same Tehsil.

54. Rules in the case of estates in which no land-revenue is payable.- Where no land-revenue is payable by an estate, the rates and cesses due therefrom shall be payable by the same instalments and dates by which the rates and cesses of the adjacent estates are payable; and the Collector shall, by order, determine the instalments and the dates which are applicable under this rule.

55. Portion of rates and cesses not payable to Government.- A headman, when paying an instalment of rates and cesses as required by Rule 53 shall subject to the provisions of clause (a) of Rule 24, be entitled to withhold the Lambardari fee.

RECOVERY OF ARREARS

56. Application by Headmen for recovery of arrears from defaulters. When headman wants to make recovery of land-revenue or any sum recoverable as an arrear of land-revenue under section 113, he shall make an application to the Revenue Officer stating herein-

- (a) the name and description of the defaulter;
- (b) the arrear of which recovery is desired;
- (c) the circumstances which have made the application necessary.

(2) Any number of defaulters residing in the same estate may, at the discretion of the Revenue Officer, to whom the application is made, be included in the same application, but the arrear due from each defaulter shall be separately specified.

57. Defaulter to be summoned.- (1) If the application is in proper form and the arrear of which recovery is desired has not been due for more than six months, the Revenue Officer shall fix a date for the hearing of the case and shall serve a notice of demand in Form XXXIII on the defaulter, together, with a notice requiring him to appear on the date so fixed, if the demand has not, in the meantime, been paid.

(2) If the arrear has been due for more than six months the application shall be rejected, unless the applicant satisfies the Revenue Officer that the delay in realizing the arrear is not due to his neglect; and, if he is so satisfied, the Revenue Officer shall proceed as in sub-rule (1).

58. Recovery of arrears from defaulters. - On the date fixed for the attendance of the defaulter, or any subsequent date to which the matter may be adjourned, the Revenue Officer shall make an inquiry into the existence of the arrear; and if it is proved, he shall record an order stating the amount of the arrear and the person who is defaulter, shall and thereafter proceed to recover the same.

59. Sale under section 88 or section 90 to be proceeded by attachment.- (1) When it is proposed to sell a holding or any other immovable property under section 88 or section 90, such holding or immovable property shall, in the first place, be attached in the manner provided in section 85.

(2) The sale of immovable property shall be conducted by a Revenue Officer not below the rank of a Tehsildar.

PROCESS FEES

60. Charge for service of process.- For the service of every notice of demand, warrant or other process, for the collection of revenue, under Chapters VIII and DC of the Act, 63[the following charges shall be made:

(i) where the revenue involved is Rs. 10/- or less Rs.1.50

(ii) where the revenue involved is more than

Rs. 10/- and less than Rs. 100/- Rs.5.00

(iii) where the revenue involved is Rs. 1000/- or above. Rs. 10.00

PART VIII

Remission Of Land Revenue

61. Power to sanction remission.- The Delegation of powers, in respect of the remission of land-revenue as under:-

(a)	Remission of land-revenue on account of failure of crop.	(i) Board of Revenue	Full powers
		(ii) Commissioners	Full powers
(b)	Remission of land-revenue during calamities	(i) Board of Revenue	Full powers
		(ii) Commissioners	Rs. 10,000. per Distt
		(iii) Deputy Commissioners	Upto Rs. 1,000

PART IX

Survey And Boundaries

62. Demarcated areas of forest land, etc., owned by Government to be considered estates. - All demarcated areas of uncultivated and forest land owned by Government are declared to be estates within the meaning of the Act.

63. Survey marks. - The survey marks denned in clause (24) of section 4, set up by the Survey of Pakistan, include-

- (i) Great Trigonometerical Stations.
- (ii) Base line stones, placed in the course of riverain surveys.
- (iii) Traverse Stations (in estates not surveyed on the square system).
- (iv) Other traverse data (such as corner stones, indicating blocks in the rectangulation).
- (v) International boundary pillars.

64. Boundary Marks.- The following boundary marks shall be erected by or under the orders of Revenue Officer.

A - Tri-junction Pillars (Sihadas)

At every point, where the boundaries of more than two estates meet and, at such other places on the boundary line, as may be necessary for the convenient determination of the boundary of an estate, a tri-junction pillar of the following specification shall be constructed:

Material- A single block of stone, or masonary of stone or burnt brick with lime mortar; if mansonary, upper surface to be plastered with pacca lime plaster.

Shape- If a stone block, in length and breadth not less than 18 inches and in depth, not less than 3 feet. If mansonary cubic, each edge or the cube not less than three feet long.

Position- The lowest side of the pillar to be accurately bedded upon a levelled surface, and only half the pillar to be above ground.

B – Burjis

(i) At every angle on the boundary line between two sihadas, a burji mound or dari (mud pillar or stone slab) shall be set up.

(ii) At every corner of the survey squares or rectangles, a masonary or stone pillar, shall be set up.

65. Land measurement or survey.- The land measurement or survey may be-

- (a) on square system; or
- (b) on rectangulation system; or

(c) on Kishtwari system (measurement in original shape of the Survey Khasra Number) in the hilly tracts or riverain areas or similar lands where the measurement or survey is not practicable in accordance with the square or rectangulation systems.

66. Size of area of Survey/Khasra Number.- Notwithstanding the provisions of subsection (1) of section 133, Survey/Khasra numbers which have already been made of less than one acre in area or which may be so made under the order of the Collector in this behalf, and any Survey/Khasra number separately entered in the record-of-rights or the periodical record, shall, irrespective of its area, be deemed to have been made under the Act.

67. Conditions for and restrictions upon subdivision of Survey Khasra numbers.- (1) Survey/Khasra numbers may be divided into so many sub-divisions-

(a) as may be required in connection with the acquisition of rights referred to in subsection(1) of section 42; or

(b) for any other reasons with the sanction of the Collector.

(2) The area and land-revenue of such sub-divisions shall be entered in columns 11 and 13, respectively, of the Mutation Register (Form XXXV). The supplementary map (tatmma shajra) of the respective Survey /Khasra number shall be drawn on the back of the mutation sheet giving the particulars contained in Form XIV.

PUNJAB AMENDMENT

PART IX- A "Demarcation Of Land And Eviction Of Unauthorized Land-owners" added by Notification dated 23-11-1973.

PART IX A

Demarcation Of Land And Eviction Of

Unauthorized Land-owners

67-A. Demarcation of land.- (1) An application under section 177^[7] for defining the limits of an estate, a holding, field or any portion thereof, shall contain the following particulars:

(a) Designation of the Revenue Officer to whom it is addressed.

(b) Name, parentage and address of the applicant and if the appellant is minor, or a person of unsound mind, the name, parentage and address of his guardian or of male member of his family.

(c) Name, parentage and address of the person or persons against whom the application is made, and if he or any one of them is a minor or of unsound mind, the name, parentage and address of his guardian or of a male member of his family.

(d) Location and full description of the land to be demarcated.

(e) A brief statement of facts and reasons necessitating the making of application.

(f) Signature or thumb-impression of the applicant.

(g) Any other matter which is necessary for the proper disposal of application.

(2) An application under sub-rule (1) shall bear the court-fee stamp of rupee one and shall be accompanied by:-

(a) an attested copy of the latest entry in Register Haqdaran-e-Zamin or Jamabandi relating to the land mentioned in the application; and

(b) an attested copy of the portion of the map of the estate showing field numbers mentioned in the application.

(3) The application shall be presented to:-

(a) Revenue Officer-in-charge of the Circle in case the land to be demarcated is situated within a Tehsil; and

(b) the Revenue Officer-in-charge of a Sub-Division in case the limits of the land to be demarcated extend to an adjoining Sub-Division or District.

(4) On the receipt of such application duly accompanied by the attested copies mentioned in sub-rule (2), the Revenue Officer concerned shall:-

(a) cause the application to be registered in the relevant column of the Register to be mentioned in this office in the Form XXXIII-A;

(b) fix time and date for demarcation of boundaries, and

(c) Cause a notice in form XXX-III-B to be issued in duplicate

to :--

(i) the parties to the application;

(ii) Lambardar of the village in which the land mentioned in the application is situated.

(iii) Field Kanungo of the Circle;

(iv) Revenue Patwari of the village if the notice is not to be served through him; and

(v) any other person whose presence at the time of demarcation of boundaries is considered necessary or expedient by the Revenue Officer.

(5) The notice issued under section (c) of the preceding sub-rule shall be served on the persons mentioned therein, in the following modes, at least one week before the date fixed for demarcation of the land:

(a) By delivering a copy thereof to the person mentioned therein and obtaining his signatures or thumb-impression on duplicate copy in token of his having received the same.

(b) In case of refusal to receive the notice or absence of such person, by affixing a copy thereof on the outer-door of his house or place of residence, in the presence of at least one witness and also by beat of drum at the expense of the applicant

(c) If any person to be served is residing at a place, other than the village in which the land is situated, notice shall be served on him by means of registered post 'Acknowledgment Due', or by any other means as the Revenue Officer deem fit. The expenses for such service shall be borne by the applicant

(6) At the time and on the date fixed for demarcation of boundaries, the Revenue Officer shall, in the presence of the parties and other persons mentioned in clause (c) of sub-rule (4) as may be present in response to the notice served on them, cause the measurement of the land to be taken under his personal supervision, strictly in accordance with instructions and standing orders on the subject issued by the Financial Commissioner and the Board of Revenue from time to time.

(7) (a) Soon after taking necessary measurements, the Revenue Officer, on the basis of data so collected, shall draw up a plan of the encroached area, if any and shall prepare report 'inter alia' containing the following details:-

(i) Time, date and place of demarcation of boundaries.

(ii) Full description of the land measured and demarcated.

(iii) Mode and details of the measurements taken.

(iv) Persons in whose presence such measurements were taken and other demarcation proceedings took place and the objection, if any, raised by any one or more of them during that time.

(v) Limits of the existing possession including the exact dimensions of the encroached area, if any, and the names of the persons found in possession thereof.

(b) The Revenue Officer, after preparing the report, shall read out the same to the parties and record the statements as to whether they have understood the proceedings or any part thereof and have any objection against any portion of his report.

(c) After recording such statements and his opinion thereon, the Revenue Officers, on return to his Headquarter, shall place the report, together with the plan of encroached area and statement of the parties, on the file and cause the particulars of the proceedings entered in the relevant columns of Register maintained in office in Form XXXIII-A.

67-B Eviction of UNAUTHORIZED land-owners. - (1) An application under section 122 for the eviction of a land-owner found in wrongful possession of a land as a result of demarcation proceedings taken under section 117 read with rule 67-A, shall contain the following particulars:

(a) Name, parentage and address of the person who has been found in wrongful possession of the land (hereinafter referred to as the respondent) and if he happens to be a minor or a

person of unsound mind, the name, parentage and address of his guardian or of any male member of the family.

(b) Location and description of the land, the possession of which is required

(c) Brief statement of demarcation proceedings, its result and reasons for the application.

(d) Any other fact which may be necessary for the fair disposal of the application.

(2) The application shall bear the court-fee stamp of rupee one and shall be accompanied by:-

(a) a certified copy of the report, including copy of the plan of encroached area, prepared by the Revenue Officer in the demarcation proceedings conducted by him under rule 67-A; and

(b) as many copies of the application as the number.

(3) The application shall be addressed and submitted to the Collector in charge of the Sub-Division in which the land in dispute is situated:

Provided that where the demarcation proceedings are conducted by the Revenue Officer incharge of the Sub-Division, the application shall be addressed and submitted to the Collector of the District.

(4) On the receipt of the application, the Collector shall fix a date for its hearing and cause its notice in Form XXXIII-C, together with a copy of the application, to be served on the respondent in the manner prescribed in sub-rule (5) of Rule 67-A.

(5) On the date fixed for hearing, the respondent may put up his appearance either in person or through an authorized agent and may file his reply to the application. The Collector, on the same date of hearing or on any subsequent date to which the proceedings may be adjourned, after hearing the parties and examining the record, including the file of demarcation proceedings, may:-

(a) direct fresh demarcation proceedings to be taken by the same or any other Revenue Officer, if he is satisfied that the land-owner whose eviction from the land has been sought, had no knowledge of the demarcation proceeding as there was some material irregularity committed by the Revenue Officer in such proceedings; or

(b) accept the application and order eviction of the respondents or any one or more of them who have been found in wrongful possession of the land or any portion thereof:

Provided that where the proceedings substantially involve a question of title or of an intricate question of law, the Collector shall not pass any order on the merits of application and shall refer the parties to the Civil Court.

(6) If the Collector orders fresh demarcation proceedings to be taken by the same or any other Revenue Officer, such Revenue Officer shall follow the procedure laid down in rule 67-A, to the extent and from the stage it becomes applicable.

(7) On the acceptance of the application, the Collector shall afford the respondent an opportunity of delivering possession of the disputed land to the applicant within a period not exceeding one month and if he fails to do so, the Collector, on an application made by the applicant, shall issue a warrant of eviction in Form XXXIII-D which shall be executed by an official not below the rank of a Kanungo, with or without police assistance, according to the circumstances of each case'.

PART X

Execution Of Certain Orders Of Civil And Criminal

Courts Through Revenue Officers

68. Appraisement of value of produce before sale.- When the produce of any land has been attached in pursuance of an order for its attachment and sale addressed to the collector by a Civil or Criminal Court the Collector shall direct that an appraisement of the attached produce be made by & Revenue Officer or by the Kanungo of Circle in which the land is situated, within a month of the date of receipt of such direction. The produce shall not be sold until the appraisement has been approved by the Collector or by a Revenue Officer appointed by him in this behalf:

Provided that if the appraisement is not made within the prescribed period the sale of the produce shall not be delayed merely on this account.

69. Agency to be used in conducting sale.- Sale of the produce of land shall be made by a Revenue Officer or by the Field Kanungo of the Circle in which the land is situated. The sale shall be conducted in the presence of the Headman or a Member of the Union Committee, Town Committee, or Union Council, within the jurisdiction of which the land is situated.

70. Date on which possession is to be given to decree-holder of Civil Court.- When an order of a civil Court is sent to the Collector for the execution of a decree for the possession of lands, the Collector shall give possession to the decree-holder on the date specified in the decree or in the direction issued by the Civil Court executing the decree or by the Civil Court and the land of which possession is to be given is in the cultivating possession of the judgment debtor, the Collector shall at once refer to the Civil Court for instructions as to whether or not he is to delay execution until any crop which may have been sown by the judgment-debtor and is standing on the land, has been removed.

PART XI

Miscellaneous

71. Village Note Book.' (1) A village note book (Lal Kitab) shall be prepared, for each estate, comprising the following statements: -

- (i) Annual Area.
- (ii) Annual Kharif crop.
- (iii) Annual Rabi crop.
- (iv) Annual Revenue Account.
- (v) Annual Transfers of Land by Owners, etc.
- (v-a) Annual Sales and Mortgages of Ownership by classes of land.
- (vi) Quadrennial Abstract of Ownership and Mortgages.
- (vii) Quadrennial Abstract of Cultivation by Owners and Tenants.
- (viii) Quadrennial Abstract of Cash paid by Tenants.
- (ix) Quinquennial Return of Cattle, Carts, etc.
- (x) Assessment.

(2) A note book comprising the statements mentioned in subrule (1), in a consolidated form, shall also be maintained in respect of each Assessment Circle Tehsil and District.

72. Forms. - In addition to the Forms specified in the foregoing rules the following forms are also prescribed:-

- (i) Register Haqdaran Zamin (Form XXXIV).
- (ii) Mutation Register (Form XXXVI).
- (iii) Statement of Customs (Form XXXVI).
- (iv) Requisition of information/documents (Form XXXVII).
- (v) Holding Slip (Form XXXVIII).
- (vi) Interrogatory (Form XXXIX).
- (vii) Register of Miscellaneous Land-Revenue (Form XL).
- (viii) Warrant of Arrest (Form XLI).
- (ix) Warrant of Committal of Defaulter to Civil Jail (Form XLII).
- (x) Order for the Release of the Defaulter (Form XLIII).
- (xi) Warrant of Distraint (Form XLIV).
- (xii) Warrant of Sale of Immovable Property (Form XLV).
- (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 equipments (Form LII).
- (xx) Register of Records in the custody of Patwari (Form LIII).
- (xxi) Statement showing the condition of Survey and Boundary Marks (Form LIV).

- (xxii) Register of Patwari Circles (Form LV).
- (xxiii) Work-book for Patwaris (Form LVI).
- (xxiv) Work-book for Kanungos (Form LVII).
- (xxv) Work-book for Tehsildars and Naib-Tehsildars/Head Munshis (Form LVIII).
- (xxvi) List of Mortgages with possession (Form LIX).
- (xxvii) List of Rents (Form LX).
- (xxviii) List of Khatauni Totals (Form LXI).
- (xxix) Day Book (Form LXII).
- (xxx) Ledger of Demands and Collection (Form LXIII).
- (xxxi) Balance Sheet (Form LXIV).
- (xxxii) Register of Demands and recoveries of Water Course Expenses (Form LXV).
- (xxxiii) Register of Area and Assessment of cultivation in unsurveyed Land (Form LXVI).

^[8][(xviii-A) Register showing the amount of fee realized at the Service Centre for grant of certified copies of computerized record (Form LI-A)]

[Form XXXV

(see rule 72)