Chapter 8- Record of Rights

8.1. Entry of Mutation.- (1) The mutation Register is prescribed in Section 34 (3) and 35 of the Land Revenue Act for the entry of every acquisition of any right of interest in an estate as a landowner, assignee or occupancy tenant, and under section 36 for disputed acquisition of other rights. The mutation register is not a part of the record of rights and its entries do not share in the presumption of truth attached to that record. All mutations of rights of ownership or occupancy including voluntary partitions, shall be entered by the patwari in the register when they are reported to him by the transferee as required by Section 35 of the Land Revenue Act, and if not so reported then so soon as they appear to have been acted upon. When he enters a mutation affecting the sharjra Nasb the patwari shall note in pencil the number of the mutation against the entry affected. If and when the mutation is sanctioned, he shall amend the Shajra Nasb in red ink in accordance with the mutation order.

(2) The provisions of sections 54, 107 and 123 of the Transfer of Property Act were made applicable in H.P. vide Deputy Secretary (Rev.) to the Govt. of H.P. letter No. 17-13/ 66 Rev. I. dated 6.1.1971 whereby registration of sale (S. 54) lease (S. 107) and gift (S. 123) have been made compulsory. In the case of acquisition of rights of such nature, the patwari will enter mutation on the basis of registration memorandum or registered deed.

(3) Other acquisitions of rights or interests based, upon oral transactions i.e. without registration shall be entered in the register of mutation by the patwari when reported to him under section 35 of the Act ibid i.e. acquisitions through Release, Settlement, Mortgage with possession, Exchange and creation of tenancy etc. but subject to the provisions contained in section 118 of the H.P. Tenancy and Land Reforms Act, 1972 and section 3 of the H.P. Transfer of Land (Regulation) Act, 1968 read with paras 18.24, 18.25, 18.26 and 18.29 infra.

(4) The Revenue Officer shall attest such mutations based upon oral transactions in the presence of the parties in accordance with the provisions of section 38 of H.P. Land Revenue Act, 1954 in case the acquisitions are otherwise legal.

(5) Some times the patwaris do not enter mutations based upon oral transactions referred to in sub para (3) above. Even if the mutations are entered, the Revenue Officers generally refuse to attest such mutations on the plea that the registration was not done, which was compulsory under Registration Act. This is an incorrect interpretation of law. Mutations either based upon oral transaction or registered deed must conform to the provisions of section 38 of the H.P. Land Revenue Act subject to the provisions of Deputy Secretary Revenue, to the H.P. Govt. letter No: 17-13/66, Rev. I Dated 6.1.1971, section 118 of the HP. Tenancy and Land Reforms Act, 1972 and section 3 of H.P. Transfer of Land Regulation Act, 1968 read with paras 18.24, 18.25, 18.26 and 18.29 infra. Revenue Officers are not competent to refuse mutations based upon oral transactions under the law, if the
acquisitions conform to the provisions of section 38 *ibid* but subject to the exceptions mentioned above.

It was held in Gulab Singh another V Smt. Dilbag and others (ILR Himachal Series. 1987 pages 536 to 542) by the H. P. High Court that oral exchange was valid because all the provisions of the Transfer of Property Act were not applicable in Tehsil Kullu which was then State of Punjab in 1963. By virtue of Notification No. 1605 R(C .55-69) 5.5.54 (sale) S.107 (lease) and S.123 (gift) were made applicable in the State of Punjab.

An oral exchange was thus permissible in Tehsil Kullu because section 118 of the Transfer of Property Act was not made applicable to the State of Punjab-an exchange could be effected between the parties and it was not necessary to effect the same by a registered document only.

**8.2. Reference of Jamabandi.**-The patwari should, whenever a mutation case is entered in the register, note the serial number and nature of the transfer in pencil in the column of remarks of the Jamabandi opposite to the appropriate holding. If and when the mutation is sanctioned he should make the above note in red ink. Serial number of Fard Badar entries should also be similarly noted and in order to distinguish them from the serial number of mutations the word 'Badar" should be added. Fard Badar entries will thus be referred to as 1 Badar, 2 Badar. etc. etc.

**8.3. Register of Mutations.**- The form of the register of mutations with instructions as to the entries to be made in it is given below:-

<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
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<th>8</th>
<th>9</th>
<th>10</th>
<th>11</th>
<th>12</th>
<th>13</th>
<th>14</th>
<th>15</th>
</tr>
</thead>
<tbody>
<tr>
<td>Entry in last Jamabandi which it is proposed to correct</td>
<td>New entry which it is proposed to substituted</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Serial No. Of entry</td>
<td>No. Of holding in last Jamabandi</td>
<td>Tarai or well</td>
<td>Owner, with description</td>
<td>Cultivator, with description</td>
<td>Detail of fields, areas and soils</td>
<td>Revenue or rent</td>
<td>No. Of holding in new Jamabandi</td>
<td>Owner with description</td>
<td>Cultivator, with description</td>
<td>Detail of fields, areas and soils</td>
<td>Revenue or rent</td>
<td>Name and date of transfer with price in case of sale and amount of mortgage debt in case of mortgage or redemption</td>
<td>Mutation fee due</td>
<td>Reports and orders</td>
</tr>
</tbody>
</table>
8.4. Division of Tehsil for inspection work. (a) For inspection work and the attestation of mutations in records, the estates of each Tehsil are divided yearly between the Tehsildar and the Naib-Tehsildar. The portions of the Tehsil allotted should be changed every year on October 1st so that the responsibility of the Tehsildar for the whole of his charge may not be impaired. It is within the discretion of the Deputy Commissioner to postpone redistribution for special reasons, such as the prompt disposal of pending revenue work.

(b) General instructions.- (i) The mutation register consists of a counter foil and foil. The former is the patwari’s copy of the register, the latter is removed after orders have been passed, and sent to the Tehsil to be filed with the Jamabandi. The patwari should make entries in columns 1 to 13 of the counter foil, but he should make no entry in column 15. Having thus filled up columns I to 13 in the counterfoil, the patwari will copy these entries in the foil. He will then write his report in column 15 of the foil. He will briefly state the facts explaining the change, the names of the person or the persons on whose information the entry is based, and he will require the Lambardar concerned or Pradhan or Up-Pradhan of concerned Gram Panchayat to attest the entry by seal or signature. He is, however, strictly forbidden to take the thumb mark or the signature of any of the parties to the transaction anywhere on the mutation sheet.

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

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

(iv) He must write with his own hand in the counterfoil a very brief abstract of the operative part of his order giving the numbers of the fields affected and their total area, thus, "Dakhil Kharij Numberdai Falan Rakba antur Hai" No recital of the facts on which the order is based should be entered in the counterfoil.

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

(vi) For the action to be taken with reference to the share of Shamlat attached to land transferred, see paragraph 8.38.

(vii) No general rule can be laid down with regard to the attestation of mutations of holdings of which the possession has not yet passed, or the exchange whereof has been reversed after one or two harvests. Possession is, however, very strong evidence of facts that have actually occurred.

(viii) All mutations, not attested within a period of one year are shown in the quarterly business returns of revenue work for each district by Tehsils. A list will be prepared in each Tehsil and supplied to the Tehsildar or Naib-Tehsildar concerned so that special steps may be taken to ensure that all such mutations will be attested at once, if possible. Any mutations, remaining unattested by the end of the next quarter, will be entered in a special list, with reasons showing why each mutation could not be attested. These lists will be forwarded to the Collector for information, and if any mutation in such a list remains unattested by the end of the quarter then next ensuing, a full report with an explanation will be submitted to the Commissioner for any action that he may think fit to take.

It should be clearly understood that the duty of a Revenue Officer attesting a mutation is confined to ascertaining whether a fact does or does not exist.

8.5. Corrections previous to attestation.- The entries in columns 9 to 12 should correspond in every case with the order passed upon the mutation in question. Where owing to a mistake or otherwise they do not do so they should be altered so as to bring them into correspondence with that order. Any alterations required for this purpose should be made as far as possible at the time of passing the order but if not then made, they can be subsequently made at any time before the mutations in which they are to be made are incorporated in
the Jamabandi. No permission, nor proceedings in review under Section 16 of
the Himachal Pradesh Land Revenue Act will be necessary for the purpose of
making such alterations, and any Revenue Officer before whom the mutations in
which they are to be made are produced, will be at liberty to make them. All
alterations made in accordance with this direction will be made in red ink and will
be signed by the officer making them.

8.6. Corrections after attestation.- At any time before a mutation is
incorporated in a Jamabandi, any clerical or arithmetical mistake inadvertently
made in the order passed upon it can be corrected without obtaining permission
for reviewing that order. The corrections of such mistakes can be made by the
Revenue Officer who attested the mutations in which the mistakes have occurred
or by his successor or by a superior officer. In making such corrections the
original order should not be altered; but a separate notice should be recorded
briefly describing the corrections made. It will not be necessary to hear the
parties concerned in connection with such corrections. The Fard Badar
procedure described in paragraph 8.2. infra may be used for the purpose of
avoiding the entry of a further mutation of inheritance in cases wherein entering
the original mutation some of the holdings of the deceased were inadvertently
omitted. In such cases the patwari will merely state in his report in the Fard
Badar that such and such holdings have been omitted from such and such
mutations and the Revenue Officer's order upon this report will merely state that
the order already passed upon the mutation in question should be considered
applicable to these holdings.

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

8.8. Transfer of portion of field.- (i) If a part or a share of a field has been
transferred and separate possession has been taken, draw on the back of the
mutation sheet and its counterfoil a map of the whole field and show as a sub-
number the part transferred. No partition proceedings are necessary. The Field
Kanungo must attest the correctness of the map after personal examination of
the field on the spot and satisfy himself as to the fact of possession. He must
also see that the field as drawn on the back of the mutation sheet is all exact
copy of the field as shown in the Shajra Kishwar. Further details in regard to the
preparation, check and use of these maps on mutation sheets are given in
Chapter 6 of this Manual. The Attesting Officer must defer the passing of an
order sanctioning a mutation if he finds that these instructions have not been carried out exactly.

In the case of a transaction based on a registered deed the Revenue Officer should immediately on receipt of the registration memorandum from the Registration Office direct the Kanungo and the patwari to proceed to the spot and prepare a Tatima Shajra, if one is necessary, on the basis of the material given in the registration memorandum and that alone. On the completion of the Tatima Shajra it shall be submitted by the Kanungo to the Revenue Officer.

(ii) Transfer of portion of Khasra Number in Planning Area.- In Planning areas, declared as such under the H.P. Town and Country Planning Act, 1977, if the transaction is based upon registered deed and a sub-division of any khasra number is involved, the patwari and Field Kanungo shall prepare the tatima shajras on the spot in the manner prescribed in sub-para (I) above irrespective of any size of the plot and irrespective of the fact that the registration was done in violation of section 16 of the Act ibid. Such a transfer is not void.

Under Section 35 (5) of the H.P. Land Revenue Act, 1954, the Revenue Officer is duty bound to inquire into the correctness of all the entries in the register of mutations and into, all acquisitions coming to his knowledge which are required to be reported to the patwari under section 35 (1) of the Act. The Revenue Officer shall attest the mutation in such cases if separate possession has been taken and the transaction is not otherwise void. The above principles are also applicable in the cases of mutations based upon oral transactions either in planning area or elsewhere.

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

8.10. Lambardari Cases.- Lamberdari cases will not be entered in the mutation register.

8.11. Land hypothecated to Government. Mortgages of land hypothecated to Government for repayment of Takavi or for other purposes will be entered in the mutation register.

8.12. Orders of Courts. In entering orders of Courts the patwari should quote in red ink in column 15 of the foil and counterfoil the following particulars:- (1) Name of Court; (2) Name of parties; (3) abstract of decree.

8.13. Consideration money. When a sale, mortgage or lease embraces land in more than one estate and no specific portion of the sale or mortgage money or rent is ascribed to the land entered in the mutation, the portion of the consideration money to be entered in the mutation shall be in proportion to the share of the total area transferred that is dealt with in the mutation.
8.14. Special Instructions. The instructions laid down in Paragraph 8.65 infra as to entries in the Jamabandi apply to the register of mutations subject to the following orders:-

(1) Columns 2 and 8: In a case of transfer of ownership it will usually be enough to enter the Jamabandi number. In a case of transfer of tenant’s holdings, enter both the Jamabandi and the Khatauni number thus:

J.10
Kh.23

(2) Reasonable abbreviations may be allowed in making entries in columns 4, 5, 9 and 10 in cases affecting a number of holdings more especially where there are a large number of co-shares and only one or two of them transfer. The names of the co-shares transferring and their shares should be entered in detail and the names of others may be omitted with a note:- “Baki Indraj Jamabandi Badastur.”. Similarly in cases of transfer of ownership where the tenancy of the holding is unaffected, the only entry that need be made in column 5 and 10, “Badastur”.

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

(4) Column 8: This column will be filled up when the new jamabandi has been prepared.

(5) Columns 9 and 10: If a sharer in a joint holding sells or mortgages the whole or a definite fraction of his share, the name of the transferee will be shown in column 9; but if he sells or mortgages certain fields and gives possession to the transferee, the latter’s name must only be shown in column 10, a brief explanation of his occupancy being noted in column 15.

(6) Column 14: After a mutation has been disposed of the mutation fee due should be entered in both foil and counterfoil by the Revenue Officer himself.

(7) Columns 5 and 10: These columns used to show the tenant, but as the corresponding column of the Jamabandi show the cultivator they have been altered to correspond.

8.15. The scope of mutation. - The status of a landowner or tenant cannot be altered except:

(a) by agreement of all the parties interested, or
(b) in consequence of decree or order which is binging upon them, or
(c) in accordance with facts proved or admitted to have occurred. (Section 38 of the Himachal Pradesh Land Revenue Act, 1954).
8.16. Cases of Inheritance.- In cases of inheritance a summary inquiry into title is necessary on the lines indicated in 5 P.R. of 1912. Where it is claimed that property devolves by reason of will this should be treated as a case of succession by inheritance and the inquiry will include an inquiry into the validity of the will (1934 LLT).

8.17. Inheritance cases of Muslims.- The inheritance cases of deceased Muslims will be governed by the personal law of Muslims and cases of Muslims the Revenue Officer shall attest the mutations of succession strictly in accordance with their personal law applicable to them.

8.18. Succession of Deceased Parsis and Indian Christians.- The succession of deceased Parsis and Indian Christians shall be governed by the laws applicable to these communities under Indian Succession Act, 1925.

8.19. Inheritance of Tribal Areas of H.P. Since the Hindu Succession Act, 1956 does not apply to the tribal areas in H.P., the inheritance in tribal areas is governed by the Customary Law. The Customary Law is generally found in Village Administration Papers, Rewaje-amm and other documents like Settlement Reports etc. The Revenue Officers shall decide the inheritance cases strictly in accordance with the customary law applicable in these areas.

8.20. Succession of deceased Hindus. The succession of Hindus dying interstate shall be governed under the Hindu Succession Act, 1956. This Act does not apply to the members of any Scheduled Tribe within the meaning of Section (25) of Article 366 of Constitution of India unless the Central Govt. by notification in the official Gazette otherwise directs.

8.21. Devolution of interest in Mitakshra coparcenary property.- When a male Hindu dies after the commencement of the Hindu Succession Act, 1956, having at the time of his death an interest in a Mitakshra coparcenary property, his interest in the property shall devolve by survivorship upon the surviving members of the coparcenary and not in accordance with the Hindu Succession Act as laid down under Section 6, of the Act subject to proviso laid down. Section 6 reads as follows:-

"When a male Hindu dies after the commencement of this Act having at the time of his death an interest in a Mitakshra coparcenary property, his interest in the property shall devolve by survivorship upon the surviving members of the coparcenary and not in accordance with this Act. Provided that, if the deceased had left him surviving a female relative specified in Class I of the Schedule or a male relative specified in that class who claims through such female relative, the interest of the deceased in the Mitakshra coparcenary property shall devolve by testamentary or intestate succession, as the case may be, under this Act and not by survivorship.

Explanation I.-For the purpose of this section, the interest of a Hindu Mitakshra
coparcener shall be deemed to be the share in the property that would have been allotted to him if a partition of the property had taken place immediately before his death; irrespective of whether he was entitled to claim partition or not. **Explanation 2.**—Nothing contained in the proviso to this section shall be construed as enabling a person who has separated himself from the coparcenary before the death of the deceased or any of his heirs to claim on intestate a share in the interest referred to therein."

Since the Mitakshra law is a bit complicated, the Revenue Officers are required to acquaint themselves with the knowledge of the law and decide succession cases of deceased coparceners in the Mitakshra coparcenary after through study of the law on the subject.

8.22. Succession to Right to Tenancy.- The succession of right of tenancy is governed under Section-45 of the Himachal Pradesh Tenancy and Land Reforms Act, 1972. Section-45 is reproduced below:-

"when a tenant in any land dies, the rights shall devolve-
(a) on his male lineal descendants, if any, in the male line of descent; and
(b) failing such descendants, on his widow, if any, until she dies or remarries or abandons the land or is under the provisions of this Act ejected therefrom; and
(c) failing such descendants and widow, on his widowed mother, if any, until she dies or remarries or abandons the land or is under the provisions of this Act ejected therefrom; and
(d) failing such descendants and widow or widowed mother or, if the deceased tenant left a widow or widowed mother, then when her interest terminates under Clause (b) or (c) of this section, on his male collateral relatives in the male line of descent from the common ancestor of the deceased tenant and those relatives.

8.23. Mutation of Devolution of Tenancy Rights.- No entry showing the person to be a tenant by succession under Section-45 or otherwise will be made in the record except through mutation (Rule 10-A of the Himachal Pradesh Tenancy and Land Reforms Rules, 1975).

8.24. Control on transfer of land to non-agriculturists.- (a) Under Sub-Section (1) of Section 118 of the H.P. Tenancy and Land Reforms Act. 1972 but save as otherwise provided in Chapter-XI of the Act. no transfer (including sale in execution of a decree of the Civil Court or for recovery of arrears of land revenue), by way of sale, gift, exchange, lease, mortgage with possession or creation of a tenancy shall be valid in favour of a person who is not an agriculturist. Sub-Section (1) of Section 118 of Himachal Pradesh Tenancy and Land Reforms Act shall not apply to the transfer of any land by any person in favour of:
(i) by one's own account;
(ii) by one's own labour;
(iii) by the labour of any member of one's family; or
(iv) under the personal-supervision of one-self or any member of one's family by hired labour or by servant on wages payable in cash.
(g) a person who has become non-agriculturist on account of the acquisition of his land for an public purpose under the Land Acquisition Act. 1894 or
(h) a non-agriculturist who purchases or intends to purchase land for the construction of house or shop or purchases a built up house or shop from the H.P. State Housing Board established under the Himachal Pradesh Housing Board Act, 1972, or from the Development Authorities constituted under the Himachal Pradesh Town and Country Planning Act. 1977, or from any other statutory corporation set up under any State or Central enactment; or
(i) a non-agriculturist with the permission of State Govt. for the purpose that may be prescribed.

(b) Definition of land.

i) Land, the classification of which has changed or has been caused to be changed to ‘Gair mumkin”, “Gair mumkin Makan” or any other Gair mumkin land by whatever name called during the past five years countable from the date of entry in the revenue records to this effect;
ii) Land recorded as "Gair mumkin”. "Gair Mumkin Makan" or any other Gair mumkin land, by whatever name called in the revenue records, except constructed area which is not subservient to agriculture and
iii) Land which is a site of a building in a town or a village and is occupied or let out not for agricultural purposes or purpose subservient to agriculture."

(c) Definition of agriculturist.

An agriculturist has been defined under section 2(2) of the H.P. Tenancy and Land Reforms Act, 1972 to mean a person who cultivates land personally in an estate situated in Himachal Pradesh.

(d) Definition of “to cultivate personally”

“To cultivate personally” has been defined under section 2(4) of the act to mean
(i) by one’s own account;
(ii) by one’s own labour;
(iii) by the labour of any member of one’s family; or
(iv) under the personal supervision of one self or any member of one’s family by hired labour or by servant on wages payable in cash.

8.25. Transfer void. Any transfer of land in contravention of Section 118 of the Himachal Pradesh Tenancy and Land Reforms Act 1972 is void. The Revenue Officer shall refuse mutation of such void transfer.

8.26. Procedure after Refusal of Mutation.- (l) It shall be the duty of a Revenue Officer after rejection of mutation to ensure that the land transferred in contravention of Sub-Section (l) of Section 118 together with structures, buildings or other attachments, if any is vested in the State Govt. free from all encumbrances. The Revenue Officer shall take necessary steps to mutate the land in favour of the State Govt. He shall report the matter to the District Collector for taking possession of the land and structures etc. The District Collector shall take immediate necessary steps to take possession after giving an opportunity of being heard to the effected parties.

(2) Duty of Patwari.- If the patwari making an entry in the Register of Mutations
under Sub-Section(3) of Section 35 of the Land Revenue Act has reason to believe that the transaction contravenes the provisions of Section 118 of Himachal Pradesh Tenancy and Land Reforms Act, 1972, he shall make a note of all the relevant facts in the report column of the said register.

(3) **Duty of the Revenue Officer**.- (3) Every Revenue Officer conducting an enquiry under Sub-Section (4) of Section 35 of Himachal Pradesh Land Revenue Act shall examine every transaction into which he has to enquire under the provisions of that Sub-Section whether a note has been made by the patwari under the preceding sub-paragraph or not in order to make certain that no right which would be invalid under Section 118 of the Act is entered in the Jamabandi.

**8.27. Purchase of Agricultural Land by a non-agriculturist.**- Purchase of agricultural land by a non-agriculturist with or without permission of the State Govt. under Section 118 of the Himachal Pradesh Tenancy and Land Reforms Act. 1972 does not confer a title of an agriculturist on the purchaser and such a purchaser shall continue to be a non-agriculturist even thereafter under Section 118 ibid. In order to ensure that this express provision of law is not infringed by any-body in the State wittingly or unwittingly, it is necessary that while sanctioning mutation in respect of such purchases of land, the Revenue Officer should invariably record in mutation that despite of such purchase of agricultural land and his subsequent cultivation of such land, the purchaser will continue to be treated as a non-agriculturist. Similarly a note to this fact shall always be recorded in the Remarks Column of Jamabandis concerning the lands by the patwari and which will be checked by Field Kanungo (Himachal Pradesh Govt. letter No. 2f(2)-7/87 -Vol-III, dated 27th September. 1989).

**8.28. Regulation of transfer of land in the tribal areas of Himachal Pradesh.**
The Himachal Pradesh Transfer of Land (Regulation) Act. 1968 regulates the transfer of land in the tribal areas of Himachal Pradesh. Under Sub-Section (1) of Section 3 of the said Act no person belonging to any Scheduled Tribe shall transfer his interest in any land in the tribal areas declared as such by way of sale, mortgage, lease, gift or otherwise to any person not belonging to such tribe except with the previous permission in writing of the Deputy Commissioner:
Provided that nothing in this Sub-Section shall apply to any transfer:-
(a) by way of lease of a building on rent;
(b) by way of mortgage, for securing loan, to any co-operative land mortgage bank or any, co-operative society, all or a majority of the members of which are persons belonging to any scheduled tribe;
(c) by acquisition by the State Government under the Land Acquisition Act, 1894.

**8.29. Disallowment of Mutation.**- Every transfer of interest in land made in contravention of the provisions of Sub-Section (l) of Mutation Section 30 of the Act ibid shall be void. The Revenue Officer shall refuse Mutation of such void transfers.
8.30.-**Ejectment.**- Section 5 of the Act ibid prescribes the procedure of ejectment of the person found in possession of land in contravention of Section 3 of the Act. Section 5 runs as under:-

"(1) If, as a result of transfer of any land in contravention of the provisions of Section 3, any person, other than a person belonging to any scheduled tribe, is found to be in possession of that land, the Deputy Commissioner or any other officer authorised in writing by the State govt. in this behalf, may, without prejudice to the provisions of Section 9, serve a notice upon such person requiring him to vacate the land within ninety days from the date of service of the notice and to remove any building, fence or any other structure which may have been raised on such land.

Provided that if there are any crops actually growing on the land at the time of such requisition, such person shall be entitled to retain possession of the land until such crops are harvested.

(2) Every person to whom a requisition is made under Sub-Section (1) shall be bound to comply with such requisition."

8.31.**Right, title or interest held by persons belonging to Scheduled Tribes in land not to be attached.**- Under Section 8 of the Act no right, title or interest held by a person belonging to a Scheduled Tribe in any land shall be liable to be attached or sold in execution of any decree or order in favour of any person not belonging to a Scheduled Tribe of any Court except when the amount due under such decree or order is due to the State Government or to any Co-operative Land Mortgage Bank or Co-operative Society.

8.32. **Duty of Revenue Officer.**- The Revenue Officer shall take necessary steps to eject the person found in possession of land in contravention of Section 3 of the Act ibid. He shall not attach or sell such land in execution of any decree or order held by a person belonging to Scheduled Tribe in favour of any person not belonging to any Scheduled Tribe in contravention of Section 8 of the Act.

8.33. **Cases of Transfers.**- Subject to the provisions contained in Section 118 of the Himachal Pradesh Tenancy and Land Reforms Act, 1972 and Section 3 of the H.P. Transfer of Land (Regulation) Act, 1968 read with para 8.24 to 8.29 supra, in the case of transfers by gift, sale or mortgage, the patwari should ascertain whether a deed has been written. If so, he should inspect it, and take a note of its nature, the names of the parties, the dates of execution and registration if it has been registered, and any other necessary particulars. A brief note of these matters should be entered in Column 15 of the counterfoil of the register. The patwari must not retain the deed in his possession, or take a copy of it. Attesting officers should satisfy themselves that the particulars; is to deeds of transfer given in the patwari’s mutations, reports are correct.

8.34. **Affidavit by a person for acquisition of land.**- Where transfer of land by way of sale, gift exchange, lease or mortgage with possession of which registration is not compulsory under the Registration, Act 1908 (16 of 1908) in favour of a person, 'who is not an agriculturist as defined in the Act or comes
within the exemptions given in Clauses (a) to (g) of Sub-section (2) of Section 118, such a person intending to secure a transfer of land in his favour shall swear an affidavit before the Revenue Officer, attesting the mutation, to the effect that he is eligible to secure transfer of land in his favour being an agriculturist. The Revenue Officer shall satisfy himself about the contents of an affidavit by the aforementioned person and shall attest a mutation only if that person is found to be an eligible person. (Rule 38(1) of the H.P. Tenancy and L.R. Rules 1975).

8.35. Disallowment of transfers not yet carried into effect.- Except in cases of entries of collateral mortgages in column 12 of the Jamabandi, the patwari should also ascertain whether possession has passed and a mutation of transfer by gift, sale or mortgage or otherwise should not be attested (a). If the transfer is in contravention of Section 118 of H.P. Tenancy and L.R. Act 1972 and Section 3 of the HP Transfer of Land (Regulation) Act 1968 (b) in transfer cases which are not contrary to Section 118 and Section 3 of the Acts ibid mutation shall not be attested unless possession is proved to have actually passed or the parties all agree before the attesting Officer that possession has passed or the parties have all agreed in a registered document that possession has passed. Except in cases of void transfers under the law a mutation should not be refused merely because it is claimed that the alienor has no right by custom or statute to make such an alienation. Such a transaction is 'fact' until it is set aside in due course of law.

In the case of a mutation in which it is a condition of the transfer that possession be given after certain harvests, if the alienor is prepared to give and the alienee to receive possession on the prescribed date, attestation should be postponed until such time and mutation then allowed on evidence that possession has been taken. But, in the event of any dispute between the parties, the attesting officer should refuse the mutation on the ground that no possession has been given leaving it to the patwari to make a fresh entry in the mutation register when the Khasra Girdawari shows that the change has taken place, or on the report of one on the parties to the effect.

8.36. Mortgages.- (i) All mortgages and sub-mortgages, whether collateral or with possession, whether contracted for long or short periods, and whether by deed or by oral agreement, should be entered in the mutation register. Redemptions of such mortgages should also be entered. Cases of increase of mortgage money on a previous mortgage though the other conditions of the mortgage are maintained unchanged, should be entered in the mutation register.

(ii) Mutation of Redemption of ‘Mustajri’ mortgages.- In cases of mutations of redemption of ‘Mustajri’ mortgages the patwari should note in column 13 of this register that amount of mortgage money discharged by referring to the original entry of the mutation of mortgage. If the register containing the original entry is not in his possession, he should get the necessary information from the office or the Sadar Kanungo. If for any reason such information cannot be secured
without undue delay, the amount admitted by the parties or proved should be accepted. Care should be taken to ascertain how the mortgaged land is cultivated, how the produce or rent is enjoyed and by whom the revenue is paid. Other conditions of mortgages, need not be particularly enquired into, but the amount of the mortgage debt as admitted by the mortgagor should be noted in column 13 of the mutation register.

(iii) Collateral Mortgages.- Collateral mortgages though entered in the register are only noted in the remarks column of the Jamabandi. Nor is the amount of the mortgage debt shown in the Jamabandi.

(iv) Second Mortgage.- Land which is already subject to mortgage is sometimes mortgaged by the mortgagor to a third person on the condition that the previous mortgage will be redeemed by the latter. This second mortgage should be treated as a collateral mortgage and Subsequently a new mortgage with possession should be sanctioned when the land is redeemed by the second mortgagee. A sub-mortgage, accompanied by transfer of possession is treated as a mortgage with possession.

(v) Mutation of hypothecation. Mutation should be entered up in respect of land hypothecated to Government by way of security for repayment of an advance. If a second loan is taken on the same security it is not necessary to enter up a new mutation.

(vi) Mortgage of rights of cultivation.- Transactions relating to mortgage of rights of cultivation by owners, involve the acquisition of a right and as such mutation should be entered in such cases.

8.36-A. Settlement.- A Settlement has been defined under section 2 (24) of India Stamp Act 1889 as under:-
"Settlement" means any non-testamentary disposition, in writing, of movable or immovable property made—
(a) in consideration of marriage,
(b) for the purpose of distributing property of the settlor among his family or those for whom he desires to provide, or for the purpose of providing for some person dependent on him, or
(c) for any religious or charitable purpose; and includes an agreement in writing to make such a disposition and, where any such disposition has not been made in writing, any instrument recording, whether by way of declaration of trust or otherwise the terms of any such disposition.
If an owner of land transfers his holding or its part to all or any of the members of his family for the purpose of distributing his property either contracted by registered deed or by oral agreement and reported to the patwari under sections 35 of the H.P. Land Revenue Act, the mutation shall be attested by the Revenue Officer. It is immaterial whether the registration is effected or not. Mutation of such nature can be attested on the basis of oral agreement under section 38 of the H.P. Land Revenue Act, 1954 if otherwise legal.
8.36-B Release.- “Release” is an instrument whereby a person renounces a claim upon another person or against any specified property. It predicates the existence of a claim upon another person or against any specified property, which claim the person, executing the document renounces by a deed of release.

The person in whose favour there can be a release, must possess a pre-existing right or interest in the property. A release, in law, may be effected either for consideration or for no consideration. Where one co-owner of a property, by a deed, relinquishes his right to possession and his title in favour of the other co-owner, such deed is a release deed.

Subject to the provisions contained under section 118 of the H.P. Tenancy and Land Reforms Act, 1972 and section 3 of the H.P. Transfer of land (Regulation) Act, 1968 the mutation of release shall be attested by the Revenue Officer if a co-owner relinquishes his whole or any part of his claim (share) in favour of one or other co-owner in a joint ownership either based upon registered deed or oral agreement entered by the patwari on the basis of report made to him under section 35 of H.P. Land Revenue Act. As mentioned under para 8.1 (5) supra, the Revenue Officer cannot compel the parties to execute registered deed of Release and Settlement. Mutation can be attested on the basis of oral agreement under section 38 of the H.P. Land Revenue Act, 1954, if otherwise legal.

8.37. Disallowment of transfer of a specific khasra number or its share in a joint holding by a co-sharer.- A Co-sharer in a joint holding, cannot transfer by way of sale, gift, mortgage or otherwise specific Khasra number or its share which is not in his possession. The Revenue officer shall refuse mutation of such nature.

It has been held by F.C. Punjab in Mohinder Singh and others versus Jaswant Kaur and another (LLT 1972 pages-20-21) that the co-sharers may effect sale in respect of the whole or part of his share in the joint holding. He may effect sale in respect of a particular area, which is in his exclusive possession, subject to the consideration that the sale is not effected in respect of area in excess of his share: But he cannot transfer a specific Khasra number from joint holding which is not ill his possession.

8.38. Cases of which mutation orders must-show whether the transfer includes a share in the shamlat.- (a) Some shamlat lands have been vested in the State Government under Section 3 of the H.P. Village Common Lands Vesting and Utilization Act, 1974, but certain categories of Shamlat lands have been exempted from vestment. Such Shamlat lands can be transferred by the owners of such lands or the, Landowners may transfer their shares in shamlat by sale, gift etc. alongwith other lands.

(b) As regards transfers by sale, gift, mortgage or exchange, it is necessary to show whether a share of the Shamlat is transferred with the land and the following instructions should therefore be observed on this subject:-

(1) In cases of sale, gift or mortgage the mutation order should always state whether a share of the Shamlat is included in the transfer. In cases of exchange
the Shamlat is seldom excluded from the transfer and nothing should therefore be said about it except where it is excluded when the fact that it is excluded should be mentioned in the mutation order.

(2) If a deed of transfer by sale, gift, mortgage or exchange does not specifically mention that a share of Shamlat is transferred with the land it should be presumed that the Shamlat is not transferred.

(3) Where a mutation of inheritance, sale, gift, or mortgage covers a share of the Shamlat the Shamlat Khata should be entered in the mutation to that the mutation of the co-sharers in the Shamlat may be correctly entered in the Jamabandi.

(4) When the mutation does not cover a share in the Shamlat then in column 9 of the mutation sheet and in the ownership column of the Jamabandi the new alienee shall be shown as Bila Hissa Shamlat or Malik Kabza so as to secure that at partition he shall not simply by being a Khewatdar receive a share of the Shamlat to which he has no title. The name of the person to whom the Shamlat appertaining to this new Khata belongs shall also be recorded in the column of ownership under that of the new owner with the title Hissadar Shamlat, and the Khata of the new holding shall always be incorporated in the Jamabandi immediately below the Khata of the holding from which it was taken.

In the case of owners (1) whose entire land in any estate has been acquired by Government without a share of the Shamlat, and (2) whose land has been partially acquired, the Revenue Officer shall give a direction in his order to the effect that a note showing the name of the owner and the area transferred together with the number of the relevant mutation shall be recorded in the remarks column of the Jamabandi. In the case of (1) this note will be recorded against the Khewat of Shamlat and in the case of (2) against the Khewat from which the land has been acquired. It should also be specifically stated in this note that the owner concerned will be entitled to a due share of the Shamlat at the time of partition.

(5) When the mutation refers to a mortgage it is only necessary to show the mortgagee as Mutation Mae Hissa Shamlat or Mutation Billa Hissa Shamlat, as the case may be.

(6) Appendix A is an example of the kind of entry which should be made in the mutation register when a share of the Shamlat is transferred. It is not intended that the whole of the Shamlat Khata, as it stands in the last Jamabandi, should be copied in the mutation register. The mutation of the share of the Shamlat should be dealt with as part of the same mutation proceeding as the transfer of the original holding, but it is a partition which any of the co-sharers of the Shamlat have a right to be heard, and a distinct order should be passed by the Revenue Officer whether the mutation of the Shamlat is sanctioned or not.

estate by the patwari. Such entries shall be attested and checked by Field Kanungo. At the time of preparation of next Jamabandi, two separate Khataunis shall be assigned to reach Allotable Pool and Reserve Pool in which respective Khasra Numbers shall be included. No land from Reserve Pool shall be allotted in any manner or transferred to Allotable Pool without the prior approval of the State Government (H.P. Government letter No. 10-VI73-B-II, dated 18th November, 1989.)

8.40. Vesting of proprietary rights in occupancy tenants.- Mutation of vestment of proprietary rights in “occupancy tenants under Section 94 of the H.P. Tenancy and Land Reforms Act, 1972 shall be entered in the mutation register and decided by the AC 2nd grade after making a summary inquiry.

8.41. Procedure for conferment of proprietary rights on tenants covered by sub-section (3) of Section 104 of Himachal Pradesh Tenancy and Land Reforms Act, 1972. All rights, title, interest in the tenancy land of landowners who have already under their personal cultivation 3 acres un-irrigated or 1½ acres irrigated land shall vest in the non-occupancy tenants with effect from the commencement of these rules. Similarly, the proprietary rights of tenancy land for the non-occupancy tenants on Government land shall also vest in the tenants from the commencement of these rules (Rule 27 of H.P. Tenancy Rules).

8.42. Attestation of Mutations.- 1. The patwari will enter the mutation of ownership in the mutation register in favour of the non-occupancy tenants on whom proprietary rights are vested under Rule 27 and the Revenue Officer will attest the mutation in the presence of the parties.
2. Whether a part of a field number is vested in tenant, tatima shajra of such part will be prepared on the body of the mutation sheets (Rule 28 of Rules ibid).

8.43. Entry of bar of transfer of lands acquired under section 104 of H.P. Tenancy and L.R. Act 1972 in revenue records. Whenever a tenant acquires proprietary rights of relevant land under Section 104 of the Himachal Pradesh Tenancy and Land Reforms Act, 1972, such land is not subject to transfer up to 10 years under Section 113 of the Act. The patwari shall record a note in the Remarks column of Jamabandi the date of conferment of propriety rights with number of mutation and the date on which the period of 10 years, shall be over for the purpose of Section 113. Such note shall be checked and attested by the Field Kanungo immediately after the sanction of mutation (H.P. Government letter No. Rev.2-F.(2)-7/87 -Vol-III, dated 17th Sept., 1989).

8.44. Mutation based on order of resumption under Rule 24 of H.P. Tenancy and Land Reforms Rules, 1975.- The order of the Land Reforms Officer passed under Rule 24 shall be given effect to by way of mutation on the expiry of the period of limitation prescribed for appeal and revision in Section 114. There will be two mutations in each case, one for extinguishment of tenancy rights and the other for extinguishment of ownership rights of land in
question. The mutation fee chargeable on these mutations will be the same as that for giving effect to a decree of a Civil Court (Rule 25).

8.45. Determination of dispute under Sub-Section (4) of Section 104. If there is a dispute regarding the entries of the land records, the Land Reforms Officer, in his capacity as an Assistant Collector of the First Grade, shall decide the dispute under Sub-Section (4) of Section 104 in accordance with the relevant provisions of the Punjab Land Revenue Act, 1887 (17 of 1887) or the Himachal Pradesh Land Revenue Act, 1954, (6 of 1954) as the case may be. The disputes of such cases will be determined on a summary inquiry on the files.
Where a tenancy is in a part of a field number tatima Shajra of that part will be prepared (Rule 29).

8.46. Mutation in Connection with consolidation of holdings. In respect of consolidation of holdings two mutations should be entered, namely one of 'Ishtarak' showing the separate holdings affected by the consolidation as the joint property of the proprietors of those holdings and the other of partition showing the area allotted to each owner or group of owners. No fee shall be charged on the first mutation. 'Ishtarak' nor on the second mutation 'Taqsim' relating to the entry of transfer of holdings between tenure holders on the analogy of the orders contained in paragraph 7 of Appendix XIV to the Settlement Manual.

8.47. Treatment of right of absentees. (1) Rules regarding the omission from the Jan13bandi of the names of persons entered as Ghairhazir or Ghair-kabiz or given in paragraph 281 of the Settlement Manual, Sub-Clausess (1) and (2), and should be carefully followed.
(2) When a right-holder, entered in the record of rights or annual record as ghair-hazir or ghair-kabiz has been heard of within seven years but has been so entered for more than twelve years, the patwari shall enter the case in his register of mutations and shall report it to the Revenue Officer.
(3) When a right-holder, entered in the record of rights or annual recorded whether he is not described therein as an absentee (ghair-hazir) or as out of possession (ghair-kabiz) has not been heard of for seven years by those who would naturally have heard of him if he had been alive, the officer attesting a mutation may (unless he sees reason to the contrary) presume that he is dead and pass orders on the case accordingly; but before ordering the omission of his name from the record of rights or annual record, such officer should satisfy himself that all reasonable endeavour has been made to ascertain whether the absentee is alive and to give him an opportunity of appearing.
(4) No new entry of anyone as ghair-hazir should be made. A right-holder should not be entered as ghair-kabiz if he is himself in legal or constructive possession, as when he has put some one else in possession on his behalf, or the land is lying waste, or he is by reason of poverty unable to cultivate it. A familiar instance would be where a sepoy has left his land in his brother's possession while he is with his regiment. In such a case the sepoy should be
entered as in possession of the land through his brother. An entry of ghair kabiz should not be made unless some other person than the right-holder is in adverse possession.

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

(6) The entry against a tenant-at-will of Bila Lagan Ba Waja Tussuwur Milkyiat is misleading and no new entry of this description should be made, but when this entry exists it should not be altered except by mutation sanctioned by the Collector.

8.48. Escheats.- (i) In mutation cases dealing with lands of deceased proprietors who have left no apparent legal or customary heirs or successors, the mutation should be disposed of by the Collector of the District.

(ii) Where such land is occupied by persons including mortgagees who have been in cultivating possession of the land continuously for 30 years or more, and the possession has been recorded in Jamabandi, they should be given the option of acquiring proprietary rights on payment of a sum equal to 96 times the annual land revenue and cesses.

(iii) When such land is occupied by any persons whose possession though less than 30 years standing is recorded in Jamabandi, it should be offered to them at the market value if they are willing to purchase it.

(iv) Where escheated land has been occupied by a tenant or tenants, the proprietary rights shall be conferred upon them under Section 94 or Section 104 of the H.P. Tenancy and Land Reforms Act, 1972, as the case may be.

(v) If the land is unoccupied, the nearest collaterals (not being legal heirs) of original owner of the land if proved, should be given the option of purchasing it at its market value.

(vi) In case there are no occupants or in case the occupants or proved collaterals are unwilling to purchase the land on the conditions stated above, the land should be put to auction and given to the highest bidder.

(vii) In case of doubt on any point, the Deputy Commissioner may refer the case with his own opinion to the Financial Commissioner (Rev), H.P. for decision. The Financial Commissioner may pass such orders as he deems fit.

(viii) The Financial Commissioner may at any time call for the record of the case pending before or disposed of by the Deputy Commissioner and pass such orders as he thinks fit.

8.49. Mutations resulting from assignments.- Revenue assignments are entered after final orders have been passed. The proceedings preliminary to orders creating or resuming assignments of land revenue, or continuing them to successors or transferees, are not entered in the mutation registers, but are recorded in separate files to which the Patwari has no access. Nevertheless, the Patwari's jamabandi must contain accurate entries relating to all assignments, and the proper mutation fees must be levied. It is, therefore, necessary to instruct the patwari as to the entries to be made in each
case, and to provide for the levy of the mutation fee due on the entry.

The following procedure should be adopted:-

When a final order is passed in any case of this class, it will be communicated by Parwana to the Tehsildar. This Parwana, after the usual recital of the substance of the order will direct the Tehsildar to correct the village papers accordingly. To this end, it will state the entries to be removed and those to be substituted in the annexed form.

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The Tehsildar will send the Parwana on receipt to the field Kanungo of the circle in which the case has occurred, directing him to transcribe the Parwana in red ink in the appropriate columns of the mutation register of the village concerned, attest the entry as a true copy, and return the Paiwana with report endorsed to the Tehsildar. When the Kanungo has done this, the Patwari will incorporate the new entry in the next Jamabandi and also include in his next list of mutation fees the fee due on the entry.

8.50. Disposal of land vested in State Government under Sub-Section (2) of Section 104 of the H.P. Tenancy and Land Reforms Act, 1972.- (1) In case the landowner fails to bring under Personal cultivation the land reserved by him under Clauses (i) and (ii) of Sub-Section (1) of Section 104 within one year from taking over the possession of the land, the Patwari shall make a report to the Land Reforms Officer of such failure. On receipt of such a report the Land Reforms Officer shall issue a notice to the landowner to show cause within fourteen days from the receipt of the notice as to why the land shall not vest in the State Government. On hearing the landowner, if the Land Reforms Officer comes to the conclusion that the landowner has failed to cultivate the land without sufficient cause then he shall pass an order in writing under Sub-Section (2) of Section 104 that such land vest in the State Government. The Land Reforms Officer may also order payment of amount to the landowner at rates prescribed in Sub-Section' (2) of Section 104. He shall also take possession of the land on behalf of the State Government and shall cause to make entry in the revenue records to this effect.

(2) On vestment of the land in the State Government under Sub-Rule (1), the
Land Reforms Officer shall summon the tenant from whom the landowner resumed the land for personal cultivation and shall give him an option and the first choice to acquire the proprietary rights of the land on payment of the amount at the rate prescribed in Sub-Section (2) of Section 104.

(3) In case the tenant agrees to acquire ownership rights of the land under Sub-Rule (2) he shall be asked to pay the amount in lump sum or in such number of six monthly instalment not exceeding ten during the period not exceeding five years from the date of order of the Land Reforms Officer. The Land Reforms Officer shall at the same time pass an order for the delivery of possession of the land to such person on payment of 1st instalment of the amount who acquires the proprietary rights under this Sub-Rule.

(4) In case the tenant does not exercise option under Sub-Rule (2) then the land will be allotted in the following order of preference on payment of 96 times the annual land revenue plus rates and cesses:

(a) to landless agricultural labourers;
(b) to village artisans; and
(c) to members of scheduled castes and scheduled tribes. (Rule 26 of the H.P. Tenancy & L.R. Rules 1975).

8.51. Relinquishment of land under section 31.- (1) If a non-occupancy tenant wants to make a voluntary surrender of his tenancy land in favour of the Government under Section 31 of the Tenancy & L.R. Act, 1972, he shall apply to the Collector in Form LR 1. On receipt of the application, the Collector shall record the statement of the tenant and after having satisfied himself of the fact of voluntarily relinquishing, pass order that the tenant has voluntarily surrendered his tenancy land in favour of the Government. Thereafter, the Collector shall cause the taking over the possession of the land through the Tehsildar concerned in favour of the Government.

(2) On having taken over the possession of the tenancy land under Sub-Rule (1), the Collector shall cause the necessary entry to be made in the Land Records substituting the right of the Government on the relinquished tenancy in place of the tenant and shall take possession of the land on behalf of the State Government.

(3) The Collector shall sub-let the land to the landless agricultural labourers or to those tenants whose land holding shall fall short of one acre as a result of resumption of tenancy land by the landowners under Sub-Section (1) of Section 104. (Rule 12 of the H.P. Tenancy & L.R. Rules, 1975).

8.52. Cases where no mutations are necessary.- With the following exceptions, no mutation rights can be incorporated in the Jamabandi until a revenue officer has sanctioned it by an order recorded in the mutation register. The Jamabandi entries concerning holdings in which mutations have occurred, but on which no order have been passed will remain unaltered (see also para 8.65 infra.) The only entries in the jamabandi for the variation of which in subsequent records no mutation need be entered in the registers, are the following:-
(i) The entries in columns 1-3 of the Jamabandi as given in para 8.65 infra.
(ii) In column 4-
   (a) the name or the father's name when it has been legally changed, but in such case the former name shall continue to be shown also preceded by the word ‘alias' or ‘formerly' (Urf),
   (b) the military rank or civil title,
   (c) the place of residence,
   (d) the omission of the word 'minor' and of the name of the guardian under paragraph 8.65 (4) infra of the Jamabandi form,
   (e) the recasting of the form of the details of internal shares without changing the shares.
(iii) In column 5- undisputed entries relating to cultivation by an owner shown in column 4.
(iv) The entries in column 6- “Well or other means of irrigation.”
(v) (a) Entries in columns 7 and 8 "field number" and "area" and "soil" resulting from map correction (Chapter 6 on Surveys) or from measurements in connection with alluvion and diluvion or with fluctuating assessment,
   (b) corrections in addition of the area, where the area of each field has been correctly shown, but the total has been wrongly added up.
(vi) Undisputed entries in column 9, relating to rents of tenants at will and entries made in pursuance of an order passed by the Revenue Officer.
(vii) Entries in column 11 "Demand" provided that the variations are supported by an order by the Collector, or higher authority.
(viii) Entries in column 12, "Remarks," relating to the matters specified in instructions relating to the column given in paragraph 8.65 (10) Infra, provided that new remarks shall be limited to such matters, and provided further that entries relating to the rights of mortgagors or mortgages or assignees of land revenue or the user of tree or grass shall not be varied without order being obtained in the mutation register.
(ix) Entries, in column 19 "Remarks" of the form of Jamabandi Abadi of particulars relating to cases of allotment of Government land required by the last sub-paragraph of paragraph 8.71 (19) infra.

8.53. Orders for the correction of clerical mistakes in records to be obtained on the Fard Badar.- (a) Jamabandi entries not enumerated in preceding paragraph should not be varied in subsequent records without first obtaining orders for their variation on mutations entered for this purpose except where the variation merely consists in the removal of a clerical mistake that is to say, of a mistake which has been made in copying the entries of the Jamabandi into another or in incorporating a mutation in a Jamabandi and the correction of which does not involve the alteration of any mutation' order. Subject to the exception noted below, orders for the correction of such mistakes in subsequent records should be obtained on the Fard Badar, the form of which is given below:-

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</table>
(b) Certain Corrections through Fard Badar forbidden and attestation of Fard Badar by the Collector etc. *Contested Corrections relating to right, title and interest, dimensions (Karu Kans), shares and calculation of an area of a kh.No. shall not be done by way of Fard Badar. Fard Battars shall only be attested by the Collector.*

Whenever a clerical mistake is detected in the current Jamabandi after it has been finally attested and filed, whether that mistake was originally made in that or any previous Jamabandi, the patwari should make the necessary entries about it in the first four columns of the Fard Badar. His report in the fourth column should be as brief as possible. For instance, if any field has been omitted by mistake from any holding the report should merely state that such and such field has been omitted. The Field Kanungo should, from time to time, examine the Fard Badar entries and enter his own report in column 5 of the Fard Badar. His report should also be as brief as possible and where he finds that he has nothing to add to the patwari's report, he should merely put his signature in this column. In reporting upon any Fard Badar entry, the Revenue Officer (Naib Tehsildar/Tehsildar) should see whether it actually relates to a clerical mistake which under the present instructions, should be dealt with in the Fard Badar, and if he finds that it relates to such a mistake, he should report the correction of the mistake in question in column 6 and the Collector shall attest the Fard Badar, otherwise he should report that the Fard Badar entry in question should be cancelled. It will not be necessary to hear the parties concerned in connection with the disposal of Fard Badar entries.

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

A few blank sheets of the Jamabandi sizes will be stitched to the patwari's copies of each Jamabandi. When the next Jamabandi is prepared a copy of the Fard Badar attested by the Field kanungo will be attached to the Government copy of that Jamabandi.

(c) Checking of Fard Badars:- The Collector and District Revenue Officer should examine Fard Badars from time to time in order to see that the procedure prescribed in connection therewith is properly understood and followed by the subordinate revenue staff.

8.54. Mutation of correction not to be made. When an entry has been incorporated in the Jamabandi a mutation should not be entered up or sanctioned for the purpose of correcting it, except to correct a clerical error (where this cannot be done by a Fard badar), or in consequence of a patent
fact. The party aggrieved by such an entry must seek his remedy by suit, (L.L.T. 1934, page 2.)

8.55. Interrogatories.- If a patwari finds, when entering a case in the mutation register or otherwise, that a person whose statement is essential for the disposal of the case, is residing outside the limits of the Tehsil, he should write up on interrogation which may conveniently be in the following form:-

Interrogatory in the name of _____ son of _________, village ________, tehsil ______, District________, State________.

<p>| | | | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Name of Village with Hadbast No.</td>
<td>Mutation No.</td>
<td>Brief account of the transfer showing the name of the land transferred, the description of the land transferred, the nature of the transfer, date of transfer, &amp; consideration money, etc. etc.</td>
<td>Questions with date and signatures of patwari and field kanungo</td>
<td>Answers with date and signature of persons giving statement, as well as the person identifying (Lambardar) and that of the official recording the statement.</td>
<td>Orders as to compliance with the interrogatory</td>
</tr>
<tr>
<td>2</td>
<td>Name of tehsil and district</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The patwari will fill in columns 1 to 4 of this statement and then despatch it to his Field Kanungo, nothing the fact in column 14 of the mutation sheet. The Field Kanungo will add his signature in Column 14 of the form and send it on to Tehsildar. In column 16 of the Tehsildar will address the Tehsildar or other officer in whose jurisdiction the person is residing, or if the interrogatory has to be sent through the Deputy Commissioner, will write his report. The Tehsildar addressed should himself, as far as possible, take the statement of the person concerned, but may depute the Naib- Tehsildar or the Field Kanungo of the circle to do so, to avoid delay. The date of receipt and despatch of interrogatories should be recorded in the despatch book of every officer through whose hands they pass.

(a) Tehsildars and Naib-Tehsildars to examine all mutations. Tehsildars and Naib-Tehsildars, on visiting a village should examine all mutations in which interrogatories have been issued and either decide such as are ripe for decision and the parties are present, or arrange for the decision of the mutation on the next suitable occasion.
(b) **Period for replies to interrogatories.**- Replies to interrogatories should generally be awaited three months if the enquiry is to be made within Himachal Pradesh and four and five months in the case of persons residing elsewhere, but it is left to the discretion of the attesting officers to wait longer in particular cases for special reasons.

An interrogatory may also be issued under the orders of the attesting officer for the examination of a person residing within the limits of the Tehsil if the officer thinks is that such person cannot attend without an amount of expenditure and inconvenience which would be unreasonable in the circumstances of the case. No interrogatory should, however, be issued for the examination of a person residing within the limits of the Tehsil unless such person resides at a distance of more than 40 kms. from the village to which the mutation relates. An interrogatory issued under this clause should be entered on the same form as that prescribed for other interrogatories and should be addressed to the Tehsildar who after taking or having taken the statement of the person concerned, will return it to the Field Kanungo, the dates of receipt in and despatch from the Tehsil being entered in the despatch book. In the absence of any special reasons replies to interrogatories issued within the limits of the Tehsil should not be waited for more than three weeks.

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

8.56. **Procedure as regards registered deeds of transfer.**- Registrars and Sub-Registrars send monthly to Tehsildars particulars of all registered deeds which purport to transfer agricultural land. The office Kanungo forwards these slips to the Field Kanungo of the circle who distributes them to the patwaris concerned. The form of the notice is as follows:-
With the memoranda is sent an invoice in the following forms:

<table>
<thead>
<tr>
<th>Serial No.</th>
<th>Number of deed</th>
<th>Name of village</th>
<th>Date of Field Kanungo’s report returning the registration memo to the tehsil office</th>
<th>remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>24</td>
<td>25724</td>
<td>Rampur</td>
<td>10th March 1990</td>
<td></td>
</tr>
</tbody>
</table>

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

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

(ii) The registration memoranda should then be sent to the Field Kanungo, who will distribute them to the various Patwaris for entry in their mutation register in the usual way. The information in the memoranda is sufficient to enable the patwari to enter up the transfer in his register of mutations as soon as he receives them without reference to the transferee.

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

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

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

8.57. Mutation fees.- (a) The scale of mutation fees fixed by the local Government under the authority given to it by Section 39 of the Himachal Pradesh Land Revenue Act is stated in Himachal Pradesh Government Notification No. 10-9/69-Rev-A of September, 1992 which is reproduced below:-

**NOTIFICATION**

In supersession of the Himachal Pradesh Government Notification No. 10-9/69-Rev-A dated the 7th May, 1980 and in exercise of the powers conferred by Sub-Section (1) of Section 39 of the Himachal Pradesh Land Revenue Act, 1953 (Act No. 6 of 1954) and all other powers enabling him in this behalf, the Government, of Himachal Pradesh is pleased to fix the following scale of mutation fees for the purpose of that item/section with immediate effect.

<table>
<thead>
<tr>
<th>Name of Item/Section</th>
<th>Scale of fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>When the entry related to the acquisition of a right or interest by a registered deed or by a decree or order of a Court or by an order of Revenue Officer making or</td>
<td>A fee of Rs. 2.00 (Two) shall be charged on each proprietary holding subject to maximum of Rs. 10 (Ten).</td>
</tr>
</tbody>
</table>
affirming a partition under Chapter IX of the Land Revenue Act, or directing the incorporation in the record of a Private partition.

2. When the entry relates to the acquisition of a right or interest by inheritance.

3. When the entry relates to the acquisition of a right or interest not otherwise provided for in paragraph 1 and 2 above.

4. The above fee shall be charged on all mutations whether accepted or rejected.

Provided that the attesting officer may remit the fee on any rejected mutation when in his opinion it would not be proper to recover it from the person in whose favour the mutation was entered.

5. In any case in which the fee payable under the foregoing provisions is found to be excessive in amount with reference to the value of the right or interest transferred or for any other reason, the Commissioner may either remit the fee or reduce it to such amount as he deems to be reasonable.

6. Notwithstanding anything contained in the preceding paragraphs, no fees shall be charged in respect of entries relating to the acquisition of a right or interest by the Bhudan Yagna Board or the Bhudan holder under the Himachal Pradesh Bhudan Yagna Act, 1954 (Act No.2 of 1956) or by inheritance. In the property of any person, in any of the naval, military or air forces of the Union of India:

(a) who is killed on active service in the Second World War; or

(b) who receives a wound or is involved in an accident or contracts a disease while on such service and dies within twelve months as a result of such wound, accident or disease.

8.57(b) Mutation fee can be legally levied only from the person in whose favour the mutation entry is made: In the case of a rejected mutation, the Revenue Officer may remit the fee for any special reason to be specified by him in the order. In the case of every rejected mutation whose fee is not thus remitted, the order should give the name of the transferee from whom it should be recovered.
This precaution is necessary in order to ensure that the fee is not recovered from the person from whom it is not legally recoverable. The portion of the order referring to the recovery of mutation fee may be corrected by the Revenue Officer who passed the order, by his successor, or by a superior officer, for reasons to be recorded in writing.

8.58. Payment of fees into the treasury.- Each year in the month of September the Patwari should prepare for each village in his circle a list of the fees due on mutations attested during the past year and of the person from whom fees are due. He should also give full detail of the amount to which the various Patwaris are entitled as their respective share. After the Field Kanungo has collected the check prescribed by paragraph 8.60 infra the Patwari will, after revising the list, if necessary, make it over to the Lambardar whose duty it is to pay the amount of the fees, when the first installment of the next kharif land revenue is due, less any share to which the Patwari is entitled. The Lambardar will pay the share of the Patwari in-charge of the village and will. Obtain a receipt for the same. The share of other Patwaris, if any, will be deposited by him into the treasury and placed in revenue deposit and the Tehsildar will arrange for its disbursement among the rightful claimants. The receipt obtained by the Lambardar for the amount paid to the Patwari must be produced by him when fees are paid into the treasury and in its absence no deduction on account of Patwari's share of the fees will be allowed by the Tehsildar. In case of the absence, death or transfer of the patwari entitled, or in case of a dispute as to who is entitled, the Tehsildar on the application of the absentee or by a disputant, shall keep the money in deposit pending the appearance of the absentee or the rightful claimant or settlement of the dispute. The patwari's share of the mutation fee shall otherwise not be put in deposit.

Any over payment made to a patwari on account of mutation fee should be recovered by deduction of this amount from his next pay bill under the orders of the Collector. Recovery of any amount of over-payment from a dismissed patwari may be made from his special Provident Fund.

8.59. Patwari's share to whom due.- The share of the mutation fee to which the patwari is entitled should always be paid to the man who enters the case in the mutation register and not to the man who incorporates the sanctioned entries in the Jamabandi.

8.60. Entry of fees in lists.- In order to secure the correct entry and collection of mutation fees, the patwari when preparing the lists referred to in paragraph 8.62 (v) will enter in red ink over the serial number of each mutation (column 4 of the lists) the amount of fee according to the mutation sheets, and at the bottom of column 4 will enter the total demand of the village. It is the duty of the Field Kanungo when checking Jamabandis in the Tehsil (see paragraph 8.86 infra), carefully to check these entries with the original sheets of accepted and rejected mutations, and to certify that they are correct. The entry of amount of the fees in statement 5 of the village note book should be discontinued. Any mistake discovered by the Field Kanungo should be communicated by him at once to the
patwari who will then complete the lists referred to in paragraph 8.58 supra.

8.61. **Office Kanungo’s statement of mutation fees.** - As soon as the Field Kanungo’s check is completed the office Kanungo will prepare a statement in duplicate in the form below:

```
TEHSIL-----------------------------

Statement of demand on account of mutation fees for the year Kharif 19...... and rabi 19.......... 
```

<table>
<thead>
<tr>
<th>Number of Mauza</th>
<th>Name of Mauza</th>
<th>Total mutation fees due from each estate.</th>
<th>Deduct patwari’s share</th>
<th>Balance to be credited to government with first kharif instalment of land revenue.</th>
</tr>
</thead>
</table>

**Explanations** - Give against each Mauza only the total sum due from it not the fee due from each holding.

One copy of the statement should be sent by the Tehsildar to the Collector as soon after the end of September as possible for incorporation in the running register. The other copy should be made over to the Tehsil wasil baqi navis in whose custody it will remain. It will then be the duty of the Tehsil Wasil Baqi Navis to see that the fees are realized and credited in the Tehsil accounts as above directed.

8.62. **Disposal of forms containing mutation orders.** - The following instructions prescribe the method of disposal of forms containing mutation order:

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

```
<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hadbast No. with name of village</td>
<td>Serial number of batch for the current year shown in column 1</td>
<td>Date of order</td>
<td>Total number of mutations</td>
<td>Number of sheets</td>
<td>Serial number of mutation</td>
<td>Signature of Patwari</td>
<td>Signature of attesting officer</td>
<td>Date of receipt in tehsil with signature of office kanungo.</td>
</tr>
<tr>
<td>Particulars of mutation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
```
(ii) On each occasion that he attests the mutations of a village, a Revenue Officer should have the mutation sheets, on which orders have been passed, arranged in serial order in two bundles, the one of accepted, the other of rejected mutations, and he should order the patwari to enter the necessary particulars in the registers aforesaid. The foils should then be detached from the counterfoils and affixed as indices to the two bundles, each of which should be stitched together with stout thread.

(iii) The bundles of sheets should then be despatched or personally made over by the attesting officer to the Tehsil office Kanungo. Attesting officers are responsible for the safe custody of the sheets until they are so made over and should be very careful to prevent their loss.

(iv) On receiving the sheets the office Kanungo will check them with the indices, sign the letters and then place both sheets and indices in an almirah, where they will be arranged in files by field Kanungo's circles act between board tied round with tape or string. Within these boards the sheets should be arranged by patwari's circles, those of each village being placed together, along with their indices in the order in which they reach the office Kanungo. The files of accepted and rejected mutations in each Field Kanungo's circle should be kept distinct and on separate shelves.

(v) After June 15th the patwari should prepare two lists in the form below of all mutations attested during the year for each village in his circle. One list will show accepted, the other rejected mutations.

<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hadbast No. and name of village</td>
<td>Total number of mutations</td>
<td>Total number of sheets</td>
<td>Number of mutations in serial order</td>
<td>Signature of patwari</td>
<td>Signature of tehsil office Kanungo</td>
<td>Remarks</td>
</tr>
</tbody>
</table>

These lists should be prepared from the counterfoil register described in paragraph 8.4 supra and after being checked with the register of mutations should be sent to the Tehsil not later than August 1st, a copy of entries in the first four columns being retained by the patwari in his diary.

(vi) On receipt of these lists the office Kanungo should compare them with the mutation sheets in his custody, arrange the latter in their serial order remove and destroy their indices, sign the lists in column 6 in token of their correctness, and attach them to the bundles of sheets to which they refer.

(vii) As soon as a Jamabandi is made, the office Kanungo should make over the accepted mutation sheets of the village in question to the Field Kanungo and take his receipt in the last column of the list which is attached to those sheets and he will retain. The sheets will then be attached by the Field Kanungo to the Jamabandi.

(viii) The lists containing the receipts of the Field Kanungos should be made into
Kuliat files, one for each Field Kanungo's circle. Each file should be indexed and the lists which it contains should be arranged by the serial order of the 'hadbast numbers' of the villages to which they relate. The files should be destroyed after five years, that is, after the next detailed Jamabandis have been prepared.

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

8.63. Disposal of miscellaneous papers.- Petitions and exhibits should be returned to the parties by the attesting officer. If depositions are taken by commission the essential part of them should be very briefly incorporated in the attesting order so that the mutation sheet be complete in itself. Any papers which cannot be returned should remain attached to their proper mutations. When the Jamabandi of any village is filed the miscellaneous papers should be removed from the sanctioned sheets of mutations and made into distinct files one for each Kanungo's circle. These should be kept with the files mentioned in paragraph 8.62 (viii) and destroyed with them after 5 years.

**Part-B The Jamabandi**

8.64. The form of the Jamabandi is as follows:-

<table>
<thead>
<tr>
<th>Khewat No.</th>
<th>Khatauni No.</th>
<th>Name of patti or Taraf with name of Lambardar and revenue</th>
<th>Owner, description</th>
<th>Cultivator, description.</th>
<th>Well or other means of irrigation.</th>
<th>Field numbers</th>
<th>Area</th>
<th>Rent paid by cultivator, rate and amount.</th>
<th>Share or measure of right and rule of Bachi</th>
<th>Demand, with detail of revenue and cesses.</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Note:* The form may be altered with the sanction of the Financial Commissioner to meet the requirements of any particular district or tract. For canal colonies in particular a special form will generally be found necessary (see the form in paragraph 8.70) and in other districts it may prove advisable to effect minor alternations. Thus if there are two classes of owners, superior and inferior a column to show a superior owner can be inserted between column 3 and 4. A column may, if necessary, be added for "date-trees" liable to assessment. In tracts under fluctuating assessment this form may be used or the alternative form given in paragraph 7.45 infra, as may appear more suitable. In the case of urban lands to which the Himachal Pradesh Land Revenue Act applies, the ordinary form should be adopted, but it should be divided into two parts, namely, (a) for agricultural (zarai) and (b) for urban (sakni) lands. Lands specially assessed as potential building land as in Shimla, should be classed in the
former but distinguished from other agricultural land by the addition of the word 'qabil tamir.'

8.65. Special instructions relating to the Jamabandi.- (1) Column 1-The Khewat number is the number of owners holding. Except as provided in paragraph 8.38 Supra, arrange owners' holdings in the order in which the names of owners are given in the village genealogical tree (Shajra nasab). Muafi holdings must not be collected at the end of the Jamabandi. Each should be put in the place to which, with reference to the order of ownership, it belongs. A mortgagee in actual possession, and paying the land revenue should have Khewat and not a Khatauni number, except as provided in Clause (5) Infra.

(2) Column 2-The Khatauni number is the number of the holding (Khata) of the person responsible for the cultivation. Enter in order all the holdings belonging to each Khewat Humber showing first the holding, if any, cultivated by the owner himself( Khudkasht), next the holdings of occupancy tenants, lastly, those of tenants at will. If a tenants holds land under one owner, part in occupancy right and part as a tenant at will, the whole may be entered as a single holding1 the field held under each tenure, and if necessary, their rent, being separately detailed. Where there are several tenancy holdings under one proprietor the tenants in their several classes should be entered, so far as possible, in alphabetical order. The Collector may prescribe a different order of entry for the Khatauni holdings of Government lands in a colony area if he finds that the orders prescribed in this instruction cannot be suitably followed as regards such holding.

(3) Column 3-Enter the Patties or Tarafs in the order in which they appear in the Shajra nasab. If there is any common land belonging to all the owners of the Patti or Taraf, enter it as a separate Khewat number after the Khewat numbers of the individual owners. Enter the total for each Patti or Taraf after the last of the Khewat numbers contained in it.

(4) Column 4-"Description" in this column includes father's name, and grandfather's name and residence, and for officers of the Indian Anny the title of their rank, as Subedar, Major, etc. If the owner is a firm, its manager should also be named and described. If the firm is registered under the Indian Partnership Act, IX of 1932, the partners need to be mentioned; but if the firm is not registered the partners should also be named and described and the details of their shares recorded. The mortgagee with possession, i.e. one who is responsible for the payment of land revenue for the mortgaged land, should also be entered with a similar description in this column under the name of the owner, thus, Sohan Lal rahin wa Sewa Ram wald Mohan Lal wald Ram Lal sakin Sanjauli murtahin.

The amount of the mortgage debt will not be entered anywhere in the 'Janlabandi.' If any of the recorded owners in a joint holding is out of possession note the fact and show who is in possession of his share, thus Sohal Lal ek tihai wa niz kabiz hakkiyat Mohan Lal, gair kabiz do tihai. if the person in possession, i.e. who pay's the revenue is not owner, show this clearly, thus, Sohal Lal gair malik kabiz hakkiyat Mohal Lal malik gair kabiz. Regarding the entry of a right holder as gair kabiz. The practice has in the past existed of making a note in the
rent column (No.9) against the entry of a tenant at will of bila lagan ba waja tusaw-wal milkiyat. This entry, which tends to operate as one of gair kabiz in respect of the owner, should never be 'made. It is in the first place inconsistent because a person who is a tenant cannot be in adverse possession: further the record is one of facts and not of claims. If the facts show adverse possession the mutation of gair kabiz should be made, and disposed of as shown in para 8..47(6) Supra (L.L.T. 1932 page 141).'

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

When a person whose name is entered in the record of rights is a minor, a female or otherwise incapacitated from managing his own affairs, the name of his or her Sarbrah or guardian need not be shown. It is needless to specify whether a right holder is of age, or a minor. Where such entries have already been made the patwari may, when the right holder comes of age, omit the designation "minor" and the name of the Sarbrah without entering the case in the mutation register.

(5) Column 5-'Description' in this column includes the father's name, and grandfather's name and residence, and for officers of the Indian Army the title of their rank as Subedar, Major, etc. If the tenant is a firm its manager should also be named and described. If the firm is registered under the Indian Partnership Act, IX of 1932, the partners need not be mentioned, but if the firm is not registered the partners should also be named and described and the details of their shares recorded.

The status of the cultivator should also be recorded which may be as follows:-

(a) Cultivating owner:- Khud-Kasht, or if one of several share holders is cultivating a portion of the holding (hissadar kasht) khud kasht hissadari.

(b) Occupancy tenant-maurusi or dakhilkar if any subservient. Also muquarraridar and any other local form of right.

(c) Tenants holding for a fixed term under a contract (pattadar) or a decree of a Court or an order of competent authority. It should be remembered that the status of a lease-holder for a year differs from that of a tenant-at-will.

(d) All other tenants, i.e. tenant-at-will (Ghair Maurusi or Ghair Dakhilkars). A person, who is in adverse possession, should not be described as Ghair Dakhilkar or Ghair Maurusi. These words imply the relationship of landlord and tenant which is incompatible with adverse possession.

Where the cultivation of the same field in the two harvests is done by different cultivators, the name of the Rabi cultivator should be entered in red ink under the Kharif tenant: he should not be given a separate Khatauni number.

If a co-sharer in a joint holding transfers land by way of sale, gift or otherwise or mortgages certain fields and the transferee obtains possession and all the interested parties agree, the name of the latter will be shown in this column not in column No.4. He shall be given Khatauni and not a Khewat Number.

The tenant is the person responsible for paying the rent. If he sublets the land the entry should be Sohal Lal Ghair Maurusi Awwal Marfat Chet Ram Ghair
Maurusi Doyam.
For instructions relating to recording of entries of possession, relinquishment of tenancies, detection of encroachment on Government land, changes of classification of land, restrictions of recording encroachments on Government land, restrictions of variation in ownership, possession etc. on Government land, the provisions of para No. 9.9. of Chapter No.9 on 'Harvest Inspections' of H.P. Land Records Manual shall apply, which may be consulted.

(6) Column 7-The field of khasra number is the number given to the field in the village map (Shajra Kishtwar). The order of entry should usually be that of the khasra Giropawari. The soil description in the Jamabandi is intended to show the permanent method of husbandry applied to each field, and not the condition applicable' to any particular harvest or harvests, see paragraph 260 of the Settlement Manual. The soil entry must, therefore, be changed, when but only when, a permanent change has occurred, as e.g. by the cultivation of land which was previously Banjar Jadid or Banjar Kadim or by the conversion of Barani into Chahi land owing to the sinking of a new well. Ordinary, changes in soil classification need only be made in the year in which quinquennial attestation takes place.

(7) Column 8- Where the Ghumao measure is in use, enter the area of holding in kanals and Marlas only reckoning out Ghumaoa only in the totals of Patties or Tarafs and of the estate.

(8) Column 9- Where rent is paid by share of produce (Batai) enter the share only. If by a lump sum note the amount, otherwise not both rate and amount in the case of cash rents. Where part of holding pays at one rate, and part at another, see that areas, etc. are given in sufficient detail, so also where cash rents are paid on particular crops.

"Where no rent is paid by a person in possession other than the owner briefly explain the reason for non-payment of rent. If the fact is undisputed, as above explained, the entry of no rent because of a claim to adverse possession should never be made."

If the fact is that the possession is adverse the entry should be of Gair Qabiz, if the fact is that he is a tenant then if the rent cannot be ascertained it should be recorded as doubtful. For the share of partners in cultivation see sub-clause (10) (viii) below.

(9) Column II-If the revenue of a holding is assigned (Muafi or Jagir) enter the amount in red ink. If the totals of Patties or Tarafs and of the whole estate show the whole revenue in black ink with a detail of Khalsa in black and Muafi or Jagir in red ink.

(10) Column 12-In the case of all new entries of names of owners, mortgagees with possession and occupancy tenants and alterations in shares, etc., which are supported by 'any mutation or Fard Badar entry refer in this column to the entry by which they are supported. References to Fard Badar entries should be given in the manner described in paragraph 8.2 Supra. If mutation of rights has occurred and has been entered up before June 15th or the elate approved by the Director of Land Records but not attested, note briefly the facts which are believed to have occurred, giving the serial number of the entry in the register but stating that the mutation has not been attested:
(i) If a new well or any other source of irrigation has been made, or a deserted well or any other source of irrigation has been brought into use, or it a well has fallen in or been deserted be very careful to note the fact.
(ii) If a holding or part of a holding has been hypothecated to Government as security for a Takawi loan, make a note of the fact.

If a second loan is given on the same security a second mutation is not required see paragraph 8.36 Supra but whether a mutation has to be entered up or not the patwari should make a note of the loan in column 12 of the current Jamabandi which should be carried over to all succeeding Jamabandis.

(iii) A brief description of the terms of collateral mortgages attested in the mutation register will be entered in this column, but no entry relating to such mortgages will be made in any other column.
(iv) If the revenue of a holding, Patti or taraf or of a whole estate, is assigned (muafi or jagir), note the fact and the names, description, and shares of the assignees in red ink in this column.
(v) If mutation is refused in any case with reference to which notice of the registration of a deed has been received, note the fact in this column specifying the nature of the deed (sale, mortgage, etc.) and its date.
(vi) If any land in a colony town has been sold by Government for a specific purpose or subject to any particular conditions, then note here the purpose or the conditions.
(vi) "The amount of produce received by Adhjogias and other partners in cultivation from the land lord as their share and the contribution towards seeds, Government dues, etc. if any, made by them, should be recorded in this column."
(vii) "A note showing 'the names of owners whose land has been acquired by Government wholly or partially and without a share of the Shamlat, together with the area transferred and the number of the relevant mutation, shall be entered in this column. It shall also be stated in this note that the owner concerned will be entitled to due share of this Shamlat area at the time of partition. The note in question shall be copied from Jamabandi to Jamabandi till partition of the Shamlat take place (see paragraph 8.38)."
(ix) The patwari shall enter notes as mentioned in paragraph 8.27,8.39 and 8.43 in this column.
(x) In Districts Kangra, Hamirpur and Una, the entries of 'Khud-ro-Drakhtan Malkiat Sarkar' over Ban Sarkar area~ belonging to the landowners or over Shamlat lands not vested in the Government under t1le H.P. Village Common Lands (Vesting and Utilization) Act, 1974 and falling under exceptions, in remarks column of Jamabandi have been coming since long. Such entries shall continue to be recorded in the sub sequent jamabandis in the remarks column and shall not be deleted except with the orders of the State Government or the orders of the Collector of the District.

Note :- Substitution and deletion of such entries ordered by H.P. Government vide Notification No. (Rev) D (D) 1-18/85-1, dated 26th December 1989 shall be made in the revenue record by the patwari and Field Kanungo in accordance
with these orders. The Revenue Officer shall check such entries by 100 per cent.

8.66. In connection with the making of entries in the Jamabandi on the basis of the mutations, following instructions are issued:—

(i) The entries in column 4 (owner) of the jamabandi should remain unaffected.

(ii) In column 5 (cultivator) the department of Government, for whose operations the lease has been affected, should be shown as lessee and the land owner as lessor.

(iii) In column 9 (rent), the entry should be "rent at owner's rate on account of the construction and maintenance of (-----------------------) here specify the purpose of the lease)."

8.67. Land held by Government.— All land owned by Government should be entered in one place after the village common land. All land permanently appropriated for public purposes since the date of the last settlement should be entered thus.

(1) Where land belongs to a Department of the State Government the words “State Government” should be recorded in the column of ownership. Where land belongs to a Department of the Government of India, the words “Central Government” should be entered in that column.

(2) In the occupiers, column the name of the department which has charge of the land, e.g. Deputy Commissioner I &PH Department, Executive Engineer, North Western Railway, Postal Department, Defence Department, etc.

(3) In lieu of soil entries, state the purpose to which the land is applied e.g. encamping ground, sarai, canal rajbaha bungalow, etc.

(4) When nazul or other Government property is vested in a local body, or is otherwise in its possession such property should be described as “State Government or Central Government” as the case may be, “maqbuza M.C. or Municipal Corporation, or Cantonment Board” as the case may be. But property acquired by a local body should be shown as owned by that body. In order to guard the interest of Government, no mutation of nay new acquisition or of sale of property owned by a local body should be made without the order of the collector.

Concerning land occupied by Government at the date of last settlement which Government still holds, the entries of the last settlement, in the column of ownership will be repeated unaltered. The columns of occupancy and description of land will be filled up as above directed.

If the land is occupied only temporarily, as for instance, the approach to a ferry, the names of the owner and hereditary tenants will usually be continued,
and separate numbers need not be made. Government possession can be described in the column of remarks.

8.68.- **Changes in Soil entries**.- A note should be added at the end of the Jamabandi stating briefly what changes have been made in the soil entries, and where the changes are important, explaining the reason for making them. This note should be signed by the Kanungo and by the Naib- Tehsildar or Tehsildar.

8.69.- Alternative form of Jamabandi for fluctuating assessment is given below:-

<table>
<thead>
<tr>
<th>Jamabandi form for Fluctuating Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
</tr>
<tr>
<td>------------------------------------------</td>
</tr>
<tr>
<td>Khewat number</td>
</tr>
</tbody>
</table>

Column 8- The rate should be entered only against the total of each class of land, and at the end of each holding or once for all the beginning of the Jamabandi.

Column 16- Enter balance due also authority for new abiana demands.

8.70. Alternative form of Jamabandi for colony towns and Chaks given below:-

<table>
<thead>
<tr>
<th>Jamabandi Abadi</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
</tr>
<tr>
<td>Serial No. according to auction or allotment register</td>
</tr>
<tr>
<td>----------------------------------------------------------</td>
</tr>
</tbody>
</table>

Note:- This form will be used where the land in a colony town or a Chak has been built upon. The ordinary form of the Jamabandi will be used in the case of land which is still culturable though within the town limits.

8.71. (1) Column I-Against each field number included in the Khewat, the serial number of the auction or allotment register or the register of sales by private treaties. In which the land of each field No. is included, should be given in this column.

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

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

(3) Column 3-The Khatauni number is the number of the holding of persons responsible for the payment of rent or are in possession of the site. Occupancy tenants, auction purchasers, peasant grantees, or persons holding sites under special conditions, will be given separate Khatauni numbers under the Khewat of
Sarkar. In such cases the old number of Khatauni should be in red ink under the new Khatauni number.

(4) Column 4-The name of Lambardars responsible for the realization of land revenue assessed on sites should be entered. The total land revenue demand for which each Lambardar is responsible should be end in this column.

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

(6) Column 6- In this column those persons will be entered who will ultimately obtain proprietary rights but have not yet acquired their rights. Their holdings will be entered in the following order:
   (1) Auction purchasers.
   (2) Occupancy tenants.
   (3) Peasant grantees.
   (4) Persons holding on half-resumable conditions.
   (5) Persons holding land on the planting conditions.
   (6) Lambardari grants.
   (7) Lease holders on horse-breeding conditions.
These persons will be shown within their separate groups in the order given in the pedigree-table.
After the holdings of the above named persons the holdings of the following should be entered:
   (1) Non-occupancy tenants.
   (2) Shopkeepers.
   (3) Kamins (menials) permanently settled.
   (4) Addition kamins.
   (5) Ahatas allotted for masjids, Dharamsalas, etc.
   (6) Tilkias.
   (7) Deras.
These persons will be shown within the groups in alphabetical order.

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

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

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

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

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

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

(12) Column 12- The area arrived at the last girdawari of the field concerned or shown in the mutation register will be given in this column and will be in kanals, marlas and sarsahis or Bighas, Biswar and Biswansi or in metric measures as the case may be.

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

(14) Column 14- This should be ascertained by reference of the Khasra Girdawari.

(15) Column 15- The amount of rent paid annually by the occupier should be entered here. This can be ascertained from the Khasra Girdawari.

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

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

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

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

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

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

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

(a) Where there is a registered deed. Place of registration, number of deeds, date of registration, number of bahi and number of volume.

(b) Where the deed unregistered Number of file with the word 'English' or Hindi as is the case may be and the date of execution of the deed.

(c) Other cases e.g. agreement, etc. Number of file with the word “English” or Hindi as the case may be, and the date of agreement.

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

8.72. Soil entries in the Jamabandi.- The classification of the fields in column 7 of the Jamabandi has its origin in each case in the entries made in the khataunis when a village is remeasured. If note 14 of the instructions appended to the khatauni form (see appendix VII. Settlement Manual), be read it will be seen that the classification of soil may be considered under three heads:

(a) Land which is cultivated without the aid of irrigation.
(b) Land which is cultivated with the aid of irrigation.
(c) Land which is not cultivated.

In all returns in which soils or crops are classified as irrigated and un-irrigated, sailab soils and crops should be included in the latter class.

8.73. Un-irrigated Land.- Lands which is cultivated without the aid of irrigation. In the village papers of many districts un-irrigated lands which are not affected by flooding or percolation from rivers (sailab) are simply classified as barani. In those districts in which the barani lands are classified according to the kind of soil (see paragraphs 261-265 of the Settlement Manual), no revision of this classification should ordinarily be attempted. If for special reasons, as for instance, the spread of sand or ret it may sometimes be necessary to revise any entries relating to the classification of barani land, such revision should always be limited strictly to those-lands in which some real occasion for the revision exists.
8.74. Classes of irrigated land.- Land which is cultivated with the aid of irrigation. In note 14 appended to the Khatauni from appendix VII of the Settlement Manual, it is directed that all land irrigated regularly from a well should be classed as chahi, and that all land irrigated regularly from a canal should be classed as nahri. And it is explained that the actual area of crops irrigated in each case will not appear from the khatauni entries, but from the crop returns. The distinction herein contemplated is further explained in paragraph 260 of the Settlement Manual. The limits of the land permanently served by each well or canal distributory having once been ascertained and indicated in the field map, the same caution should be observed in changing these entries as is directed above with respect to the alteration of classes of barani land. Ordinarily no such change need be attempted except in the year of quinquennial attestation, and in carrying out these changes care should be taken that lands once classed as irrigated be not classed as barani nor barani as irrigated unless a permanent change of this nature has occurred.

8.75. Distribution of the cropped area in crop abstract and in area statement. It will result from these instructions that the method of distributing the cropped area over the various classes of cultivation shown in column 27 of the Jinswar abstracts will differ from the method adopted in column 7 and 11 of the mailan rakba. The entries in the Jinswar returns are derived from the khasra girdawari form and the entries in that khasra are intended to show how each field is treated from harvest to harvest; whereas the classification of soils in the milan rakba is taken from the Jamabandi, and is intended to show the conditions under which the village husbandry is permanently carried on.

8.76. Land which is not cultivated. This land is described in village papers either as unculturable waste (ghair mumkin), or as old waste (banjar kadim), or as new waste (banjar jadid).

When waste land of either of these three classes is cultivated, or when cultivated land is so injured as to make it unculturable (e.g., by the action of rivers or torrents), there is no difficulty in showing the change at once in the annual Jamabandi or dilution or fluctuating assessment papers. The entries connected with the changing of cultivation into banjar jadid and of banjar jadid into current qadim are less easily carried out with accuracy. Such changes, therefore should not be shown in jamahandi or in dilution or fluctuating assessment papers but in the next detailed jamahandi.

8.77. Jamabandis how & when to be prepared. Jamabali should be written on paper of a quality. They are prepared for those estates in which the Collector directs that a detailed jamahandi should be prepared, and they ordinarily he prepared after 5 years in a 1/5th of the villages in a district. They should contain every field entry in full. For these village, quinquennial returns should he compiled.

The concerned patwari shall write the jamabandi in his own handwriting in block ink. He shall be liable for disciplinary action if he causes the jamabandi to be written from any other person. The Field Kanungo and the Revenue Officer
shall not attest jamabandis if the same are written in contravention of these instructions and obtain further orders from the District Collector in this behalf. The Collector shall pass orders as he deems fit.

A table should be given to each Field Kanungo, showing the arrangements approved for the prelparation of detailed jamabandis for each patwari's circle in his charge this table being so arranged that the work of each year shall cover about a fifth of the Kanungo's whole circle.

As regards villages under fluctuating assessment special permission has been given in certain districts, by which the preparation of annual jamabandi is dispensed with unless it is required for purposes of the fluctuating assessment. The principle approved of this is that when special records have been prescribed which suffice for the purposes of fluctuating assessment, annual jambandis are unnecessary.

In village subject to diluvion, if the diluvion rules of the district prescribe the preparation of a record which enable us to dispense with an annual Jamabandi, it is unnecessary to insist on its preparation in a year other than that of the quinquennial attestation. If such rules, however, are not sufficient for this purpose. It would only be necessary to prepare a detailed revised jamabandi for those holdings which are affected by river action. In such cases, the patwari will prepare two copies of the revised jamabandi of the holdings affected, one copy to be retained by him and the other sent to the Tehsil to be placed with the last detailed jamabandi filed in the district office.

8.78. Necessity of preventing errors, etc. in the khasra girdawari. Thus for a large portion of the district no jamabandi will be prepared for one, two three or four years, and certain precautions are therefore, necessary to avoid errors and prevent girdwaris from tampering with the entries in the khasra girdwari or other papers.

8.79. Mutation occurring up to 15th June to be incorporated in the Jamabandi. Tehsildars and Naib Tehsildars must without neglecting record work in other villages, pay special attention to estates for which new detailed jamabandis are to be drawn up. All mutations upon which final orders have been passed up to 15th June (30th June for Kinnaur district) inclusive or any later date approved by the Director of Land Records are incorporated in the jamabandi. Every effort should be made to have all mutations which have occurred up to that date entered in the register and attested by that date.

The Tehsildar or Naib Tehsildar in-charge of the circle in which any estate for which a jamabandi is to be drawn up is situated, must visit the estate in the cold weather before the middle of January, and, as far as possible, attesting all pending mutations. All attestations of mutations during the nine months preceding the drawing up of a new detailed jamabandi must be carried out in the village itself. At his first visit to estate in the cold weather the Tehsildar or Naib-Tehsildar should see that the patwari and Kanungo have arranged their work so as to carry out the instructions in the next paragraph.
8.80. Preparation for the drawing up of new Jamabandi.- Preparation for the drawing up of a new jamabandi should be started by the Patwari and Field Kanungo in the cold weather and if possible, in all the estate concerned before the middle of January. They should together visit each estate for which such a jamabandi is to be prepared and by enquiry from the right holders ascertain whether any changes have occurred which have not been brought to record. The Patwaris should in the presence of the Kanungo (who should have the patwari’s copy of the genealogical tree open before him), read out to the people the entries in the existing Jamabandis, and note changes in pencil in the remarks column, and in cases in which mutation orders are required; make the necessary entries in the mutation register. The Kanungo should bring the geneological tree up to date and should check the entries in the mutation register with the jamabandi and note that they agree. He should-help the patwari to prepare a list of fields which require amendment. The patwari should later make tracings in pencil of such portions of the village map as required to be amended.

8.81. Rabi girdawri of estates of which Jamabadi to be prepared.- At the rabi girdawari, the patwari must take up first the estate or estates for which a detailed jamabandi is to be drawn up, and be very careful to note all changes and fresh cases requiring mutation orders. If the work described in the last paragraph has been properly done the new entries in the mutation register should be few in number. They should be made before the harvest inspection of the next village is started. As soon as the crop inspection of the estate for which a new jamabandi is to be prepared is finished the patwari should send notice to the Tehsil.

8.82. Attestation of all mutations before the 15 June.- After receiving this notice the Naib-Tehsildar or Tehsildar concerned must visit the estate as soon as possible, but in any case before the 15th of June, (30th June for District Kinnaur) or the date approved, by the Director of Land Records and attest all pending cases.

8.82 Orders in mutation cases. (A) Orders in mutation cases can be passed by an Assistant Collector of either grade. In practice nearly the whole of the work is disposed of by tehsildars and naib-tehsildars. In a country of small peasant proprietors the number of mutations to be attested annually is very large, and it is found necessary every year to appoint in some districts one or more extra Naib-tehsildars selected from the lists of accepted candidates ’and to invest them with the powers required for the disposal of business under Chapter IV of the Land Revenue Act. An appeal of course lies to the Collector against orders sanctioning or refusing mutation of names, and the minute proportion which the number of such appeals bears to the number of mutations decided is evidence of the general satisfaction with the procedure.

8.82 Mutation work largely done by officers of no great standing or experience.- (B) It is clear from what has been just said that much of the mutation work is done by officers of small standing and little practical experience. It is also true that the work has often to be carried out very rapidly, if the
important object of keeping the *jamabandi* up to date is to be attained. These are matters for reflection considering that each jamabandi now possesses the same authority as a record of rights drawn up at settlement. Fortunately the bulk of the work is exceedingly simple; there is no dispute as to facts, and no opening for doubt as to the order that should be passed. But this is by no means true universally, and cases find their way into the mutation register which require both care and knowledge to decide correctly.

**8.82. Supervision of work by Deputy Commissioner and District Revenue Officer etc.** (C) When a Deputy Commissioner or District Revenue Officer or Sub-divisional Officer (Civil) is inspecting a tehsil, the mutation work of the tehsildar, naib-tehsildar, should all be brought under review. With the *jamabandi* of an estate lying open before him it is perfectly easy to pick out all the holdings in which changes have been made for in support of them references to the mutation register are always given. If the inspecting officer looks up each case in the register, he can soon satisfy himself as to the quality of the work of the reporting patwari and of the Assistant Collector. Having done so, he can turn back to the *jamabandi*, and see whether the changes ordered have been correctly made. If this process is repeated for several estates in the circles of the tehsildar and naib-tehsildar, respectively the Deputy Commissioner cannot fail to gain a considerable insight into the value of the work done by both these officers, and by Some of the patwaris and kanungs under their control In examining mutation sheets special attention should be paid to orders passed in the absence of any of the parties. No order should be passed affecting the share of any right-holder who has not had any opportunity of appearing.

**8.82. Conduct of Revenue Work on the spot.** (D) Tehsildars and naib-tehsildars are expected to deal with revenue work, and especially with cases relating to Lambardars, land revenue assignments, partitions, encroachments and mutations, within the estates in which the case have arisen.

**8.82 Contents of Mutation orders.**- (E) Every mutation order should show on the face of it the place where and the date on which, it was passed and that all the parties interested were present or, if anyone was absent, the way in which his evidence was obtained, or, if it was not obtained, what opportunity was given to him to be present. No detailed record of the statements of parties and witnesses is required, but the order should note briefly the persons examined, and the facts to which they deposed. [Land Revenue Rules 39, 40 and 44 (ii)]

Except in the case of *killabandi* mutations no patwari or kanungo or revenue officer should take the signatures or thumb-marks of parties or witnesses on mutation proceedings.

The facts on which the order is based should be stated succinctly but clearly, and the order must show without any possibility of doubt whether the revenue officer accepts the new entry proposed by the patwari as it stands, or, if it requires amendment, exactly what the entry is which is to be made in the *jamabandi*. The
Order must always show whether a share of the village **shamlat** has been included in the transfer.

The Revenue Officer shall attest the mutations in the open assembly of the villagers in the presence of the parties. At least the presence of three respectable persons from the open assembly must be mentioned in the order by the Revenue Officer.

**8.82 Attendance of parties.**— (F) A person who, after receipt of notice by summons or proclamation to appear before a revenue officer at some place within the estate in which he ordinarily resides or cultivates land, fails to present himself becomes liable to a fine not exceeding Rs.50. This provision can suitably be put in force when the default is willful and contumacious. But, where a man's attendance would involve an amount of inconvenience which under all the circumstances could reasonably be regarded as excessive, the proper plan is to take his evidence by commission.

**8.83. Mutation and other revenue work to be dealt with in estates to which it relates.**— As stated in para 8.82(D) supra Tehsildars/Naib-Tehsildars are expected to deal with revenue work, and especially with cases relating to Mutations, Lambardars, Encroachments and partitions etc. within an Estate in which the case have arisen. By this means, the attendance of all the parties will be secured and the facts of each case will be easily ascertained. In the case of estate for which a detailed jamabandi is to be drawn up during the agricultural year, mutation work must be disposed of in the village itself. If other cases, the Naib- Tehsildar or Tehsildar, if he cannot conveniently visit the estate, may pass orders on its mutations at any other place within the patwari's circle.

Revenue Officer should attest mutations according to priority based on the date of entry of report in the patwari's diary. In case, where a mutation cannot be attested interim orders must invariably be recorded.

**8.84. Importance of prompt disposal of mutation work.**— Mutations which have not been attested before the end of the agricultural year (15th June), or the date approved by the Director of Land Records are not incorporated in the jamabandi then under preparation. This in most cases means that they will not be brought record till more than five years after they have taken place. This untoward result can easily be avoided if Tehsildars and Naib-Tehsildars lay out their work properly, and pay special attention to the estates for which jamabandis are about to be drawn up.

**8.85. Mutations pending over one year.**— Provision has been made in paragraph 8.4 of the HP. Land Records Manual to ensure that special precautions will be taken by Tehsildars and Naib- Tehsildars to decide the mutations as soon as possible after the period of one year has elapsed. Unless mutations are duly attested within a reasonable time, litigation is held up and the cultivators do not settle down with clear minds with the cultivation of their lands. Collectors, and if necessary, Commissioners, should bear in mind any remissness on the part of subordinate Revenue Officers in this direction when
reporting on these officers. Assistant Collectors of the 1st grade, in forwarding reports to the Collector should bear in mind their own responsibility for the proper supervision of mutation work.

8.85 Arbitration. (A) Disputed cases may be referred to arbitration with or without the consent of the parties, but little use is made of this provision of the Act. Where it is resorted to care must be taken to make the arbitrators understand that they must give a clear opinion as to the question whether the right claimed is actually enjoyed. If the revenue officer cannot satisfy himself as regards the fact of possession and thinks it inexpedient to refer the point to arbitration, he is required to make a summary enquiry as to title, and to direct that the person who appears to have the best right to the property shall be put in possession of it, and that his name shall be entered in the jamabandi. The disappointed claimant must be referred to the civil courts for the establishment of any right he conceive himself to have.

8.86. Preparation of Jamabandi. (a) The new Jamabandi shall be prepared on the following basis.
1. Unaltered entries from previous jamabandi.
2. Orders of Revenue Officer on mutations attested before 15th June (30th June for Kinnaur District)
3. Changes recorded in the previous khasra girdawari in columns relating to changes of rights, possession and rent etc.
The entries in these columns are taken straight from khasra girdawari when the new jamabandi is compiled.
4. Orders for the correction of clerical mistakes passed on the Fard-Badars by the collector as prescribed in para 8.53 of H.P. Land Record Manual.

(b) The jamabandi should be prepared in duplicate and one of the copies should be eventually filed in the Land Records Office and the other retained by the patwari. Both the copies of jamabandi should be written by the patwari in his own handwriting as already mentioned in para 8.77 above. He should also prepare 'Tehrij' himself and attach it at the end of both 'part sarkar' and 'pan patwar' jamabandi. He shall prepare Index numbran khasra and attach in the beginning of jamabandi. In the months of June, July and August, the Field Kanungo should pay special attention to the detailed jamabandis which are being prepared by his patwaris. He should attest all the entries holding by holding, in the presence of the Zamindars concerned and see that due effect has been given to the mutation on which final orders have been passed by the 15th of June (30th June for District Kinnaur) or the date approved by the Director of Land Records. His attestation should be made on the copy which has eventually to be filed in the district office. This copy should contain his report to the effect that he has duly attested it, a list of errors discovered and alterations made being added in the Kanungo's hand-writing. A copy of this report signed by the Field Kanungo should be attached to the patwari's copy of the jamabandi. Any alterations that may be found to be necessary should be made at once in red ink by the Kanungo in both copies of the jamabandi and signed by him: He is personally responsible that the patwari's copy tallies in all respects with the other
copy. Fairing of the jamabandi by the substitution of a new page for one on which corrections have been made is absolutely forbidden.

8.87. Filing of Jamabandi in the Tehsil.- The Patwari should give the first copy of the jamabandi to the office Kanungo at the Tehsil not later than September 7. During that month the Field Kanungo, with a view especially to see that the changes based on mutations have been properly incorporated and that the statistical statements filed with the jamabandi are correct, should again check the latter at the Tehsil, following, the same procedure as before, that is, he should himself make a copy of the list of the errors discovered and the alterations made at this inspection and sign it. This copy should be handed to the patwari who should stitch it into the duplicate jamabandi and make the necessary alterations in the latter. The Field Kanungo at his next visit to the patwari’s circle should see that the patwari has done this, and initial all the alterations made.

8.88. Check of detailed Jamabandis by Revenue Officers.- The Tehsildar or Naib Tehsildar in charge of the circle in which the village lies shall make his final attestation on the spot and shall observe the following instructions:-

(i) At least 25 per cent of the khatauni holdings should be read column on the spot in the present of the assembled right holders.

(ii) At least 25 percent of the mutations attached to the jamabandis should be compared with the khewats concerned.

(iii) At least 25 per cent of the Khewat holdings should be compared with the old jamabandis.

(iv) At least 25 per cent of the khewat entries in the original copy should be compared with the corresponding entries in the patwari’s copy of the jamabandi.

(v) He shall attest and check hundred per cent entries of all the Government and shamlat holdings in an estate. He shall be responsible to ensure that no entry, which is not supported by any order of competent authority, and which is against the interest of the Government is made in the government holding in the jamabandi.

The number of the fields, the tatima shajras of which have been attested, must be specified as also that of the unattested mutations entered before the 16th June or the date approved by the Director of Land Records, of these there should be as few as possible. This check must usually be carried out in the cold weather months between the end of the kharif and the beginning of the rabi girdawari. For the purposes of this check the Revenue Officer should take with him the copy of the jamabandi which has been filed in the Tehsil and he should record on this the report of the attestation and a list of mistakes discovered and alterations ordered. The report should specify what and how many entries were attested by personal enquiry from the right holders and when and where the attestation was made. A copy of the report signed by the Tehsildar or Naib-Tehsildar as the case may be should be attached to the patwari’s, copy of the jamabandi. Any alterations that may be found to be necessary should be made in both copies of the jamabandi and initialled by the Revenue Officer under whose orders they are made.
When this has been done, the Revenue Officer should fill in two copies of the final attestation slip in the form given below and attach one copy of each of the two copies of the jamabandi.

Final attestation of jamabandi for the year________ village______________
Tehsil_______________ District__________________________

<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of attestation.</td>
<td>Place of attestation</td>
<td>Khatas attested</td>
<td>Verification of order incorporated in the jamabandi</td>
<td>Khatas checked with the previous jamabandi</td>
<td>Khatas compared with the current copy of the jamabandi</td>
<td>Khasra numbers of which tatimmas checked</td>
<td>Mutations entered by not attested before 15th June</td>
<td>Remarks.</td>
</tr>
</tbody>
</table>

I certify that all necessary corrections have been made and that this jamabandi is correct and complete in all respects, except as regards mutations shown in column 18 and other transfer discovered to have taken place before 15th June last and referred to.

If any part of the local attestation can be done adequately in the hot weather before Jamabandi are filed in the Tehsil, so much the better, but in that case a further check must be made to see that the Kanungo has carried out properly the instructions in paragraph 8.87 and the final certificate of correctness are alluded to above must not be given until the second check has been carried out. A Revenue Officer superior in rank to the Tehsildar or Naib- Tehsildar should note the result of his attestation on the spot, of a jamabandi on the copy to the eventually filed in the district office and attach a copy of this note signed by him to the Patwari's copy of the jamabandi. He should initial all alterations made in both copies of the jamabandi under his orders. The result of any examination of jamabandis made by such officer in the Tehsil office should be entered in the minute book of the Tehsil and not the jamabandis examined by him. The Sadar Kanungo should note the result of his attestation of a Jamabandi in his diary and not on the Jamabandi itself.

8.89. Appellate orders.- When an order is passed in appeal, on review or revision after the 15th June, a note in red ink should be made on the original mutation sheet by the Sadar Kanungo if the Jamabandis are at Sadar or by the office Kanungo if the Jamabandis are in the Tehsil office. The field Kanungo of the circle will make a similar note on the patwari's copy of the mutation order. If the jamabandi entries are not in accordance with the order finally passed on appeal, review or revision, the patwari should be instructed to enter a mutation by way of correction of the jamabandi and this mutation will be given effect in the Jamabandi prepared at the subsequent attestation. No fee will be charged.
8.90. Form of list of revenue assignment with instructions.- A list of revenue assignments and pensions will be compiled for every village when a detailed jamabandi is prepared (paragraph 284 of the Settlement Manual), and its form along with instructions for its preparation is appended. The Field Kanungo must assist the patwari in the compiling of this return, and must sign it in token that he is satisfied of its accuracy. The Tehsildar or Naib- Tehsildar must attest every entry in the list of Muafidars.

List of Revenue Assignments and pensions

<table>
<thead>
<tr>
<th>No.</th>
<th>Name and description of assignees.</th>
<th>Jagir or muafi where revenue of special land is assigned</th>
<th>Area of land assigned</th>
<th>Cultivated</th>
<th>Uncultivated</th>
<th>Total</th>
<th>Revenue assessed</th>
<th>Amount of revenue assigned</th>
<th>Amount assigned where a fixed amount of revenue is assigned without specification of land</th>
<th>Nazrana</th>
<th>Cash pension per annum paid from the treasury or through the post office.</th>
<th>Conditions of each grant</th>
<th>Remarks</th>
</tr>
</thead>
</table>

Enter the assignments in four groups and total each group separately namely:-

A. Land of which the revenue is assigned in whole or in part to the owners thereof.

B. Land of which the revenue is assigned to others that the owners thereof.

C. Grants of fixed amounts out of the village jama, no land being specified.

D. Pensions paid from the treasury or through the post office to persons resident in the estate.

Show under ‘D’ pensions of all kinds and whether civil or military or political.

If the grants held by an assignee fall under more than one of the above groups, each portion should be entered under the group to which it belongs.

Column 4-7- Abbreviate the entries as much as possible.

Column 13-State whether the nazrana has been paid. The Field Kanungo will add a note in this column or at the foot of the return explaining any difference between it and the previous returns.

The totals of column 8 and 9 should agree with column 4 of the jama wasal baki.

8.91. Maps to be filed with the Jamabandi.- As regards the maps to be filed with the jamabandi, the relevant instructions will be found in relevant paragraphs under chapter 6 surveys.
8.92. Genealogical tree.- An amended copy of the genealogical tree of owners complete to date shall be filed with the jamabandi. In these trees the first entries shall in every case be the names of the holders at the last settlement, the earlier entries being omitted. No general statements or entries of revenue need be made at the foot of those amended copies. In other respects the orders in Appendix VIII to the Settlement Manual apply to the amended copy of the shajra nasab. The new entries shall be attested by the Field Kanungo and he shall sign the paper in evidence thereof.

8.93. Arrangement of papers in period records.- The following instructions relate to arrangement and binding of periodical records:

I. The sheets jamabandi should be placed one upon the other as in a file of papers.
II. The list of revenue assignments and pensions should come next, followed by the tatima shajras.
III. Then should follow the mutation sheets.
IV. Having arranged the papers in the above manner, sew them with a strong thread, but take care that it does not pass through any writing.
V. Paste two or three pieces of paper together and cut to the size of the jamabandi, then place the jamabandi between the two covers thus prepared and join them together by pasting them by chints or gahra on the outside as it is done in binding. Boards should not be used. The shajra nasab should be placed in the pocket of the cover or if too large in separate cover.

In the case of jamabandis to be filed in the Tehsil binding can be done locally at the prevailing rates, and tile charge can be met from the contingent grant. In the case of the patwari’s copies of the jamabandi, paper bindings covered with chints or thin cloth should be provided.

8.94. Checking of Jamabandis by Sadar Kanungo.- All jamabandis must reach the district office by the date on which the Rabi Girdawari ends. On receipt the Sadar Kanungo should check them to see that all the instructions contained in paragraphs 8.83 to 8.90 supra have been complied with. If incomplete in any respect which admits of correction, they should be returned for completion.

8.95. Use of language and terminology in revenue records.- The language to be used in the revenue records shall be ‘Hindi’ in Devnagri script and every effort shall be made to use ‘Hindi’ terminology in the preparation of such records.

<table>
<thead>
<tr>
<th>Serial No. of</th>
<th>Number of holding in old</th>
<th>Name of owner, with</th>
<th>Name of cultivator,</th>
<th>Details of fields, area</th>
<th>Revenue or</th>
</tr>
</thead>
<tbody>
<tr>
<td>Entry in last jamabandi which it is proposed to correct</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
entry | jamabandi | Taraf Well | description | with description | and soil | rent
--- | --- | --- | --- | --- | --- | ---
84 | 20/122 316/175 to 490 | -- | Sohan Singh son of Karam Singh son of Ram Singh resident shamilat deh (Hasab-Rasad Zarkhewat or as the case may be) total Jama of the village, Rs. 230/- | Owner Various owners and tenants. | 474 K.M. 7-7 | Ne revenue Rs. 1.45

| 1 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
--- | --- | --- | --- | --- | --- | --- | --- | --- |
New entry which it is proposed to substitute |
Serial No. | No. of holding in new jamabandi | Name of owner, with description | Name of cultivator, with description | Details of fields, area and soil | Revenue or rent | Nature and date of transfer or price of mortgage money | Mutation fee due | Report & orders
84 | -- | Sunder Singh son of Lehna Singh son of Mohan Singh resident of Tehsil Solan, H.P. | Khudkasht | 474 Barani Awal 7.7 | Net revenue Rs. 1.45 | Sold on 8th April, 1989 for Rs. 585 together with the share in Shamlat through Registered deed No. 405 dated 8.4.1989. | Rs. A.P. 0-25 | Sir, Sohan Singh the owner, has sold 7 Kanals 7 Marlas of his land with share in Shamlat to Sunder Singh and the vendee has taken possession. The case has been entered in the mutation register on receipt of Parcha Registry No.10 dated 10.4.1989. Sd/- Prem Singh Patwari dated 20.4.1989.
Amendments in Chapter 8 of Land Records Manual

Government of Himachal Pradesh
Department of Revenue


NOTIFICATION

The Governor, Himachal Pradesh is pleased to amend Chapters 8 and 28 of the Himachal Pradesh Land Records Manual, 1992 notified vide notification No.Rev. (LR) A (58)/89 dated 3rd December, 1992, as follows:-

(a). In the Himachal Pradesh Land Records Manual, 1992, after para 8.1 the following paras shall be added, namely:-

“8.1A (i) Section 35 of the H.P. Land Revenue Act, 1954 provides for register of mutations to be maintained by the Revenue Officer concerned as that maintained by the patwari concerned. The register to be maintained by the Revenue officer may be in an electronic form besides in manual form in a format as may be prescribed by the Financial Commissioner under section 34 of the Act ibid. The Revenue Officer shall maintain a separate register for each revenue estate which shall be serially numbered for the term of one settlement. However, to distinguish between the mutation registers of a particular revenue estate maintained by the patwari and the Revenue Officer, the latter shall have a distinct serial number.

(ii) A person requiring a mutation regarding any right which he/she has acquired in any land/property shall have an option to get the mutation entered either by the patwari concerned at the patwar circle or by the Revenue officer concerned at the Tehsil/ Sub Tehsil headquarters.
8.1B The following documents shall be submitted to the Revenue officer by a party acquiring a right in a property:

(1) In case of acquisition of a right through a registered deed i.e. Sale deed, Gift deed, Lease deed, Mortgage with or without possession, exchange deed, family settlement deed, release/ relinquishment deed and any other registered deed, the following documents shall be required to be furnished, namely:-

(i) The original deed.

(ii) Affidavit(s) of the transferor/parties concerned admitting the factum of possession having passed to the transferee(s). In case the transferor(s) or the parties concerned are themselves present and admit before the Revenue Officer the factum of the transfer, affidavit of such persons shall not be required.

(2) In case of orders of courts/authorities including orders of revenue courts/ revenue authorities, the following documents shall be required to be furnished, namely:-

(i) Certified copy of such order.

(ii) An affidavit of the person presenting such order to the effect that the same has not been set aside or stayed by the court or authority of a higher jurisdiction.

(3) In case of mutual partition, the following documents shall be required to be furnished, namely:-

(i) A copy of the partition agreement duly signed by all parties in presence of two witnesses.

(ii) Affidavit of the parties concerned to the effect that the partition has been executed on spot and possessions taken as per the partition
agreement. In case any one or more of the parties concerned are themselves present and admit before the Revenue officer the factum of the transfer, affidavit of such party(ies) shall not be required. Identification of the parties present shall be done on the basis of any one of the documents specified by the Government for such identification required for registration/attestation of documents presented before a Sub Registrar/Revenue Officer.

(4) In case of inheritance by “Will”, the following documents shall be required to be furnished, namely:-

(i) Copy of death certificate of landowner.

(ii) The original “Will” or a certified copy thereof.

(iii) An affidavit of the person presenting the ‘Will’ that the same is the last ‘Will’ of the testator.

(iv) Copies of jamabandi of the land concerned

In addition to the above documents, the witnesses to the Will, if still alive, may, if the Revenue officer deems fit, shall testify the authenticity of the ‘Will’.

(5) In cases of intestate inheritance, the following documents shall be required to be furnished, namely;

(i) Copy of death certificate of landowner.

(ii) Affidavit of the person making the report naming therein all the legal heirs of the deceased or a report from the concerned panchayat secretary or the patwari naming all possible legal heirs of the deceased, or a succession certificate obtained from a court of competent jurisdiction.
(iii) copies of jamabandi of the land concerned

8.1C Procedure for attestation of mutation at Tehsil/Sub-Tehsil Headquarter.- The Revenue Officer shall attest a mutation at the Tehsil/Sub-Tehsil headquarter in the following manner, namely:-

(i) Whenever a document is registered whereby a transfer of title is involved which requires a mutation to be entered and attested so as to incorporate the entry in the revenue record, at the option of the parties, a mutation shall be simultaneously entered for the said transfer by the Revenue officer on the basis of the document registered. The proforma of such mutation can be electronically generated alongwith the registered deed and part or all entries may be printed simultaneously. Any remaining portion will be filled up manually at the Tehsil/Sub-Tehsil office from the available electronic record. The Revenue Officer shall pass a brief order on the mutation wherein details of the documents on the basis of which the same has been entered and the names of parties present shall also be mentioned. In case the Revenue Officer requires any further inquiry to be made before attesting the mutation, he may after recording a brief order specifying the basis for the same, direct the necessary parties to be present before him at a subsequent date, place and time and he shall attest the mutation at such date recording a brief self speaking order thereon. Identification of the parties present shall be made on the same basis on which the deed was registered. A brief note of the changes occurring in pursuance to the mutation shall also be recorded in the remarks column of the relevant jamabandi.

(ii) Any person acquiring any right as mentioned in section 35(1) of the H.P. Land Revenue Act, 1954, may report such acquisition of right to the Revenue Officer concerned. The report shall be accompanied by the requisite documents as prescribed in para 8.1B. The Revenue
officer shall have entries made on the mutation proforma on the basis of the report and the documents accompanying the same. He shall then proceed to verify the claim made by the applicant on the basis of the documents submitted before him and after satisfying himself about the factual and legal correctness of the same or otherwise, he shall accept or reject the entries made in the relevant mutation proforma by recording a brief order to this effect. In case the Revenue Officer requires any further inquiry to be made before attesting the mutation, he may, after recording a brief order specifying the basis for the same, direct the necessary parties to be present before him at a subsequent date, place and time. He shall attest the mutation at such date recording a brief self speaking order thereon. A brief note of the changes occurring in pursuance of the mutation shall also be recorded in the remarks column of the jamabandi.

(iii) A list of all mutations attested at Tehsil/Sub-Tehsil headquarter shall be generated patwar circle-wise every month and copies thereof be pasted at a conspicuous place of ‘patwarkhana’ as well as the ‘panchayat ghar’ concerned for information of the general public. A copy of the mutations so attested shall be provided to the patwari which shall be kept by him as the ‘parat patwar’ of the same.”;

(b) for Chapter 28 the following shall be substituted, namely:

“Chapter 28

PROCEDURE FOR ISSUING VARIOUS CERTIFICATES

Competent Officers to issue certificates

28.1. The Tehsildar/ Naib Tehsildar Mohal, Sub-Divisional Officer (C), Additional District Magistrate/Additional Deputy Commissioner and Deputy Commissioner concerned shall be the competent authorities to issue all kinds of certificates within their respective jurisdictions. The next higher officer in the official hierarchy shall be the appellate
authority for adjudication upon refusal of an officer competent to issue
the certificate for issuing a certificate or in case any person is
aggrieved about issuance of a certificate to another person.

Application

28.2. The applicant who wants to obtain any certificate as referred to
mentioned in preceding para, shall apply to the competent authority
alongwith report of the prescribed authority/official or relying upon any
other document as required here under. No prior order/direction of the
officer competent to issue the certificate shall be required by the
prescribed authority/ official for making such a report.

Verification of application

28.3. The applicant shall verify the contents of his application to be true
to the best of his knowledge.

Procedure for issuing various certificates

28.4. On receiving the application alongwith the report/ documents
required, the officer competent to issue the certificate shall enter the
application in the register to be maintained by him, preferably in an
electronic form. He shall then issue the required certificate on the basis
of the application and the report/documents submitted in accordance
with the instructions in this Chapter.

Reports of officials/ persons and/or documents required for
various certificates

28.5. (1) Bonafide Himachali Certificate.- A report of the patwari
concerned or Pradhan Gram Panchayat or President of the concerned
local body shall be required for issuance of a Bonafide Himachali
Certificate. The report shall be made on the basis of either personal
knowledge or any official record maintained by the patwari / local body.
(2) **Scheduled Caste/Scheduled Tribe/Agriculturist Certificate.**
The status of the applicant shall be certified by patwari on the basis of the revenue record in these cases.

(3) **Legal Heir Certificate.**
The patwari concerned shall make a report on the basis of mutation of inheritance and any personal inquiry deemed fit.

If a mutation covers all the heirs as per the Hindu Succession Act or Indian Succession Act or personal law applicable, then all of them shall be listed as legal heirs as such. If as a result of ‘Will’, which is the basis of mutation of inheritance, some or all of them are excluded from all or part of the property of the deceased, this fact shall be specifically recorded in the report/certificate. The applicant shall attach the report as well as death certificate of the deceased with his application before presenting it to the officer competent to issue the certificate.

(4) **Certificate of Dogra Class.**
It shall be issued on the basis of the following documents, namely:

(i) A bonafide Himachali certificate issued to:

(a) any person having his/her permanent home in Himachal Pradesh.

(b) A person having his/her permanent home in Himachal Pradesh but living outside the State of Himachal Pradesh on account of his/her occupation; or

(ii) On the basis of report of the concerned patwari/ Pradhan Gram Panchayat/President of the local body to the effect that applicant falls in one of the two categories mentioned above.

(5) **Certificate of ward of a freedom fighter.**
It will be granted on the basis of a verification of the fact that the applicant is the son/daughter, grand son/grand daughter of a person who is listed as a freedom fighter in the relevant data base of the State Government. This
verification may be based on a report of patwari concerned or Pradhan Gram Panchayat or Secretary/Panchayat sahayak of concerned Gram Panchayat President/Secretary of the concerned local body.

(6) **Community certificate (e.g. minority, Sikh, Muslim)**: It will be issued on the report of the of patwari concerned or Pradhan Gram Panchayat or Secretary/Panchayat sahayak of concerned Gram Panchayat or President/Secretary of the concerned local body or Head of a recognized organization of the community concerned as notified by the Deputy Commissioner for this purpose. For this purpose, the Deputy Commissioner concerned shall notify a list of recognized community based organizations within his district.

(7) **Character Certificate**: It will be issued on the basis of police verification from the concerned police station. In the report there shall be specifically mention in case any charges have been framed against the applicant or he has been actually convicted by a court of competent jurisdiction or if he for any other reason is not considered fit for grant of a character certificate. In case only a First Information Report or complaint has been lodged against the applicant, this shall not be deemed to debar him/her from being granted a character certificate by the certificate issuing authority. This procedure shall also be applicable to character certificates to be issued by Revenue Officers. Applicants may obtain character certificates from the elected heads of local bodies or other authorities if this meets then requirements as per procedure adopted by those as authorities.

(8) **Certificate of income/indigent person**: This certificate will be issued on the basis of the following documents, namely:-

(a) Affidavit of the applicant about the known sources of income of his family from-

(i) house or any other property
(ii) business

(iii) salary/pension

(iv) wages

(v) self employment

(vi) other sources

(b) Report of the patwari concerned about income from agriculture/horticulture/allied pursuits based on rates of crops grown and yield thereof per unit area in case of agricultural/horticultural crops and any other parameters which the Deputy Commissioner concerned may deem necessary in case of allied pursuits. Such rates fixed by the Deputy Commissioner shall be valid for the financial year.

(9) **Other Backward Classes (OBC) certificate.**- While applying for issuance of this certificate, the applicant shall furnish both a certificate of income and report of the patwari concerned on the basis of the revenue record.

(10) In addition to the above mentioned certificates, the officers designated in para 28.1 above may issue any other certificate not mentioned above but specifically required by an applicant, on the basis of facts submitted by the applicant to their satisfaction.

(11). Notwithstanding the reports/documents listed above for various certificates the competent officer may issue any of the certificates mentioned above if he/she is personally satisfied of or has personal knowledge of such status of an applicant.

(12). The Revenue Officer competent to issue any certificate shall satisfy himself about the correctness of the inquiry and report of the patwari or any other specified document. He may also make further
inquiry as he deems necessary in the matter before issuing the certificate.

Validity of Certificates

28.7 The Bonafide Himachali, Scheduled Caste, Scheduled Tribe, Ward of freedom fighters, Dogra class, community and legal heir certificates shall be permanent certificates. The other certificates shall remain valid till the relevant term of the financial year.

Copy of certificate to be kept on record

28.8 The certificate issuing authority shall keep on record in electronic form, a copy of every certificate issued.

Issue of certified copy

28.9 If the certificate of any person issued from the issuing office gets lost or misplaced or mutilated, the applicant can obtain a certified/authenticated copy of same from a person/agency specifically authorized by the State Government for this purpose.

Action for furnishing incorrect information/wrong reports etc.

28.10 The official/person who furnishes incorrect/false information or report and the officer who issues wrong certificates knowingly or intentionally against the prescribed procedure shall be liable for disciplinary/legal action.

Cancellation of certificate and prosecution of applicant for giving wrong information

28.11 If it is found during inquiry or otherwise, that any information given by the applicant is wrong, the certificate issuing authority shall cancel the certificate after passing a speaking order in this behalf and initiate proceedings against the delinquent under the law. In such a
situation, the certificate earlier issued will be replaced by a copy of the cancelled certificate in the electronic record.

All certificates to carry a photograph of the person to whom the certificate has been issued

28.12 The applicant shall submit a copy of his/her photograph with his/her application, which will be affixed on the certificate issued and form part of the scanned record."

By Order

Principal Secretary (Revenue),
Government of Himachal Pradesh.


Copy forwarded for information and further necessary action to:-
1. The Divisional Commissioner, Shimla/Mandi/Kangra at Dharamshala, H.P.
2. All the Deputy Commissioners in Himachal Pradesh.
4. The Settlement Officer, Shimla/Kangra, Himachal Pradesh.
5. The Controller, Printing and Stationery, Govt. Press, Shimla-5.
6. All the SDO (C) in H.P.
7. The COC to the F.C. (Appeals), Govt. of H.P.
8. All the Tehsildars/Naib Tehsildars in H.P.

Deputy Secretary (Revenue) to the Government of Himachal Pradesh.
No.Rev.B.A.(3)-1/2004-II
Government of Himachal Pradesh
Department of Revenue

From
The Principal Secretary (Revenue) to the
Government of Himachal Pradesh.

To
All the Deputy Commissioners
in Himachal Pradesh.


Subject:- Instruction for attestation of mutation at Tehsil level.

Sir,

In continuation of this Department letter of even number dated 13.12.2011 regarding above cited subject I am directed to say that as you are aware that amendments in the provisions of Section 34 and 35 of the HP. Land Revenue Act, 1954 have been carried out in order to provide an option to the citizens to opt for attestation of mutation at Tehsil level. Subsequently, the provisions of chapter 8 of the Land Records Manual have also been amended vide notification of even number dated 9.1.2012.

The matter has also been taken up with National Informatic Centre, H.P. State Centre to make necessary changes in the existing software. The National Informatic centre vide letter No.NICHP/Gr1/Project/HIMBhoomi(1)-2003/47, dated 18th January, 2012 has informed required changes have been carried out in the HimBhoomi and HIMRIS software. The updated soft ware versions have also been transferred to the District Informatic Officers of NIC on 14th January, 2012. Hence, the new soft ware has become operational in the State.

You are, therefore, requested to kindly direct all the Tehsildars/Naib Tehsildars to attest the mutation at Tehsil/Sub-Tehsil level if individual desire so.

Yours faithfully,

Sd/-
Deputy Secretary (Revenue) to the Government of Himachal Pradesh.
Government of Himachal Pradesh
Department of Revenue

To

1. The Divisional Commissioner,
   Shimla/Mandi/Kangra at Dharamshala, H.P.
2. All the Deputy Commissioners
   in Himachal Pradesh.
3. The Director,
4. The Settlement Officer,
   Shimla/Kangra, Himachal Pradesh.
5. All the SDO (C) in H.P.
6. The COC to the F.C. (Appeals),
   Govt. of H.P.
7. All the Tehsildars/Naib Tehsildars in H.P.

Dated: Shimla-2, the 9th April, 2012.

Subject:- Clarification of para 8.37 of the H.P. Land Records Manual.

Madam/Sir,

Your attention is invited to provisions contained in para 8.37 of
Chapter 8 of the H.P. Land Records Manual (1992 Edition) and it is clarified that
in a joint holding, transfer by way of sale, gift, mortgage or otherwise of specific
khasra number or part thereof should not be allowed by one or more co-sharers
unless all Co-sharers give their consent/NOC for such transfer.

These instructions may be adhered to in letter and spirit.

Yours faithfully,

Sd/-

Principal Secretary (Revenue) to the
Government of Himachal Pradesh.
NOTIFICATION

In chapter 8, para 8.53 (b), of the Himachal Pradesh Land Records Manual, 1992 notified vide notification No.Rev. (LR) A (58)/89 dated 3rd December, 1992, the Governor, Himachal Pradesh is pleased to substitute the word “Collector” by words “Assistant Collector of either grade”.

By Order

Addl. Chief Secretary (Revenue),
Government of Himachal Pradesh.


Copy forwarded for information and further necessary action to:-

1. The Divisional Commissioner, Shimla/Mandi/Kangra at Dharamshala, H.P.
2. All the Deputy Commissioners in Himachal Pradesh.
4. The Settlement Officer, Shimla/Kangra, Himachal Pradesh.
5. The Controller, Printing and Stationery, Govt. Press, Shimla-5.
6. All the SDO (C) in H.P.
7. The Section Officer Revenue-D, H.P. Secretariat, Shimla-2.
8. The COC to the F.C. (Appeals), Govt. of H.P.
9. All the Tehsildars/Naib Tehsildars in H.P.

Sd/-
Deputy Secretary (Revenue) to the Government of Himachal Pradesh.
No.Rev.B.A.(3)1/2004-III-Loose  
Government of Himachal Pradesh  
Department of Revenue

From
The Addl. Chief Secretary (Revenue) to the  
Government of Himachal Pradesh.

To
1. The Financial Commissioner (Appeal) to the  
Government of Himachal Pradesh.  
2. The Divisional Commissioner,  
Shimla/Mandi/Kangra at Dharamshala, H.P.  
3. All the Deputy Commissioners  
in Himachal Pradesh.  
5. The Director, Revenue Training Institute,  
Jogindernager, District Mandi, H.P.  
6. The Settlement Officer, Shimla/Kangra,  
Himachal Pradesh.  
7. All the SDO (C) in H.P.  
8. The Section Officer Revenue-D,  
H.P. Secretariat, Shimla-2.  
9. The COC to the F.C. (Appeals),  
Govt. of H.P.  
10. All the Tehsildars/Naib Tehsildars in H.P.


Subject:- Entering of information of ongoing revenue/civil litigations in revenue record.

Sir,

Government of India and perceptive observers have identified the failure to ensure conclusive title as one of the major causes for increased litigation in India. It has been pointed out that better titling can reduce unproductive work load at various levels and improve the climate for economic activity in the country. Various steps have been initiated in the direction of improving the accuracy of the land (property) records in the pursuit of this objective. Almost all lands records in the State have been computerised.
2. All this is expected to go a long way in reducing litigation arising out of incomplete knowledge of the status of land. An initial step which can further enhance this objective considerably is making an entry of litigation in various revenue courts right from the AC-IIInd Grade to F.C. (Appeals) in the remarks column of jamabandi.

3. It has been decided that when any application/appeal/revision/review is filed before any Revenue Court right from Court of Assistant Collector 2nd Grade to the Court of Financial Commissioner (Appeals) or decided by the same a reference should be made to concerned Tehsildar/Naib Tehsildar to cause an entry to be made in remarks column of relevant jamabandi recording this fact.

4. (a) Any matter instituted before a revenue court will be entered in the remarks column of the jamabandi on the case being registered giving therein the date of institution, case No. and nature of case (demarcation, correction of revenue entries, mutation, encroachment, partition, violation of section 118 etc.)

(b) Once the matter is decided information in this regard shall be sent to the Revenue officer under whose jurisdiction the relevant revenue estate falls and he shall cause the entry to be made accordingly in the remarks column of the Jamabandi giving the date of decision, case no. and reference, if relevant, to an earlier entry of institution of the case.

(c) On subsequent information regarding any appeal/revision being filed in a matter in which an entry has been made earlier, a similar note will again be made in the remarks column of jamabandi.

(d) Similarly, in civil litigation any party to a civil suit involving immovable property shall have the right to approach the Revenue Officer concerned to get
an entry made in revenue record (remarks column of relevant jamabandi) regarding litigation and nature thereof. The Revenue Officer shall ensure that the entries are made in revenue record, immediately.

All Revenue authorities will ensure that information regarding institution of a matter before them is compulsorily conveyed to the revenue officers in whose jurisdiction the relevant revenue estate falls immediately on such matter being instituted. Further, the concerned revenue officer i.e. the Tehsildar/Naib Tehsildar will ensure the entries of the pending or decided matter being entered in the remarks column of the jamabandis. However, it is also clarified here that in cases the entries involved in such litigation are very large and since such entries are to be made in remarks column of jamabandis, the number pages of such jamabandi is required for the purpose, separate sub-sets of such jamabandi may be made and a reference to such extent may be made in the remarks column of main jamabandi.

These instructions will be operative with immediate effect.

You are, therefore, requested to adhere to them in letter and spirit.

Yours faithfully,

Sd/-

Addl. Chief Secretary (Revenue) to the Government of Himachal Pradesh.
No.Rev.B.A.(3)-8/2012
Government of Himachal Pradesh
Department of Revenue

From
Addl. Chief Secretary (Revenue) to the
Government of Himachal Pradesh.

To
1. The Divisional Commissioner, Shimla/Mandi / Kangra at Dharamshala, H.P.
2. All the Deputy Commissioners in Himachal Pradesh.
4. The Settlement Officer, Shimla/Kangra, H.P.
5. All the SDO (C) in H.P.
6. The Section Officer Revenue-D, H.P. Secretariat, Shimla-2.
7. The COC to the F.C. (Appeals), Govt. of H.P.
8. All the Tehsildars/Naib Tehsildars in H.P.

Dated:Shimla-171002, the 10.9.2012.

Subject:- Entries of Buildings or part thereof in Jamabandi.

Madam/Sir,

I am directed to say that the matter regarding making entries of buildings or part thereof in Jamabandi was under consideration of the Government and it has been decided that in future all entries regarding ownership/lease/possession etc. of buildings or part thereof be made in concerned Jamabandi. This will not only show the clear title of individuals on buildings or part thereof, but will also reduce the un-necessary litigation among the right holders. For this purpose procedure as given below shall be followed by the field revenue agencies:-

**Eventualities:-**

1. Lease of a building or part thereof.
2. Ownership of Entire Building alongwith land appurtenant thereto.
3. Ownership of Part of a building with proportionate land.
4. Ownership of building or part thereof without land appurtenant thereto.
5. Further Partition of Part of Building, Flat or Apartment.

**Duties of Registrar/Sub-registrars:-**

Whenever a conveyance deed of a building or part thereof, with or without land appurtenant thereto is presented before a Registrar/Sub-registrar, he
will ensure that a map of the structure (duly approved by the TCP/Local authority concerned where building regulations are applicable) clearly mentioning the area being conveyed, is attached with the conveyance deed.

In areas where no building regulations are applicable, the map/plan prepared by a competent person e.g. Civil Engineer/Draftsman/architect/Architectural Assistant will be acceptable for registration of conveyance deeds and mutations.

**Duty of Revenue Officer.**

The mutation of such a structure will be entered and attested by the Revenue Officer on production of a copy of the deed along with the plan/map. Where an entry with regard to building concerned does not already exist in the record, mutation shall be attested in the presence of all the co-sharers of buildings and land appurtenant thereto if so required, and in case one/some of the co-owners of buildings are not in a position to be present, no objection of such co-owner(s) in the form of an undertaking shall be taken on record.

**Note:** In case there are more than five units (in one or more buildings) built on a particular Khasra number and it is difficult to make all such entries in one Jamabandi, in that case a sub-set of Jamabandi may be prepared for such entries as a supplementary to the original Jamabandi. In such cases a note may be given in remarks column of the original Jamabandi, that the details are contained in the supplementary Jamabandi no.______.

**The procedure to be followed in each of the eventualities mentioned above is further elucidated below for greater clarity.**

1. **Lease of a building or part thereof.**

As is being done in case of land, entries of lease of building with date of lease and time period shall be made in remarks column of a Jamabandi after attestation of mutation. In the subsequent Jamabandi such entries shall be incorporated in the column of possession.
2. **Ownership of entire Building alongwith land appurtenant thereof.**

In all such cases entries are being made in remarks column of Jamabandis, which subsequently comes in ownership and possession column of Jamabandi. The present system of making such entries is sufficient.

3. **Ownership of Part of building with proportionate land.**

No such entries are presently being made in the State (except with in Municipal limits of Shimla where entries of certain details are made in remarks column of jamabandis). In future entries shall be made in remarks column of Jamabandi on the basis of mutation. The specific entry shall record that a structure measuring _____ square metres and comprising ______storeys is in the ownership of relevant owners to the extent of the square metres owned by each in the relevant storey and the land beneath the structure is owned proportionately by each party. The owner/part owner of appurtenant land shall be clearly recorded. The rights to the roof and any possible further construction thereon should also be specifically recorded. Whenever a transaction in relation to a part of a building is reported and a mutation is to be attested for the first time in relation to such a building, the Revenue Officer shall inform all shareholders in the said building since details of the entire structure are to be entered before attesting the mutation. In subsequent transactions the normal procedure of mutation will be sufficient. In subsequent Jamabandi such entries of ownership shall be shifted to the column of ownership. Details of rights over roof and land/part thereof shall continue to be reflected in the remarks column of Jamabandi.

4. **Ownership of building or part thereof without land appurtenant thereto:**

In such cases procedure against item No. 3 shall be adopted except in relation to land appurtenant thereto.

5. **Further partition of part of Building, Flat or Apartment.**

In case a part of building is further partitioned, names of all the co-sharers shall be indicated in column of ownership showing the share of each co-
sharer. In case of such a partition of a part of building where entry is to be made for the first time, the procedure enumerated against item No.3 above in this regard shall be followed.

You are requested to kindly ensure implementation of the aforesaid procedure in letter and spirit. Any doubt in the matter may be referred for clarification. It is proposed to monitor the number of such mutations being attested separately as a sub-set of total mutations being attested. Information may kindly be collected accordingly.

Yours faithfully,

Sd/-

Addl. Chief Secretary (Revenue) to the Government of Himachal Pradesh.
From
The Addl. Chief Secretary (Revenue) to the
Government of Himachal Pradesh.

To
All the Deputy Commissioners
in Himachal Pradesh.

Dated: Shimla-171002, the 18th September, 2012.

Subject:- Instructions to write “Himachal Pradesh Sarkar” in ownership
column of Jamabandi in place of “name of department” of
government land transferred to that department.

Madam/Sir,

It has come to the notice that in certain cases relating to
Government land under possession of a particular Government Department, the
name of such department is indicated in the column of ownership of the
Jamabandi. This is not an appropriate practice. In fact all government owned
lands which are in the names of departments are required to be shown in the
ownership of the State Government with the name of the department being
reflected in the column of possession. This applies also in cases where the
ownership column reflects entries such as “Rajyapal Himachal Pradesh”.

It is clarified that in all such cases, necessary corrections may be
made in relevant jamabandis and the words “Himachal Pradesh Sarkar” may be
written in place of “name of department or Rajyapal Himachal Pradesh” in
ownership column of Jamabandi. The name of Department may be given in the
column of possession only where relevant. These instructions may be adhered to
in future transactions. In the case of existing entries requiring correction this may
be done by way of “fard badar”.

Yours faithfully,

Deputy Secretary (Revenue) to the
Government of Himachal Pradesh.
Government of Himachal Pradesh
Department of Revenue

From
The Addl. Chief Secretary (Revenue) to the Government of Himachal Pradesh.

To
1. The Divisional Commissioner, Shimla/Mandi/Kangra at Dharamshala, H.P.
2. All the Deputy Commissioners in Himachal Pradesh.
3. The Director, Land Records, H.P. Shimla-9.
4. The Settlement Officer, Shimla/Kangra, Himachal Pradesh.
5. All the SDO (C) in H.P.
6. The Section Officer Revenue-D, H.P. Secretariat, Shimla-2.
7. The COC to the F.C. (Appeals), Govt. of H.P.
8. All the Tehsildars/Naib Tehsildars in H.P.

Dated:Shimla-171002, the 29th September, 2012.

Subject:- Instructions for implementation of H.P. Land Records Manual.

Madam/Sir,

As per provisions of Section 34 of the H.P. Land Revenue Act, 1954, the Financial Commissioner is empowered to prescribe the intervals to amend an edition of record-of-rights i.e. the Jamabandi. In para 8.77 of the H.P. Land Records Manual, a period of 5 years has been prescribed for this purpose.

It has been experienced that in some revenue estates particularly in rural areas, transactions of land are few and there appears hardly any need to revise the record in such estates after five years. In other revenue estates which are normally comprised in urban and semi urban areas, numerous transactions take place within a short period and resultanty numerous mutations are attested and a large number of changes occur in Jamabandi which are required to be entered in remarks column of the same.
Hence, the issue regarding re-fixation of intervals to amend Jamabandi was under active consideration of the Government and after consultation with all the Deputy Commissioners in Video Conferences held in recent past, it has been decided to amend the aforesaid schedule of 5 years prescribed in Para 8.77 of the H.P. Land Records Manual, for updation of Jamabandi, as follows:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Areas</th>
<th>Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>In revenue estates situated in Un-inhabited areas.</td>
<td>No revision is required unless there are convincing reasons/ circumstances to the satisfaction of District Collector to make such updation.</td>
</tr>
<tr>
<td>2.</td>
<td>In revenue estates where less transactions of land have taken place.</td>
<td>After a period of 10 years.</td>
</tr>
<tr>
<td>3.</td>
<td>In revenue estates situated in Urban/Semi Urban areas and contiguous area where number of mutations necessitate more frequent updation of Jamabandi.</td>
<td>After a period of three years.</td>
</tr>
</tbody>
</table>

The Collector of the District will proceed to carry out an exercise to identify revenue estates in each of the above categories and issue an order of this list tehsil wise within a period of one month. Revision in the list may be made as and when felt necessary. A copy of the order shall be supplied to the Government for information.

These instructions may be implemented in letter and spirit, henceforth to amend/update periodical record-of-rights i.e. jamabandi.

Yours faithfully,

Sd/-
Add. Chief Secretary (Revenue) to the Government of Himachal Pradesh.
Government of Himachal Pradesh
Department of Revenue

From
The Addl. Chief Secretary (Revenue) to the
Government of Himachal Pradesh.

To
1. All the Deputy Commissioners
   in Himachal Pradesh.
2. All the Tehsildars/Naib Tehsildars in H.P.

Dated: Shimla-171002, the 17th October, 2012.

Subject:- Instructions to expedite disposal of pending mutations.

Madam/Sir,

It has come to the notice of the Government that a large number of mutations entered at patwar level are lying pending for attestation. Besides, fresh mutations are also being entered thereby raising the pendency.

All Revenue Officers are directed to fix dates patwar circle wise at least once in a month for attestation of such mutations at the Tehsil/Sub-Tehsil office. Pending mutations can then be affected as per procedure laid down for mutations at tehsil/sub-tehsil level. Patwaris should attend on such dates with such documents/persons as are required for the attestation. This will reduce pendency of such mutations. This disposal will be besides the disposal being presently done by Revenue Officers during their regular tours.

All the Deputy Commissioners are requested to ensure that these instructions be implemented in letter and spirit.

Yours faithfully,

Sd/-
Deputy Secretary (Revenue) to the
Government of Himachal Pradesh.

Copy forwarded to the Section Officer Revenue-D, H.P. Secretariat, Shimla-2 for information.

Sd/-
Deputy Secretary (Revenue) to the
Government of Himachal Pradesh.