



“Records Of Rights And Annual Records Under The Punjab Land Revenue Act, 1887: A Special Reference To The State Of Haryana”

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Abstract: In this article, the author proposes to deal with importance and very limited scope of Records of Right and Annual Rights. Ownership and use of a particular parcel of land can be ascertained and guaranteed, if the land records are kept and the laws governing land relationships are published. The land records are ascertaining the state of ownership and property rights. In land deals investigation of the land records is essential to ascertain who the actual owner is. Over time the “Law” which developed to regulate land relationships has come to focus on classifying the persons using land according to ownership categories and the purpose for which they are using land. Record of Right is land record where all sorts of right and liabilities in respect of every piece of land are registered. The Punjab Land Revenue Act, 1887 and the land record started governing the entire procedure of land revenue and the agricultural land. For the proper research work, primary method of data collection has been used in this research paper. For referring footnotes, the citation style of Indian Law Institute has been followed.

Key Words: Revenue Officer, Records of Rights, Annual Records, Jamabandi, Mutation.

Introduction: State of Haryana is primarily an agriculturist state. In view of the fact that the state of Haryana is based on Agriculture, the knowledge of revenue laws is one of the essential requirements for the people of Haryana. In the absence of knowledge of revenue laws/terminology, it becomes difficult to deal with these matters. As the Punjab Land Revenue Act, 1887 was implemented to make and maintenance of record of rights in land, the assessment and collection of land revenue and other matters relating to land and the liabilities incident. It provides for the preparation of record of rights of different types of land held by the owners or tenure holders.

Government always claimed a share in the produce of the land from the persons whose permanent right to occupy land is recognized. The share of the government is called “land revenue”. The first step towards the creation of the private proprietary right in the land in the real sense was to place such a limit on the demand of the government as would leave to the proprietors a profit after defraying the cost of cultivation, which would constitute a valuable property, in that land. Valuable property in land being so created, it becomes necessary to determine to whom these benefits belonged. Likewise there was the necessity of record which would show the personal responsibility for the payment of the land revenue to the government. Hence there is necessity for the records of rights in land.

The record of rights is maintained in every estate. It gives various information about the particular land. The assessment of land revenue payable, disputes regarding land are determined in the light of record of rights. Record of right is collection of various revenue papers regarding an estate. It is maintained in every village and contains information about revenue matters rent payable, cesses, names of landowner and tenant, their obligation and right, etc.

Accurate records of right is necessary for a sound system of assessment and collection of land revenue, in its absence it would be impossible to determine who is liable for the payment of the revenue over any particular land, and it would be difficult to settle any disputes between various claimants to that land. Under the present land revenue act presumption of truth attached to the entries in the record of rights.

Meaning and object of Record of Rights: The Record of Rights or ROR is a primary document that records the property’s transaction from time to time along with the information on how rights on land are derived by the landowner. It also comprise details regarding any loans taken by the occupant, details of rights of the owner or the occupant, and if there are any community or government rights on the land. The ROR document is also commonly known as Revenue Records as it includes tax registers for the collection of revenue from land. It is maintained with the different officers at different levels.

A Record of Rights (ROR) is a piece of document that contains all the necessary details of a land parcel including extent, ownership, and encumbrance. The ROR document plays a key role in understanding the ownership of the property. This document will soon substitute the puzzling land documents and cumbersome procedures related to land registration and transaction. The structure of the document and the information contained varies from one state to the other. It helps an individual claim his right to the property when challenged.

Generally, the Records of Rights gives following information in relation to land:

- Location of the land
- The extent of the land inclusive of the total area
- Name of all the persons who have acquired rights in the said land
- The nature and limits of each person's rights and liabilities in the land
- Encumbrances created on the land if any
- Classification of land as a fragment
- Other classification and reservations on the land
- If the land is used for agricultural activities, details of the same including information about Rabi and Kharif crops
- Details of charges of attachment and decrees under the order of the civil court or revenue authorities
- Income generated from the land

Advantages of using Record of Rights: The primary objective of the record of rights is to collect the land revenue from the person who is liable to pay the amount under the land revenue act. The presence of accurate ROR is important for a smooth system of assessment and collection of land revenue.

In absence of ROR, it becomes extremely difficult to determine who is liable to pay the revenue over any particular piece of land, and also makes it hard to settle disputes between different claimants of the land. Hence, ROR is a crucial document in the land revenue system. It is undoubtedly a great tool to get all your insights about the property from a single document.

The introduction of ROR has helped in accessing the land details without going through a bunch of mind-boggling land documents concealing the important information. It has now become an important document to be checked while buying a property. It plays a key role in understanding the property ownership.

- ROR is an important document to indicate the legal status of the land. ROR includes several classifications of the rights such as landowners, tenancy rights, the mortgage with or without possession, leasehold rights, etc.
- ROR is an instrument for identifying the land and establishing its extent.
- ROR also keeps a record of the crops last grown on the agricultural land
- ROR keeps a record of registered documents and mutations. It helps in creating transparency and providing accurate land information under a single roof along with the assurance of data integrity

- The money obtained as rent or revenue from the property will be considered legally earned money
- Many states have digitized ROR resulting in easy access to land information. Anyone can view property land records and their legal status online to avoid an in-person visit to the revenue office. In case of any discrepancies, the viewer can raise an issue.

Definitions of Records of Rights and Annual Records: Section 31 of the Punjab Land Revenue Act, 1887 defines record of rights and documents included therein and section 33 of the act provides for annual records.

Record-of-rights and documents included therein: There must be records of rights for each and every estate situated in the state of Haryana.¹ Estate means an area for which records of rights have been made. Actually, an area gets the legal status of an estate when records of rights in relation to that area are prepared.² The records of rights are the documents which states regarding a person who is landowner, tenant, assignees of land revenue in the estate and who receives rent, profit and produce of an estate. It also includes map of the estate and other documents prescribed by the Financial Commissioner of the state with the permission of the state government.³

When there is estate in the state of which record of rights does not exist or where record of rights exist but demands special revision, the Commissioner of concerned division has power to direct the subordinate revenue officers for making of or revision of the record of rights.⁴

Annual record: The Collector has power to cause to be prepared the record of rights by the patwari of each area annually or otherwise as directed by the Financial Commissioner.⁵ This edition of the record-of-rights shall be called the annual record for the estate, and shall comprise the statements mentioned in sub-section (2), clause (a), of section 31 and such other documents, if any, as the Financial Commissioner may, with the previous sanction of the [State Government] prescribe.⁶

The patwari of the area enters in his register of mutation every right acquired by a person as landowner, assignee of land revenue, or occupancy tenant through inheritance, purchase, mortgage or otherwise.⁷ Section 35 provides for making of entry by patwari of any other interest in the estate acquired by a person. Further, revenue officer superior to patwari has a power to check the correctness of the entries of rights made by the patwari.⁸

Thus, the record of rights and annual records include Jamabandi, Mutation, Khasra Girdavari, map of the estate and other documents as directed by the Financial Commissioner.⁹ Some types of records of rights or annual records has been discussed as under:

Jamabandi: The records of rights as prepared under section 31 of the Act is popularly known and in vernacular is called "Jamabandi". It is a document prepared as part of record-of-right in every revenue estate. It contains entries

¹ The Punjab Land Revenue Act, 1887(Act No. XVII of 1887) s.31(1).

² *Id.*, at s.3(1).

³ *Id.*, at s.31(2).

⁴ *Id.*, at s.32(1).

⁵ *Id.*, at s.33(1).

⁶ *Id.*, at s.33(2).

⁷ *Id.*, at s.34(4).

⁸ *Id.*, at s.35(5).

⁹ *Id.*, at s.31(1).

regarding Ownership, cultivation and up-to-date of various rights in land. It is revised every five years when a Jamabandi is prepared by Patwari and attested by Revenue Officer. Two copies of revised Jamabandi are prepared. One copy is consigned to the District Record Room and other copy remains with Patwari for the currency of the Settlement, presumption of truth is attached to the entries in the Jamabandi under section 44 of Punjab Land Revenue Act, 1887. All changes of rights in land coming to the notice of the Revenue Agency are reflected in the Jamabandi according to a set procedure after these have been verified by Revenue Officer.

There are twelve columns in the Jamabandi. Special instructions relating to Jamabandi are contained in rule no. 7.41 of the Punjab land record manual read in conjunction with rule 72 of the Punjab Land revenue rules.

Column No. 1 represents Khewat number, which depicts the number of the owner's holding. So, it is a ownership number for an owner of the land.

Column No. 2 is Khatauni number is the number given to the cultivators. This is the number of holdings of the person responsible for the cultivation. In this column, firstly if the holdings are cultivated by the owner himself (KHUD KASHT) is entered. Next entries of tenant of will are recorded. When there are several tenancy holders under one proprietor, the tenants in their several classes should be entered as far as possible in alphabetical order.

Column No. 3 contains the Pattis or Tarafs in the order in which they appear in shajra nasab. If there is any common land belonging to all the owners of the Patti or Taraf, enter it a separate khewat number after the khewat number of individual owners.

Column No. 4 contains the personal details of an owner of the land. It describes the name, father's name, grandfather's name and address of the owner and other particulars. Khewat number in Column no. 1 has direct link with this Column no. 4 as it gives details of the owner of the land.

Column No. 5 includes the name of the cultivator, father's name and other particulars, as to whether the owner, the tenant or any other person is cultivating the land. This column has direct link with the khatoni number in **column number 2**.

Column No. 6 depicts the nature of source of irrigation of the agricultural land. In the earlier days, the land was irrigated from the well. However, nowadays, the traditional wells have been replaced by tubewell. If the land is not cultivated, then entry to that effect is entered. It can be described as *brani*, (irrigated from the rain) *nahari*, (irrigated from the canal) *chahi* (irrigated from the tubwell) etc.

Column No. 7 states the *murba number* and *khasra or killa* number of the land. Murba comprises total 25 acre or *killas* land in it. It is further divided in *khasras or killas*. *Killas* further divided in *Kanals*. One *killa* contains 8 *Kanals*. One *kanal* further contains 20 *marlas*. So, hierarchical order of measurement of land in state of Haryana is as under:

1. Murba=25 Acre
2. Acre/ killa=8 Kanals
3. Kanal=20 Marlas
4. Marla=9 Sarsais
5. Sarsai=1 Karam
6. Karam=66 inches

The field of *khasra* number is the number given to the field in village map (Shajra kishtwar). The order of entry should usually be that of *khasra* number.

Column No. 8, the area and classification of land is given in this column. Land was divided in the various classifications in earlier days.

Column No. 9 contains the entry regarding the rent, whether it is a shared of produce (batai) or the lump sum note of the amount.

Column No. 10 depicts the share or measure the right and rule of the bachh.

Column No.11 the land revenue payable is entered, if the land revenue is exempted from payment of it.

Column No. 12, in this column, the name of the owners, mortgagees with possession and alteration in shares by sale purchase, partition which are supported by any mutation or faradbadar entry are entered.

Thus, the details of the jamabandi are entered in this peculiar way.

Presumption of truth: Presumption of truth is attached to the entries in the record of rights under section 44 of the Punjab Land Revenue Act¹⁰ in accordance with the law for the time being in force. Similarly, the presumption is also attached to the annual records prepared in accordance with the provisions of the aforesaid act. Otherwise also besides this statutory presumption conferred on the entries in the record of rights or annual records is also supported by section 114 of the Evidence Act,¹¹ wherein it has been stated that an act done by a public officer in discharge of his public duties, shall be presumed to be has been done in due course of business, unless it is proved otherwise. This statutory presumption and protection attached to the record of rights and annual records confers a great edge on the said record.

Judicial Interpretation: It has been held in various judgments of Supreme Court and High Court that Jamabandi is not a document of title.¹² The head notes prepared by the publishers in this regard are misleading which leads an impression that Jamabandi is not a document of title. One must remember that

¹⁰ *Id.*, at s.44.

¹¹The Indian Evidence Act, 1872. (Act No. 1 of 1872) s.114.

¹² *Guru Amarjit Singh v. Rattan Chand* AIR 1994 SC 227.

there cannot be an absolute proposition of law. Every proposition of law carries with it various exceptions. On the peculiar facts and circumstances of the case, such observations have been made. Cogent and convincing evidence is required to be led by the person who challenges the presumption attached to the record of right or annual record. Under section 110 of the Evidence Act, which is reproduced as under:-

"110. Burden of proof as to ownership-*When the question is whether any person is owner of anything of which he is shown to be in possession, the burden of proving that he is not the owner is on the person who affirms that he is not the owner.*"¹³

A person who is in possession of a particular property, when challenged regarding his ownership, then it is the person, who challenges such ownership is required to prove the same. In legal jurisprudence it is called "Possession is nine points in law". If a person is claiming ownership on the basis of a registered document, then, he has to produce the said document to prove its ownership.

Challenge to the jamabandi in a court of law: U/s 45 of the Punjab Land Revenue Act, if any person feels aggrieved by the entries in any record of rights/jamabandi, then he has to file a suit in a civil court challenging the veracity of the entries and taking his claim on the basis of his own title. Existence of section 45 in the Punjab Land Revenue Act also fortify the version that the entries made in the record of right are supreme and the will continue to hold the field despite the fact that as to whether they are made on the basis of a registered document or otherwise.

Mutation: Mutation indicates the changes that have to be brought about in ownership and title of the land. It contains the information about the khewat of last Jamabandi, which are proposed to be corrected (Column No 1 to 7) and information contained in Column no 8 to 12 is proposed to be established. These columns are self explanatory. Column no 13 indicates the types of mutation and its details. Mutation fee is entered in column no 14 and brief report is given in column no 15. Referencing of mutations are made in current Jamabandi in Remarks Column. At a given point of time, column no 8-12 can be taken as column of Jamabandi and confirm the title of the land.¹⁴

There are many types of mutations but the main types includes Sale, Gift, Mortgage with Possession, Mortgage without possession, exchange, Mutation of changes in ownership based on civil court decrees, mutation of inheritance, partition, land term leases, redemption of mortgage.

Khasra Girdawari: It is a register of harvest inspections. The patwari conducts field to field harvest inspections every six months in the month of October and March. He records facts regarding crop grown, soil classification, cultivation and capacity of the cultivators. This is valuable data and is basis for many

¹³The Indian Evidence Act, 1872. (Act No. 1 of 1872) s.110.

¹⁴Available at: <https://jamabandi.nic.in/Land%20Records/TermsNew#jam>(last visited on Dec.02,2023).

returns and forecasts prepared and published by Director, Land Records, Haryana. The document is retained in custody of patwari for a period of 12 years after which it is also to be retrieved from him and destroyed.¹⁵

The first six monthly inspections starting from Ist of October is called Kharif Girdawari while second from Ist of March called Rabi Girdwari. If circumstances so required, different dates in this respect can be fixed by Commissioner of the Divisions for any or all districts under their charge. Besides, in case of extra Rabi crops such as melons and tobacco etc which cannot be observed in March, the patwari make an extra inspection called 'Zaid Rabi Girdawari' in respect of such fields. In some cases, similar Zaid Kharif Inspection is also done.

Shajra Nasab: Prepared in every estate at the time of settlement and forming a part of record-of-right. Sharja Nasab is pedigree table showing succession to ownership rights occurring from time to time in the estate. It is revised and brought up-to-date every five years and in the interval changes occurring from time to time are reflected in patwari's copy through suitable references.¹⁶

The Sharja Nasab, prepared at the time of settlement, is a source of information regarding the previous proprietary, history of estate and the devolution of proprietary rights from time to time. One copy of it along with Jamabandi prepared at the settlement is consigned to district record. The Second copy remains with Patwari and is retrieved from him after coming in force of the new settlement, when it is kept permanently in Tehsil or District Record Room.

Preparation of Record of Rights:

Classification of rights to be recorded: The rights of which the acquisition or loss gives rise to an alteration in the record of rights, may be classified as follows:¹⁷

- Landowner
- Occupancy Tenant
- Assignee
- Any other person gets interest in any other way

Reports of acquisition of rights to patwari's: The right holder or any other authorized person by the holder of the right has a duty to report to the patwari of their area the right which they have acquired. 34(1) The first three classes are legally bound to report to the patwari the right which they have acquired. Where right is acquired by the minor or person of unsound mind the right can be reported by the guardian of such person.¹⁸ All persons whose rights, interests or liabilities are required to be entered in records of rights shall provide all necessary information to the revenue officer.¹⁹

¹⁵ *Ibid.*

¹⁶ Available at: <https://legalraj.com/articles-details/record-of-rights> (last visited on Dec.05, 2023).

¹⁷ The Punjab Land Revenue Act, 1887 (Act No. XVII of 1887) s.34(1).

¹⁸ *Id.*, at s.34(2).

¹⁹ *Id.*, at s.40.

Time limit for report to Patwari: In case of mutations like ancestral, exchange of property or such transfer where registration deed is not necessary the information of change of rights must be reported to patwari within 3 months. If they fail to do so within three months from the date of acquisition they render themselves liable to a small fine.

Duty of the Patwari: It is the duty of the patwari to register in mutation register report made by the holder of the rights or where no report is made by the holder of the rights but patwari came to know otherwise regarding the acquisition of rights. Where the rights are changed by way of registration deed, it becomes the duty of the patwari to enter the mutation within one month after receipt of the concerned registry from tahsil. However, beneficiary can get the mutation done by showing the original deed in such cases.²⁰

Inquiry of Correctness of the Entry: Revenue officer (kanungo) shall conduct the inquiry regarding the correctness of the entry made by the patwari in his mutation register. If he finds the entry correct than he may pass sanction order for the entry of rights in annual records.²¹ Entry shall be made in the column of description of the rights acquired by insertion of the name of new right holder and by omitting the old one which is liable to corrected due to change in the rights holder.²²

Rejection of application to record entry: The revenue may reject the application for entry of record of rights in the register in the following situations:²³

- Where decree has been passed by the court in this regard.
- Where stay order has been passed by the court in this regard.
- Where right had been acquired by the sale of the property but possession has not been delivered to the purchaser.
- Where there is difference between the facts shown in the deed or agreement and facts in the official record.

Restrictions on variations of entries in record: Entries in record of rights or annual record shall not be varied in subsequent records unless:²⁴

- Change of right has proved by the interested parties.
- Making of such entries as are agreed by all the interested parties.
- Supported by a decree of the court binding on such interested parties.
- Necessary to make new map of estate.

Presumption in favor of entries: Entries made in the records of rights in accordance with law for the time being in force or in annual record according provisions of this chapter shall be presumed true.²⁵ However, entries are rebuttable and conclusive regarding the fact stated there under. Any person aggrieved by any entry in a record may institute suit for a declaration of rights under the Specific Relief Act.²⁶

²⁰ *Id.*, at s.33(2).

²¹ *Id.*, at s.34(4).

²² *Id.*, at s.34(5).

²³ Available at: <https://legalraj.com/articles-details/record-of-rights> (last visited on Dec. 09,2013).

²⁴ The Punjab Land Revenue Act, 1887(Act No. XVII of 1887) s.37.

²⁵ *Id.*, at s.44.

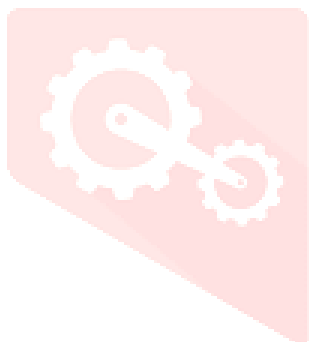
²⁶ *Id.*, at s.35.

Mutation Fees: The fees of mutation is decided by the state government for varies entries to be made under this chapter IV and for taking certified copies of the records of rights or annual records. The fees for mutation shall be paid by the person in whose favor the entry is made.²⁷

Conclusion: The documents Records of Rights plays a key role in understanding the ownership of the property. The structure of the document and the information contained varies from one state to the other. It helps an individual claim his right to the property when challenged. It comprises details of rights of the owner or the occupant, details regarding any loans taken by the occupant, and if there are any community or government rights on the land. The Record of Rights is a primary document that records the property's transaction from time to time along with the information on how rights on land are derived by the landowner. The ROR document is also commonly known as Revenue Records as it includes tax registers for the collection of revenue from land. It is maintained with the different officers at different levels.

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5. <https://jamabandi.nic.in/Land%20Records/TermsNew#jam>.
6. <https://legalraj.com/articles-details/record-of-rights>.



²⁷ *Id.*, at s.38.