**CHAPTER-V**

**VILLAGE OFFICERS**

36. The Board of Revenue may, with the previous approval of Government,

make rules to regulate the appointment, duties, emoluments, punishment,

suspension and removal of Village Officers.

Rules regulating

appointments etc,

of Village

Officers.

37. (1) Government may, by notification, impose on all or any of the estates

in the Province, a cess to be called the Village Officers’ cess, at such rate or

rates, not exceeding 1

[ten] per centum of the land-revenue, as it may think fit,

for remunerating Village Officers, other than those who are Government

servants.

Village Officers,

cess.

(2) The Board of Revenue may, with the previous approval of

Government make rules for the collection, control and distribution of the

Village Officers’ cess.

38. (1) The remuneration of a Village Officer mentioned under sub-section

(1) of section 37 shall not be liable to attachment in execution of a decree or

order of a Civil or Revenue Court.

(2) An assignment of, or charge on, or an agreement to assign or charge,

any such remuneration shall be void unless it is authorised by rules made by the

Board of Revenue in this behalf.

Restrictions on

attachment or

assignment of

remuneration of

village Officers.

**CHAPTER-VI**

**RECORDS**

Records-of-Rights and Periodical Records.

39. (1) Save as otherwise provided by this Chapter there shall be a recordof-rights for each estate.

(2) The record-of-rights for an estate shall include the following

documents, namely:—

Record of rights

and documents

included therein.

(a) statements showing, so for as may be practicable—

(i) the persons who are land-owners, tenants or who are

entitled to receive any of the rents, profits or produce of the

estate or to occupy land therein;

(ii) the nature and extent of the interests of those persons, and

the conditions and liabilities attaching thereto; and

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Substituted vide Khyber Pakhtunkhwa Act No. XI of 1976.

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(iii) the rent, land-revenue, rates, cesses or other payments, due

from and to each of those persons and to Government;

(b) a statement of customs respecting rights and liabilities in the

estate;

(c) a map of the estate; and

(d) such other documents as the Board of Revenue may, with the

previous approval of Government prescribe.

40. (1) When it appears to the Board of Revenue that a record-of-rights for

an estate does not exist, or that the existing record-of-rights for an estate

requires special revision, the Board of Revenue may, by notification, direct that

a record-of-rights be made, or that the record-of-rights be specially revised, as

the case may be.

Making of special

revision of record

of rights.

(2) A notification under sub-section (1) may direct that record-of-rights

shall be made or specially revised for all or any of the estates in any local area.

(3) A record-of-rights made or specially revised for an estate under this

section shall be deemed to be the record-of-rights for that estate, but shall not

affect any presumption in favour of Government which has already arisen from

any previous record-of-rights.

41. (1) The Collector shall cause to be prepared by the Patwari of each estate

periodically, as the Board of Revenue may direct, an edition of any record-ofrights amended in accordance with the provisions of this Chapter.

Periodical records.

(2) Such edition of the record-of-rights shall be called the periodical

record for the estate, and shall comprise the statements mentioned in clause (a)

of sub-section (2) of section 39, and such other documents, if any, as may be

prescribed.

(3) For the preparation of periodical records, the Collector shall cause to

be maintained by the Patwari of each estate a register of mutations in the

prescribed form and other prescribed registers, if any.

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[41A. Digitized periodical records.— (1) After the commencement of the

Khyber Pakhtunkhwa Land Revenue (Amendment) Act, 2014 the Board of

Revenue shall, by notification in the official Gazette, specify a date for the

commencement of the operation of digitized edition of record-of-rights of an

estate or a group of estates in a District.

Digitized

periodical

records.

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Inserted vide Khyber Pakhtunkhwa Act No. XXXII of 2014.

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(2) The Collector shall cause to be prepared periodically by the service

delivery centre official, as the Board of Revenue may direct, a digitized edition

of the record-of-rights of an estate or group of estates.

(3) The digitized edition of a record-of-rights shall be called the

digitized periodical record for an estate and shall comprise the statements

mentioned in clause (a) of sub-section (2) of section 39.

(4) The Collector shall cause to be maintained by the service delivery

centre official, in digitized form, record of mutations in an estate and other

documents, as may be prescribed.

(5) The Board of Revenue shall, by notification in the official Gazette,

prohibit manual preparation of periodical record of an estate or group of estates

in a District, under section 41 from a specified date.

(6) The Board of Revenue shall cause to be prepared, in digitized form,

the latest edition of the periodical record of an estate, if no such record exists.]

Procedure for Making Records.

42. (1) 1

[Subject to other provisions of this Chapter, a person] acquiring by

inheritance, purchase, mortgage, gift, or otherwise, any right in an estate as a

land-owner; or a tenant for a fixed term exceeding one year, shall, within three

months from the date of such acquisition, report his acquisition of right to the

patwari of the estate, who shall -

Making of that

part of periodical

records which

relates to land

owners.

(a) record such report in the Roznamcha to be maintained in the

prescribed manner:

(b) Furnish a copy of the report so recorded, free of cost to the

person making the report; and

(c) send a copy of the report, within a week of its receipt by him, to

the 2

[respective Local Council] within which the estate is

situated.

(2) If the person acquiring the right is a minor or is otherwise unable to

report, his guardian or other person having charge of his property shall make the

report to the Patwari.

(3) The Patwari shall enter in his register of mutations every report made

to him under sub-section (1) or sub section (2) and shall also make an entry in

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Substituted vide Khyber Pakhtunkhwa Act No. XXXII of 2014.

2

Substituted vide Khyber Pakhtunkhwa Act No. XXXII of 2014.

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the Roznamcha and in the register of mutations respecting the acquisition of any

such right as aforesaid which he has reason to believe to have taken place and of

which report should have been made to him under either of those sub-sections

and has not been so made.

(4) The report made to the Patwari under sub-section (1) or sub-section

(2) or recorded by him under sub-section (3) shall be displayed in such manner

as may be prescribed.

(5) If the Patwari fails to record or to display a report made to him under

sub-section(l) or sub-section (2), the person making the report may make the

report, in writing, to the Revenue Officer concerned and 1

[the Nazim of the

Village Council or Nazim of the Neighbourhood Council as a case may be] in

which the estate is situated by registered post acknowledgement due and the

Revenue Officer shall there-upon cause such report to be entered in the register

of mutations.

(6) A Revenue Officer shall, from time to time, inquire into the

correctness of all entries in the register of mutations and into all such

acquisitions as aforesaid coming to his knowledge of which, under the

foregoing sub-section report should have been made to the Patwari and entries

made in that register, and shall in each case make such order as he thinks fit

with respect to any entry in the periodical record of the right acquired.

(7) Except in cases of inheritance or where the acquisition of the right is

by registered deed or by or under an order or decree of a Court, the Revenue

Officer shall make the order under sub-section (6) in the presence of the person

whose right has been acquired, after such person has been identified by two

respectable persons, perferably from Lambardars or members of the Union

Committee, Town Committee or Union Council concerned whose signatures or

thumb-impressions shall be obtained by the Revenue Officer on the register of

mutations.

(8) An inquiry or an order under sub-section(6) shall be made in the

common assembly in the estate to which the mutation, which is the subject

matter of the inquiry, relates.

(9) Where a Revenue Officer makes an order under sub-section (6) in

regard to the acquisition of any right, an entry shall be made in the periodical

record by the insertion therein of a description of the right acquired and by the

omission from such record of any entry in any record previously prepared,

which, by reason of the acquisition, has ceased to be correct.

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(10) If within three months of the making of a report of the acquisition

of a right under sub-section (1) or sub-section (2), or the recording by the

Patwari of an entry in the Roznamcha under sub-section (3) respecting the

acquisition of any right no order is made by the Revenue Officer under subsection (6), he shall report the cause of delay to the Collector in the prescribed

manner.

(11) The Revenue Officer shall, in the prescribed manner, send or cause

to be sent, the gist of an order made by him under sub-section (6), to the person,

whose right is acquired, and also to the office of the 1

[Village Council or

Neighbourhood Council] in which the estate is situated.

2

[42A. Report of acquisition of rights.— (1) After Notification by Board of

Revenue regarding operationalization of the service delivery centre in an estate,

a person, acquiring a right in an estate by inheritance, purchase, mortgage, gift

or otherwise as a land owner or a tenant for a fixed term exceeding one year,

shall, within three months from the date of the acquisition, report his acquisition

of the right to the service delivery centre official of the estate.

Report of

acquisition

of rights.

(2) If the person acquiring the right is a minor or is otherwise unable to

report, his guardian or other person having charge of his property, shall make

the report to the service delivery centre official.

(3) The service delivery centre official shall enter the particular of the

report and the prescribed document identity in the computerized system, and

shall also obtain the signatures or thumb impression and computerized national

identity card number of the person making the report.

(4) The service delivery centre official shall, in the prescribed manner,

inform the person making the report, about the particulars of the mutation

requested, and other documents required for processing the mutation, fee or tax

payable, any other prescribed requirements, and the date on which the parties

shall appear in the service delivery centre official for enquiry and order on the

requested mutation by the Revenue Officer.

(5) The service delivery centre official shall publish a copy of the report

and other particulars in such manner as may be prescribed.

(6) On the date specified by the service delivery centre official, the

Revenue Officer shall, in the prescribed manner, hold enquiry into the

correctness of the entries in the report and make such order as he thinks fit with

respect to any entry in the digitized periodical record relating to the right

acquired.

1

Substituted vide Khyber Pakhtunkhwa Act No. XXXII of 2014.

2

Inserted vide Khyber Pakhtunkhwa Act No. XXXII of 2014.

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(7) The Revenue Officer shall hold such enquiry in the immediate

presence of the person whose right has been acquired and keep photographic

evidence thereof unless the person whose right has been acquired is a legal

person or unable personally to attend the enquiry because of the prescribed

circumstances, or if the right has been acquired through inheritance, registered

deed, or by an order of a Court or any other competent authority.

(8) If the person, whose right has been acquired, is a legal person or a

person, who is personally unable to attend the enquiry because of the prescribed

circumstances, the Revenue Officer shall hold the enquiry in the immediate

presence of an authorized agent of such person and shall obtain his signatures or

thumb impression and computerized national identity card number as token of

correctness and keep photographic evidence therof.]

43. The acquisition of any interest in land other than a right referred, to in

sub-section 1 of section 42 shall—

(a) if it is undisputed, be recorded by the Patwari 1

[or service delivery

centre official as the case may be] in the prescribed manner ; and

Making of that

part of periodical

record which

relates to other

persons.

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[(b) if it is disputed, be entered by the patwari or service delivery centre

official, in the register of mutation or generate report in digitized

record, as the case may be, and dealt with in the manner provided in

sub-sections (6) to (11) of section 42.]

44. (1) If during the making, revision or preparatiop of any record, or in the

course of any inquiry under this Chapter, a dispute arises as to any matter of

which an entry is to be made in a record or in a register of mutations, a Revenue

Officer may of his own motion, or on the application of any party interested, but

subject to the provisions of section 45 and after such inquiry as he thinks fit,

determine the entry to be made as to that matter and record his reasons there for.

Determination

of disputes.

(2) If in any such dispute, the Revenue Officer is unable to satisfy

himself as to which of the parties thereto is in possession of any property to

which the dispute relates, he shall—

(a) if he be not below the rank of Assistant Collector of the first

grade, ascertain, after an inquiry in which an opportunity shall

be given to all the parties, to the dispute of being heard and

adducing evidence in support of their claims, who is the person

best entitled to the property, and shall by written order direct

that the person be put in possession thereof, and that entry in

1

Inserted vide Khyber Pakhtunkhwa Act No. XXXII of 2014.

2

Substituted vide Khyber Pakhtunkhwa Act No. XXXII of 2014.

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accordance with that order be made in the record or register;

and

(b) if he be below the rank of Assistant Collector of the first grade,

report the matter to the Assistant Collector of the first grade,

who shall thereupon proceed in the manner provided in clause

(a).

(3) A direction under sub-section (3) shall be subject to any decree or

order which may be subsequently passed by any Court of competent

jurisdiction.

45. Entries in a record-of-rights or in a periodical record, except entries

made in periodical records by Patwari under clause (a) of section 43 with

respect to undisputed acquisitions of interest referred to in that section, shall not

be varied in subsequent records otherwise than by—

Restriction in

variations of

entries in records.

(a) making entries in accordance with facts proved or admitted to have

occurred;

(b) making such entries as are agreed by all the parties interested there

in or are supported by a decree or order binding on those parties;

and

(c) making new maps where it is necessary to make them.

46. (1) The Board of Revenue may fix a seal of fees for all or any classes of

entries in any record or register under this Chapter and for copies of any such

entries.

Mutation fees.

(2) A fee in respect of any entry shall be payable by the person in whose

favour the entry is made.

47. (1) Any person whose rights, interest or liabilities are required to be, or

have been entered in any record or register under this Chapter, shall be bound,

on the requisition of any Revenue Officer or Patwari 1

[or service delivery centre

official as the case may be] engaged in compiling or revising the record or

register, to furnish or produce for his inspection, all such information or

documents needed for the correct compilation or revision thereof as may be

within his knowledge or in his possession or power.

Obligation

to furnish

information

necessary for

the preparation

of records.

(2) The Revenue Officer or Patwari 2

[or service delivery centre official

as the case may be] to whom any information is furnished or before whom any

1

Inserted vide Khyber Pakhtunkhwa Act No. XXXII of 2014.

2

Inserted vide Khyber Pakhtunkhwa Act No. XXXII of 2014.

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document is produced in accordance with a requisition under sub-section (1)

shall give a written acknowledgement thereof to the person furnishing or

producing the same, and shall endorse on any such document a note over his

signature, stating the fact of its production and the date thereof.

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[48. A person, who neglects to make the report required to be made within

three months from the date of his acquisition of a right referred to in section 42

or section 42A or who fails to furnish the information or produce the documents

required under section 47, shall be liable, at the discretion of the Collector, to a

fine not exceeding ten thousand rupees.]

Penalty.

Rights of Government and presumptions with respect thereto and to

other matters.

49. Notwithstanding anything to the contrary in any other law, or in any

order or decree of Court or other authority, or in any rule of custom or usage, or

in any contract, instrument, deed or other document, all mines and minerals

shall be and shall always be deemed to have been the property of Government,

and Government shall have all powers necessary for the proper enjoyment of its

rights thereto.

Rights of

Government

in mines and

minerals.

Explanation.— For the purposes of this section, “Government”, in

relation to nuclear energy, mineral oil and natural gas, shall mean the Central

Government, and in relation to other mines and minerals, the Government of

West Pakistan.

50. (1) When in any record-of-rights completed on or before the eighteenth

day of November, 1871, in territories where the Punjab Land Revenue Act,

1887 (Punjab Act No. XVII of 1887), was, with or without modifications,

inforce immediately before the commencement of this Act, 2

[xxx] it is not

expressly provided that any forest or quarry, or any unclaimed, unoccupied,

deserted or waste-land or any spontaneous produce or other necessary interest in

land belongs to the land-owners, it shall be presumed to belong to Government.

Presumption as

to ownership of

forests, quarries

and waste-lands.

(2) When in any record-of-rights completed after eighteenth day of

November, 1871, 3

[xxx]it is not expressly provided that any forest or quarry, or

any such land, produce or interest as aforesaid, belongs to Government it shall

be presumed to belong to the land-owners concerned.

(3) The presumption created by sub-section (1) may be rebutted by

showing—

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Substituted vide Khyber Pakhtunkhwa Act No. XXXII of 2014.

2 Omitted vide Khyber Pakhtunkhwa Adaptation of Laws Order, 1975.

3 Omitted vide Khyber Pakhtunkhwa Adaptation of Laws Order, 1975.

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(a) from the record or report made by the assessing officer at the

time of assessment, or

(b) if the record or report is silent, then from a comparison between

the assessment of villages in which there existed, and the

assessment of villages of similar character in which there did

not exist, any forest or quarry, or any such land, product or

interest,

that the forest, quarry, land, produce or interest was taken into account in the

assessment of the land-revenue.

(4) Until the presumption is so rebutted, the forest quarry, land, produce,

or interest shall be held to belong to Government.

51. (1) Whenever, in the exercise of any right of Government referred to in

sections 49 and 50, the rights of any person are infringed by the occupation or

disturbance of the surface of any land Government shall pay, or cause to be

paid, to that person compensation for the infringement.

Compensation for

infringement of

rights of third

parties in exercise

of a right of

Government.

(2) The compensation shall be determined, as nearly as may be, in

accordance with the provisions of the Land Acquisition Act. 1894 (Act No. I of

1894).

52. An entry made in a. record-of-rights in accordance with the law for the

time being in force, or in a periodical record in accordance with the provisions

of this Chapter and the rules made thereunder, shall be presumed to be true until

the contrary is proved or a new entry is lawfully substituted therefore.

Presumption in

favour of entries

in record-of rights

and periodical

records.

53. If any person considers himself aggrieved by an entry in a record-ofrights or in a periodical record as to any right of which he is in possession, he

may institute a suit for a declaration of his right under Chapter VI of the

Specific Relief Act, 1877 (Act No. 1 of 1877).

Suit for

declaratory

decrees by persons

aggrieved by an

entry in a record.

Supplemental Provisions.

54. The Board of Revenue may, by notification, direct that a record-of-rights

shall be made for any group of neighbouring estates instead of separately for

each of such estates and thereupon the provisions of this Chapter with respect to

a record-of-rights and a periodical record for an estate shall so far as they can be

made applicable, apply to the record-of-rights and. the periodical record for such

group of estates as if the group were an estate.

Record of rights

and periodical

records for groups

of estates.

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54. A Power to call for information.— (1) The Board of revenue may, by

notification, require a land-owner or a class of land Owners to furnish such

information as to the extent of hic or their ownership of land, whether such land

is situated wholly within the province or partly within and partly outside the

Province, in such form and manner, with in such time and to such person or

authority as may be specified in the notification.

Power to call

for information.

(2) Whoever fails, without reasonable cause, to furnish the information

required under sub-section (1) or furnishes information which he knows, or has

reason to believe to be false or omits to give any information material for the

purpose for which it is required, shall be punished with simple imprisonment for

a term which may extend to one year, or with fine, or with both.

(3) No Court shall take cognizance of any offence punishable under this

section, except on a complaint in writing by a revenue officer especially or

generally empowered in this behalf by the Board of Revenue.

55. The Board of Revenue may, with the previous approval of Government,

make rules—

(a) prescribing the language in which records and registers under this

Chapter are to be made;

Powers to make

rules respecting

records and other

matters connected

there-with.

(b) prescribing the language in which records and registers under this

Chapter are to be made;

(c) prescribing the form of those records and registers, and the manner

in which they are to be prepared, signed and attested;

(d) for the survey of land so far as may be necessary for the preparation

and correction of those records and registers;

(e) for the conduct of inquiries by Revenue Officers under this Chapter;

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[.....]

(f) generally for the guidance of Revenue Officers and Village Officers

in matters pertaining to records and registers mentioned or referred

to in this chapter 3

[;] 4

[and]

5

[(f) for reporting, preparation, authentication, revision and correction of

digitized land records.