

Chapter 16

COMPUTERISATION OF LAND RECORDS

Importance of framing record-of-rights

16.1 With the progress of civilisation, the possession and utilisation of land for survival have assumed great importance in India where about 70 per cent of the population depends upon agriculture and land sources. It becomes the primary duty of the State to frame record-of-rights to safeguard the rights, title and interests of landowners, tenants and other tenure holders in land and to enact laws for its preparation and maintenance.

State has always claimed a share of produce from the occupiers of the land. This share is known as land revenue. In the absence of accurate existence of record-of-rights, it is not easy to determine who is liable for the payment of revenue assessed over a particular land.

It is not possible to settle disputes between various claimants to the land. Framing of records-of-rights is essential for maintenance of peace and justice. It shows, who are land owners of a particular holding, who are tenants, what is the rent payable, what land revenue and cesses are assessed on it, the nature of the soil, method of irrigation and area of every holding. The map of an estate shows the dimensions and limits of every field or plot which are essentially required for determination of various land disputes.

Proper measurement of land and preparation of land records are continuously being done in our country since Mughal Period. Land records are being prepared and maintained in H.P. in a systematic manner and a detailed procedure has been laid down under the H.P. Land Revenue Act and Rules framed thereunder.

After preparation, the up-dation and maintenance of land records are amongst the prime duties of the State. Computerisation is the latest modern method to up-date and maintain land-records. Various States in India have switched over to computerisation of land records.

Before we touch the subject, let us know how Land Records are prepared and maintained in H.P.

Procedure of preparation and maintenance of Record-of-Rights in H.P.

16.2 The existing system and procedure of making and variation of entries in the Record-of-rights/periodical record and other revenue record are governed by Chapter IV of the H.P. Land Revenue Act, and other relevant provisions of the Act. H.P. Land Records Manual has been specially framed for the guidance of Revenue Officers and other functionaries, which prescribes detailed procedure for the maintenance and up-dating of land records in the State. Various instructions issued by the Govt and Financial Commissioner (Revenue) from time to time serve as guidelines to the subordinate staff at all levels in this behalf.

The Standing record is prepared at the time of settlement. A detailed procedure has been laid down for the preparation of record-of-rights, for settling the rights of the people as well as of the Govt. and making entries in the standing record, in Punjab Settlement Manual applicable to H.P. Once the Standing Record is prepared and handed over to the Collector of the District by the Settlement officer there is a regular system of updating the land records. Changes of permanent nature in the rights are incorporated through mutations which are decided by the Revenue Officers. The order of the Revenue Officer of AC Ist Grade and AC IInd Grade is appealable to the Collector and the orders of the Collector is appealable to the Commissioner. Revision lies to the Financial Commissioner (Revenue). Final orders passed in appeals/revision are incorporated in the record-of-rights.

Changes in rent, possession, classification of land are incorporated in the Crop Inspection Register. The Patwari conducts crop inspection on the spot in every season. He is empowered to record undisputed changes in cultivation, rent, classification in pencil, which is confirmed by Revenue Officer within 3 months. Disputed cases of such nature are decided by Revenue Officer before incorporating such entries in the record-of-rights under the law.

System of recording of entries in record-of-rights during settlement

16.3 Section 32 of the H.P. Land Revenue Act, 1954 provides that there shall be permanent record-of-rights for each estate and it specifies the documents which are to be included in record-of-rights. Financial Commissioner (Revenue) with the previous sanction of the State Govt. may also prescribe other documents to be included in record-of-rights.

Notification u/s-33 of H.P. Land Revenue Act.

16.4 State Govt. issues notification u/s-33 of the Act directing the preparation of record-of-rights for all or any estate in any local area where it does not exist or the revision of existing record-of-rights where it requires special revision.

Contents of Record-of-rights

16.5 Contents of record-of-rights are as follows:-

1. A preliminary proceeding.
2. A Shajra Kishtwar or field map and a detailed plan of any property belonging to the State in the Estate.
3. A Shajra nasab or geneological tree.
4. A Jamabandi or register of the holdings of owner and tenants showing the fields comprised in each holding, the revenue for which each owner is responsible, and the rent payable by each tenant. It should also show particulars about the owners and tenant as given below:-
 - i) In the case of the owners the father's name, tribe or caste, got or sub-tribe, if any, and residence.
 - ii) In the case of the tenant or the cultivator the father's name, tribe, or caste, got or sub-tribe, if any, residence, and status (e.g. Maurusi or Ghair Maurusi).
5. A list of revenue assignments and pensions.
6. A statement of rights in wells.
7. A statement of rights in irrigation, if any, from other sources.
8. A Wajib-ul-arz or statement of customs respecting rights or liabilities in the estate.
9. The order of the settlement officer determining the assessment.
10. The order of the settlement Officer determining the assessment, over holdings.
11. Naksha Bartan (in Himachal Pradesh).

During Settlement the following additional records are prepared:-

- i. Khatauni;
- ii. Field Book;
- iii. Khasra Girdwari;
- iv. Copy of Shajra on Latha cloth (shajra Parcha);
- v. Copy of shajra on tracing cloth (Momi);
- vi. Copy of Misal Hakiyat (Part-Patwar).

During Settlement, Patwari prepares the basic records which are checked 100% by the Kanungo, 25% by the Naib Tahsildar and 20% by the Tahsildar and 5% by the A.S.O. These records are prepared according to position of the rights existing on the spot after summary inquiry. In disputed cases, the Revenue Offices are empowered to decide the cases in accordance with law. The orders passed by the Revenue Officer are incorporated in the standing record. Detailed instructions for making these entries during settlement in the standing records are contained in the Settlement Manual as well as in the Manual of instructions issued by Settlement officer after approval of the Govt. at the time of taking up a district for settlement.

Procedure of maintenance and up-dating of Land Records after Settlement

16.6 Original copy of Misal Haquiat, Mussaviis (Shajra Kishtwar) which are prepared during Settlement are kept and maintained at the District level. Momi is kept and maintained at the tehsil office. At village level, the Patwari is required to maintain the jamabandi, field book, shajra (Latha) and Khasa girdwari.

Register of Mutations and Register of Khasra Girdwari and other papers

16.7 Jamabandi is prepared for each revenue estate after 5 years in duplicate. One is kept in District/Sub-Divisional, Land Records Office and the other is kept by the concerned patwari. All changes in the shapes of field are incorporated in the shajra (Latha) kept by the Patwari. Similar corrections are done in the tracing cloth (momi) kept in the Tehsil office after 5 years at the time of filing jamabandi by Patwari under the supervision of Field kanungo.

Original copies of mutations attested by the Revenue Officers are kept and preserved by the Office Kanungo in Tehsil Office. These mutations are later attached with Jamabandi Part Sarkar, Counterfoils of the mutations are kept by the Patwari.

Whenever any person acquires any right in any property it has been made obligatory on him to report the acquisition of such right whether based upon registered deed or oral transaction to village Patwari within a period of 3 months. The Patwari will make such entries in the Register of Mutations maintained by him in foil and counterfoil.

In case of undisputed entries regarding possession, rent and classification, patwari is empowered to reflect the change at the time of crop inspection against the relevant field numbers in pencil which is confirmed by Revenue Officer within 3 months.

Disputed cases of possession are decided by Revenue Officer. If the Revenue Officer is not in a position to ascertain possession he shall hold such enquiry as he deems fit and then pass orders about new entries to be made but subject to restrictions imposed under Section-38 of the Act.

Entries based upon sanctioned mutation orders are incorporated in the next Jamabandi. Similarly, the changes about possession and changes in cultivation and rents etc. which are reflected in the Register of

crop inspection (Khasra Girdwari) are ultimately incorporated in the new Jamabandi.

Restriction on variations of entries once made in the Jamabandi are laid down under Section-38 of the H.P. Land Revenue Act, 1954.

Record maintained at village level

16.8 The following records are maintained at village level.

i) Jamabandi: It is prepared for every estate after 5 years incorporating all changes which have been ordered to be made through mutation orders and also the changes reflected in the Register of Crop Inspection.

ii) Register of Crop Inspection (Khasra Girdwari):-

This register of crop inspection is prepared alongwith the new Jamabandi. The patwari carries out crop inspections after every 6 months and also for the additional crops grown between two main crop seasons and records the condition of the crops and other changes of temporary nature, if any in the Crop Register.

iii) Mutation Register meant for recording permanent changes.

iv) Fard Bachh:- A statement of persons liable to pay land revenue is called Fard bachh.

v) Dhal bachh: It is copy of Fard bachh issued to Lambardar for collection of land revenue and mutation fee etc.

vi) Other miscellaneous papers like mutation fee, register of survey equipment etc.

Records Maintained at Tehsil Level:-

16.9 The following records are maintained at Tehsil level.

i) Tehsil Statistical Register or Lal Kitab;

ii) A copy of Shajra Kishatwar prepared on the tracing cloth is maintained at the Tehsil level. It is updated every 5 years when the Jamabandi is filed in Tehsil Office in July.

iii) Kisht bandi: A register showing accounts of land revenue of each estate.

The Office kanungo posted in the Tehsil also maintains the following records which are also connected in one way or the other with the land records:-

1. Register of Mutations and names of Lambardars.

2. List of Villages.

3. List of Pensioners.

4. Register of Survey Marks.

5. Register of Muafis and Jagir.

Records Maintained at District Level

16.10 The following records are maintained at the District level in the District land Records Office:

- i) Original village maps (Mussavis) for each estate.
- ii) District Statistical Book or District Lal Kitab.
- iii) Original Misal Haquiat prepared at the time of settlement and the original jamabandis which are consigned after final attestation.
- iv) List of Civil Pensioners.
- v) Register of rejected Mutations. These are maintained for 15 years and thereafter these are destroyed.
- vi) List of Villages.
- vii) Register of Lambardars.
- viii) Register of Survey Mark.

The Drawbacks of existing Manual System

16.11 As discussed above, the revenue records are prepared and updated manually by the primary revenue functionaries with subsequent checking by the Supervisory staff. This process of preparation of records is laborious and time consuming.

The existing manual system is said to have many drawbacks, prime reason being the manual processing. However, the main drawbacks of the existing system are as follows :

1. The database maintained is not effective in imparting any help for effective and judicious policy decisions.
2. The availability of right information at right time is missing thus complicating the job or making policy decisions.
3. Realisation of land revenue is not accurate.
4. The copy of record of rights to establish the ownership and cultivation rights and to settle land disputes is not available to the people in time.
5. Due to manual processing of land records information, the exploitation and under-mining the interests of the public takes place in the hands of powerful and influential interests of the rural society.
6. As the Land Records registers are manually written by the officials it is left to their discretion as to drop which information and which should be retained.
7. Manual compilation/tallying of records is time consuming and cumbersome activity.

Objectives of Computerisation

16.12 The Computerisation of Land Records is essential in order to remove various anomalies and non-standardisation of land records. Though it may not be possible to remove the discrepancies maintained in the administration of land records in different states due to administrative reasons but it is very much possible to standardise the land administration within a state. Keeping in view its (computerisation) vast scope for preparation of records and thus facilitating in maintaining proper land reforms, the following objectives are automatically fulfilled :

1. To minimise the evils of unauthorised manipulations and thus safeguarding the interests of the

public.

2. To make neat copies available to the needy land holders for meeting their needs in respect of proof of title as a legal document and preparation of loan and subsidy cases under various development programmes.
3. Maintenance and updation of land records properly accurately and effectively.
4. Retrieval of land records information in useful formats for decision making and planning at village/tehsil/district/state level.
5. Retrieval of land record information in format that is admissible in the courts to settle land disputes.
6. To maintain crop information for policy decisions and for effectively facilitating agriculture census work.
7. To take away the heavy workload on field staff by generating most of land records reports for the use of Patwari. And keeping patwari relaxed to perform various other developmental activities.
8. To enforce land reforms effectively.

Most of the States of the country which are also land records States like ours, have already decided to switch over to computerisation of land records. Madhya Pradesh Govt. has computerised land records of District Morina on an experimental basis. Himachal Pradesh Govt. have also decided to switch over to computerise the land records in the Pradesh. The Govt. wants to computerise the land records of one District on an experimental basis and has selected Kangra District for this purpose. Computerisation of land records of other Districts will be taken up in a phased manner.

Computerisation of Revenue Entries

16.13 The Director of Land Records has prepared and submitted a Project Report for Kang-ra District on pilot basis to the Government. The Govt. have decided to computerise the entries of the following documents of each estate, after updation, which will form as input data :-

1. Khasra Girdawari.
2. Latest Jamabandi including Sarja Nasab.
3. Copies of Jinswars (Kharif and Rabi).
4. Statement on land use classification i.e. Naqsha Milan Raquba.
5. List of mutations.
6. Statement of increase/decrease of land revenue etc.
7. Irrigation status i.e. holding wise and crop-wise irrigated area and number of wells and tube-wells/other sources.
8. Average yield per hectare of each crop and other information which will be required for policy formation by the Government.

Note:- The entries made in red ink in any revenue record shall be underlined while computerising such entries.

9. Map of the Estate. (Shajra)

For the effective and successful operation of the computerisation of land records, the Revenue field Agency shall regularly convey all types of changes in land to the Tehsil Headquarters and subsequently to the District Headquarters for updation. From the periodical returns of changes related to the updation of Land Records from the field level, the hardware and software installed at the Tehsil and Distt. Headquarters will effect these changes and incorporate these changes in the already computerised land records. At the Tehsil headquarter the concerned Tehsildars shall be coordinating Officer for collection of periodical changes at the field level and for transmitting them to the District Computer Cell. At the District headquarters, District Revenue Officer shall be responsible for maintenance and coordination between the field staff and the District Computer Cell.

Retrieval of Additional Information

16.14 Apart from updated entries of land records, the following additional information will be retrieved after computerisation of land records:-

1. Assessment details.
2. Rent on Land.
3. Cropping pattern including irrigation details i.e. holding-wise and crop-wise irrigated area.
4. Ownership details.
5. Tenure and tenancy status.
6. Details of extent of cultivation.
7. Production of each crop.

Besides above, the computer will generate important and useful informations relating to land reforms and plan formulation schemes etc. as may be required by the Government.

Conclusion: The results of the computerisation shall be available immediately after conducting the experiments in District Kangra. If the system proves useful and practical, the State shall try to introduce computerisation in the whole of the Pradesh by and by, depending upon the availability of funds.