

Government of Himachal Pradesh
Department of Revenue

No.Rev.B.A.(3)-1/2004-Vol-I.

Dated:Shimla-2, 9th January,2012.

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."; and

(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.