



The Registration Act, 1908

Act 16 of 1908

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Amendments appended: 32 of 2001, 22 of 2002

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THE REGISTRATION ACT, 1908

(16 OF 1908)

[18th December, 1908]

An Act to consolidate the enactments relating to the Registration of Documents.

WHEREAS it is expedient to consolidate the enactments relating to the registration of documents; it is hereby enacted as follows:-

Statement of Objects and Reasons:- -This is a pure consolidating Bill. The provisions relating to the registration of documents are now scattered about in seven enactments. The object of the present Bill is to collect these provisions and to incorporate them in one Act. This will make the law more easily ascertainable. It will further clear the Statute-book of three entire Acts and will enable two more Acts to be entirely removed from it on the coming into force of the Code of Civil Procedure, 1908, and of the Indian Limitation Bill, now before Council.

The fact that the General Clauses Act, 1897, will apply to the Bill when passed has rendered it unnecessary to retain some provisions of the present Acts. The opportunity has been taken to incorporate alterations of a formal character intended merely to improve and simplify the language of the existing Act. The numbering of the sections of the Act of 1877 has been preserved.

It has been found that the mere process of consolidation might result in the law being changed in some respects. To avoid this some few amendments appear to be necessary.

Amendment Act 17 of 1956-Statement of Objects and Reasons.-While India is a secular State recording of castes and sub-castes of parties mentioned in a deed for registration in States is anomalous. This Bill is intended to remove that anomaly.

Amendment Act 45 of 1969-Statement of Objects and Reasons.-Under section 30(2) of the Indian Registration Act, 1908, the Registrar of a district in which any of the three Presidency-towns of Calcutta, Bombay or Madras is situated may receive and register any document relating to immovable property wherever in India that property may be situated. In view of the growing importance of Delhi as the capital of the Union of India, as a business and commercial centre and as a cosmopolitan town, where people from every part of India come and reside, it has been felt for quite some time that the benefit of section 30(2) may also be extended to Delhi. Representations in this behalf have also been received from the Delhi Administration. The matter has been examined by the Law Commission in its Thirty-first Report. The Commission has recommended that the provisions of section 30(2) of the Indian Registration Act should appropriately be extended to the metropolitan city also. The Bill seeks to implement this recommendation.

2. In consonance with the present legislative practice which has been adopted since the Independence of the country, this opportunity to amend the Indian Registration Act, 1908,

1. The Act has been extended to the new Provinces and merged States by the Merged States (Laws) Act 59 of 1949 and to the States of Manipur, Tripura and Vindhya Pradesh by the Union Territories (Laws) Act 30 of 1950. Manipur and Tripura are full-fledged States now, see Act 81 of 1971. Vindhya Pradesh is a part of the State of Madhya Pradesh now, see Act 37 of 1956.

The Act has been extended to the transferred territories (*i.e.*) Kanyakumari district and Shencottah taluqua of Tirunelveli district by T.N. Act 23 of 1960 but the Act as was prevailing in the territories added to Tamil Nadu from the State of Andhra Pradesh has been repealed by T.N. Act 8 of 1964.

The Act has been extended to the Union territories of (1) Dadra and Nagar Haveli by J Regulation 6 of 1963; (2) Goa, Daman and Diu by Regulation 11 of 1963; (3) Laccadive, Minicoy Amindivi Islands by Regulation 8 of 1965. These Islands are now known as Lakshadweep, see Act 34 of 1973, S. 3; and (4) Pondicherry by Act 26 of 1968.

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is being availed of to suggest the omission of the word "Indian" from the short title of the Act.

Amendment Act 48 of 2001-Statement of Objects and Reasons: - The Registration Act, 1908 was enacted to consolidate the law relating to the registration of documents. The Conference of Chief Ministers and Finance Ministers of States and Union Territories convened by the Union Finance Minister held on the 14th September, 1998 at New Delhi, *inter alia*, arrived at the following conclusions, namely:-

- (i) Sub-section (2) of section 30 of the Registration Act, 1908 should be repealed;
- (ii) Registration of general power of attorney which is in the nature of a contract to sell immovable property be made compulsory and consequential amendments be made in the Registration Act, 1908, the Transfer of Property Act, 1882 and the Indian Stamps Act, 1899;
- (iii) To make affixing of the photograph and finger-prints of the executants compulsory at the time of registration of documents;
- (iv) To make an enabling provision for computerizations of registration records.

2. Based on the above conclusions arrived at the said Conference, it is proposed-

- (i) to insert a new sub-section (I-A) in section 17 of the Registration Act, 1908 for making registration of the documents containing contracts to transfer for consideration any immovable property compulsory for the purpose of section 53-A of the said Act, section 53-A of the Transfer of Property Act, 1882 and Schedule I to the Stamp Act, 1899;
- (ii) To omit sub-section (2) of section 30 and section 67 of the Registration Act, 1908;
- (iii) To insert new section 16-A in the Registration Act, 1908 to enable the State Governments to computerize registration records;
- (iv) To insert new section 32-A to make affixing of the photographs and finger-prints on the documents compulsory at the time of registration.

PART I PRELIMINARY

1. **Short title, extent and commencement.**-(1) This Act may be called THE 1[*] REGISTRATION ACT, 1908.
- 2[(2) It extends to the whole of India except the State of Jammu and Kashmir: Provided that the State Government may exclude any districts or tracts of country from its operation.
- (3) It shall come into force on the first day of January, 1909.

COMMENTS

The object and purpose of the Registration Act, amongst other things, is to provide a method of public registration of documents so as to give information to people regarding legal rights and obligations arising or affecting a particular property, and to perpetuate documents which may afterwards be of legal importance, and also to prevent fraud. Registration lends inviolability and importance to certain classes of documents: *Jogi Das v. Fakir Panda* A.I.R. 1970 Orissa. 22.

The scheme of the Act is to consolidate the law relating to registration and to provide for the establishment of its registration. It lays down what documents require compulsory registration. S. 23 of the Act provides the time for presenting the documents for registration. It provides limitation for getting a document registered. S.25 provides for condonation of delay in presenting documents for registration. S. 34 specifically provides for that enquiry, that can be held before the registration by the Registering Officer: *Central Warehousing*

The word "Indian" omitted by Act 45 of 1969, S. 2 (w.e.f. 26-12-1969).
Sub-S (2) substituted by Act 3 of 1951, S. 3 and Sch. (w.e.f. 1-4-1951).

Corporation v. Registrar of Registration of Documents-cum Collector (1988) 2 Rev .L.R. 390 (P. & H.).

Principles which govern interpretation of Stamp Act do not govern interpretation of Registration Act: *Hakim Ghulam Mohammad v. Zahoor Ismail* A.I.R. 1970 Raj 171.

Stamp Act and Registration Act though not strictly in *pari materia*, may be read together-Definition in Stamp Act apply to Registration Act-(There being no definition of "Release" under Registration Act, definition in Art. 55 of Stamp Act is useful): *Leela Dhundiraj Direkar. V.E.C. Shinde* A.I.R. 1970 Born. 109.

2. Definitions.-In this Act, unless there is anything repugnant in the subject or context,-

(1) "addition" means the place of residence, and the profession, trade, rank and title (if any) of a person described, and, in the case of 3[an Indian], 4[* * *] his father's name, or where he is usually described as the son of his mother, then his mother's name;

(2) "book" includes a portion of a book and also any number of sheets connected together with a view of forming a book or portion of a book;

State Amendment-{Uttar Pradesh}. -In its application to the State of Uttar Pradesh, S. 2, in Cl. (2), for the words "or portion of a book", substitute "or portion of a book and also includes a book in electronic form".-Uttar Pradesh Act 36 of 2001, S. 2 (w.e.f. 20-5-2002).

(3) "district" and "sub-district" respectively mean a district and sub district formed under this Act;

(4) "District Court" includes the High Court in its ordinary original civil jurisdiction;

(5) "endorsement" and "endorsed" include and apply to an entry in writing by a registering officer on a rider or covering slip to any document tendered for registration under this Act;

(6) "immovable property" includes land, buildings, hereditary allowances, rights to ways, lights, ferries, fisheries or any other benefit to arise out of land, and things attached to the earth or permanently fastened to anything which is attached to the earth, but not standing timber, growing crops nor grass;

COMMENTS

It is well settled that an instrument which creates a right or interest in the rents, profits, benefits and income from an immovable property, is a document which is compulsorily registrable. Thus, a document creating an assignment of a debt will not require registration, but a document assigning rents will require registration. If the power of attorney in question is to be treated as creating an equitable assignment of rents, it will require registration and if not registered, will be void and unenforceable. The power of attorney does not create or recognise any right in or relating to any immovable property or benefit arising there from in favour of the bank. It merely authorises the bank to act as the company's agent to perform the acts stated therein. That is not an equitable assignment: *Corporation Bank v. Laalitha H. Halla* A.I.R. 1994 Karn. 133.

The question whether a machinery which is embedded in the earth is movable property or an immovable property, depends upon the facts and circumstances of each case; primarily, the Court will have to take into consideration the intention of the parties when it decided to embed the machinery whether such embedment was intended to be temporary or permanent (case under Stamp Act, 1899): *Duncans Industries Ltd. v. State of U.P.* A.I.R. 2000 S.C. 355: (2000) 1 S.C.C. 633.

The hereditary office of shebait which would be enjoyed by the person by turn would be immovable property. The gift of such immovable property must, of course, be by registered instrument: *Ram Rattan v. Bajrang Lal* A.I.R. 1978 S.C. 1393: (1978) 3 S.C.C. 236.

1. Substituted for "a Native of India" by A.O. 1950.

2. The words "his caste (if any) and" omitted by Act 17 of 1956, S. 2 (w.e.f. 6-4-1956).

[S.2(6-A)

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Where it was specifically pleaded that the right to tonsure in Tirumala-Tirupathi Devasthanam (TTD) Kalyanakatta was not a hereditary office and there "Vas nothing on record to show that any specific allowances were prescribed to said office, *held*, right to tonsure could not, therefore, be said to be a right in immovable property; its transfer, thus, did not require registration: *Y. Venkateswarlu v. V. Narayana* (1998) 6 An .L.T. 520: 1999 A.I.H.C. 4749 (Andh.Pra.).

A lease of fishery is immovable property as defined by S. 2(6) of the Registration Act. If it is for a term exceeding one year or reserves yearly rent, it has to be registered: *Bihar Eastern Gangetic Fishermen Co-operative Society Ltd. v. Sipahi Singh* A.I.R. 1977 S.C. 2149.

The agreement of sale of trees generally used for building purposes which were fit to be cut and used as a timber, *held*, the agreement related, to the "standing timber" which is not immovable property and does not require registration: *State v. Motilal Partap Singh & Co.* A.I.R. 1981 Him. Pra. 8 (D.B.).

⁵[(6-A) "India" means the territory of India excluding the State of Jammu and Kashmir;]

(7) "lease" includes a counterpart, kabuliyat, an undertaking to cultivate or occupy, and an agreement to lease;

COMMENTS

The rent note is an agreement to lease which falls under wider definition of lease under the Registration Act. The rent note or agreement to lease may be in counter-part signed by both the parties or it may be in correspondence or in acts or conduct. If there is no present demise, the agreement may be effected by an unregistered instrument or even orally. If there is present demise, the rent note operates as a transfer by way of lease and if the term does not exceed one year, registration is not necessary, but if the term exceeds one year, registration is necessary not under S. 107, T.P. Act but under the Registration Act. An instrument signed by either the lessor or lessee alone would operate as an agreement to lease or a rent note. A rent note signed by the lessee alone is not a lease but would be a lease under the Registration Act and the question of its registration has to be decided under that Act: *John Mithalal Desai v. Dineshbhai K. Vora* 1998 A.I.H.C. 1894: (1997-3) 38 Guj.L.R. 2103 (Guj.).

The agreement between two parties which entitles one of them merely to claim the execution of the lease from other without creating present and immediate demise or interest in his favour, is not included under S. 2(7) of the Registration Act: *Food Corporation of India v. Babul Agarwal* A.I.R. 1998 Madh. Pra. 23 (D.B.).

(8) "minor" means a person who, according to the personal law to which he is subject, has not attained majority;

(9) "movable property" includes standing timber, growing crops and grass, fruit upon and juice in trees, and property of every other description, except immovable property; and

(10) "Representative" includes the guardian of a minor and the committee or other legal curator of a lunatic or idiot.

6[* * *]

State Amendments-[Andhra Pradesh].-In its application to the State of Andhra Pradesh, in sub-So (2) of S. 2, after the words "includes a portion of book", add "and the information storage devices like floppy disk, hard disk, compact disk".-Andhra Pradesh Act 16 of 1999, S. 2 (w.e.f. 31-12-1998).

5. Inserted by Act 3 of 1951, S. 3 and Sch. (w.e.f. 1-4-1951).

6. Cl. (11), defining "States", inserted by A.O. 1950 was repealed by Act 3 of 1951, S. 3 and Sch. (w.e.f. 1-4-1951).

[Goa, Daman and Diu].-In its application to the Union territory of Goa, Daman and Diu, in Cl. (1) of S. 2, before the words "his father's name", insert "his marital status, and".-Goa, Daman and Diu Act 2 of 1968, S. 2.

[Tamil Nadu].-In its application to the State of Tamil Nadu, in S. 2,-

(i) in Cl. (9), omit the word "and" occurring at the end;

(ii) in Cl. (10), add the word "and" at the end;

(iii) After Cl. (10), add the following clause, namely,-

"(11) 'tout' means a person who habitually frequents the precincts of a registration office, for the purpose of employment for himself or for any other person in connection with any registration business and who is so declared as a tout under Part XIII-A".- Tamil Nadu Act 38 of 1987, S. 3 (w.e.f. 18-1-1988).

[Uttar Pradesh].-In its application to the State of Uttar Pradesh, S. 2, after Cl. (10), insert the following clauses, namely:-

"(10-A) true copy includes a true Photostat copy;

(10-B) the words and expressions used but not defined in this Act and defined in the Information Technology Act, 2000, shall have the respective meaning assigned to them in that Act." -Uttar Pradesh Act 36 of 2001, S. 2 (w.e.f. 20-5-2002).

[West Bengal].-In its application to the State of West Bengal, in S. 2,

(1) The word "and" at the end of sub-So (9) shall be omitted; and

(2) after sub-C. (10), add the following word and sub-clause, namely, " and

(11) 'tout' means a person-

(a) who habitually frequents the precincts of a registration office, without a licence granted to him under the rules made under section 80-G, for the purpose of obtaining employment for himself or any other person in connection with any registration business; or

(b) Who is declared to be deemed to be a tout for the purposes of this Act by rules made under section 80-G."-West Bengal Act 5 of 1942, S. 8 (w.e.f. 1-11-1943).

PART II OF THE REGISTRATON-ESTABLISHMENT

3. Inspector General of Registration.-(I) The 7[State Government] shall appoint an officer to be the Inspector General of Registration for the territories subject to such Government:

Provided that the 7[State Government] may, instead of making such appointment, direct that all or any of the powers and duties hereinafter conferred and imposed upon the Inspector General shall be exercised and performed by such officer or officers, and within such local limits, as the 7[State Government] appoints in this behalf.

(2) Any Inspector General may hold simultaneously any other office under the Government.

State Amendment-[Uttar Pradesh].-In its application to the State of Uttar Pradesh, after sub-S (2), insert the following new sub-section, namely,-

"(3) The State Government may appoint one or more *[Additional Inspector-General of Registration, Deputy Inspector-General of Registration and Assistant Inspector-General of Registration] for the territories subject to such Government and may prescribe the duties of such officers and authorise them to exercise and perform all or any of the powers and duties of the Inspector-General of Registration." -Uttar Pradesh Act 48 of 1975, S. 2 (w.e.f. 1-11-1975). *Substituted by Uttar Pradesh Act 36 of 2001, S. 3 (w.e.f. 20-5-2002).

4. **Branch Inspector General of Sindh.**-[Repealed by A. O. 1937 (w.e.f 1-4-1937).]

7. Substituted for "Provincial Government" by A.O. 1950.

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5. Districts and sub-districts.-(1) For the purposes of this Act, the 8[State Government] shall form districts and sub-districts, and shall prescribe, and may alter, the limits of such districts and sub-districts.

(2) The districts and sub-districts formed under this section, together with the limits thereof, and every alteration of such limits, shall be notified in the Official Gazette.

(3) Every such alteration shall take effect on such day after the date of the notification as is therein mentioned.

6. Registrars and Sub-Registrars.-The 8[State Government] may appoint such persons, whether public officers or not, as it thinks proper, to be Registrars of the several districts, and to be Sub-Registrars of the several sub districts, formed as aforesaid, respectively.

9[* * *]

State Amendments-[Karnataka].-In its application to the State of Karnataka, in S. 6, insert the following proviso, namely:-

"Provided that the State Government may also appoint one or more Sub-Registrars for the same Sub-District:

Provided further that, the State Government may delegate to the Inspector General of Registration, the power of appointing Sub-Registrars".-Karnataka Act 32 of 2001, S. 2.

[Uttar Pradesh].-In its application to the State of Uttar Pradesh, to S. 6, insert the following proviso, namely,-

"Provided that the State Government may delegate, subject to such restrictions and conditions as it thinks fit, to the Inspector General of Registration, the power of appointing Sub-Registrars".-Uttar Pradesh Act 19 of 1981, S. 5 (w.r.e.f. 1-8-1981).

Section 6-A

State Amendments-[Maharashtra].-In its application to the State of Maharashtra, after S. 6, insert the following new section, namely,-

"6-A. Joint District Registrars.-The State Government may by order also appoint a Joint District Registrar to assist the District Registrar, or any two or more District Registrars, specified in the order and may authorise such Joint District Registrar to exercise and perform all or any of the powers and duties of the District Registrar under this Act." Maharashtra Act 29 of 1974, S. 2 (w.e.f. 10-6-1974).

section, namely,-

"6-A. Additional Registrar.-The State Government may, by order, also appoint any public officer as an Additional Registrar, to assist the Registrar, or any two or more Registrars, specified in the order and may authorise such Additional Registrars to exercise and perform all or any of the powers and duties of the Registrar under this Act."-Uttar Pradesh Act 27 of 1994, S. 2.

7. Offices of Registrar and Sub-Registrar.-(1) The 8[State Government] shall establish in every district an office to be styled the office of the Registrar and in every sub-district an office or offices to be styled the office of the Sub-Registrar or the offices of the Joint Sub-Registrars.

(2) The 8[State Government] may amalgamate with any office of a Registrar any office of a Sub-Registrar subordinate to such Registrar, and may authorise any Sub-Registrar whose office has been so amalgamated to exercise and perform, in addition to his own powers and duties, all or any of the powers and duties of the Registrar to whom he is subordinate:

Provided that no such authorization shall enable a Sub-Registrar to hear an appeal against an order passed by himself under this Act.

8. Substituted for "Provincial Government" by A.O. 1950.

9. Proviso to S. 6 inserted by Act 4 of 1914, was omitted by A.O. 1937.

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8. Inspectors of Registration offices.-(1) The ¹⁰[State Government] may also appoint officers, to be called Inspectors of Registration offices, and may prescribe the duties of such officers.

(2) Every such Inspector shall be subordinate to the Inspector General.

State Amendments-[Orissa].-In its application to the State of Orissa, in S. 8,-

(a) in sub-So (1), for the words "Inspector of Registration Offices", substitute "Additional Inspector-General of Registration, Joint Inspector-General of Registration and Deputy Inspector-General of Registration"; and

(b) In sub-S. (2), for the words "Inspector", substitute " Additional Inspector-General, Joint Inspector-General and Deputy Inspector-General."-Orissa Act 8 of 2002, S. 2 (w.e.f. 24-5-2002).

[Rajasthan].-In its application to the State of Rajasthan, for S. 8, substitute the following section, namely,-

"8. Officers of registration offices.- (1) The State Government may also appoint officers as may be designated from time to time and may prescribe the duties of such officers.

(2) Every such officer shall be subordinate to the Inspector General." -Rajasthan Act 11 of 1982, S. 2 (w.e.f.16-6-1982).

[Uttar Pradesh].-In its application to the State of Uttar Pradesh, S. 8 shall be omitted.-Uttar Pradesh Act 36 of 2001, S. 4 (w.e.f. 20-5-2002).

9. Military cantonments may be declared sub-districts or districts.-[Repealed by the Repealing and Amending Act, 1927 (10 of 1927), section 3 and Schedule 11.]

10. Absence of Registrar or vacancy in his office.-(1) When any Registrar, other than the Registrar of a district including a Presidency-town, is absent otherwise than on duty in his district, or when his office is temporarily vacant, any person whom the Inspector General appoints in this behalf, or in default of such appointment, the Judge of the District Court within the local limits of whose jurisdiction the Registrar's office is situate, shall be the Registrar during such absence or until the 1 [State Government] fills up the vacancy .

(2) When the Registrar of a district including a Presidency-town is absent otherwise than on duty in his district, or when his office is temporarily vacant, any person whom the Inspector General appoints in this behalf shall be the Registrar during such absence, or until the ¹⁰[State Government] fills up the vacancy.

11. Absence of Registrar on duty in his district.-When any Registrar is absent from his office on duty in his district, he may appoint any Sub-Registrar or other person in his district to perform, during such absence, all the duties of a Registrar except those mentioned in sections 68 and 72.

12. Absence of Sub-Registrar or vacancy in his office.-When any Sub-Registrar is absent, or when his office is temporarily vacant, any person whom the Registrar of the district appoints in this behalf shall be Sub-Registrar during such absence, or until 11 [the vacancy is filled up].

State Amendments-[Karnataka].-In its application to the State of Karnataka, in S. 12, after the word "whom", insert "the Inspector-General of Registration or"-Karnataka Act 32 of 2001, S. 3.

[Uttar Pradesh].-In its application to the State of Uttar Pradesh, in S. 12, for the word " Registrar of the district", substitute "Inspector-General of Registration".-Uttar Pradesh Act 36 of 2001, S. 5 (w.e.f. 20-5-2002).

13. Report to State Government of appointments under sections 10, 11 and 12.-(1) ¹²[* * *] All appointments made under section 10, section 11 or section 12 shall be reported to the ¹⁰[State Government] by the Inspector General.

10. Substituted for "Provincial Government" by A.O. 1950.

11. Substituted for "the Local Government fills up the vacancy" by Act 4 of 1914, S. 2 and Sch. 12. The words "all appointments made by Inspector General under section 6 and" Inserted by Act 4 of 1914, S. 2 and Sch. were omitted by A.D. 1937.

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(2) Such report shall be either special or general, as the ¹⁰[State Government] directs.

¹³[* * *]

State Amendments-[Gujarat].-Same as that of Maharashtra.-Act 11 of 1960, S.87 and Gujarat A.L.O., 1960.

[Maharashtra].-In its application to the State of Maharashtra, sub-Ss. (1) and (2) were repealed and in sub-So (3) (now omitted by A.O., 1937), after the words "Sub-Registrars", insert "and Inspectors of Registration Offices". Thus, whole section now stands omitted in Maharashtra.-Bombay Act 5 of 1929, S. 3 (w.e.f. 22-5-1929) read with 35 of 1958, S. 2 (w.e.f. 28-4-1958).

14. Establishments of registering officers.-¹⁴[* * *]

(2) The ¹⁵[State Government] may allow proper establishments for the several offices under this Act.

15. Seal of registering officers.- The several Registrars and Sub-Registrars shall use a seal bearing the following inscription in English and in such other language as the ¹⁵[State Government] directs:-"The seal of the Registrar (or of The Sub-Registrar of)"

16. Register-books and fire-proof boxes.-(1) The ¹⁵[State Government] shall provide for the office of every registering officer the books necessary for the purposes of this Act.

(2) The books so provided shall contain the forms from time to time prescribed by the Inspector General with the sanction of the ¹⁵[State Government] and the pages of such books shall be consecutively numbered in print, and the number of pages in each book shall be certified on the title page by the officer by whom such books are issued.

(3) The ¹⁵[State Government] shall supply the office of every Registrar with a fire-proof box, and shall in each district make suitable provision for the safe custody of the records connected with the registration of documents in such district.

State Amendment-[Andhra Pradesh].-In its application to the State of Andhra Pradesh, for sub-S (1), substitute the following sub-section, namely,-

"(1) The State Government shall provide for the office of every registering officer the books and also the information processing and storage devices like computers and scanners along with the software prescribed by the Inspector-General from time to time necessary for purpose of this Act. "-Andhra Pradesh Act 16 of 1999, S. 3 (w.e.f. 31-12-1998).

¹⁶**[16-A. Keeping of books in computer floppies and diskettes, etc.** (1) Notwithstanding anything contained in section 16, the books provided under sub-section (1) of that section may also be kept in computer floppies or diskettes or in any other electronic form in the manner and subject to the safeguards as may be prescribed by the Inspector General with the sanction of the State Government.

(2) Notwithstanding anything contained in this Act or in any other law for the time being in force, a copy or extracts from the books kept under subsection (1) given by the registering officer under his hand and seal shall be deemed to be a copy given under section 57 for the purposes of sub-section (5) of that section.]

13. Sub-S (3) omitted by A.O. 1937.

14. Sub-S (1) omitted by A.O. 1937.

15. Substituted for "Provincial Government" by A.O. 1950.

16. Inserted by Act 48 of 2001, S. 2.

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PART III
OF REGISTRABLE DOCUMENTS

17. Documents of which registration is compulsory.-(1) The following documents shall be registered, if the property to which they relate is situate in a district in which, and if they have been executed on or after the date on which, Act XVI of 1864, or the Indian Registration Act, 1866, or the Indian Registration Act, 1871, or the Indian Registration Act, 1877, or this Act came or comes into force, namely,-

(a) Instruments of gift of immovable property;

(b) other non-testamentary instruments which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of the value of one hundred rupees and upwards, to or in immovable property;

(c) non-testamentary instruments which acknowledge the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest; and

(d) Leases of immovable property from year to year, or for any term exceeding one year, or reserving a yearly rent;

¹⁷[(e) non-testamentary instruments transferring or assigning any decree or order of a Court or any award when such decree or order or award purports or operates to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of the value of one hundred rupees and upwards, to or in immovable property:]

Provided that the ¹⁸[State Government] may, by order published in the ¹⁹[Official Gazette], exempt from the operation of this sub-section any leases executed in any district, or part of a district, the terms granted by which do not exceed five years and the annual rents reserved by which do not exceed fifty rupees.

²⁰[(I-A) The documents containing contracts to transfer for consideration, any immovable property for the purpose of section 53-A of the Transfer of Property Act, 1882, shall be registered if they have been executed on or after the commencement of the Registration and Other Related Laws (Amendment) Act, 2001, and if such documents are not registered on or after such commencement then, they shall have no effect for the purposes of the said section 53-A.]

(2) Nothing in clauses (b) and (c) of sub-section (1) applies to---

(i) any composition deed; or

(ii) any instrument relating to shares in a joint stock company, notwithstanding that the assets of such company consist in whole or in part of immovable property; or

(iii) any debenture issued by any such company and not creating, declaring, assigning, limiting or extinguishing any right, title or interest, to or in immovable property except insofar as it entitles the holder to the security

17. Inserted by Act 21 of 1929, S. 10.

18. Substituted for "Provincial Government" by A.O. 1950.

19. Substituted for "Local Official Gazette" by A.O. 1937.

20. Inserted by Act 48 of 2001, S. 3.

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afforded by a registered instrument whereby the company has mortgaged, conveyed or otherwise transferred the whole or part of its immovable property or any interest therein to trustees upon trust for the benefit of the holders of such debentures; or

(iv) any endorsement upon or transfer of any debenture issued by any such company; or

(v)²¹[any document other than the documents specified in sub-section (I-A)] not itself creating, declaring, assigning, limiting or extinguishing any right, title or interest of the value of one hundred rupees and upwards to or in immovable property, but merely creating a right to obtain another document which will, when executed, create, declare, assign, limit or extinguish any such right, title or interest; or

(vi) any decree or order of a Court²²[except a decree or order expressed to be made on a compromise and comprising immovable property other than that which is the subject-matter of the suit or proceeding]; or

(vii) any grant of immovable property by the²³[Government]; or (viii) any instrument of partition made by a Revenue Officer; or

(ix) any order granting a loan or instrument of collateral security granted under the Land Improvement Act, 1871, or the Land Improvement Loans Act, 1883; or

(x) any order granting a loan under the Agriculturists' Loans Act, 1884, or instrument for securing the repayment of a loan made under that Act; or

²⁴(x-a) any order made under the Charitable Endowments Act, 1890, vesting any property in a Treasurer of Charitable Endowments or divesting any such Treasurer of any property; or]

(xi) any endorsement on a mortgage-deed acknowledging the payment of the whole or any part of the mortgage-money, and any other receipt for payment of money due under a mortgage when the receipt does not purport to extinguish the mortgage; or

(xii) any certificate of sale granted to the purchaser of any property sold by public auction by a Civil or Revenue Officer.

²⁵[Explanation.-A document purporting or operating to effect a contract for the sale of immovable property shall not be deemed to require or ever to have required registration by reason only of the fact that such document contains a recital of the payment of any earnest money or of the whole or any part of the purchase money.]

(3) Authorities to adopt a son, executed after the first day of January, 1872, and not conferred by a will, shall also be registered.

State Amendments-[Andhra Pradesh].-In its application to the State of Andhra Pradesh, in S. 17,-

(a) In sub-S. (1),-

(i) for Cl. (d), substitute the following clause, namely,-
"(d) leases of immovable property;"

21. Substituted for " any document" by Act 48 of 2001, S. 3.

22. Substituted for the "and any award" by A.O. 1937.

23. Substituted for "Crown" by A.O. 1950.

24. Inserted by Act 39 of 1948, S. 2 (w.e.f. 3-9-1948).

25. Inserted by Act 2 of 1927, S. 2.

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(ii) after Cl. (e) but before the proviso, insert the following clauses, namely:-

"(f) any decree or order or award or a copy thereof passed by a civil Court, on consent of the defendants or on circumstantial evidence but not on the basis of any instrument which is admissible in evidence under section 35 of the Indian Stamp Act, 1899 (Central Act 2 of 1899) such as registered title deed produced by the plaintiff, where such decree or order or award purports or operate to create, declare, assign, limit, extinguish whether in present or in future copy right, title or interest whether vested or contingent of the value of one hundred rupees and upwards to or in immovable property; and

(g) agreement of sale of immovable property of the value of one hundred rupees and upwards;"

(b) In sub-S (2),

(i) In Cl. (v), for the words "any document not in itself creating", substitute "any document except an agreement of Sale as mentioned in clause (g) of sub-section (1) not in itself creating";

(ii) In Cl. (IV), for the words "any decree or order of a Court", substitute "any decree or order of a Court, not being a decree or order or award falling under clause (f) of sub-section (1)";

(iii) The *Explanation* shall be omitted.-Andhra Pradesh Act 4 of 1999, S. 2 (w.e.f. 1-4-1999).

[Gujarat].-(I) in its application to the State of Gujarat, in sub-So (1), after Cl. (a), insert the following new clause, namely,-

""(aa) instruments which purport or operate to effect any contract for transfer of any immovable property";

(2) after sub-S (1), insert the following new sub-section, namely,-

"(I-A) The provisions of section 23 shall apply to an instrument referred to in clause (aa) of sub-section (1) and executed before the commencement of the Registration (Gujarat Amendment) Act, 1982, as if in that section for the words "from the date of the execution", the words, figures and letters" from the first day of March, 1982" has been substituted."; and

(3) in sub-S (2), the *Explanation* shall be deleted.-Gujarat Act 7 of 1982, S. 2.

[Kerala].-In its application to the State of Kerala, in sub-S. (2) of S. 17, Cls. (ix) and (x) shall be omitted.-Kerala Act 7 of 1968.

[Maharashtra].-In its application to the State of Maharashtra, in Cl. (x) of sub-S (2)

(1) after "Agriculturists Loans Act, 1884", insert "or under the Bombay Non-Agriculturists' Loans Act, 1928"; and

(2) For "under that Act", substitute "under either of those Acts".-Maharashtra Act 19 Of 1960, S.2.

[Orissa].-In its application to the State of Orissa, in sub-S. (1), after Cl. (e), insert the following clauses, namely,-

"(f) agreement to sell immovable property possession whereof has been or is handed over to the purported purchaser;

(g) power-of-attorney relating to transfer of immovable property possession whereof has been or is handed over to the purported attorney holder".-Orissa Act 8 of 2002, S. 3 (w.e.f.24-5-2002).

[Pondicherry] -In sub-S. (3), for the words "the first day of January, 1872", substitute "the 9th day of January, 1969".-Pondicherry Act 17 of 1970 (w.e.f. 1-11-1970).

[Rajasthan].-In its application to the State of Rajasthan,-

(1) In sub-S. (2) of S. 17,-

(a) for the full-stop at the end of Cl. (xii), a comma and the word "or" shall be substituted; and

(b) after Cl. (xii), insert the following clause, namely:-

""(xiii) any instrument referred to in sub-section (5) of section 89." -Rajasthan Act 16 of 1976, S. 2 (w.e.f.13-2-1976).

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(2) In S. 17,-

(a) in sub-S (1), after Cl. (e) and before the proviso, add the following clauses, namely:-

(f) agreement to sell immovable property possession whereof has been or is handed over to the purported purchaser;

(g) Irrevocable power of attorney relating to transfer of immovable property in any way"; and

(b) in sub-S. (2), the existing *Explanation* shall be omitted.-Rajasthan Act 18 of 1989, S. 2.

[Tamil Nadu].-In its application to the State of Tamil Nadu, in S. 17, sub-S (1), after CL. (e), add the following clause, namely,-

"(f) instruments of agreement relating to construction of multi-unit house or building on land held by several persons as referred to in clause (i) under article 5 of schedule I to the Indian Stamp Act, 1899 (Central Act II of 1899)." -Tamil Nadu Act 38 of 1987, S. 3.

[Uttar Pradesh].-In its application to the State of Uttar Pradesh, in S. 17,-

(1) In sub-S (1),-

(i) in Cl. (b), the words "of the value of one hundred rupees and upwards" shall be omitted;

(ii) in Cl. (e), the words "of the value of one hundred rupees and upwards" shall be omitted;

(iii) in Cl. (e), insert the following clause, namely,-

(f) any other instrument required by any law for the time being in force, to be registered";

(iv) the proviso shall be omitted. (2) In sub-S (2),-

(i) in Cl. (v), after the words "any document" occurring in the beginning, the words "other than contract for sale" shall be inserted, and the words "of the value of one hundred rupees and upwards", shall be omitted;

(ii) the *Explanation* shall be omitted.

(3) In sub-S (3), after the words "by will", insert "and an instrument recording adoption of a child executed after the first day of January, 1977".-Uttar Pradesh Act 57 of 1976, S. 32 (w.e.f. 1-1-1977).

COMMENTS

No provision is made either in the Stamp Act or in the Registration Act, to compel parties to an instrument to register it: *Park View Enterprises v. State* A.I.R. 1990 Mad. 251.

Transfer of easement without reference to transfer of immovable property is meaningless and mere creation of easement does not require registration: *Hamir Ram V. Varisng Ramail* A.I.R. 1998 Guj. 165.

A person, who admitted execution of a document before the Sub-Registrar, cannot raise a question that the initials only at the bottom of page 3 of the original (as distinct from the initials at the bottom of pages 1, 2 which are accepted) were not his: *Bina Muelidhar Hemdev V. Kanhaiyabu Lokram* A.I.R. 1999 S.C. 2171: (1999) 5 S.C.C. 622: J.T. (1999) 3 S.C. 656.

Once the execution of the document has been specifically admitted, the due execution under the Registration Act is presumed to have been done as the gift is admittedly a registered document: *Khushlehand Swarup Chand Zabak Jain V. Sureshchandra Kanhaiyalal Kochar* (1995) 2 (Supp.) S.C.C. 36.

Oral gift is permissible in Mohammedan Law. The gift need not be in writing and, consequently, need not be registered. But declaration is necessary. Thus, where the oral gift was completed on 5-1-1994 and it had also satisfied the requirements of Muslim Law as observed in *Mahaboob Saheb v. Syed Ismail* A.I.R. 1995 S.C. 1205, *held*, the document could be understood as only a declaration of the gift made on 5-1-1994 and it was not a document under which the immovable property worth more than Rs. 100 was gifted requiring to be registered. However, proof of the document was a different aspect which would have to be considered by the Court at the appropriate stage. Under the circumstances, the finding of the Court below that the gift deed could not be marked in view of S. 17 and 49 of the Registration Act was to be set aside: *Mujeer Ahmed G. v. Mohammed Zafrulla* A.I.R. 2000 Karn.318.

It is the admitted position of the law of Mohammedan gift that three essentials are required to make a gift valid which are: (1) declaration of the gift by the donor (*Ijab*), (2) acceptance of the gift by the donee (*Qabul*), and (3) delivery of possession (*Qabda*). It is, therefore, found that the manifestation of the wish of the donor to make the gift, the acceptance of the donee either impliedly or expressly and the taking possession of the subject-matter of the gift by the donee either actually or constructively, are the essential requisites to make a gift valid under the Mohammedan Law. It may be noted that no written document is required in such a case. It is also to be noted that where there is no real intention to make a gift, the gift fails. There may be sham, colourable or *benami* transactions. These things should be distinguished from a real gift so far as the Mohammedan Law is concerned. It cannot be taken as *sine qua non* in all cases that wherever there is writing about a Mohammedan gift of immovable property, there must be registration thereof. The facts and circumstances of each case have to be taken into consideration before finding whether the writing requires registration or not. The essential requirements, as said before, to make a Mohammedan gift valid, are declaration by the donor, acceptance by the donee and delivery of possession to the donee: *Mahommed Hasabuddin v. Md. Hesaruddin* A.I.R. 1984 Gau. 41.

A family arrangement *per se* is not exempt from registration. The caption given to a document by parties is not decisive of what it amounts to. Its contents have to be read as a whole to determine the true nature of the transaction it incorporates: *Nilkanth Krishnarao v. Ramchandra Krislmarao Apte* A.I.R. 1991 Bom. 10.

To effect a family arrangement all that is necessary is that the parties must be related to one another in some way and have a claim or a possible claim to the property or even a semblance of a claim or *spes successionis* or even on some other ground as, say, affection or ignorance of the parties of their rights and with the purpose of object of maintaining peace and harmony in the family: *A.C Lakshmiathy v. A.M. Chakrapani Reddiar* A.I.R. 2001 Mad. 135.

A family arrangement will need registration only if it creates any interest in immovable property in *praesenti* in favour of the parties mentioned therein. In case, however, no such interest is created, the document will be valid despite its non-registration and will not be hit by 5. 17 of the Act: *Maturi Pullaian v. Maturi Narasimham* A.I.R. 1966 5.C. 1836.

The family arrangements may be even oral in which case no registration is necessary. It is well settled that registration would be necessary only if the terms of the family arrangement are reduced into writing. Here also, a distinction should be made between a document containing the terms and recitals of a family arrangement made under the document and a mere memorandum prepared after the family arrangement had already been made either for the purpose of the record or for information of the Court for making necessary mutation. In such a case the memorandum itself does not create or extinguish any rights in immovable properties and, therefore, does not fall within the mischief of S. 17(1)(b) of the Registration Act and is, therefore, not compulsorily registrable: *Kale v. Director of Consolidation* A.I.R. 1976S.C. 807; *Mohan Lal Duggal v. Inder Mohan Sharma* 1999 A.I.H.C. 4686 (Del.).

Where a document of family settlement was not a memorandum prepared after family arrangement was already made but it created right in immovable property, *held*, said document was compulsorily registrable: *Harshvardhan Singh v. Ranveer Singhan* A.I.R. 1997 Raj. 211; *Golak Behari Biswal v. Karunakar Rout* A.I.R. 1987 Ori. 236.

18. Documents of which registration is optional.-Any of the following documents may be registered under this Act, namely,-

(a) instruments (other than instruments of gifts and wills) which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest whether vested or contingent, of a value less than one hundred rupees, to or in immovable property;

(b) instruments acknowledging the receipt of payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest;

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(c) leases of immovable property for any term not exceeding one year, and leases exempted under section 17;

²⁶[(CC) instruments transferring or assigning any decree or order of a Court or any award when such decree or order or award purports or operates to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of a value less than one hundred rupees, to or in immovable property;]

(d) instruments (other than wills) which purport or operate to create, declare, assign, limit or extinguish any right, title or interest to or in movable Property;

(e) wills; and

(f) all other documents not required by section 17 to be registered.

State Amendments-[Andhra Pradesh].-In its application to the State of Andhra Pradesh, in S. 18, Cl. (c) shall be omitted.-Andhra Pradesh Act 4 of 1999, S.3 (w.e.f. 1-4-1999).

[Gujarat].-Same as that of Maharashtra.-Act 11 of 1960, S. 87; Gujarat A.L.O., 1960.

[Maharashtra].-In its application to the 'State of Maharashtra, in S. 18,-

(i) delete the word "and" after clause (e);

(ii) after Cl. (e), insert the following clause, namely,-

(ee) notices of pending suits or proceedings referred to in section 52 of the Transfer of Property Act, 1882;-Bombay Act 14 of 1939, S. 4 (w.e.f. 15-6-1939) read with Act 35 of 1958, S. 2 (w.e.f. 28-4-1958)

(iii) the word "and" in clause (ee) shall be added at the end and clause (eei) inserted by Bombay Act 6 of 1960, S. 43, and subsequently Cl. (eei) shall be deleted.-Maharashtra Act 20 of 1971, S. 58 (w.e.f. 15-6-1972).

[Uttar Pradesh].-In its application to the State of Uttar Pradesh, in S. 18,-

(i) Cls. (a), (b) and (cc) shall be omitted.-Uttar Pradesh Act 57 of 1976, S. 33 (w.e.f. 1-1-1977).

(ii) In Cl. (c), the words and figures "and leases exempted under section 17" shall be omitted.-Uttar Pradesh Act 19 of 1981, S. 6 (w.r.e.f. 1-8-1981).

Section 18-A

State Amendments-[Delhi].-Same as that of Punjab.-See G.S.R. 465 of 1965, Gazette of India, 1965, Pt. II, S. 3(i), dated 20-3-1965.

[Himachal Pradesh].-Same as that of Punjab.-Himachal Pradesh Act 2 of 1969, S. 3 (w.e.f. 11-4-1969).

[Punjab, Haryana and Chandigarh].-In its application to the States of Punjab and Haryana and Union Territory of Chandigarh, after S. 18, inserted following new section, namely,-

"18-A. Document for registration to be accompanied by a true copy thereof Notwithstanding anything contained in this Act, the registering officer shall refuse to register any document presented by him for registration unless such document is accompanied by a true copy thereof."-Punjab Act 19 of 1961, S. 2 (w.e.f. 4-5-1961); Act 33 of 1966, S. 89.

[Tripura].-After S. 18, insert the following new section namely,-

"18-A. Document for registration to be accompanied by a true copy thereof (1) Notwithstanding anything contained in this Act, the registering officer shall refuse to

26. Inserted by Act 33 of 1940, S. 2.

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register any document presented by him for registration unless such document is accompanied by a true copy thereof.

(2) The true copy referred to in sub-section (1) shall be neatly handwritten or printed in such manner as maybe prescribed."-Tripura Act 7 of 1982, S. 2 (w.e.f. 1-1-1983).

19. Documents in language not understood by registering officer.-If any document duly presented for registration be in a language which the registering officer does not understand, and which is not commonly used in the district, he shall refuse to register the document, unless it be accompanied by a true translation into a language commonly used in the district and also by a true copy.

State Amendments-[Delhi].-Same as that of *Punjab*.-See G.S.R. 465 of 1965, Gazette of India, 1965, Pt. II, S. 3(i), dated 20-3-1965.

[Gujarat].-Same as that of Maharashtra.-Act 11 of 1960, S. 87; Gujarat A.L.O., 1960.

[Himachal Pradesh].-Same as that of Punjab -Himachal Pradesh Act 2 of 1969, S.4 (w.e.f.11-4-1969).

[Kerala].-In its application to the State of Kerala, in S. 19, the words "and also by a true copy" shall be omitted.-Kerala Act 7 of 1968, S. 3 (w.e.f. 22-2-1968).

[Maharashtra].-For modification of S. 19, see S. 70-D(3) in Part XI-A inserted in the main Act by the Indian Registration (Bombay Amendment) Act, 1930 (17 of 1930) (w.e.f. 4-9-1930); Bombay Act 35 of 1958.

Where registration is done by photogravure process, this section would have no application. See sections 70-C and 70-D, *supra*, inserted by Bombay Act 17 of 1930.

[Punjab, Haryana and Chandigarh].-In its application to the States of Punjab and Haryana and Union Territory of Chandigarh, for the words "a true translation", substitute "two copies of the true translation".-Punjab Act 19 of 1961, S. 3 (w.e.f. 4-5-1961); Act 31 of 1966, S. 89.

[Orissa].-In its application to the State of Orissa, in S. 19, the words "and also by a true copy" shall be omitted.-Orissa Act 14 of 1989, S. 2.

[Rajasthan].-Same as that of Punjab.-Rajasthan Act 11 of 1982, S. 3 (w.e.f. 16-7-1982).

[Tamil Nadu].-Same as that of West Bengal.- Tamil Nadu Act 21 of 1966.

[Tripura].-Same as that of Punjab.- Tripura Act 7 of 1982, S. 3 (w.e.f. 1-1-1983).

[West Bengal].-In its application to the State of West Bengal, in S. 19, the words "and also by a true copy" shall be omitted.-West Bengal Act 17 of 1978, S. 7 and Sch.

Section 19-A

State Amendments-[Goa].-In its application to the State of Goa, after S. 19, insert the following new section, namely,-

"19-A. Documents presented for registration to be accompanied by true copies there of (1) No document shall be accepted for registration unless it is accompanied by a true copy thereof.

(2) The true copy referred to in sub-section (1) shall be neatly hand-written, printed, type-written, lithographed or otherwise prepared in accordance with such rules as may be made in this behalf".- Goa Act 24 of 1984, S. 2 (w.e.f. 5-12-1985).

[Karnataka].-Same as that of Kerala.-Karnataka Act 55 of 1976, S. 3 (w.e.f. 23-10-1976).

[Kerala].-In its application to the State of Kerala, after S. 19, insert the following new section, namely,-

"19-A. Documents presented for registration to be accompanied by true copies there of (1) No document shall be accepted for registration unless it is accompanied by a true copy thereof.

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(2) The true copy referred to in sub-section (1) shall be neatly handwritten, printed, typewritten, lithographed or otherwise prepared in accordance with such rules as may be made in this behalf".-Kerala Act 7 of 1968, S. 4 (w.e.f. 22-2-1968).

[Orissa].-In its application to the State of Orissa, after S. 19, insert the following new section, namely,-

"19-A. Documents presented for registration to accompany true copies thereof.-(1) No document shall be accepted for registration, unless it is accompanied by a true copy thereof.

(2) The true copy referred to in sub-section (1) shall be legibly hand-written, printed, type-written, lithographed, cyclostyled or *[otherwise legibly prepared] only on one side of the paper and in accordance with such rules as may be made in this behalf by the State Government, and shall contain a declaration in the prescribed manner that the same is a true copy of the document and its translation, if any".-Orissa Act 14 of 1989, S. 3 (w.e.f. 19-9-1989). *Substituted by Orissa Act 8 of 2002, S. 4 (w.e.f. 24-5-2002).

[Rajasthan].-In its application to the State of Rajasthan, after S. 19, insert the following new section, namely,-

"19-A. Refusal to register.-Notwithstanding anything contained in this Act, the registering officer shall refuse to register any document presented to him for registration unless such document is accompanied by a true or photo state copy thereof".-Rajasthan Act 11 of 1982, S. 4 (w.e.f. 16-7-1982).

20. Documents containing interlineations, blanks, erasures or alterations.-(1) The registering officer may in his discretion refuse to accept for registration any document in which any interlineation, blank, erasure or alteration appears, unless the persons executing the document attest with their signatures or initials such interlineation, blank, erasure or alteration.

(2) If the registering officer registers any such document, he shall, at the time of registering the same, make a note in the register of such interlineation, blank, erasure or alteration.

State Amendments-[Gujarat].-Same as that of Maharashtra.-Act 11 of 1960, S. 87; Gujarat A.L.O., 1960.

[Maharashtra].-Note.-For omission of sub-So (2) of S. 20, see sub-So (3) of S. 70-D in Part XI-A inserted in the main Act by the Indian Registration (Bombay Amendment) Act, 1930 (17 of 1930) (w.e.f. 4-9-1930); Bombay Act 35 of 1958.

[Tamil Nadu].-In its application to the State of Tamil Nadu, in S. 20, sub-So (1), after the expression "persons executing the document", insert "and in the case of document for sale of property, the persons claiming under that document also".-Tamil Nadu Act 28 of 2000, S.2.

21. Description of property and maps or plans.-(1) No non-testamentary document relating to immovable property shall be accepted for registration unless it contains a description of such property sufficient to identify the same.

(2) Houses in towns shall be described as situate on the north or other side of the street or road (which should be specified) to which they front, and by their existing and former occupancies, and by their numbers if the houses in such street or road are numbered.

(3) Other houses and lands shall be described by their name, if any, and as being in the territorial division in which they are situate, and by their superficial contents, the roads and other properties on to which they abut, and their existing occupancies, and also, whenever it is practicable, by reference to a Government map or survey.

(4) No non-testamentary document containing a map or plan of any property comprised therein shall be accepted for registration unless it is accompanied by a true copy of the map or plan, or, in case such property is situate in several districts, by such number of true copies of the map or plan as are equal to the number of such districts.

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State Amendments-[Gujarat].-Same as that of Maharashtra.-Act 11 of 1960, S. 87; Gujarat A.L.O., 1960.

[Maharashtra].-In its application to the State of Maharashtra, in S.21, for sub-So (2), substitute the following sub-section, namely,-

"(2) Houses in towns shall be described as situate on the north or other side of the street or road (which should be specified) to which they front, and by their existing and former occupancies, and by their numbers if the houses in such street or road are numbered. In all city surveyed areas, houses and lands shall also be described by their cadastral survey numbers as in the city survey maps and records".-Bombay Act 35 of 1958, S.4 (w.e.f. 24-4-1958).

*Note.-*For omission of sub-S (4) of S. 21, see sub-S (3) of S. 70-D inserted in the main Act by Bombay Act 17 of 1930.

[Uttar Pradesh].-In its application to the State of Uttar Pradesh, in S. 21, for sub-S (1), substitute the following sub-section, namely,-

"(I-A) No non-testamentary document relating to immovable property shall be accepted for registration unless,-

(a) it contains a description of such property sufficient to identify the same; and

(b) It is accompanied also, where the property is agricultural land, by a map or Plan, not necessarily on scale, showing all properties with full description in the radius of two hundred meters of that agricultural land."-Uttar Pradesh Act 36 of 2001, S. 6 (w.e.f. 20-5-2002).

22. Description of houses and land by reference to Government maps or surveys.-(I) Where it is, in the opinion of the ²⁷[State Government], practicable to describe houses, not belong houses. in towns, and lands by reference to a Government map or survey, the ²⁷[State Government] may, by rule made under this Act, require that such houses and lands as aforesaid shall, for the purposes of section 21, be so described.

(2) Save as otherwise provided by any rule made under sub-section (I), failure to comply with the provisions of section 21, sub-section (2) or subsection (3), shall not disentitle a document to be registered if the description of the property to which it relates is sufficient to identify that property.

State Amendments-[Delhi].-Same as that of *Punjab*.-See Notification No. 189/38, dated 30-5-1939, as amended by Notification No. 72/43-Public, dated 16-9-1943.

[Gujarat].-Same as that of Maharashtra.-Act 11 of 1960, S. 87; Gujarat A.L.O., 1960.

[Maharashtra].-In its application to the State of Maharashtra, in S.22, for sub-So (2), substitute the following sub-section, namely,-

"(2) Except in the case of city surveyed areas and except as otherwise provided by any rule made under sub-section (1), failure to comply with the provisions of section 21, subsection (2) or sub-section (3), shall not disentitle a document to be registered if the description of the property to which it relates is sufficient to identify that property". Bombay Act35 of 1958, S. 5 (w.e.f. 24-4-1958).

[Punjab, Haryana and Chandigarh].-In its application to the States of Punjab and Haryana and Union Territory of Chandigarh, in S.22, sub-S (1), the words "not being houses in towns" shall be omitted.-Punjab Act 8 of 1941, S. 2 (w.e.f. 23-5-1941) read with Act 23 of 1960, S. 4; Act 31 of 1966,S. 88.

Section 22-A

State Amendments-[Andhra Pradesh].-In its application to the State of Andhra Pradesh, after S. 22, insert the following new section, namely,-

"22-A. *Documents registration of which is opposed to public policy.*-(I) The State Government may, by notification in the Official Gazette, declare that the registration of any document or class of documents is opposed to public policy.

(2) Notwithstanding anything contained in this Act, the registering officer shall refuse to register any document to which a notification issued under sub-section (1) is applicable."-Andhra Pradesh Act4 of 1999, S. 4 (w.e.f. 1-4-1999).

27. Substituted for "Provincial Government" by A.O. 1950.

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[Bihar].-In its application to the State of Bihar, after S.22, insert the following new section, namely,-

"22-A. Registration of documents which is against the public policy.-(1) The State Government may, by notification in the Official Gazette, declare that the registration of any document or class of documents is against the public policy.

(2) Notwithstanding anything contained in the Act, the registering officer shall refuse to register any document to which the notification issued under sub-section (1) is applicable".-Bihar Act 6 of 1991, S. 2 (w.e.f. 8-8-1991).

[Gujarat].-Same as that of Maharashtra.-Act 11 of 1960, S. 87 and Gujarat A.L.O., 1960.

[Karnataka].-Same as that of Maharashtra.-Karnataka Act 55 of 1976, S.3 (w.e.f. 23-10-1976).

[Maharashtra].-In its application to the State of Maharashtra, after S. 22, insert the following new section, namely,-

'22-A. Documents registration of which is opposed to public policy.-(1) The State Government may, by notification in the Official Gazette, declare that the registration of any document or class of document is opposed to public policy.

(2) Notwithstanding anything contained in this Act, the registering officer shall refuse to register any document to which a notification issued under sub-section (1) is applicable".-Bombay Act 24 of 1938 (w.e.f. 8-2-1939) read with Act 35 of 1958 (w.e.f. 24--4-1958).

[Meghalaya].-In its application to the State of Meghalaya, after S.22, insert the following new section, namely,-

"22-A. Registration of certain documents may be declared as being opposed to public policy.(1) The State Government may, by notification in the Official Gazette, declare that registration of any document or class of documents is opposed to public policy.

(2) Notwithstanding anything contained in this Act, the registering officer shall refuse to register any document to which a notification made under sub-section (1) is applicable".-Meghalaya Act 5 of 1990, S. 2 (w.e.f. 22-6-1990).

[Orissa].-In its application to the State of Orissa, after S. 22, insert the following new section, namely,-

"22-A. Document registration of which is opposed to public policy.-(1) The State Government may, by notification, declare that the registration of any document or class of documents is opposed to public policy.

(2) Notwithstanding anything contained in this Act, the registering officer shall refuse to register a document to which a notification issued under sub-section (1) is applicable." -Orissa Act 8 of 2002, S. 5 (w.e.f. 24-5-2002).

[Rajasthan].-Same as that of Maharashtra.-Rajasthan Act 16 of 1976, S.2 (w.e.f. 13-2-1976).

PART IV OF THE TIME OF PRESENTATION

23. Time for presenting documents :- Subject to the provision contained in section 24,25 and 26, no document other than a will shall be accepted for registration unless presented for that purpose to the proper officer within four months from the date of its execution:

Probability that a copy of a decree or order may be presented within four months from the date on which the decree or order was made, or, where it is appealable, within from the day on which it becomes final.

²⁸**[23-A. Re-registration of certain documents. –** Notwithstanding anything to the contrary contained in this Act, if in any case a document requiring registration has been accepted for registration by a Registrar or Sub-Registrar from a person not duly empowered to present the same, and has been registered, any person claiming under such document may, within four months from his first becoming aware that the registration document is

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invalid, present such document or cause the same to be presented, in accordance with the provisions of Part VI for re-registration in the office of the Registrar of the district in which the document was originally registered; and upon the Registrar being satisfied that the document was so accepted for registration from a person not duly empowered to present the same, he shall proceed to the re-registration of the document as if it had not been previously registered, and as if such presentation for re-registration was a presentation for registration made within the time allowed there for under Part IV, and all the provisions of this Act, as to registration of documents, shall apply to such re-registration; and such document, if duly re-registered in accordance with the provisions of this section, shall be deemed to have been duly registered for all purposes from the date of its original registration:

Provided that, within three months from the twelfth day of September, 1917, any person claiming under a document to which this section applies may present the same or cause the same to be presented for re-registration in accordance with this section, whatever may have been the time when he first became aware that the registration of the document was invalid.]

Section 23-B

State Amendments-(Andhra Pradesh).-In its application to the Andhra area of the State of Andhra Pradesh, after S. 23-A, insert the following new section, namely,-

"23-B. Power of State Government to permit the registration of documents registered in the logs at Masulipatnam and in certain other areas in French India.-(1) The State Government may, by notification in the Andhra Gazette, direct that all documents, or any class of documents, which-

(a) relate to properties situated within the logs at Masulipatnam (formerly known as Masulipatam), the areas whereof have been set out in the Schedule to the Madras (Enlargement of Areas and Alteration of Boundaries) Order, 1948,

(b) have been registered in a registration office by an official appointed or controlled by any French Indian authority, and

(c) are required to be registered under this Act,

may be registered under this Act free of all charges, within such time, and subject to such restrictions and conditions, as may be specified in the notification; and if any document is so registered, the registration shall have effect for all purposes from the date on which the document was originally registered by the official referred to in clause (b);

Provided that nothing in this sub-section shall be deemed to invalidate any decree or order touching any such document which may have been passed by any Court of Law and become final before the enactment of this section.

(2) Sub-section (1) shall apply in relation to documents relating to properties situated within the limits of any French territory now adjoining the territory of the State of Andhra, as it applies in relation to documents relating to properties situated within the logs referred to in sub-section (1), subject to the modification that for the words "before the enactment of this section" occurring in the proviso, the words "before such date as may be notified in that behalf by the State Government" shall be substituted.-Tamil Nadu Act 17 of 1952, S.2 (w.e.f. 14-1-1953) as adapted by the Andhra A.L.O., 1953 and the Andhra A.L.O. (Amendment) Order, 1954. Tamil Nadu Act 17 of 1952 has been amended as Andhra Pradesh (Andhra Area) Amendment Act 17 of 1952.

(Kerala).-S. 23-B as inserted by Tamil Nadu Act 17 of 1952 as in force in the Malabar District, shall be omitted.-Kerala Act 2 of 1959, S. 2 (w.e.f. 1-6-1960).

(Tamil Nadu).-In its application to the State of Tamil Nadu, after S. 23-A, insert the following new section, namely,-

"23-B. Power of State Government to permit the registration of documents registered in the logs at Kozhikode and in certain other areas in French India.-(1) The Government may, by notification in the Fort St. George Gazette, direct that all documents, or any class of documents, which- (a) relate to properties situated within the logs at Kozhikode (formerly known as Calicut), the areas whereof have been set out in the Schedule to the Madras (Enlargement of Areas and Alteration of Boundaries) Order, 1948,

(b) have been registered in a registration office by an official controlled by any French Indian authority, and

(c) are required to be registered under this Act,

may be registered under this Act free of all charges, within such time, and subject to such restrictions and conditions, as may be specified in the notification; and if any document is so registered, the registration shall have effect for all purposes from the date on which the document was originally registered by the official referred to in clause (b):

Provided that nothing in this sub-section shall be deemed to invalidate any decree or order touching any such document which may have been passed by any Court of law and become final before the enactment of this section.

(2) Sub-section (1) shall apply in relation to documents relating to properties situate within the limits of any French territory now adjoining the territory of the State of Madras as it applies in relation to documents relating to properties situated within the logs refer to in sub-section (1), subject to the modification that for the words "before the enactment this section" occurring in the proviso, the words "before such date as may be notified in the behalf by the State Government" shall be substituted.-Tamil Nadu Act 17 of 1952, S. (w.e.f. 14-1-1953) as adapted by Tamil Nadu A.L.O., 1954 (w.e.f. 1-10-1953). Tamil Nadu Act 17 of 1952, insofar as applies to, and is in force in the added territories *i.e.*, territories add under the Second Schedule to the Central Act (56 of 1959), has been repealed by Tamil Nadu (Added Territories) Extension of Laws Act (7 of 1964).

24. Documents executed by several persons at different times.-Where, there are several persons executing a document at different times, such document may be presented for registration and re-registration within four months from the date of each execution.

25. Provision where delay in presentation is unavoidable.--(1) If, owing to urgent necessity or unavoidable accident, any document executed, or copy of decree or order made, in 29[India] is not presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, the Registrar, . cases where the delay in presentation does not exceed four months, may direct that, on payment of a fine not exceeding ten times the amount of the proper registration fee, such document shall be accepted for registration.

(2) Any application for such direction may be lodged with a Sub Registrar, who shall forthwith forward it to the Registrar to whom he is subordinate.....

State Amendment the [Rajasthan].-In its application to the State of Rajasthan, in S.25,-

(a) in sub-S (1), for the word "Registrar", the words "Registering Officer", for words "direct that", the words "register the document" and for the expression "sub document shall be accepted for registration", the words "on such document" shall substituted; and

(b) sub-S. (2) Shall be omitted.-Rajasthan Act 18 of 1989, S. 3 (w.e.f. 18-9-1989).

26. Documents executed out of 29[India].-When a document purporting have been executed by all or any of the parties out of 29[India] is not present for registration till after the expiration of the time hereinbefore prescribed that behalf, the registering officer, if satisfied-

(a) That the instrument was so executed, and

(b) That it has been presented for registration within four months after arrival in 29[India],

29. Substituted for "the States" by Act 3 of 1951, S. 3 and Sch. (w.e.f. 1-4-1951).

may, on payment of the proper registration fee, accept such document for registration.

27. Wills may be presented or deposited at any time.-A will may at any time be presented for registration or deposited in manner hereinafter provided.

PART V OF THE PLACE OF REGISTRATION

28. Place for registering documents relating to land.-Save as in this Part otherwise provided, every document mentioned in section 17, sub-section (1), clauses (a), (b), (c) 3^o, (d) and (e), section 17, sub-section (2), insofar as such document affects immovable property,] and section 18, clauses (a), (b), 3[[C) and (cc)], shall be presented for registration in the office of a Sub-Registrar within whose sub-district the whole or some portion of the property to which such document relates is situate.

State Amendments-[Andhra Pradesh].-In its application to the State of Andhra Pradesh, in S. 28, for the expression "clauses (a), (b), (c), (d) and (e) of section 17, sub-section (2), substitute "clauses (a), (b), (c), (d), (e), (j) and (g) of section 17, sub-section (2) and for expression "clauses (a), (b), (c) and (cc), substitute "clauses (a), (b) and (cc)".- Andhra Pradesh Act 4 of 1999, S. 5 (w.e.f.1-4-1999).

[Bihar].- In its application to the State of Bihar, for S. 28, substitute the following section, namely,-

"28. Place for registering documents relating to land.-Save as in this part otherwise provided every document mentioned in clauses (a), (b), (c), (d) and (e) of sub-section (1) and sub-section (2) of section 17 insofar as such documents affect immovable property and in clauses (a), (b), (c) and (cc) of section 18 shall be presented for registration in the office of the Sub-Registrar within whose sub-district or district the whole of the property to which such document relates is situated in the State of Bihar".-Bihar Act 6 of 1991, S. 3 (w.e.f. 8-8-1991).

[Gujarat].-Same as that of Maharashtra.-Act 11 of 1960, S. 87 and Gujarat A.L.O., 1960 (w.e.f.1-7-1961).

[Maharashtra].-In its application to the State of Maharashtra, in S. 28,-

(i) for the letters, brackets and word "(b) and (c)", substitute "(b), (c), (cc) and (ee)"Bombay Acts 14 of 1939, S. 4; 14 of 1947, read with 35 of 1958, S. 2 (w.e.f. 28-4-1958) and 6 of 1960, S. 43 (w.e.f. 1-1-1961).

(ii) for brackets, letters, word and figure "(ee) and (eee)", substitute "and (ee)".Maharashtra Act 20 of 1971, S. 58 (w.e.f. 15-6-1972).

[Orissa].-In its application to the State of Orissa, in S. 28,-

(i) for the words, brackets and letter "and (e)", substitute "(e), (j) and (g)"; and

(ii) the words "or some portion" shall be omitted.-Orissa Act 8 of 2002, S. 6 (w.e.f. 24-5-2002).

[Uttar Pradesh].-In its application to the State of Uttar Pradesh, in S. 28,-

(1)(i) The words, figures and letters "sub-section (1), clauses (a), (b), (c), (d) and (e), section 17, sub-section (2)" shall be omitted.

(ii) For the words "section 18, clauses (a), (b), (c) and (cc)", substitute "every document mentioned in section 18, clause (c)".-Uttar Pradesh Act 19 of 1981, S. 8 (w.r.e.f. 1-8-1981).

(2)(a) the words "or some portion" shall be omitted;

(b) the following proviso shall be inserted, namely:-

"Provided that the document of award, exchange, gift, mortgage, partition, settlement and trust insofar as such document affects immovable property shall be presented for registration in the office of a Sub-Registrar within whose sub-district the whole or major

30. Substituted for "and (d)" by Act 33 of 1940, S. 3.

31. Substituted for "and (c)" by Act 33 of 1940, S. 3.

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portion or half portion of the property to which such document relates is situate".-Uttar Pradesh Act 27 of 1994, S. 3.

29. Place for registering other documents.-(1) Every document 32[not being a document referred to in section 28 or a copy of a decree or order], may be presented for registration either in the office of the Sub-Registrar in whose sub-district the document was executed, or in the office of any other Sub Registrar under the 33[State Government] at which all the persons executing and claiming under the document desire the same to be registered.

(2) A copy of a decree or order may be presented for registration in the office of the Sub-Registrar in whose sub-district the original decree or order was made, or, where the decree or order does not affect immovable property, in the office of any other Sub-Registrar under the 33[State Government] at which all the persons claiming under the decree or order desire the copy to be registered.

30. Registration by Registrars in certain cases.-(1) Any Registrar may in his discretion receive and register any document which might be registered by any Sub-Registrar subordinate to him.

³⁴ [* * *]

State Amendments-[Andhra Pradesh].-In its application to the State of Andhra Pradesh, brackets and figure "(1)" and sub-So (2) shall be omitted.-Andhra Pradesh Act 13 of 1966, S. 2 (w.e.f. 15-6-1966).

[Bihar].-In its application to the State of Bihar, in S. 3D, sub-S (2) shall be deleted. Bihar Act 6 of 1991, S. 4 (w.e.f. 8-8-1991).

[Gujarat].-In its application to the State of Gujarat, in S. 30,(1) In sub-S. (1), the brackets and figure "(1)" shall be deleted; (2) sub-S (2) shall be deleted.-Gujarat Act 18 of 1990, S. 2.

[Haryana].-In its application to the State of Haryana, in S. 3D, sub-S (2) shall be omitted.-Haryana Act 4 of 1997, S. 2 (w.e.f. 12-3-1997).

[Madhya Pradesh].-In its application to the State of Madhya Pradesh, in S. 30, sub-S (2) shall be omitted.-Madhya Pradesh Act 1 of 1993, S. 2 (w.e.f. 15-7-1993) .

[Orissa].-In its application to the State of Orissa, in S. 3D, sub-S (2) shall be omitted. Orissa Act 19 of 1991, S. 2.

[Rajasthan].-In its application to the State of Rajasthan, the brackets and figure "(1)" and sub-S (2) shall be omitted.-Rajasthan Act 18 of 1989, S. 4 (w.e.f. 18-9-1989).

[Uttar Pradesh].-In its application to the State of Uttar Pradesh, in S. 30, sub-S (2) shall be omitted.-Uttar Pradesh Act 27 of 1994, S. 4.

[West Bengal].-In its application to the State of West Bengal, in S. 30, sub-S (2) shall be omitted.-West Bengal Act 17 of 1996, S. 3.

32. Substituted for "other than a document referred to in section 28, and a copy of a decree or order" by Act 33 of 1940, S. 3 and Sch. II.

33. Substituted by A.O. 1950.

34. Sub-So (2) omitted by Act 48 of 2001, S. 4. Prior to its omission, sub-So (2) read as under:-

"(2) The Registrar of a district in which a Presidency-town is included and the Registrar of the Delhi district [* * *] may receive and register any document referred to in section 28 without regard to the situation in any part of India of the property to which the document relates."

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Sections 30-A and 30-B

State Amendment-[West Bengal].-(1) In its application to the State of West Bengal, after S. 30, insert the following new section, namely,-

"30-A. Registration by Registrar of Assurances, Calcutta.-Notwithstanding anything contained elsewhere in this Act, the Registrar of Assurances, Calcutta, may receive and register any document referred to in section 38 without regard to the situation in any part of West Bengal of the property to which the document relates."-West Bengal Act 22 of 1997, S.3.

(2) After S. 3D-A, insert the following new section, namely,-

"30-B. Special power of registration in certain cases by Registrar of Assurances, Calcutta.-Notwithstanding anything contained elsewhere in this Act, the Registrar of Assurances, Calcutta, may, without regard to the situation in any part of India outside the State of West Bengal of the property to which a document relates, receive and register the document where such document is in the nature of-

(a) a mortgage bond executed by an employee of a Government, a statutory body or a local authority in favour of such Government, statutory body or local authority as security for advances taken by such employee for house-building purposes; or

(b) a reconveyance executed by a Government, a statutory body or a local authority in favour of employee of such Government, statutory body or local authority on repayment of the advances taken by such employee for house-building purposes."-West Bengal Act 15 of 1998, S. 3 (w.r.e.f.1-4-1998).

31. Registration or acceptance for deposit at private residence.-In ordinary cases the registration or deposit of documents under this Act shall be made only at the office of the officer authorized to accept the same for registration or deposit:

Provided that such officer may on special cause being shown attend at the residence of any person desiring to present a document for registration or to deposit a will, and accept for registration or deposit such document or will.

PART VI

OF PRESENTING DOCUMENTS FOR REGISTRATION

32. Persons to present documents for registration.-Except in the cases mentioned in 35[sections 31, 88 and 89], every document to be registered under this Act, whether such registration be compulsory or optional, shall be presented at the proper registration office,-

(a) by some person executing or claiming under the same, or, in the case of a copy of a decree or order, claiming under the decree or order, or

(b) by the representative or assign of such person, or

(c) by the agent of such person, representative or assign duly authorized 'by power-of-attorney executed and authenticated in manner hereinafter mentioned.

³⁶**[32-A. Compulsory affixing of photograph, etc.-**Every person presenting any document at the proper registration office under section 32 shall affix his passport size photograph and finger-prints to the document:

Provided that where such document relates to the transfer of ownership of immovable property, the passport size photograph and the finger-prints each buyer and seller of such property mentioned in the document shall also be affixed to the document.]

35. Substituted for "section 31 and section 89" by Act 39 of 1948, S. 3 (w.e.f. 3-9-1948).

36. Inserted by Act 48 of 2001, S. 5.

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State Amendments-[Bihar].-In its application to the State of Bihar, after S. 32, insert the following new section, namely,-

"32-A. *Giving of duplicate copies of documents presented for registration.* (1) Notwithstanding anything contained in this Act, in such areas as may be notified by the State Government, every document or any translation of documents referred to in section 19 presented for registration shall be accompanied by such number of duplicate copies thereof as may be prescribed by rules under section 69.

(2) The duplicate copy shall-

(a) be neat and legibly typed or handwritten, as the case may be, on paper of such specification as may be notified by the State Government from time to time;

(b) contain a declaration that the same is a true copy of the document to be registered in such manner as may be prescribed by rules under section 69;

(c) be compared and verified by such official as may be directed by the registering officer;

(d) be separately bound and permanently kept in such manner as may be prescribed by rules under section 69. -Bihar Ordinance 7 of 1998, S. 2 (w.e.f. 30-4-1998).

[Uttar Pradesh].-In its application to the State of Uttar Pradesh, after S. 32, insert the following new section, namely,-

"32-A. *Giving of true [* * *] copies of documents presented for registration.* (1) Notwithstanding anything contained in this Act, [* * *] every document or any translation of documents referred to in section 19 presented for registration shall be accompanied by such number of true Photostat copies thereof, as may be prescribed by rules under section 69.

(2) The *true copy shall,-

(a) be neat and legible, prepared on paper of such specification as may be notified, by the State Government from time to time;

(b) contain a declaration that the same is a true copy of the document to be registered in such manner as may be prescribed by rules under section 69;

(c) be compared and verified by such official as may be directed by the Registering Officer.

["* * *]."-Uttar Pradesh Act 29 of 1989, S. 2 (w.e.f. 11-5-1989) *and as amended by Uttar Pradesh Act 36 of 2001, S. 7 (w.e.f. 20-5-2002).

Section .32- B

State Amendment-[Uttar Pradesh].-In its application to the State of Uttar Pradesh S. 32-A shall be omitted.-Uttar Pradesh Act 36 of 2001, S. 8 (w.e.f. 20-5-2002).

33. Power-of-attorney recognizable for purposes of section 32.-(1) For purposes of section 32, the following powers-of-attorney shall alone be recognized, namely,-

(a) if the principal at the time of executing the power-of-attorney resides in any part of 37[India] in which this Act is for the time being in force,; power-of-attorney executed before and authenticated by the Registrar or Sub Registrar within whose district or sub-district the principal resides;

(b) if the principal at the time aforesaid 38[resides in any part of India in which this Act is not in force], a power-of-attorney executed before and authenticated by any Magistrate; ,

37. Substituted for "the States" by Act 3 of 1951, S. 3 and Sch. (w.e.f. 1-4-1951).

38. Substituted, *ibid*, for "resides in any other part other States"(w.e.f. 1-4-1951).

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(c) if the principal at the time aforesaid does not reside in ³⁹[India], a power-of-attorney executed before and authenticated by a Notary Public, or any Court, Judge, Magistrate, ⁴⁰[Indian] Consul or Vice-Consul, or representative ⁴¹[* * *] of the Central Government:

Provided that the following persons shall not be required to attend at any registration office or Court for the purpose of executing any such power-of attorney as is mentioned in clauses (a) and (b) of this section, namely,-

(i) persons who by reason of bodily infirmity are unable without risk or serious inconvenience so to attend;

(ii) persons who are in jail under civil or criminal process; and

(iii) persons exempt by law from personal appearance in Court. ⁴²[Explanation.-In this sub-section "India" means India, as defined in clause (28) of section 3 of the General Clauses Act, 1897.]

(2) In the case of every such person the Registrar or Sub-Registrar or Magistrate, as the case may be, if satisfied that the power-of-attorney has been voluntarily executed by the person purporting to be the principal, may attest the same without requiring his personal attendance at the office or Court aforesaid.

(3) To obtain evidence as to the voluntary nature of the execution, the Registrar or Sub-Registrar or Magistrate may either himself go to the house of the person purporting to be the principal, or to the jail in which he is confined, and examine him, or issue a commission for his examination.

(4) Any power-of-attorney mentioned in this section may be proved by the production of it without further proof when it purports on the face of it to have been executed before and authenticated by the person or Court herein before mentioned in that behalf.

34. Enquiry before registration by registering officer.-(1) Subject to the provisions contained in this Part and in sections 41, 43, 45, 69, 75, 77, 88 and 89, no document shall be registered under this Act, unless the persons executing such document, or their representatives, assigns or agents authorized as aforesaid, appear before the registering officer within the time allowed for presentation under sections 23, 24, 25 and 26:

Provided that, if owing to urgent necessity or unavoidable accident all such persons do not so appear, the Registrar, in cases where the delay in appearing does not exceed four months, may direct that on payment of a fine not exceeding ten times the amount of the proper registration fee, in addition to the fine, if any, payable under section 25, the document may be registered.

(2) Appearances under sub-section (1) may be simultaneous or at different times.

(3) The registering officer shall thereupon-

(a) Enquire whether or not such document was executed by the persons

by whom it purports to have been executed;

39. Substituted, *ibid*, for "the States"(w.e.f. 1-4-1951).

40. Substituted for "British" by A.O. 1950.

41. The words "of this Majesty or" omitted, *ibid*.

42. Inserted by Act3 of 1951, S. 3 and Sch. (w.e.f. 1-4-1951).

(b) satisfy himself as to the identity of the persons appearing before him and alleging that they have executed the document; and

(c) in the case of any person appearing as a representative, assign or agent, satisfy himself of the right of such person so to appear.

(4) Any application for a direction under the proviso to sub-section (1) may be lodged with a Sub-Registrar, who shall forthwith forward it to the Registrar to whom he is subordinate.

(5) Nothing in this section applies to copies of decrees or orders.

State Amendment-[Tamil Nadu].-In its application to the State of Tamil Nadu, in S.34, -

(i) in sub-S (1), after the expression "persons executing the document", insert "and in the case of document for sale of property, the persons claiming under that document";

(ii) in sub-S (3), in Cl. (b), after the expression "executed the document", insert "or they are claiming under the document". - Tamil Nadu Act 28 of 2,000, S. 3.

Section 34-A

State Amendment-[Tamil Nadu].-In its application to the State of Tamil Nadu, after S. 34, insert the following section, namely,-

"34-A. Person claiming under document for sale of property also to sign document.-Subject to the provisions of this Act, no document for sale of property shall be registered under this Act, unless the person claiming under the document has also signed such document".- Tamil Nadu Act 28 of 2000, S. 4.

35. Procedure on admission and denial of execution respectively.-

(1) (a) If all the persons executing the document appear personally before the registering officer and are personally known to him, or if he be otherwise satisfied that they are the persons they represent themselves to be, and if they all admit the execution of the document, or

(b) if in the case of any person appearing by a representative, assign or agent, such representative, assign or agent admits the execution, or

(c) if the person executing the document is dead, and his representative or assign appears before the registering officer and admits the execution, the registering officer shall register the document as directed in sections 58 to 61, inclusive.

(2) The registering officer may, in order to satisfy himself that the persons appearing before him are the persons they represent themselves to be, or for any other purpose contemplated by this Act, examine anyone present in his office.

(3)(a) If any person by whom the document purports to be executed denies its execution, or

(b) if any such person appears to the registering officer to be a minor, an idiot or a lunatic, or

(c) if any person by whom the document purports to be executed is dead, and his representative or assign denies its execution,

the registering officer shall refuse to register the document as to the person so denying, appearing or dead:

Provided that, where such officer is a Registrar, he shall follow the procedure prescribed in Part XII:

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⁴³[Provided further that the ⁴⁴[State Government] may, by notification in the ⁴⁵[Official Gazette], declare that any Sub-Registrar named in the notification shall, in respect of documents the execution of which is denied, be deemed to be a Registrar for the purposes of this sub-section and of Part XII.]

PART VII

OF ENFORCING THE APPEARANCE OF EXECUTANTS AND WITNESSES

36. Procedure where appearance of executant or witness is desired.-If any person presenting any document for registration or claiming under any document, which is capable of being so presented, desires the appearance of any person whose presence or testimony is necessary for the registration of such document, the registering officer may, in his discretion call upon such officer or Court as the ⁴⁶[State Government] directs in this behalf to issue a summons requiring him to appear at the registration office, either in person or by duly authorized agent, as in the summons may be mentioned, and at a time named therein.

State Amendments-[Gujarat].-Same as that of Maharashtra.-Act 11 of 1960, S. 87; Gujarat A.L.O., 1960.

[Maharashtra].-In its application to the State of Maharashtra, in S.36, for the words "may, in his discretion", substitute "in his discretion, may, upon receipt of the prescribed fee, issue or may"; and after the word "issue" a comma was inserted.—Bombay Act 5 of 1929, S. 6 (w.e.f. 22-5-1929) read with Bombay Act 35 of 1958, S. 2 (w.e.f. 24-4-1958).

37. Officer or Court to issue and cause service of summons.- The Officer or Court, upon receipt of the peon's fee payable in such cases, shall issue the summons accordingly, and cause it to be served upon the person whose appearance is so required.

38. Persons exempt from appearance at registration office.-(1)(a) A person who by reason of bodily infirmity is unable without risk or serious inconvenience to appear at the registration office, or

(b) a person in jail under civil or criminal process, or

(c) persons exempt by law from personal appearance in Court, and who would but for the provision next hereinafter contained be required to appear in person at the registration office, shall not be required so to appear.

(2) In the case of every such person the registering officer shall either himself go to the house of such person, or to the jail in which he is confined, and examine him or issue a commission for his examination.

39. Law as to summonses, commissions and witnesses. - The law in force for the time being as to summonses, commissions and compelling the attendance of witnesses, and for their remuneration in suits before civil Courts, shall, save as aforesaid and *mutatis mutandis*, apply to any summons or commission issued and any person summoned to appear under the provisions of this Act.

43. Added by Act 13 of 1926, S. 2.

44. Substituted for "Provincial Government" by A.O 1950.

45. Substituted for "Local Official Gazette" by A. O. 1937.

46. Substituted for "Provincial Government" by A. O. 1950.

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PART VIII
OF PRESENTING WILLS AND AUTHORITIES TO ADOPT

40. Persons entitled to present wills and authorities to adopt.-(1) The testator, or after his death any person claiming as executor or otherwise under a will, may present it to any Registrar or Sub-Registrar for registration.

(2) The donor, or after his death the donee, of any authority to adopt, or the adoptive son, may present it to any Registrar or Sub-Registrar for registration.

41. Registration of wills and authorities to adopt.-(1) a will or an authority to adopt, presented for registration by the testator or donor, may be registered in the same manner as any other document.

(2) A will or authority to adopt, presented for registration by any other person entitled to present it shall be registered if the registering officer is satisfied-

(a) that the will or authority was executed by the testator or donor as the case may be;

(b) that the testator or donor is dead; and

(c) that the person presenting the will or authority is, under section 40, entitled to present the same.

PART IX
OF THE DEPOSIT OF WILLS

42. Deposit of wills.-Any testator may, either personally or by duly authorized agent, deposit with any Registrar his will in a sealed cover superscribed with the name of the testator and that of his agent (if any) and with a statement of the nature of the document.

43. Procedure on deposit of wills.-(1) On receiving such cover, the Registrar, if satisfied that the person presenting the same for deposit is the testator or his agent, shall transcribe in his Register-book No.5 the superscription aforesaid, and shall note in the same book and on the said cover the year, month, day and hour of such presentation and receipt, and the names of any persons who may testify to the identity of the testator or his agent, and any legible inscription which may be on the seal of the cover.

(2) The Registrar shall then place and retain the sealed cover in his fireproof box.

44. Withdrawal of sealed cover deposited under section 42.-If the testator who has deposited such cover wishes to withdraw it, he may apply, either personally or by duly authorized agent, to the Registrar who holds it in deposit, and such Registrar, if satisfied that the applicant is actually the testator or his agent, shall deliver the cover accordingly.

45. Proceedings on death of depositor.-(1) If, on the death of a testator who has deposited a sealed cover under section 42, application be made to the Registrar who holds it in deposit to open the same, and if the Registrar is satisfied that the testator is dead, he shall, in the applicant's presence, open the cover, and at the applicant's expense, cause the contents thereof to be copied into his Book No.3.

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(2) When such copy has been made, the Registrar shall re-deposit the original will.

State Amendments-[Goa].-Same as that of Kerala.-Goa Act 24 of 1985, S. 3 (w.e.f. 5-12-1985).

[Karnataka].-Same as that of Kerala.-Karnataka Act 55 of 1976, S. 4 (w.e.f. 24-10-1976).

[Kerala].-In its application to the State of Kerala, in S. 45,-

(i) for the words, letters and figures" cause the contents thereof to be copied into his Book No. 3", substitute "cause a true copy of the contents thereof to be made and filed in his Book No. 3";

(ii) in sub-S (2), for the words "copy has been made", substitute "true copy has been filed".-Kerala Act 7 of 1968, S. 5 (w.e.f. 22-2-1968).

[Orissa].-Same as that of Kerala.-Orissa Act 14 of 1989, S. 4 (w.e.f. 19-9-1989).

[Pondicherry].-Same as that of Kerala.-Pondicherry Act 17 of 1970, Sch. (w.e.f. 1-11-1970).

[Tripura].-Same as that of Kerala.-Tripura Act 7 of 1982, S. 4 (w.e.f. 1-1-1983).

[Tamil Nadu].-Same as that of Kerala. - T.N. Act 21 of 1966, S. 6 and Sch.

[West Bengal].-Same as that of Kerala.-West Bengal Act 17 of 1978, S. 7 and Sch.

46. Saving of certain enactments and powers of Courts.-(I) nothing hereinbefore contained shall affect the provisions of section 259 of the Indian Succession Act, 1865, or of section 81 of the Probate and Administration Act, 1881, or the power of any Court by order to compel the production of any will.

(2) When any such order is made, the Registrar shall, unless the will has been already copied under section 45, open the cover and cause the will to be copied into his Book No.3 and make a note on such copy that the original has been removed into Court in pursuance of the order aforesaid.

Objects and Reasons-Clause 46.-Section 46 of the Act saves the provisions of section 259 of the Indian Succession Act, 1865, relating to the filing and preservation of wills in the Courts of District Judges and Delegates. Exactly the same provisions have since been enacted in section 81 of the Probate and Administration Act, 1881, in respect of wills to which the Succession Act does not apply; these provisions being contained in a later enactment are not affected by the provisions of the Registration Act to the contrary. To avoid any question as to the effect of the re-enactment of the law relating to registration and to preserve the law unaltered, the provisions of section 81 of the Probate and Administration Act have been expressly saved by introducing a reference to that enactment in the clause.

State Amendments-[Goa].-Same as that of Kerala.-Goa Act 24 of 1985, S. 4 (w.e.f. 5-12-1985).

[Karnataka].-Same as that of Kerala.-Karnataka Act 55 of 1976, S. 5 (w.e.f. 24-10-1976).

[Kerala].-In its application to the State of Kerala, in S. 46, sub-S. (2),-

(a) for the words "unless the Will has been already copied", substitute "unless a true copy of the Will has already been filed "; and

(b) for the words "cause the Will to be copied into Book No.3", substitute "cause a true copy of the Will to be made and filed in his Book No. 3".-Kerala Act 7 of 1968, S. 6 (w.e.f.22-2-1968).

[Orissa].-Same as that of Kerala.-Orissa Act 14 of 1989, S. 5 (w.e.f. 19-9-1989).

[Pondicherry].-In its application to the Union Territory of Pondicherry,-

In sub-S. (2) of S. 46, for the words "unless the will has been already copied" and the words "cause the will to be copied into his Book No.3", substitute "unless the true copy of

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the will has already been filed" and "cause a true copy to be made and filed in his Book No.3" respectively.- Pondicherry Act 17 of 1970, Sch. (w.e.f. 1-11-1970).

[**Tripura**].-Same as that of Kerala, except that for the word "filed", the word "pasted" has been used.- Tripura Act 7 of 1982, S. 5 (w.e.f.1-1-1983).

[**Tamil Nadu**].-Same as that of Kerala.- Tamil Nadu Act 21 of 1966, S. 6 and Sch.

[**West Bengal**].-Same as that of Kerala.-West Bengal Act 17 of 1978, S. 7 and Sch.

PART X

OF THE EFFECTS OF REGISTRATION AND NON-REGISTRATION

47. Time from which registered document operates.-A registered document shall operate from the time from which it would have commenced to operate if no registration thereof had been required or made, and not from the time of its registration.

48. Registered documents relating to property when to take effect against oral agreements.-All non-testamentary documents duly registered under this Act, and relating to any property, whether movable or immovable, shall take effect against any oral agreement or declaration relating to such property, unless where the agreement or declaration has been accompanied or followed by delivery of possession ⁴⁷[and the same constitutes a valid transfer under any law for the time being in force:

Provided that a mortgage by deposit of title-deeds as defined in section 58 of the Transfer of Property Act, 1882, shall take effect against any mortgage-deed subsequently executed and registered which relates to the same property.]

49. Effect of non-registration of documents required to be registered.-No document required by section 17 ⁴⁷[or by any provision of the Transfer of Property Act, 1882,] to be registered shall-

(a) affect any immovable property comprised therein, or (b) confer any power to adopt, or

(c) be received as evidence of any transaction affecting such property or conferring such power, unless it has been registered:

⁴⁷[Provided that an unregistered document affecting immovable property and required by this Act, or the Transfer of Property Act, 1882, to be registered may be received as evidence of a contract in a suit for specific performance under Chapter II of the Specific Relief Act, 1877⁴⁸, ⁴⁹[* * *] or as evidence of any collateral transaction not required to be effected by registered instrument.]

Objects and Reasons-*Clause 49.*- The words "in accordance with the provisions of this Act occurring at the end of section 49 of the Act may give rise to some difficulty if they are retained in this clause. No doubt seems ever to have been cast on the view that under the law, as it stands, documents prior to the Act of 1877, if registered in accordance with the law for the time being in force, are not rendered imperative or inadmissible in evidence by this section. Regard being had, however, to the terms of clause 17, which reproduces section 17 of the Act, a strict adherence to the definition of the word "registered" contained in the

47. Added by Act 21 of 1929, S. 10.

48. Now see the Specific Relief Act, 1963.

49. The words "or as evidence of part performance of a contract for the purposes of section 53-A of the Transfer of Property Act, 1882" omitted by Act 48 of 2001, S. 6.

General Clauses Act, section 3(45), might lead to a construction of clause 49 which would make these documents inoperative and inadmissible if the words quoted above are retained. They have, accordingly, been omitted.

State Amendment-[Uttar Pradesh].-In its application to the State of Uttar Pradesh, in S.49,-

(i) in the first paragraph, after the words "or by any provision of the Transfer of Property Act, 1882", insert "or of any other law for the time being in force";

(ii) for Cl. (b), substitute the following clause, namely,-

(b) confer any power or create any right or relationship, or";

(iii) in Cl. (c), after the words "such power", insert "or creating such right or relationship";

(iv) in the proviso, the words "as evidence of a contract in a suit for specific performance under Chapter II of the Specific Relief Act, 1877, or" shall be omitted.-Uttar Pradesh Act 57 of 1976, S. 34 (w.e.f. 1-1-1977).

COMMENTS

S. 49 bars the reception in evidence of a document of transfer which is required to be registered under S. 17 of the Registration Act or under the Transfer of Property Act, but not registered. It does not lay down any prohibition in respect of transfers required to be registered under other enactments. It is, therefore, apparent that the bar provided for in S.49 relates to an unregistered document of transfer required to be registered under S. 17 of the Registration Act or under the Transfer of Property Act. The proviso is an exception to S. 49 and it provides that the bar to the reception in evidence of an unregistered document of transfer will not apply in certain cases. As the *Kobala* in question was required to be registered under S. 26-C of the Bengal Tenancy Act, 1885, the prohibition contained in S. 49 does not apply and the *Kobala* is admissible in evidence for purposes other than for establishing title: *Piru Charan Pal v. Sunilmoy Nemo* A.I.R. 1973 Cal. 1 (F.B.).

Proviso (c) of S. 12 of the Hindu Adoptions and Maintenance Act, 1956 departs from the general Hindu Law and makes it clear that an adopted child shall not divest any person of any estate vested in him or her before the adoption; S. 13 of the Hindu Adoptions and Maintenance Act, 1956 provides that where the parties intend to limit operation of the proviso (c), they might do so by agreement. Thus, where property was acquired by the widow as a limited owner and she adopted a child by providing in an unregistered adoption deed that the adopted son would be entitled to her whole property and she would have no right to alienate any part thereof but, subsequently, she did alienate the property, *held*, the widow, a limited owner after her husband's death, had become an absolute owner after the commencement of the Hindu Succession Act, 1956; her adopting the child could not deprive her of her rights in the property. The adopted child would acquire rights in the property after her death. The creation of an immediate right in the adopted son and divesting of the adoptive mother in the property in the deed was of no effect as being an unregistered deed, it was not admissible under S. 49 of the Registration Act, as the deed was not registered. Therefore, alienation made by the widow was legal: *Dinaji v. Daddi* A.I.R. 1990 S.C. 1153.

There is no prohibition for receiving the unregistered award in evidence under S. 49 of the Registration Act, but such document shall not validly affect any immovable property covered by the award and it can be received in evidence for collateral purpose. It can also be set up as a defence as evidence of resolving the disputes and acceptance of it by the parties:

P. Sadananda Reddy v. C. Venkata Ratnam (2000) 3 An.L.T. 229; (2000) 3 A.L.D. 385, 2000 A.I.H.C. 2749 (Andh. Pra.).

50. Certain registered documents relating to land to take effect against unregistered documents.-(1) Every document of the kinds mentioned in clauses (a), (b), (c) and (d) of section 17, sub-section (1), and clauses (a) and (b) of section 18, shall, if duly registered, take effect as regards the property

Comprised therein, against every unregistered document relating to the same property, and not being a decree or order, whether such unregistered document be of the same nature as the registered document or not.

(2) Nothing in sub-section (1) applies to leases exempted under the proviso to sub-section (1) of section 17 or to any document mentioned in subsection (2) of the same section, or to any registered document which had not priority under the law in force at the commencement of this Act.

*Explanation.-*In cases where Act No. 16 of 1864 or the Indian Registration Act, 1866 (20 of 1866), was in force in the place and at the time in and at which such unregistered document was executed, "unregistered" means not registered according to such Act, and, where the document is executed after the first day of July, 1871, not registered under the Indian Registration Act, 1871 (8 of 1871), or the Indian Registration Act, 1877 (3 of 1877), or this Act.

Objects and Reasons-Clause 50.- The words "if duly registered" in section 50 of the Act have been interpreted by the Bombay High Court to mean "registered under this Act" so that an unregistered document of which registration is optional would be avoided by a later registered document of which registration is compulsory only if the latter document has been registered under the Act of 1877 (*Shivram v. Saya*, I.L.R. 13 Born. 229). The effect of leaving the words as they are would be that by virtue of section 3(45) of the General Clauses Act, 1897, they would mean "registered under the law for the time being in force". Accordingly, a document registered under the Act of 1877 would acquire priority over a previous unregistered document. This would alter the law as interpreted in Bombay; but as it is not quite clear what is the view taken of the section by the other High Courts; the wording of the section has been left unaltered for the present.

We have suggested an addition to clause 50 to meet the difficulty pointed out in the Statement of Objects and Reasons. section 50 of the Registration Act, 1877 conferred priority for the first time on certain documents if duly registered and the section has been construed in Calcutta at least as covering documents registered under any Act for the time being in force, while in Bombay and certain other Provinces it has been read as limited to documents registered under the Act of 1877 and under that Act alone. Clause 50 of the Bill reproduces section 50 of the Act of 1877, but the provisions of section 3(45) of the General Clauses Act, 1897, which would apply to the Bill when passed, would negative the construction put on the section in Bombay. The Government of Bombay is willing to accept this alteration, but objection has been taken to it in other Provinces on the ground that it would confer on documents registered before the Act of 1877 a priority which they do not, at present, possess. To remove this objection we have proposed to add in sub-clause (2) a provision which would keep these documents in the same position as regards priority as they occupy under the law at present.

State Amendments-[Andhra Pradesh].-In its application to the State of Andhra Pradesh, in S. 50, sub-S. (1), for the expression "clauses (a), (b), (c) and (d) of section 17", substitute "clauses (a), (b), (c), (d), (e), *if(f)* and (g) of section 17".-Andhra Pradesh Act 4 of 1999, S. 6 (w.e.f. 1-4-1999).

[Pondicherry].-In its application to the Union Territory of Pondicherry, in S. 50, for the *Explanation*, substitute the following *Explanation*, namely,-

"Explanation.-"Unregistered" means not registered according to any law in force before the 9th day of January 1969 or this Act".-Pondicherry Act 17 of 1970, S. 3 (w.e.f. 1-11-1970).

[Uttar Pradesh].-In its application to the State of Uttar Pradesh, in S. 50,-

(i) in sub-S. (1), after the words, figures and letters "and clauses (a) and (b) of section 18", insert "as these clauses stood before their omission by the Uttar Pradesh Civil Laws (Reforms and Amendment) Act, 1976";

(ii) in sub-S (2), after the words and figures "proviso to sub-section (1) of section 17", insert" as the proviso stood before its omission by the Uttar Pradesh Civil Laws (Reforms and Amendment) Act, 1976" .-Uttar Pradesh Act 19 of 1981, S. 9 (w.r.e.f. 1-8-1981).

PART XI

OF THE DUTIES AND POWERS OF REGISTERING OFFICERS

(A) As to the register-books and indexes

51. Register-books to be kept in the several offices.-(1) The following books shall be kept in the several offices hereinafter named, namely,-

A-In all registration offices-

Book 1, "Register of non-testamentary documents relating to immovable property";

Book 2, "Record of reasons for refusal to register";

Book 3, "Register of wills and authorities to adopt"; and Book 4,

"Miscellaneous Register";

B-In the offices of Registrars-

Book 5, "Register of deposits of wills".

(2) In Book 1 shall be entered or filed all documents or memoranda registered under sections 17, 18 and 89 which relate to immovable property, and are not wills.

(3) In Book 4 shall be entered all documents registered under clauses (d) and (fj) of section 18 which do not relate to immovable property.

(4) Nothing in this section shall be deemed to require more than one set of books where the office of the Registrar has been amalgamated with the office of a Sub-Registrar.

State Amendments-[Andhra Pradesh].-In its application to the State of Andhra Pradesh, in S. 51, sub-S (1), in the opening portion, for the words "The following books", substitute "The following books and the information storage devices as specified in sub-section (1) of section 16".-A.P. Act16 of1999, S. 4 (w.e.f. 31-12-1998).

[Bihar].-In its application to the State of Bihar, in S.51, after sub-S (5), add the following new sub-section, namely,-

"(5)(a) If, in the opinion of the Registrar, any of the books mentioned in sub-section (1) is in danger of being destroyed or becoming illegible wholly or partially, the Registrar may, by a written order, direct such book or such portion thereof as he thinks fit to be re-copied and authenticated in such manner as may be prescribed under section 69, and the copy so prepared and authenticated shall, for the purposes of this Act, and of the Indian Evidence Act, 1872, be deemed to have taken the place of, and to be, the original book or portion, and all references in this Act to the original book or portion shall be deemed to be references to the book or portion prepared and authenticated as aforesaid.

(b) Notwithstanding anything contained in this Act, copies of any of the books mentioned in sub-section (1) or any portion of such book prepared and authenticated before the commencement of the Indian Registration (Bihar Amendment) Act, 1947, in pursuance of an order of the Registrar or the Inspector-General shall, for the purposes of this Act, and of the Indian Evidence Act, 1872, be deemed to have taken the place of, and to be, the original book or portion, and all references in this Act to the original book or portion shall be deemed to be references to the book or portion so prepared and authenticated".-Bihar Act. ~of 1947, S. 2 (w.e.f. 21-4-1947).

[Goa].-In its application to the State of Goa, in S. 51,-

(a) for sub-S (2), substitute the following sub-section, namely,-

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"(2) In Book 1 shall be filed-

- (i) true copies of all documents, and
- (ii) all memoranda,

Registered under sections 17, 18 and 89, which relate to immovable property, and are not wills";

(b) in sub-S. (3), for the words "entered all documents", substitute "filed true copies of all documents".-Goa Act 24 of 1985, S. 5 (w.e.f. 5-12-1985).

[Gujarat].-Same as that of Maharashtra.-Act 11 of 1960, S. 87 and Gujarat A.L.O., 1960.

[Karnataka].-In its application to the State of Karnataka, in S. 51,-

- (i) sub-Ss. (2) and (3) are the same as that of Kerala.
- (ii) After sub-S (4), insert the following new sub-section, namely,-

"(5) If, any of the books mentioned in sub-section (1) is destroyed or in the opinion of the Registrar is in danger of being destroyed, or becoming illegible wholly or partially, the Registrar may, by a written order, direct such book or such portion thereof as he thinks fit, to be reconstructed or recopied, as the case may be and authenticated in such manner as may be prescribed under section 69, and the copy prepared and authenticated under such direction shall for the purpose of this Act, be deemed to have taken the place of and to be the original book or portion and all references in this Act, to the original book or portion shall be deemed to be references to the book or portion so prepared and authenticated".-Karnataka Act 41 of 1984, S. 2 (w.e.f. 7-11-1986); Karnataka Act 55 of 1976, S. 6 (24-10-1976).

[Kerala].-In its application to the State of Kerala, in S. 51,-

- (i) for sub-S. (2), substitute the following sub-section, namely,"(2) In Book 1, shall be filed-
- (i) true copies of all documents, and (ii) all memoranda,

Registered under sections 17, 18 and 89, which relate to immovable property, and are not wills"; and

(ii) In sub-Ss (3), for the words "entered all documents", substitute "filed true copies of all documents".-Kerala Act 7 of 1968, S. 7 (w.e.f. 22-2-1968).

[Maharashtra].-In its application to the State of Maharashtra, in S. 51,-

(i) In sub-S (2), after the figures "89", add "sub-sections (2) and (4)".-Bombay Act 5 of 1929, S. 7 (w.e.f. 22-5-1929) read with Act 35 of 1958, S. 2 (w.e.f. 28-4-1958).

- (ii) After sub-Ss (4), add the following new sub-section, namely,-

"(5) If, in the opinion of the Registrar, any of the books mentioned in sub-section (1) is in danger of being destroyed or becoming illegible wholly or partially, the Registrar may, by a written order direct such book or such portion thereof as he thinks fit to be recopied and authenticated in such manner as may be prescribed under section 69, and the copy prepared and authenticated under such direction shall, for the purposes of this Act, be deemed to have taken the place of and to be the original book or portion, and all references in this Act to the original book or portion shall be deemed to be references to the book or portion so recopied and authenticated".-Bombay Act 24 of 1938, S. 3 (w.e.f. 8-2-1939) read with Act 35 of 1958, S. 2 (w.e.f. 28-4-1958).

[Note.-S. 8 of the Bombay Act 25 of 1938 runs as follows,-

"8. *Validity of copies made prior to enactment of this Act.*-Notwithstanding anything contained in the said Act (*i.e.*, the Indian Registration Act), copies of any of the books mentioned in sub-section (1) of section 51 of the said Act or any portion of such book, prepared before the enactment of this Act and authenticated in pursuance of the order of the Registrar or Inspector-General shall for the purposes of the said Act be deemed to have taken the place of and to be the original book or portion, and all references in the said Act to

the original book or portion shall be deemed to be references to the book or portion so prepared and authenticated."]

(iii) In sub-Ss (2), for the words "18 and 89, sub-sections (2) and (4)", substitute "and 18 and section 89 except sub-sections (1) and (3) thereof".-Maharashtra Act 20 of 1971, S. 58 (w.e.f. 15-6-1972).

[Orissa].-In its application to the State of Orissa, in S. 51,-

(a) For sub-Ss (2), the following sub-section shall be substituted, namely,

"(2) In Book 1 shall be filed-

- (i) true copies of all documents, and
- (ii) all memoranda,

Registered under sections 17, 18 and 89, which relate to immovable property, and are not wills";

(b) In sub-Ss (3), for the words "entered all documents", substitute "filed true copies of all documents";

(c) after sub-Ss (4), insert the following new sub-sections, namely,-

"(5) If, in the opinion of the Registrar, any of the books mentioned in sub-section (1) is in danger of being destroyed or becoming illegible wholly or partially, the Registrar may, by a written order, direct such book or such portion thereof as he thinks fit to be recopied and authenticated in such manner as may be prescribed under section 69 and the copy so prepared and authenticated under such direction shall, for the purpose of this Act, and of the Evidence Act, 1872, be deemed to have taken the place of, and to be, the original book or portion, as the case may be, and all references in this Act to the original book or portion shall be deemed to be references to the book or portion so prepared and authenticated.

(6) Notwithstanding anything contained in this Act, copies of any of the books mentioned in sub-section (1) or any portion of such books prepared and authenticated before the commencement of the Registration (Orissa Amendment) Act, 1989, in pursuance of an order of the Registrar or the Inspector-General of Registration, shall, for the purposes of this Act, and of the Evidence Act, 1872, be deemed to have taken the place of, and to be, the original book or portion, as the case may be, and all references in this Act to the original book or portion shall be deemed to be references to the book or portion so prepared and authenticated. "-Orissa Act 14 of 1989, S. 6 (w.e.f. 19-9-1989).

[Pondicherry].-Same as that of Kerala.-Pondicherry Act 17 of 1970, S.3 (w.e.f. 1-11-1970).

[Tamil Nadu].-Same as that of Kerala.-Tamil Nadu Act 21 of 1966, S. 6 and Sch.

[Tripura].-In its application to the State of Tripura, in S. 51,-

(i) for sub-Ss (2), substitute the following sub-section, namely,"(2) In Book 1 shall be-

(i) Pasted true copies of all documents, and (ii) filed all memoranda,

Registered under sections 17, 18 and 89, which relate to immovable property, and are not wills.

(ii) In sub-Ss (3), for the word "entered", substitute "pasted true copies of". - Tripura Act 70 of 1982, S.6 (w.e.f. 1-1-1983).

[Uttar Pradesh].-In its application to the State of Uttar Pradesh, in S. 51,(1) for sub-Ss.

(2) and (3), substitute the following sub-sections, namely,-

"(2) In Book 1, shall be filed true copies of all documents or memoranda registered under sections 17, 18 and 89 which relate to immovable property, and are not Wills:

Provided that where Book is in electronic form, all documents, other than Wills, registered under aforesaid sections or true copies thereof, as the case may be, or memoranda shall be scanned in it and a printout thereof shall be kept permanently in Book 1.

(3) In Book 4, shall be filed true copies of all documents registered under clauses (d) and (f) of section 18 which do not relate to immovable property:

Provided that where Book is in electronic form, all documents registered under the aforesaid clauses or their true copies, as the case may be, shall be scanned in it and a printout thereof shall be kept permanently in Book 4."-Uttar Pradesh Act 36 of 2001, S. 9 (w.e.f. 20-5-2002).

(2) after sub-S (4), insert the following new sub-section, namely,-

"(5) Where due to fire, tempest, flood, excessive rainfall, violence of any army or mob or other irresistible force, any or all of the books specified in sub-section (1) are destroyed or become illegible either wholly or partially and the State Government is of the opinion that it is necessary or expedient so to do, it may, by order, direct such book or such portion thereof as it thinks fit, to be re-copied, authenticated or reconstructed in such manner as may be prescribed, and the copy so prepared, authenticated or reconstructed shall, for the purpose of this Act and of the Indian Evidence Act, 1872, be deemed to have taken the place of, and to be, the original book or portion."-Uttar Pradesh Act 19 of 1981, S. 10 (w.r.e.f.1-8-1981).

[West Bengal].-Same as that of Kerala.-West Bengal Act 17 of 1978, S. 7 and Sch.

52. Duties of registering officers when document presented.-(I) (a) the day, hour and place of presentation, 50 [the photographs and finger-prints affixed under section 32-A] and the signature of every person presenting a document for registration, shall be endorsed on every such document at the time of presenting it;

(b) A receipt for such document shall be given by the registering officer to the person presenting the same; and

(c) Subject to the provisions contained in section 62, every document admitted to registration shall without unnecessary delay be copied in the book appropriate there for according to the order of its admission.

(2) All such books shall be authenticated at such intervals and in such manner as is from time to time prescribed by the Inspector-General.

State Amendments-[Bihar].-In its application to the State of Bihar, in S. 52, sub S. (1),-

(i) In Cl. (a), after words "every such document", insert "along with duplicate copy thereof";

(ii) For Cl. (c), the following clause shall be substituted, namely,-

"(c) subject to the provisions contained in section 62 every duplicate copy shall, without unnecessary delay, be verified from the document admitted for registration and be placed in proper book for being bound separately in the appropriate book for the document admitted to registration or according to the order of admission." -Bihar Ordinance 7 of 1998, S. 3 (w.e.f. 30-4-1998).

[Delhi].-Same as that of Punjab.-See G.5.R. 465 of 1965, Gazette of India, 1965, Pt. II, S. 3(i), p. 499.

[Goa].-In its application to the State of Goa, for Cl. (c) of sub-S. (1), substitute the following clause, namely,-

50. Inserted by Act 48 of 2001, S. 7.

"(c) subject to the provisions contained in section 62, where a document is admitted to registration, a true copy thereof shall, without unnecessary delay, be filed in the appropriate book according to the order of its admission".-Goa Act 24 of 1985, S. 6 (w.e.f. 5-12-1985).

[Gujarat].-Same as that of Maharashtra.-Act 11 of 1960, 5.87 and Gujarat A.L.O., 1960.

[Himachal Pradesh].-Same as that of Punjab.-Himachal Pradesh Act 2 of 1969, S. 5 (w.e.f.1-4-1969).

[Kamataka].-Same as that of Kerala-Kamataka Act 55 of 1976, 5.7 (w.e.f. 24-10-1976).

[Kerala].-In its application to the State of Kerala, for CL (c) of sub-S (1), substitute the following clause, namely,-

"(c) Subject to provisions contained in section 62, where a document is admitted to registration, a true copy thereof shall, without unnecessary delay, be filed in the appropriate book according to the order of its admission".-Kerala Act 7 of 1968, 5.8 (w.e.f. 22-2-1968).

[Maharashtra].-For modification of S. 52(1) (c), see sub-section (3) of section 70-D in Part XI-A inserted in the main Act by the Indian Registration (Bombay Amendment) Act, 1930 (17 of 1930).

[Orissa]. - Same as that of Kerala-Orissa Act 14 of 1989, 5.7 (w.e.f. 19-9-1989).

[Pondicherry].-In its application to the Union Territory of Pondicherry,-

(a) In sub-S (1) of S. 52,-

(i) In CL (a), add the word "and" at the end;

(ii) in CL (b), the word " and" shall be omitted; and (iii) Cl. (c) shall be omitted.

(b) After sub-S (1), insert the following new sub-sections, namely,-

"(I-A) Subject to the provisions contained in section 62, where any document, not being of the class specified in the rules made under sub-section (3), is admitted to registration, it shall, without unnecessary delay, be copied in the appropriate book according to the order of its admission.

(I-B) Subject to the provisions contained in section 62 and the rules made under sub-sections (3) and (4) and under section 89-A, where any document of the class specified in the rules made under sub-section (3) is admitted to registration, a true copy thereof shall, without unnecessary delay, be filed in the appropriate book according to the order of its admission. "

(e) After sub-S. (2), add the following new sub-sections, namely,-

(3) The State Government may, from time to time, specify by rules the classes of documents in respect of which true copies shall be filed in the appropriate book under subsection (I-B).

(4) The true copy referred to in sub-section (I-B) shall be neatly handwritten, printed, typewritten, lithographed or otherwise prepared in accordance with such rules as may be made in this behalf, and where such copy is handwritten, it shall be prepared by a scribe who shall be licensed for this purpose of the State Government on payment of such fees as may be prescribed.

(5) The provisions of this Act shall, in their application to the classes of documents specified in the rules under sub-section (3), have effect, subject to the modifications set out in the Schedule".-Pondicherry Act 17 of 1970, s.4 (w.e.f. 1-11-1970).

[Punjab, Haryana and Chandigarh].-In its application to the States of Punjab and Haryana and Union Territory of Chandigarh, for CL (c) of sub-Ss (1) of 5.52, substitute the following clause, namely,-

"(c) Subject to the provisions contained in section 62, a copy of every document admitted to registration shall, without unnecessary delay, be pasted in the book appropriated there for according to the order of admission of the document".-Punjab Act 19 of 1961, s.4 (w.e.f. 4-5-1961); Act 31 of 1966, s.89 (w.e.f. 1-11-1966).

[Rajasthan].-In its application to the State of Rajasthan, for Cl. (c) of sub-So (1), substitute the following clause, namely,-

"(c) Subject to the provisions contained in section 62, a true or photostat copy of every document admitted to registration shall, without unnecessary delay, be pasted in the book appropriated there for according to the order of its admission".-Rajasthan Act 11 of 1982, S. 5 (w.e.f. 16-7-1982).

[Tamil Nadu].-Same as that of the Pondicherry.-Tamil Nadu Act 21 of 1966, S.2 (w.e.f. 1-4-1967).

[Tripura].-In its application to the State of Tripura, for Cl. (c) of sub-S (1), substitute the following clause, namely,-

"(c) Subject to the provisions contained in section 62, the true copy, referred to in section 18-A of every document admitted to registration shall, without unnecessary delay, be pasted in the book appropriated there for according to the order of its admission". Tripura Act 7 of 1982, S. 7 (w.e.f. 1-1-1983).

[Uttar Pradesh].-In its application to the State of Uttar Pradesh, in S. 52,-

(a) In sub-S (1) (c), an Explanation was inserted by U.P. Act 14 of 1971 S.3 (w.e.f. 25-5-1971). The Explanation is now omitted by D.P. Act 19 of 1981, S. 11 (w.r.e.f.1-8-1981).

(b) in sub-S (1),-

(i) in Cl. (a), for the words "every such documents at the time of presenting it", substitute "every such documents and true copy thereof at the time of presenting it; and"

(ii) For Cls. (b) and (c), substitute the following clause, namely,-

"(b) a receipt for such document shall be given by the registering officer to the person presenting the same".

(c) sub-S (2) shall be omitted.-Uttar Pradesh Act 36 of 2001, S. 10 (w.e.f. 20-5-2002).

[West Bengal].-In its application to the State of West Bengal, in S. 52,-

(a) In sub-S (1),-

(i) In Cl. (a), add the word "and" at the end,

(ii) in Cls. (b), the word "and" shall be omitted, and, (iii) Cl. (c) shall be omitted.

(b) After sub-S (1), insert the following new sub-sections, namely,-

"(I-A) Subject to the provisions contained in section 62, where any document, not being of the class specified in the rules made under sub-section (3), is admitted to registration, it shall, without unnecessary delay, be copied in the appropriate book according to the order of its admission.

(I-B) Subject to the provisions contained in section 62 and the rules made under sub-sections (3) and (4) and under section 89-A, where any document of the class specified in the rules made under sub-section (3) is admitted to registration, a true copy thereof shall, without unnecessary delay, be filed in the appropriate book according to the order of its admission".

(c) after sub-So (2) add the following new sub-sections, namely,-

"(3) The State Government may, from time to time, specify by rules the classes of documents in respect of which true copies shall be filed in the appropriate book under subsection (I-B).

(4) The true copy referred to in sub-section (I-B) shall be neatly handwritten, printed, typewritten, lithographed or otherwise prepared in accordance with such rules as may be made in this behalf.

(5) The provisions of this Act shall, in their application to the classes of documents specified in the rules made under sub-section (3), have effect subject to the modifications set out in the Schedule".-West Bengal Act 17 of 1978, S. 3 (w.e.f.1-1-1983).

53. Entries to be numbered consecutively.-All entries in each book shall be numbered in a consecutive series, which shall commence and terminate with the year, a fresh series being commenced at the beginning of each year.

State Amendments-[Gujarat].-Same as that of Maharashtra.-Act 11 of 1960, S. 87 and Gujarat A.L.O., 1960.

[Maharashtra].-For modification of S.53, see sub-S (3) of section 70-D in Part XI-A inserted in the main Act by the Indian Registration (Bombay Amendment) Act, 1930 (17 of 1930).

[Uttar Pradesh].-In its application to the State of Uttar Pradesh, in S. 53, insert the following proviso, namely,-

"Provided that where Book is in electronic form, all entries and numbers in that Book and the Book maintained manually shall be identical".-Uttar Pradesh Act 36 of 2001, S. 11 (w.e.f.20-5-2002).

54. Current indexes and entries therein.-In every office in which any of the books hereinbefore mentioned are kept, there shall be prepared current indexes of the contents of such books; and every entry in such indexes shall be made, so far as practicable, immediately after the registering officer has copied, or filed a memorandum of, the document to which it relates.

State Amendments-[Bihar].-In its application to the State of Bihar, S. 54 shall be renumbered as sub-S (1) there of and after the sub-S (I), as so renumbered, add the following sub-section, namely,-

"(2)(a) If, in the opinion of the Registrar, any of the indexes mentioned in sub-section (1) is in danger of being destroyed or becoming illegible wholly or partially, the Registrar may, by a written order, direct such index or such portion thereof as he thinks fit to be recopied in such manner as may be prescribed under section 69, and the copy so prepared shall, for the purposes of this Act, and of the Indian Evidence Act, 1872, be deemed to have taken the place of and to be the original index, or portion and all references in this Act to the original index or portion shall be deemed to be references to the index portion prepared as aforesaid.

(b) Notwithstanding anything contained in this Act, copies of any of the indexes mentioned in sub-section (1) or any portion of such index prepared before the commencement of the Indian Registration (Bihar Amendment) Act, 1952, in pursuance of an order of the Registrar or the Inspector-General shall, for the purposes of this Act, and of the Indian Evidence Act, 1872, be deemed to have taken the place of and to be the original index or portion and all references in this Act to the original index or portion shall be deemed to be references to the index or portion so prepared".-Bihar Act 24 of 1952, 5.2 (w.e.f. 22-10-1952).

[Goa].-In its application to the State of Goa, in S. 54, for the words "copied or filed a memorandum of," substitute "filed a true copy or a memorandum of".-Goa Act 24 of 1985, S. 7 (w.e.f. 5-12-1985).

[Gujarat].-Same as that of Maharashtra.-Act 11 of 1960, S. 87 and Gujarat A.L.O., 1960.

[Kamataka].-In its application to the State of Kamataka, in S.54, for the words "copied or filed a memorandum of", substitute "filed a true copy of the memorandum of". Karnataka Act 55 of 1976, S. 8 (w.e.f. 24-10-1976).

[Kerala].-Same as that of Kamataka.-Kerala Act 7 of 1968, S. 9 (w.e.f. 22-2-1968).

[Maharashtra].-In its application to the State of Maharashtra, in S. 54, after the word "books" where it occurs for the second time, insert "and there shall also be prepared current indexes of the contents of the copies filed under sub-sections (1) and (3) of section 89".Bombay Acts 5 of 1929, S. 8 (w.e.f. 22-5-1929) read with Act 35 of 1958 (w.e.f. 24-4-1958).

[Orissa].-Same as that of West Bengal.-Orissa Act 14 of 1989, S.8

[Pondicherry].-With reference to documents specified by rules made under S. 52(3), as obtaining in Pondicherry, S. 54 shall stand modified as follows:-

For the words "copied or filed", substitute "filed a true copy of, or".-Pondicherry Act 17 of 1970, Sch. (w.e.f.1-11-1970).

[Tripura].-In its application to the State of Tripura, in S.54, for the words "copied, or filed a memorandum", substitute "pasted a true copy or filed a memorandum of".-Tripura Act70f1982, S.8 (w.e.f.1-1-1983).

[Tamil Nadu].-Same as that of West Bengal. - Tamil Nadu Act 21 of 1966.

[Uttar Pradesh].-In its application to the State of Uttar Pradesh, in S. 54, for the words "copied, or filed a memorandum of", substitute "scanned, or filed a true copy or a memorandum of".-Uttar Pradesh Act 36 of 2001, S. 12 (w.e.f. 20-5-2002).

[West Bengal].-In its application to the State of West Bengal, in S.54, for the words "copied, or filed", substitute "filed a true copy of, or".-West Bengal Act 17 of 1978, S.7 and Sch.

55. Indexes to be made by registering officers and their contents. (1) Four such indexes shall be made in all registration offices, and shall be named, respectively, Index No. I, Index No. II, Index No. III, and Index No. IV.

(2) Index No. I shall contain the names and additions of all persons executing 'and of all persons claiming under every document entered or memorandum filed in Book No. I.

(3) Index No. II shall contain such particulars mentioned in section 21 relating to every such document and memorandum as the Inspector-General from time to time directs in that behalf.

(4) Index No. III shall contain the names and additions of all persons executing every will and authority entered in Book No.3, and of the executors and persons respectively appointed there under, and after the death of the testator or the donor (but not before) the names and additions of all persons claiming under the same.

(5) Index No. IV shall contain the names and additions of all persons executing and of all persons claiming under every document entered in Book No.4.

(6) Each Index shall contain such other particulars, and shall be prepared in such form, as the Inspector-General from time to time directs.

State Amendments-[Goa].-In its application to the State of Goa, in S. 55,-

(a) In sub-Ss (2), for the words "document entered or memorandum filed", substitute "document of which a true copy or a memorandum, is filed";

(b) In sub-Ss (4), for the words "authority entered", substitute "authority of which a true copy is filed";

(c) In sub-Ss (5), for the words "document entered", substitute "document of which a true copy is filed".-Goa Act24of1985, 5.8 (w.e.f. 5-12-1985).

[Gujarat].-Same as that of Maharashtra.-Act 11 of1960, S.87 and Gujarat A.L.O., 1960.

[Karnataka].-Same as that of Kerala.-Karnataka Act 55 of 1976, S. 9 (w.e.f. 24-10-1976).

[Kerala].-In its application to the State of Kerala, in S. 55,-

(i) in sub-Ss (2), for the words "documents entered or memorandum filed", substitute "document of which a true copy or a memorandum is filed";

(ii) In sub-S (4), for the words "authority entered", substitute "authority of which a true copy is filed";

(iii) In sub-S. (5), for the words "document entered", substitute the words "document of which a true copy is filed".-Kerala Act 7 of 1968, 5.10 (w.e.f. 22-2-1968).

[Maharashtra].-In its application to the State of Maharashtra, in S. 55,-

(a) For sub-S (1), substitute the following sub-section, namely,-

"(1) Six such indexes shall be made in all registration offices and shall be named, respectively Index No. I, Index No. I-A, Index No. II, Index No. II-A, Index No. III and Index No. IV";

(b) After sub-S (2), insert the following sub-section, namely,-

"(2-A) Index No. I-A shall contain the names including the father's name, or, in the case of persons usually described by their mother's name, the mother's name, and the places of residence of all persons executing, and of all persons claiming under, the documents of which copies are filed under sub-section (1) or (3) of section 89";

(c) after sub-S (3), insert the following sub-section, namely,-

"(3-A) Index No. II-A shall contain such particulars mentioned in section 21 as the Inspector-General may, from time to time, prescribe in this behalf in regard to every copy filed under sub-section (1) or (3) of section 89";

(d) After the words "and additions" wherever they occur, substitute "including the father's name, or, in the case of persons usually described by their mother's name, the mother's name, and the places of residence".-Bombay Acts 5 of 1929, S.9 (w.e.f. 22-5-1929) read with 35 of 1958, S.2 (w.e.f. 24-4-1958).

[Orissa].-In its application to the State of Orissa, in S. 55,-

(i) sub-S. (2), for the words "document entered or memorandum filed", substitute "document of which a true copy or a memorandum is filed";

(ii) In sub-S (4), for the words "authority entered", substitute "authority of which a true copy is filed"; and

(ii) in sub-S (5), for the words "document entered", substitute "document of which a true copy is filed".--Orissa Act 14 of 1989, 5.9 (w.e.f. 19-9-1989).

[Pondicherry].-With reference to documents specified by Rules made under 5.52(3), as obtaining in Pondicherry, S. 55 shall stand modified as under:-

(i) in sub-S. (2), for the words "every document entered or memorandum filed", substitute "every document of which a true copy, or a memorandum is filed";

(ii) in sub-S (4), for the words "every will and authority entered in Book No.3," substitute "every will and authority of which a true copy is filed in Book No.3";

(iii) in sub-S (5), for the words "documents entered", substitute "document of which a true copy is filed".-Pondicherry Act 17 of 1970, Sch.

[Tripura].-In its application to the State of Tripura, in S. 55,-

(i) in sub-S (2), for the word "entered", substitute "of which a true copy pasted";

(ii) in sub-S (4), for the words and figure "every will and authority entered in Book No.3", substitute "every will and authority of which a true copy is pasted in Book No.3"; (iii) in sub-S (5), for the word "entered", substitute "of which a true copy is pasted".- Tripura Act 7 of 1982, S.9 (w.e.f. 1-1-1983).

[Uttar Pradesh].-In its application to the State of Uttar Pradesh, in S.55, after sub-S (6), insert the following sub-section, namely,-

"(7) Where Book is in electronic form, the indexes made under this section shall also be stored in electronic form in the manner prescribed by rules under section 69".-Uttar Pradesh Act 36 of 2001, S. 13 (w.e.f. 20-5-2002).

[West Bengal].-Same as that of Pondicherry.-West Bengal Act 17 of 1978, S. 7 and Sch.

Section 55-A

State Amendment-[West Bengal].-In its application to the whole of West Bengal, for S. 55-A, which was inserted by the Indian Registration (West Bengal Amendment) Act, 1950 (29 of 1950), S. 3, substitute the following section, namely,-

"55-A. Copies of books and indexes to be as good as original books and indexes in certain cases. Notwithstanding anything contained in any other law for the time being in force, copies of any of the books mentioned in sub-section (1) of section 51, and of any of the indexes mentioned in section 55, relating to documents registered on or before the 14th day of August, 1947, in registration offices situate in districts or sub-districts which as a result of the award of the Boundary Commission appointed under section 3 of the Indian Independence Act, 1947, have fallen partly within West Bengal and partly within East Bengal, shall, on being authenticated in such manner as may be prescribed by the Inspector General, be deemed for the purposes of this Act to have taken the place of, and to be, the original books and indexes from which such copies were made and all references in this Act to books and indexes shall be construed as including references to such copies".-West Bengal Act 31 of 1951, S. 2 (w.e.f. 2-11-1951).

56. Copy of entries in Indexes Nos. I, II and III to be sent by Sub-Registrar to Registrar and filed.-[Repealed by the Indian Registration (Amendment) Act, 1929 (15 of 1929), section 2.]

57. Registering officers to allow inspection of certain books and indexes, and to give certified copies of entries.-(1) Subject to the previous payment of the fees payable in that behalf, the Books Nos. 1 and 2 and the Indexes relating to Book No.1 shall be at all times open to inspection by any person applying to inspect the same; and, subject to the provisions of section 62, copies of entries in such books shall be given to all persons applying for such copies.

(2) Subject to the same provisions, copies of entries in Book No.3 and in the Index relating thereto shall be given to persons executing the documents to which such entries relate, or to their agents, and after the death of the executants (but not before) to any person applying for such copies.

(3) Subject to the same provisions, copies of entries in Book No.4 and in the Index relating thereto shall be given to any person executing or claiming under the documents to which such entries respectively refer, or to his agent or representative.

(4) The requisite search under this section for entries in Books Nos. 3 and 4 shall be made only by the registering officer.

(5) All copies given under this section shall be signed and sealed by the registering officer, and shall be admissible for the purpose of proving the contents of the original documents.

State Amendments-[Gujarat].-Same as that of Maharashtra.-See Act 11 of 1960, S. 87 and Gujarat A.L.O., 1960.

[Maharashtra].-In its application to the State of Maharashtra, in sub-S (1), after the words and figures "Book No.1", insert "and, so long as they are preserved, the copies filed under sub-sections (1) and (3) of section 89 and the indexes relating to such copies". Bombay Act 5 of 1929, S. 10 (w.e.f. 22-5-1929) read with Act 35 of 1958 (w.e.f. 24-4-1958).

[Uttar Pradesh].-In its application to the State of Uttar Pradesh, in S. 57, sub-S (1), for the words "to Book No.1," substitute "to Book No.1, other than those in electronic form," .-Uttar Pradesh Act 36 of 2001, S. 14 (w.e.f. 20-5-2002).

(B) As to the procedure on admitting to registration

58. Particulars to be endorsed on documents admitted to registration.(1) On every document admitted to registration, other than a copy of a decree

or order, or a copy sent to a registering officer under section 89, there shall be endorsed from time to time the following particulars, namely,-

(a) the signature and addition of every person admitting the execution of the document, and, if such execution has been admitted by the representative, assign or agent of any person, the signature and addition of such representative, assign or agent;

(b) the signature and addition of every person examined in reference to such document under any of the provisions of this Act; and

(c) any payment of money or delivery of goods made in the presence of the registering officer in reference to the execution of the document, and any admission of receipt of consideration, in whole or in part, made in his presence in reference to such execution.

(2) If any person admitting the execution of a document refuses to endorse the same, the registering officer shall nevertheless register it, but shall at the same time endorse a note of such refusal.

State Amendments-[Tamil Nadu].-In its application to the State of Tamil Nadu, S. 58,(1) in sub-S (1), after item (a), insert the following item, namely,-

"(aa) in the case of a document for sale of property, the signature and addition of every person admitting the claim under such document, and, if such claim has been admitted by the representative, assign or agent of any person, the signature and addition of such representative, assign or agent;"

(2) in sub-S (2), after the expression "execution of a document", insert "and in the case of a document for sale of property, any person admitting the execution of such document, or any person admitting the claim under that document".- Tamil Nadu Act 28 of 2000, S. 5.

[Uttar Pradesh].-In its application to the State of Uttar Pradesh, in S. 58, sub-S (1), for the words "admitted to registration", substitute "admitted to registration and true copy thereof".-Uttar Pradesh Act 36 of 2001, S. 15 (w.e.f. 20-5-2002).

59. Endorsements to be dated and signed by registering officer.- The registering officer shall affix the date and his signature to all endorsements made under sections 52 and 58, relating to the same document and made in his presence on the same day.

60. Certificate of registration.-(1) After such of the provisions of sections 34,35,58 and 59 as apply to any document presented for registration have been complied with, the registering officer shall endorse thereon a certificate containing the word "registered", together with the number and page of the book in which the document has been copied.

(2) Such certificate shall be signed, sealed and dated by the registering officer, and shall then be admissible for the purpose of proving that the document has been duly registered in manner provided by this Act, and that the facts mentioned in the endorsements referred to in section 59 have occurred as therein mentioned.

State Amendments-[Bihar].-In its application to the State of Bihar, in S. 60, sub-S (1), for the words "together with the number and page of the book in which the document has been copied", substitute "together with reference to the serial number of the duplicate copy and the number of the book in which it is placed".-Bihar Ordinance 7 of 1998, S. 4 (w.e.f. 30-4-1998).

[Goa].-In its application to the State of Goa, in S. 60(1), for the words "the document has been copied", substitute "the true copy of the document has been filed".-Goa Act 24 of 1985, S. 9 (w.e.f. 5-12-1985).

[Gujarat].-Same as that of Maharashtra.-See Act 11 of 1960, S. 87 and Gujarat A.L.O., 1960.

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[Kamataka].-Same as that of *Kerala*.-See Kamataka Act 55 of 1976, S. 10 (w.e.f. 24-10-1976).

[Kerala].-In its application to the State of Kerala, in S.60(1), for the words "the document has been copied", substitute "the true copy of the document has been filed".-Kerala Act 7 of 1968, S. 11 (w.e.f. 22-2-1968).

[Maharashtra].-For modification sub-S (1) of S.60, see sub-S. (3) of S.70-0 in Part XI-A inserted in the main Act by the Indian Registration (Bombay Amendment) Act, 1930 (17 of 1930) (w.e.f. 4-9-1930).

[Orissa].-Same as that of *Kerala*.-See Orissa Act 14 of 1989, S. 10 (w.e.f. 19-9-1989).

[Pondicherry].-In its application to documents specified by Rules framed under S. 52(3) of the Act as obtaining in Pondicherry, S. 60 shall stand modified as under:-

For the words "the document has been copied", substitute "true copy of the document has been filed".-Pondicherry Act 17 of 1970, Sch. (w.e.f. 1-11-1970).

[Tripura].-In its application to the State of Tripura, in S.60, for the words "the document has been copied", substitute "the true copy of the document has been pasted"-Tripura Act 7 of 1982, S. 10 (w.e.f. 1-1-1983).

[Tamil Nadu].-Same as that of *Kerala*.-See Tamil Nadu Act 21 of 1966.

[Uttar Pradesh].-In its application to the State of Uttar Pradesh, in S.60, sub-S (1), for the words "thereon a certificate containing the word 'registered', together with the number and page of the book in which the document has been copied", substitute "thereon and on the true copies thereof, a certificate containing the word 'registered', together with a reference to the number and page of the appropriate Book in which the document or its true copy is to be scanned or kept".-Uttar Pradesh Act 36 of 2001, S.16 (w.e.f. 20-5-2002).

[West Bengal].-Same as that of *Kerala*.-See West Bengal Act 17 of 1978, S. 7 and Sch.

61. Endorsements and certificate to be copied and document returned- (1) The endorsements and certificate referred to and mentioned in sections 59 and 60 shall thereupon be copied into the margin of the Register-book, and the copy of the map or plan (if any) mentioned in section 21 shall be filed in Book No. I.

(2) The registration of the document shall thereupon be deemed complete, and the document shall then be returned to the person who presented the same for registration, or to such other person (if any) as he has nominated in writing in that behalf on the receipt mentioned in section 52.

State Amendments-[Andhra Pradesh].-In its application to the State of Andhra Pradesh, in S.61, after sub-So (1), add the following proviso, namely,-

"Provided that the copying of the items referred to above may be done by using electronic devices like scanner."-Andhra Pradesh Act 16 of 1999, 5.5 (w.e.f. 31-12-1998).

[Goa].-In its application to the State of Goa, for sub-S (1), substitute the following sub-section, namely,-

"(1) The endorsements and certificate referred to and mentioned in sections 59 and 60 shall thereupon be copied into the true copy of the document presented alongwith the document, and the true copy of the map or plan (if any) mentioned in section 21 shall also be filed alongwith the true copy of the document."-Goa Act 24 of 1985, S.10 (w.e.f. 8-12-1985).

[Gujarat].-Same as that of Maharashtra.-Act 11 of 1960, S.87 and Gujarat A.L.O., 1960.

[Kamataka].-In its application to the State of Kamataka, in S. 61,-

(1) For sub-S (1), substitute the following sub-section, namely,-

"(1) The endorsements and certificate referred to and mentioned in sections 59 and 60 shall thereupon be copied into the true copy of the document presented alongwith the document and the true copy of the map or plan (if any) mentioned in section 21 shall also be

filed alongwith the true copy of the document."-Karnataka Act 55 of 1976, S. 11 (w.e.f. 24-10-1976).

(2) In sub-S (2), after the word "returned", insert "in the manner prescribed by rules".-Karnataka Act 41 of 1984, S. 3 (w.e.f. 7-11-1986).

[Kerala].-In its application to the State of Kerala, in S. 61, for sub-S (1), substitute the following sub-section, namely,-

"(1) The endorsements and certificate referred to and mentioned in sections 59 and 60 shall thereupon be copied into the true copy of the document presented alongwith the document and the true copy of the map or plan, if any, mentioned in section 21 shall also be filed alongwith the true copy of the document".-Kerala Act 7 of 1968, S. 12 (w.e.f. 22-2-1968).

[Maharashtra].-For omission of sub-S (1) of S. 60, see sub-S (3) of S. 70-D in Part XI-A inserted in the main Act by the Indian Registration (Bombay Amendment) Act, 1930 (17 of 1930) (w.e.f. 4-9-1930) and Act 11 of 1960, S. 87 (w.e.f. 1-5-1960).

[Orissa].-Same as that of Kerala.-Orissa Act 14 of 1989, S. 11 (w.e.f. 19-9-1989).

[Pondicherry].-In its application to Pondicherry, in relation to documents specified in the Rules framed under S. 52(3), as obtaining in Pondicherry, S. 61 shall stand modified as follows:-

In sub-S (1), for the words "copied into the margin of the register book", substitute "copied into the true copy of the document filed under sub-section (1-B) of section 52".Pondicherry Act 17 of 1970, Sch. (w.e.f. 1-11-1970).

[Tamil Nadu].-Same as that of West Bengal.- Tamil Nadu Act 21 of 1966, S. 6 and Sch. [Tripura].-In its application to the State of Tripura, in sub-S. (1) of S. 61, the words "the margin of" shall be omitted.-Tripura Act 7 of 1982, S. 11 (w.e.f. 1-1-1983).

[Uttar Pradesh].-In its application to the State of Uttar Pradesh, for S. 61, substitute the following section, namely,-

"61. Document, endorsements and certificate to be scanned and document returned.(1) Subject to the provisions of section 62, after the provisions of sections 52, 58, 59 and 60 are compiled with, every document admitted to registration alongwith the map or plan, if any, mentioned in section 21, shall, without unnecessary delay, be scanned and a printout thereof shall be kept permanently in the Book appropriate for the document admitted to registration, according to the order of its admission:

Provided that where Book is not in electronic form or scanning of the document is not possible on the same day, the true copy of the document admitted to registration alongwith the copy of the map or plan, if any, mentioned in section 21 shall be kept in the Book appropriate for the document in the manner aforesaid for being scanned at the earliest opportunity and replaced permanently by a printout thereof:

Provided further that a true copy filed before the commencement of the Registration (Uttar Pradesh Amendment) Act, 2001 and not copied in the Book appropriate therefor, shall be deemed to be a true copy presented under section 32-A and shall be dealt with in accordance with the provisions of this section:

Provided also that if the true copy filed before the commencement of the Registration (Uttar Pradesh Amendment) Act, 2001 is dim or has otherwise become illegible and has not been copied in the Book appropriate therefor, the registering officer shall, with the prior approval of the Registrar, require the party concerned to deliver the document to him for getting its true copy prepared for the purposes of this section and if the party concerned informs him that the document has been lost or destroyed, the true copy available in the registering office shall be dealt with in accordance with the provisions of this section.

(2) The registration of the document shall, thereupon, be deemed complete and the document shall then be returned to the person who presented the same for registration, or to such other person, if any, as he has nominated in writing in that behalf on the receipt mentioned in section 52.

(3) All such books shall be authenticated at such intervals and in such manner as is, from time to time, prescribed by the Inspector-General."-Uttar Pradesh Act 36 of 2001, S. 17 (w.e.f. 20-5-2002).

[West Bengal].-In its application to the State of West Bengal, in sub-S (1) of S. 61, the words "the margin of" shall be omitted.-West Bengal Act 7 of 1989, S. 11 (w.e.f. 1-1-1983).

62. Procedure on presenting document in language unknown to registering officer.-(l) When a document is presented for registration under section 19, the translation shall be transcribed in the register of documents of the nature of the original, and, together with the copy referred to in section 19, shall be filed in the registration office.

(2) The endorsements and certificate respectively mentioned in sections 59 and 60 shall be made on the original, and, for the purpose of making the copies and memoranda required by sections 57, 64, 65 and 66, the translation shall be treated as if it were the original.

State Amendments-[Delhi].-Same as that of *Punjab*.-See G.S.R. 465 of 1965, Gazette of India, 1965, Pt. II, S. 3(i), p. 499.

[Goa].-In its application to the State of Goa, for sub-S (1) of S.62, substitute the following sub-section, namely,-

"(1) when a document is presented for registration under section 19, the translation, together with the true copy of the document shall be filed in the appropriate book."-Goa Act 24 of 1985, S. 6 (w.e.f. 5-12-1985).

[Gujarat].-Same as that of Maharashtra.-Act 11 of 1960, S. 87 and Gujarat A.L.O., 1960. **[Himachal Pradesh].**-Same as that of Punjab.-Himachal Pradesh Act 2 of 1969, S. 6 (w.e.f.1-4-1969).

[Kamataka].-Same as that of Kerala.-Kamataka Act 55 of 1976, S. 12 (w.e.f. 24-10-1976).

[Kerala].-In its application to the State of Kerala, for sub-S (1) of S. 62, substitute the following sub-section, namely,-

"(1) when a document is presented for registration under section 19, the translation together with the true copy of the document shall be filed in the appropriate book." -Kerala Act 7 of 1968, S. 13 (w.e.f. 22-2-1968).

[Maharashtra].-For modifications in sub-S (1) of S. 62, see sub-section (3) of section 70D in Part XI-A inserted in the main Act by the Indian Registration (Bombay Amendment) Act, 1930 (17 of 1930) (w.e.f.4-9-1930) and Act 11 of 1960, S. 87 (w.e.f. 1-5-1960).

[Orissa].-In its application to the State of Orissa, for sub-S. (1) of S. 62, substitute the following sub-section, namely,-

"(1) when a document is presented for registration under section 19, the translation together with the true of the document shall be filed in the appropriate book." -Orissa Act 14 of 1989, S. 12 (w.e.f. 19-9-1989).

[Pondicherry].-In its application to Pondicherry, in relation to documents specified in the Rules framed under S. 52(3), as obtaining in Pondicherry, S. 62 shall stand modified as follows:-
In sub-S (1), substitute the following sub-section namely,-

"(1) When a document is presented for registration under section 19, the translation together with the true copy of the document shall be filed in the appropriate book." Pondicherry Act 17 of 1970, Sch. (w.e.f. 1-11-1970).

[Punjab, Haryana and Chandigarh].-In its application to the States of Punjab and Haryana and Union Territory of Chandigarh, for sub-S (1) of S. 62, substitute the following sub-section, namely,-

S.64]

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"(1) When a document is presented for registration under section 19, a copy of the translation shall be pasted in the register of documents of the nature of the original, and the second copy of the translation, together with the copy referred to in section 19, shall be filed in the registration office."-Punjab Act19 of1961, 5.5 (w.e.f. 4-5-1961); Act31 of1966, 5.88.

[Rajasthan].-In its application to the State of Rajasthan, for sub-S (1) of S. 62, substitute the following sub-section, namely,-

"(1) When a document is presented for registration under section 19, a copy of the translation shall be pasted in the register of documents of the nature of the original, and the second copy of the translation, together with the copy referred to in section 19, shall be filed in the registration office." -Rajasthan Act 11 of1982, S. 6 (w.e.f. 16-7-1982).

[Tripura].-In its application to the State of Tripura, for sub-S (1) of S.62, substitute the following sub-section, namely,-

"(1) When a document is presented for registration under section 19, the true translation together with the true copy referred to in that section shall be pasted in the register of documents of the nature of the original and the second copy of the translation shall be filed with registration office."- Tripura Act 7 of 1982, S. 12 (w.e.f. 1-1-1983).

[Tamil Nadu].-Same as that of Orissa. - Tamil Nadu Act 21 of 1966, S. 6 and Sch.

[Uttar Pradesh].-In its application to the State of Uttar Pradesh, to sub-So (1) of S. 62 (a) an *Explanation* was added by Uttar Pradesh Act 14 of 1971. The *Explanation* has now been omitted by Uttar Pradesh Act 19 of1981, 5.12 (w.r.e.f. 1-8-1981).

(b) for S. 62, substitute the following section, namely,-

"62. *Procedure on presenting document in language unknown to registering officer.*-When a document is presented for registration under section 19, the original document shall be dealt with in accordance with the provisions of sections 52, 58, 59, 60 and 61 and the translation shall also be scanned alongwith the original document and its printout kept alongwith the printout of the original document, and if book is not in electronic form or the scanning is not possible on the same day, the true copy of the translation shall be kept alongwith the true copy of the document in accordance with sub-section (1) of section 61, and for the purposes of making the copies and memoranda required by sections 57, 64, 65 and 66, it shall be treated as if it were the original." -Uttar Pradesh Act 36 of 2001, S. 18 (w.e.f.20-5-2002).

[West Bengal].-Same as that of Orissa.-West Bengal Act 17 of 1978, S. 7 and Sch.

63. Power to administer oaths and record of substance of statements. (1) every registering officer may, at his discretion, administer an oath to any person examined by him under the provisions of this Act.

(2) Every such officer may also at his discretion record a note of the substance of the statement made by each such person, and such statement shall be read over, or (if made in a language with which such person is not acquainted) interpreted to him in a language with which he is acquainted, and, if he admits the correctness of such note, it shall be signed by the registering officer.

(3) Every such note so signed shall be admissible for the purpose of proving that the statements therein recorded were made by the persons and under the circumstances therein stated.

(C) *Special duties of Sub-Registrar*

64. Procedure where document relates to land in several sub-districts. Every Sub-Registrar on registering a non-testamentary document relating to immovable property not wholly situate in his own sub-district shall make a memorandum thereof and of the endorsement and certificate (if any) thereon, and send the same to every other Sub-Registrar subordinate to the same Registrar as himself in whose sub-district any part of such property is situate, and such Sub-Registrar shall file the memorandum in his Book No. 1.

State Amendment-[Uttar Pradesh].-In its application to the State of Uttar Pradesh, in S. 64, for the words "sub-Registrar shall file the memorandum in his Book No.1", substitute "Sub-Registrar shall take similar action on this memorandum, as known (*sic* taken) on a document admitted to registration under sub-section (1) of section 61".-Uttar Pradesh Act 36 of 2001, S. 19 (w.e.f. 20-5-2002).

65. Procedure where document relates to land in several districts.(1) Every Sub-Registrar on registering a non-testamentary document relating to immovable property situate in more districts than one shall also forward a copy thereof and of the endorsement and certificate (if any) thereon, together with a copy of the map or plan (if any) mentioned in section 21, to the Registrar of every district in which any part of such property is situate other than the district in which his own sub-district is situate.

(2) The Registrar on receiving the same shall file in his Book No.1 the copy of the document and the copy of the map or plan (if any), and shall forward a memorandum of the document to each of the Sub-Registrars subordinate to him within whose sub-district any part of such property is situate; and every Sub-Registrar receiving such memorandum shall file it in his Book No. 1.

State Amendment-[Uttar Pradesh].-In its application to the State of Uttar Pradesh, in S. 65, sub-S (2), -

(a) for the words" file in his Book No.1, the copy of the document and the copy of the map or plan, if any", substitute "take a similar action on such copy of the document and the copy of the map or plan, if any, as taken on a document admitted to registration under subsection (1) of section 61";

(b) for the words "file it in his Book No.1", substitute "take a similar action on it as taken by the Registrar under the sub-section".-Uttar Pradesh Act 36 of 2001, S. 20 (w.e.f. 20-5-2002).

(D) *Special duties of Registrar*

66. Procedure after registration of documents relating to land.-(1) On registering any non-testamentary document relating to immovable property, the Registrar shall forward a memorandum of such document to each Sub Registrar subordinate to himself in whose sub-district any part of the property is situate.

(2) The Registrar shall also forward a copy of such document, together with a copy of the map or plan (if any) mentioned in section 21, to every other Registrar in whose district any part of such property is situate.

(3) Such Registrar on receiving any such copy shall file it in his Book No.1, and shall also send a memorandum of the copy to each of the Sub Registrars subordinate to him within whose sub-district any part of the property is situate.

(4) Every Sub-Registrar receiving any memorandum under this section shall file it in his Book No. 1.

State Amendment-[Uttar Pradesh].-In its application to the State of Uttar Pradesh, in S.67,-

(a) in sub-S (3), for the words "file it in his Book No.1", substitute "take a similar action on it as taken on a document admitted to registration under sub-section (1) of section 61";

(b) In sub-S (4), for the words "file it in his Book No. I", substitute "take a similar action on it as taken on a copy received under sub-section (3)".-Uttar Pradesh Act 36 of 2001, S. 21 (w.e.f. 20-5-2002).

⁵¹[* * *]

(E) *Of the controlling powers of Registrar and Inspector General*

68. Power of Registrar to superintend and control Sub-Registrars.(1) Every Sub-Registrar shall perform the duties of his office under the superintendence and control of the Registrar in whose district the office of such Sub-Registrar is situate .

(2) Every Registrar shall have authority to issue (whether on complaint or \ otherwise) any order consistent with this Act which he considers necessary in respect of any act or omission of any Sub-Registrar subordinate to him or in respect of the rectification of any error regarding the book or the office in which any document has been registered.

Sections 68-A and 68-B

State Amendment-[Bihar].-In its application to the State of Bihar, after S.68, insert the following sub-sections, namely,-

"68-A. Prohibition of unlicensed person.-(1) No person who is not licensed as provided under section 68-B, shall engage himself in the profession of document-writer and document drawn-up and signed by a person who does not hold a license shall not be accepted for registration by the registering officers:

Provided that no advocate, pleader or Mukhtar shall be required to have a license under section 68-B.

(2) Nothing in this section shall prohibit an executant of document to draw up a document to be presented for registration or to do any other act for himself for which a licensed document-writer could have been otherwise engaged.

(3) Nothing in this section shall apply to document executed out of India or out of the State of Bihar or to a will or to document scribed by document-writer holding license for one sub-district or one district and presented for registration in another sub-district or another district as the case may be, or to documents executed by or on behalf of the Government or local authorities or other corporate bodies.

68-B. Grant of license to document-writers.-(1) The Registrar of district or any other officer authorized by him in this behalf may grant a license, to be valid in one sub-district or one district in the prescribed form to document-writer or apprentice to document-writer on an application made in this behalf, on such term and conditions as may be prescribed by the Inspector-General of Registration in this behalf after conducting a written test as may be prescribed.

(2) A licence may be granted to any person who has been in the profession of the document-writer for at least ten years prior to the date of the Registration (Bihar Amendment) Ordinance, 1991 came into force, without requiring him to appear in the written test referred to in sub-section (1), if the Registrar of a district or any other officer authorized by him in this behalf is satisfied that he is otherwise fit to take the profession of a document-writer.

51. S. 67 omitted by Act 48 of 2001, S. 8. Prior to its omission, S. 67 read as under:-

"67. Procedure after registration under section 30, sub-section (2).-On any document being registered under section 30, sub-section (2), a copy of such document and of the endorsements and certificate thereon shall be forwarded to every Registrar within whose district any part of the property to which the instrument relates is situate, and the Registrar receiving such copy shall follow the procedure prescribed for him in section 66, sub-section (1)."

(3) A licence granted under sub-sections (1) and (2) shall remain valid till the 31st day of December of the year in which the same was issued and shall be subject to renewal before the expiry of its period of validity on such terms and conditions as may be prescribed.

(4)(a) The licence granted under sub-sections (1) and (2) may, at any time, be suspended or cancelled on the breach of conditions prescribed or for such other reason to be recorded in writing by the Registrar of district or the officer authorized by him, after the document writer has been given sufficient opportunity to show cause against the proposed suspension or cancellation of the licence and after the same has been duly considered.

(b) An appeal shall lie before the Inspector-General of Registration against any order passed under this section.

Explanation.-For the purpose of sections 68-A and 68-B,-

(i) "Document-writer" means and includes one who is engaged in the profession of preparing documents, namely, doing the work of conveyancing, including investigation of titles, preparation of draft deeds and engrossing and transcribing the deed, including copies, if any, for registration, or making searches and inspection under the Act, and

(ii) "Apprentice" means one who assists a document, writer in the preparation of document and transcribes them (including copies, any) to be presented for registration". - Bihar Act 6 Of 1991, S. 5 (w.e.f. 8-8-1991).

69. Power of Inspector General to superintend registration offices and make rules.-(1) The Inspector General shall exercise a general superintendence over all the registration offices in the territories under the ⁵²[State Government], and shall have power from time to time to make rules consistent with this Act-

(a) providing for the safe custody of books, papers and documents ⁵³[* * *];

⁵⁴[(aa) providing the manner in which and the safeguards subject to which the books may be kept in computer floppies or diskettes or in any other electronic form under sub-section (1) of section 16-A;]

(b) declaring what language shall be deemed to be commonly used in each district;

(c) declaring what territorial divisions shall be recognized under section 21;

(d) regulating the amount of fines imposed under sections 25 and 34, respectively;

(e) regulating the exercise of the discretion reposed in the registering officer by section 63;

(f) regulating the form in which registering officers are to make memoranda of documents;

(g) regulating the authentication by Registrars and Sub-Registrars of the books kept in their respective offices under section 51;]

52. Substituted for "Provincial Government" by A.O. 1950.

53. The words " and also for the destruction of such books, paper and documents as need no longer be kept" repealed by Act 15 of 1917, S. 6 and Sch.

54. Inserted by Act 48 of 2001, S. 9.

55[(*gg*) regulating the manner in which the instruments referred to in sub-section (2) of section 88 may be presented for registration;]

(*h*) declaring the particular to be contained in Indexes Nos. 1/ II, III and IV, respectively;

(*i*) declaring the holidays that shall be observed in the registration offices; and

(*j*) generally, regulating the proceedings of the Registrars and Sub Registrars.

(2) The rules so made shall be submitted to the ⁵⁶[State Government] for approval, and, after they have been approved, they shall be published in the 5 [Official Gazette], and on publication shall have effect as if enacted in this Act.

State Amendments-[Andhra Pradesh].-In its application to the State of Andhra Pradesh, in S. 69/ after Cl. (*b*) of sub-S (1) insert the following new clause, namely

"(*bb*) providing for the grant of licences to document-writers, the revocation of such licences, the terms and conditions subject to which and the authority by whom such licences shall be granted, the exemption of any class of document-writers from the licensing provisions and the conditions subject to which such exemption shall be granted and generally for all purposes connected with the writing of documents to be presented for registration. "-Andhra Pradesh Act 5 of 1960, S. 2 (w.e.f. 16-2-1960).

[Bihar].-In its application to the State of Bihar, in S. 69

(*i*) to Cl. (*g*) of sub-S (1) add the following words "and the manner of recopying such books or portions thereof".-Bihar Act 14 of 1947 S. 3 (w.e.f. 21-4-1947)

(*ii*) after Cl. (*h*) of sub-S (1)/ insert the following new clause, namely

"(*hh*) regulating the manner of recopying indexes or portions thereof".-Bihar Act 24 of 1952/ S. 3 (w.e.f. 22-10-1952).

(*iii*) after Cl. (*b*), insert the following new clause, namely

"(*bb*) providing for the grant of licences to document-writers and apprentices to document-writer, the suspension and cancellation of such licences, the terms and conditions under which such licences may be granted and generally for all other purposes connected with the writing of documents to be presented for registration. "-Bihar Act 6 of 1991 S. 6 (w.e.f. 8-8-1991).

(*iv*) After Cl. (*hh*) of sub-S (1) insert the following clause, namely

"(*i*)(*hh-1*) regulating the number and manner in which the true duplicate typed or handwritten copies of documents and translation of documents under section 19 shall be prepared and the books in which they shall be placed on record;

(*ii*)(*hh-2*) regulating the form of declaration and the manners of keeping the records under sub-section (2) of section 32-A" -Bihar Ordinance 7 of 1998, S. 5 (w.e.f. 30-4-1998).

[Delhi].-Same as that of *Punjab*.-See G.S.R. 465 of 1965 Gazette of India, 1965/ Pt. II, S. 3(i), p. 499.

[Gujarat].-Same as that of Maharashtra.-Act 11 of 1960/ S. 87 and Gujarat AL.G., 1960.

55. Inserted by Act 39 of 1948 S. 4.

56. Substituted for "Provincial Government" by AO. 1950.

57. Substituted for "Local Official Gazette" by AO. 1937.

[Himachal Pradesh].-Same as that of Bihar (iii).-Himachal Pradesh Act 2 of 1969, S. 7 (w.e.f.1-4-1969).

[Kamataka].-In its application to the State of Kamataka, in S. 69(1),-

(i) In Cl. (g), after the word and figures "section 51", insert "and the manner of recopying such books or portions thereof",

(ii) after Cl. (i), insert the following clause, namely,-

"(ii) prescribing the manner in which and the terms subject to which persons who write deeds outside the precincts of a registration office, or who frequent the precincts of registration officers, for the purpose of writing documents may be granted licence and prescribing the fees to be paid for such licences."-Kamataka Act 55 of 1976, S. 13 (w.e.f. 23-10-1976).

(iii) after Cl. (j), insert the following clause, namely-

"(k) providing for the manner of return of documents under sub-section (2) of section 61".-Kamataka Act 41 of 1984, S. 4 (w.e.f. 7-11-1986).

[Kerala].-In its application to the State of Kerala, in S. 69, after Cl. (b) of sub-S (1), insert the following clause, namely,-

"(bb) providing for grant of licences to document-writers, the revocation of such licences, the terms and conditions subject to which and the authority by whom such licence shall be granted and generally for all purposes connected with the writing of documents to be presented for registration."-Kerala Act 20 of 1959, S. 3 (w.e.f. 1-6-1960).

Note.-Cl. (bb) inserted in sub-S (1) of S. 69 by the Indian Registration (Travancore-Cochin Amendment) Act, 1952 (Trav.-Co. Act 25 of 1952) is omitted.

[Madhya Pradesh].-*Mahakoshal.*-In its application to the Mahakoshal region of the State of Madhya Pradesh, in S. 69, after Cl. (j) of sub-S (1), insert the following clause, namely,-

"(k) prescribing the manner in which and the terms subject to which persons who write documents for presentation to a registering officer may be granted licences and the fees to be paid for such licences". -Madhya Pradesh Act 8 of 1955, S. 2 (w.e.f. 18-4-1955).

[Maharashtra].-In its application to the State of Maharashtra, in S. 69,-

(i) to Cl. (g) of sub-S. (1), add "and the manner of recopying such books or portions thereof".-Bombay Act 24 of 1938, S. 4 (w.e.f. 8-2-1939) read with 35 of 1958, S. 2 (w.e.f. 24-4-1958).

(ii) after Cl. (gg) of sub-S (1), insert the following clause, namely,-

"(ggg) regulating the procedure for transmitting documents for being photographed and the serial numbering, binding and preservation of the photographic prints and negatives, the manner of fixing the signature and seal of the Photo-Registrar at the end of a length of film, and the procedure generally in the Government Photo Registry."-Bombay Act 35 of 1958, S. 2 (w.e.f. 24-4-1958).

(iii) in Cl. (h) of sub-S (1) after the figures "I" and "II", insert the figures "I-A" and "II-A", respectively.-Bombay Act 5 of 1929, S. 11 (w.e.f. 25-5-1929) read with 35 of 1958, S. 2 (w.e.f. 24-4-1958).

Note.-As all the above amendments extend to and are in force in the whole State of Maharashtra including its Vidarbha region, Cl. (k) inserted in sub-section (1) of section 69 by M.P. Act 8 of 1955 is, so far as it applied to the Vidarbha region, repealed by Bombay Act 35 of 1958, S. 3 (w.e.f. 24-4-1958).

[Manipur].-In its application to the State of Manipur, in S. 69, after Cl. (b), insert the following clause, namely,-

"(bb) providing for the grant of licences to document-writers, the revocation of such licences, the terms and conditions subject to which and the authority by whom such licences shall be granted, and generally for all purposes connected with the writing of documents to

be presented for registration including the rates of fees to be charged by the licensed deed writers for writing out deeds, petitions, etc."-Manipur Act 5 of 1975, S.2 (yet to be enforced).

[Orissa].-In its application to the State of Orissa, in S. 69(1), after Cl. (b) insert the following clause, namely,-

"(bb) providing for the grant of licences to document-writers, the revocation of such licences, the terms and conditions subject to which and the authority by whom such licences shall be granted, the exemption of any class of document-writers from the licensing provisions and the conditions subject to which such exemption shall be granted and generally for all purposes connected within the writing of documents to be presented for registration."-Orissa Act 11 of 1976, S. 2 (w.e.f. 13-4-1976).

[Pondichery] In its application to the Union Territory of Pondicherry, in S. 69(1), after Cl. (b), insert the following clause, namely,-

"(bb) providing for the grant and renewal of licences to document-writers, the revocation of such licences, the terms and conditions subject to which and the authority by which such licences shall be granted or renewed or revoked, the penalties for breaches of the terms and conditions of such licence, the scale of fees to be charged by document-writers, the exemption of any class of document-writers from the licensing provisions, the conditions subject to which such exemption may be granted, and generally for all purposes connected with the writing of documents to be presented for registration."-Pondicherry Regulation 2 of 1977, S. 2 (w.e.f. 1-4-1977).

[Punjab, Haryana and Chandigarh].-In its application to the States of Punjab and Haryana and Union Territory of Chandigarh, in sub-S (1) of S. 69, after Cl. (b), insert the following clause, namely,-

"(bb) declaring what persons shall be permitted to act as document-writers in the offices of registering officers, regulating the issue of licences to such persons, the conduct of business by them, the scale of fees to be charged by them and determining the authority by whom breaches of such rules shall be investigated and the penalties which may be imposed."-Punjab Act 19 of 1961, S.6 (w.e.f. 4-5-1961); Act 31 of 1966, S.88 (w.e.f. 1-11-1966).

[Rajasthan].-In its application to the State of Rajasthan, in S 69,(i) after Cl. (b) of sub-S (1), insert the following clause, namely,-

;(bb) providing for grant of licences to document-writers, the revocation of such licences, the terms and conditions subject to which and the authority by whom such licence shall be granted and generally for all purposes connected with the writing of documents to be presented for registration."-Rajasthan Act 18 of 1953, S. 2 (w.e.f. 10-10-1953) read with Act 27 of 1957, S. 3.

(ii) after Cl. (d), insert the following clauses, namely,"(dd) providing for recovery of deficit registration fee;

(ddd) providing for refund of registration fee paid in excess" .-Rajasthan Act 11 of 1982, S. 7 (w.e.f. 16-6-1982)

(iii) after sub-S (2), insert the following sub-section, namely,-

"(3) The Inspector-General shall have power to issue any order consistent with this Act which he considers necessary in respect of any act or omission of any person subordinate to him or in respect of rectification of any error regarding the book or the office in which any document has been registered."-Rajasthan Act 18 of 1989, S. 6 (w.e.f. 18-9-1989).

[Tripura].-In its application to the State of Tripura, in S. 69(1), after Cl. (b), insert the following clause, namely,-

"(bb) providing for the grant and renewal of licences to document-writers, the revocation of licences granted to such writers and generally for all purposes connected with

The writing of the documents and with the writing of the true copies of the documents to be presented for registration." - Tripura Act 7 of 1982, S. 13 (w.e.f. 1-1-1983).

[Uttar Pradesh].-In its application to the State of Uttar Pradesh, in S. 69(1),(i) after Cl. (h), insert the following new clauses, namely,-

"(hh) regulating the manner in which translations to be delivered under S. 19 shall be prepared and in which they shall be declared to be faithful translations;

(hhh) providing for the grant of licences to document-writers, the suspension or revocation of such licences, the terms and conditions subject to which and the authority by whom such licences shall be granted, suspended or revoked, and generally for all purposes connected with the drafting or writing by such document-writers of documents to be presented for registration;

(hhhh) regulating the manner of recopying the books kept under section 51 and the Indexes;"-Uttar Pradesh Act 14 of 1971, S. 5 (w.e.f. 25-5-1971), as amended by Act 19 of 1981, S. 13.

(ii) after Cl. (d), insert the following new clauses, namely, "(dd) providing for refund of registration fees paid in excess;

(ddd) providing for recovery of deficiency in registration fees;"-Uttar Pradesh Act 48 of 1975, S. 3 (W.e.f. 1-11-1975).

(iii) after Cl. (hh), insert the following new clauses, namely,-

"(hh-1) regulating the number and manner in which print outs or true copies of documents and of translation shall be prepared and the Books in which they shall be kept for record;

(hh-2) regulating the form of declaration and the manner of comparison and verification of the true copies;

(hh-3) regulating the manner in which and safeguards subject to which the Books may be kept in electronic form."-Uttar Pradesh Act 36 of 2001, S. 22 (w.e.f. 20-5-2002).

Section 69-A

State Amendment-[Uttar Pradesh].-In its application to the State of Uttar Pradesh, after S. 69, insert the following section, namely,-

"69-A. *Power of Inspector-General to prescribe standard formats.*-Notwithstanding anything contained in any other provisions of this Act, the Inspector-General of Registration shall, with the prior approval of the State Government, prepare and circulate standard formats of various kinds of documents for the guidance of the general public, which may be used with or without modifications.

Explanation.-Use of a standard format prepared and circulated under this section shall not be a prelude to omit the descriptions of the property required under sections 21 and 22."-Uttar Pradesh Act 36 of 2001, S. 23 (w.e.f. 20-5-2002).

70. Power of Inspector General to remit fines.- The Inspector General may also, in the exercise of his discretion, remit wholly or in part the difference between any fine levied under section 25 or section 34, and the amount of the proper registration fee.

State Amendments-[Andhra Pradesh].-In its application to the State of Andhra Pradesh, after Part XI, insert the following Part XI-A, namely,-

"PART XI-A

REGISTRATION OF DOCUMENTS BY MEANS OF ELECTRONIC DEVICES

70-A. *Application of this Part.*- This part shall apply to the areas only in respect of which a notification is issued by the Government of Andhra Pradesh under section 70-B.

70-B. Documents scanned by electronic devices in areas notified by the Government.-(1) The Government of Andhra Pradesh may, by notification, in the Official Gazette, direct that in any office as may be specified therein, the process of registration of any category or categories of documents may be completed and copying done with the help of the electronic devices like computers, scanners and the compact disks on copies preserved on such devices and retrieved when required.

(2) Notwithstanding anything in this Act or any other law for the time being in force, a copy of any document registered and scanned using the electronic devices and certified or attested by the registering officer in charge of the office shall also be received in evidence of any transaction as is described in the said document.

70-C Saving.-Nothing in this Part shall apply,-

(i) to any document which in the opinion of registering officer is not in a condition fit to be processed by means of electronic devices;

(ii) In the case of unforeseen eventuality like break down of the computerized system of registration:

Provided that the registering officer shall record the reasons in writing therefor:

Provided further that the registering officer shall ensure that the data and images of the documents registered during the period of non-application of this Part, due to a break down of the computerized system, are duly incorporated into the computer system, after the same is restored, in the manner prescribed by the Inspector General of Registration." -A.P. Act 16 of 1999, S. 6 (w.e.f. 31-12-1998).

[Gujarat].-Same as that of Maharashtra. Act 11 of 1960, S. 87 and Gujarat A.L.O., 1960.

[Karnataka].-In its application to the State of Karnataka, after Part XI, insert the following Part XI-A, namely,-

"PART XI-A

REGISTRATION OF DOCUMENTS BY MEANS OF ELECTRONIC OR OTHER DEVICES

70-A. Application of this part.- This part shall apply only to the areas in respect of which a notification is issued by the State Government under section 70-C.

70-B. Definition.-In this part, "Process of Registration of documents by means of electronic or other devices" shall mean and include scanning and preservation of documents with the help of computers, scanners, compact disks, printers, microfilming and any other device used for the purpose of storage and retrieval when required.

70-C Process of registration of documents by means of electronic or other device in the areas notified by the State Government.-(1) The State Government may by notification direct that to any District or Sub-District specified in this behalf process of registration by means of electronic or other device shall be applicable and the documents admitted for registration under this Act may be scanned or microfilmed and their images stored and preserved with the help of electronic or any other device.

(2) On the issue of such notification, it shall be pasted in a conspicuous place at each registration offices affected by the notification.

70-D. Application of Act to areas notified under section 70-C.-In any District or Sub-Districts in respect of which notification has been issued under section 70-C, the following provisions of the principal Act shall, for the purpose of this part be subject to the following modifications, namely,-

(a) in clause (2) of section 2, the words " and the information, storage devices like floppy disk, hard disk or compact disk etc., microfilm or any other media" shall be inserted at the end;

(b) In section 16, for sub-section (1), the following shall be substituted, namely,-

"(1) The State Government shall provide for the office of Registering Officer the books and the information, or image processing and storage devices like microfilming unit or computer and scanners along with the software prescribed by the Inspector General from time to time necessary for the purpose of this Act";

(c) in section 51, in sub-section (1), for the words "The following books", the words, figures and brackets "The following books and the information or storage devices as specified in sub-section (1) of section 16" shall be substituted;

(d) in clause (c) of sub-section (1) of section 52, after the words "book appropriate therefor", the words "or stored in the electronic or other storage device" shall be inserted;

(e) In section 54, after the word "copied" the words "or stored in the electronic or other storage device" shall be inserted;

f) in sub-section (1) of section 60, after the word "copied", the words "or where the document is stored in an electronic or other device the certificate shall contain the word "Registered" with Document No., Year, Book No. and Date" shall be inserted;

(g) In section 61, -

(i) In the heading, after the word "copied" the words "or stored in the electronic or other storage device" shall be inserted;

(ii) after sub-section (1), the following shall be inserted, namely:-

"Provided that, where the process of registration is done by using electronic or other devices, such endorsements and certificate shall also be stored with it along with the copy of the map or plan:

Provided further that, the Registering Officer shall after the storage for preservation of the document shall also endorse thereon on the original, the reference to the serial No. of the file, pages and compact disk or any other storage device, as the case may be, where such document is preserved";

(h) after clause (k) of sub-section (1) of section 69, the following shall be inserted, namely,-

"(1) regulating the process of registration referred to in sub-section (1) of section 70C by using electronic or other devices like microfilming unit, computers, scanners, floppies, hard disks, compact disks and printers including storage, retrieval and preservation and also the manner in which documents are indexed and certified copies, encumbrance certificate issued";

(i) in section 89, in sub-sections (1), (2), (3) and (4), the following shall be inserted at the end, namely,-

"or shall get the same scanned, stored and preserved on the electronic or other device, as the case may be".

70-E. Evidentiary value of copy of certain documents registered through the process of registration by means of electronic or other devices or by other methods.-Notwithstanding anything contained in this Act or any other law for the time being in force, a copy of any document registered through the process of registration by means of electronic or other devices or by any other method and certified or attested by the Registering Officer in charge of the office shall also be received in evidence of any transaction as is described in the said document.

70-F. Saving.-Nothing in this part shall apply,-

(1) to any document which in the opinion of the Registering Officer is not in a condition fit to be processed by means of electronic or other devices;

(2) in the case of unforeseen eventuality like breakdown of the electronic or other devices of registration:

Provided that the Registering Officer shall record in writing the reasons therefor:

Provided further that the Registering Officer shall ensure that the data and images of the documents registered during the period of non-application of this part due to a breakdown of electronic or other device are duly incorporated into the system, after the same is restored in the manner specified in the rules by the Inspector General of Registration.

70-G. Powers of the State Government under this Chapter.-Where for any reason, the State Government is satisfied that, the process of registration by means of electronic or other device is not possible in respect of all documents in any office to which this chapter applies, may direct by notification published in the Official Gazette to copy such documents in the books kept in the office and in accordance with the rules made for this purpose."-Karnataka Act 32 of 2001, S. 4.

[**Maharashtra**].-In its application to the State of Maharashtra, after Part XI of the main Act, insert the following Part XI-A, namely,-

"PARTXI-A
OF THE COPYING OF DOCUMENTS BY MEANS OF PHOTOGRAPHY

70-A. Application of this Part.- This Part apply to the areas only in respect of which a notification is issued by the Provincial Government under section 70-C.

70-B. Definitions.-In this Part-

(1) "Government Photo Registry" means the office where documents are photographed under the provisions of this Part.

(2) "Manager, Government Photo Registry" means the person in charge of the Government Photo Registry.

(3) "Photo Registrar" means any person appointed by the Provincial Government to perform the duties of Photo Registrar under this Part.

70-C. Documents may be photographed in areas notified by State Government.-(1) The State Government may, by notification in the Official Gazette, direct that in any district or sub district specified in the notification copies of documents admitted to registration under this Act shall be made by means of photography.

(2) On the issue of such notification it shall be translated into the vernacular of the district and shall be pasted in a conspicuous place at the registration offices affected by the notification.

70-D. Application of Act to areas notified under section 70-C.-(1) In any district or sub district in respect of which a notification has been issued under section 70-C the provisions of this Act shall, for the purposes of this Part, be subject to the following modifications, namely,-

(1)(a) Every document admitted to registration under section 35 or section 41 shall be carefully marked with an identification stamp and the serial number of the document on every page.

(b) It shall then be transmitted by the registering officer to the Manager, Government Photo Registry who shall cause, each side of each page of such document together with all stamps, endorsements, seals, signatures, thumb-impressions and certificates appearing thereon to be photographed without subtraction or alteration. He may for this purpose cut or untie, without breaking any seals, the thread or ribbon wherewith the pages of the document are sewn together in order to separate the pages of the document and, as soon as the document has been photographed he shall rebind the document as before and if he has cut the thread or ribbon shall seal it over the joint with his seal:

Provided that before transmission of the document to the Manager, Government Photo Registry, the party presenting the document may require the registering officer to have it copied by hand under section 52 on payment of an additional copying fee.

(c) There shall then be prepared and preserved the negative and at least one photographic print and to each such negative and print the Photo Registrar shall fix his signature and seal in token of the exact correspondence of the copy to the original document, as admitted for registration:

Provided that when more than one such negative is recorded on one length of film and the Photo Registrar has affixed his signature and seal at the end of such length of film certifying in the manner prescribed by rules made in this behalf, the exact correspondence of all copies on such length of film with the original documents, the Photo Registrar shall be deemed to have affixed his signature and seal to each such negative on such length of film:

Provided further that in case of documents containing plans or maps, the negatives of such plans and maps, may be prepared on paper instead of on films and where the negatives are so prepared, the Photo Registrar shall fix his signature and seal separately to each such negative and print of such plan or map in token of the exact correspondence of the copy to the original map or plan contained in the document as admitted for registration.

(d) One set of such prints arranged in the order of their serial numbers shall be made up into books and sewn or bound together. To each such book the Registrar or Sub Registrar shall prefix a certificate of the serial numbers it contains, and the books shall then be preserved in the records of the Sub-Registrar. The negatives shall be preserved in such suitable place as the Inspector-General may prescribe:

Provided that prints of plans or maps contained in documents may either be bound with the prints of such documents or filed separately in such manner as the Inspector-General may direct.

(2) All words and expressions used in the Act with reference to the making of copies of documents by hand or the entering or filing of documents or memorandum in book provided under section 16 shall, so far as may be necessary, be construed as referring to the making of such copies by means of photography or the entering or filing of documents or memoranda in books made up of copies prepared by means of photography.

(3) Where this Part applies the sections mentioned below shall be deemed to be modified as follows:-

- (a) In section 19, the words "and also by a true copy" shall be omitted;
- (aa) sub-section (2) of section 20 shall be omitted;
- (b) Sub-section (4) of section 21 shall be omitted;
- (c) the words "according to the order of its admission" occurring in clause (c) of sub-section (1) of section 52 shall be omitted;
- (d) section 53 shall be omitted;
- (e) In sub-section (1) of section 60, the words "and page" shall be omitted;
- (f) sub-section (1) of section 61 shall be omitted;
- (g) In sub-section (1) of section 62,-
 - (i) for the words "transcribed", the word "copied" shall be substituted; and
 - (ii) For the words and figures "copy referred to in section 19, the words

"Photograph of the original" shall be substituted.

70-E. Saving.-(1) Nothing in this Part shall apply to any document which is prepared on a printed or lithographed form or which in the opinion of the registering officer is not in a fit condition to be photographed.

(2) Notwithstanding anything contained in this Part, in the case of any document containing a map, plan or trade mark label, if the party presenting the document so desires, the registering officer may accept true copies of such map, plan or trade mark label and

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where such true copies are accepted, the map, plan or trade mark label shall not be photographed and such copies thereof shall be filed in the appropriate *book.*"-Bombay Act 17 of 1930, S. 3 (w.e.f. 4-9-1930), Act 18 of 1933, Act 24 of 1938 read with Act 35 of 1958, S. 2 (w.e.f. 24-4-1958).

PART XII
OF REFUSAL TO REGISTER

71. Reasons for refusal to register to be recorded.-(1) Every Sub-Registrar refusing to register a document, except on the ground that the property to which it relates is not situate within his sub-district, shall make an order of refusal and record his reasons for such order in his Book No.2, and endorse the words "registration refused" on the document; and, on application made by any person executing or claiming under the document, shall, without payment and unnecessary delay, give him a copy of the reasons so recorded.

(2) No registering officer shall accept for registration a document so endorsed unless and until, under the provisions hereinafter contained, the document is directed to be registered.

72. Appeal to Registrar from orders of Sub-Registrar refusing registration on ground other than denial of execution.-(1) Except where the refusal is made on the ground of denial of execution, an appeal shall lie against an order of a Sub-Registrar refusing to admit a document to registration (whether the registration of such document is compulsory or optional) to the Registrar to whom such Sub registrar is subordinate, if presented to such Registrar within thirty day~ the date of the order; and the Registrar may reverse or alter such order.

(2) If the order of the Registrar directs the document to be registered and the document is duly presented for registration within thirty days after the making of such order, the Sub-Registrar shall obey the same, and thereupon shall, so far as may be practicable, follow the procedure prescribed in sections 58, 59 and 60; and such registration shall take effect as if the document had been registered when it was first duly presented for registration.

73. Application to Registrar where Sub-Registrar refuses to register on ground of denial of execution.-(1) When a Sub-Registrar has refused to register a document on the ground that any person by whom it purports to be executed, or his representative or assign, denies its execution, any person claiming under such document, or his representative, assign or agent authorized as aforesaid, may, within thirty days after the making of the order of refusal, apply to the Registrar to whom such Sub-Registrar is subordinate in order to establish his right to have the document registered.

(2) Such application shall be in writing and shall be accompanied by a copy of the reasons recorded under section 71, and the statements in the application shall be verified by the applicant in manner required by law for the verification of plaints.

74. Procedure of Registrar on such application.-In such case, and also where such denial as aforesaid is made before a Registrar in respect of a document presented for registration to him, the Registrar shall, as soon as conveniently may be, enquire-

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(a) whether the document has been executed;

(b) whether the requirements of the law for the time being in force have been complied with on the part of the applicant or person presenting the document for registration, as the case may be, so as to entitle the document to registration.

75. Order by Registrar to register and procedure thereon.-(1) If the Registrar finds that the document has been executed and that the said requirements have been complied with, he shall order the document to be registered.

(2) If the document is duly presented for registration within thirty days after the making of such order, the registering officer shall obey the same and thereupon shall, so far as may be practicable, follow the procedure prescribed in sections 58, 59 and 60.

(3) Such registration shall take effect as if the document had been registered when it was first duly presented for registration.

(4) The Registrar may, for the purpose of any enquiry under section 74, summon and enforce the attendance of witnesses and compel them to give evidence as if he were a civil Court, and he may also direct by whom the whole or any part of the costs of any such enquiry shall be paid, and such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure, 1908.

76. Order of refusal by Registrar.-(1) Every Registrar refusing-

(a) to register a document except on the ground that the property to which it relates is not situate within his district or that the document ought to be registered in the office of a Sub-Registrar, or

(b) to direct the registration of a document under section 72 or section 75,

shall make an order of refusal and record the reasons for such order in his Book No.2, and, on application made by any person executing or claiming under the document, shall, without unnecessary delay, give him a copy of the reasons so recorded.

(2) No appeal lies from any order by a Registrar under this section or section 72.

77. Suit in case of order of refusal by Registrar.-(1) Where the Registrar refuses to order the document to be registered, under section 72 or section 76, any person claiming under such document, or his representative, assign or agent, may, within thirty days after the making of the order of refusal, institute in the civil Court, within the local limits of whose original jurisdiction is situate the office in which the document is sought to be registered, a suit for a decree directing the document to be registered in such office if it be duly presented for registration within thirty days after the passing of such decree.

(2) The provisions contained in sub-sections (2) and (3) of section 75 shall, *mutatis mutandis*, apply to all documents presented for registration in accordance with any such decree, and, notwithstanding anything contained in this Act, the document shall be receivable in evidence in such suit.

COMMENTS

The analysis of the provisions of S. 77 would indicate that it would apply only if a matter is pertaining to registration of a document and not for a comprehensive suit where the relief prayed for is directing the defendant to register the sale deed, in favour of the plaintiff in respect of the plaint schedule property and if he so fails to get a registration in favour of the plaintiff for permanent injunction or in the alternative for delivery of possession of the plaint schedule mentioned property. The document had not been presented by the respondent to the Sub-Registrar at all for registration although the sale deed was stated to have been executed by the appellant as he refused to co-operate with him in that regard. Therefore, various stages contemplated under S. 77 of the Act had not arisen in the present case at all. In such a case when the vendor declined to appear before the Sub-Registrar, the situation contemplated under S. 77 of the Act would not arise. It was only on presentation of a document the other circumstances would arise. There was an agreement to transfer the immovable property in the suit by the defendant to the plaintiff on the terms stated in the sale deed. Such an agreement to sell the immovable property in suit could be specifically enforced under the provisions of the Specific Relief Act. Therefore, the First Appellate Court was of the opinion that the plaintiff was alternatively entitled to base his claim of specific performance on the pleaded oral agreement to sell and, inasmuch as there are further relief sought for, it was a comprehensive suit including a relief for specific performance of a contract contained in the sale deed executed, but not registered and, therefore, held that such relief for specific performance could be granted: *Kalavakurti Venkata Subbaiah v. Bala Gurappagari Gurvvii Reddy* A.I.R. 1999 S.c. 2958: (1999) 7S.C.C. 114: J.T. (1999) 5 S.c. 389.

PART XIII**OF THE FEES FOR REGISTRATION, SEARCHES AND COPIES**

78. Fees to be fixed by State Government.⁵⁸[* * *] The 59[State Government] shall prepare a table of fees payable-

- (a) for the registration of documents;
 - (b) for searching the registers;
 - (c) for making or granting copies of reasons, entries or documents, before, on or after registration;
- and of extra or additional fees payable-
- (d) for every registration under section 30; (e) for the issue of commissions;
 - (f) for filing translations;
 - (g) for attending at private residences;
 - (h) for the safe custody and return of documents; and
 - (i) for such other matters as appear to the Government necessary to effect the purposes of this Act.

State Amendments-[Kerala].-In its application to the State of Kerala, renumber S . 78 as sub-So (1) thereof and after sub-S (1) as so renumbered, insert the following as sub-So (2), namely,-

- 58. The words "Subject to the Control of G.G. in c." omitted by Act 38 of 1920, S. 2 and Sch. I.
- 59. Substituted for "Provincial Government" by A.O. 1950 .

"(2) The State Government may, if in their opinion it is necessary in the public interest so to do, by order published in the Official Gazette, remit the fees payable in respect of any of the matters enumerated in clauses (a) to (i) of sub-section (1), either generally or for any particular class or classes of cases and in respect of persons generally or of any particular class or classes of persons."- Kerala Act 7 of 1968, S. 14 (w.e.f. 22-2-1968).

[Pondicherry].-In its application to the Union Territory of Pondicherry, renumber S. 78 as sub-S (1) thereof and after sub-S (1) as so renumbered, insert the following as sub-5. (2), namely,-

"(2) The State Government, if it is of opinion that there are reasonable grounds for doing so, may, by order published in the Official Gazette, remit in the whole or any part of the Union Territory of Pondicherry, any fee or fees payable in respect of any matter or matters enumerated in clauses (a) to (i) of sub-section (1), either generally or for any particular class or classes of cases and in respect of persons generally or of any particular class or classes of persons."-Regulation 2 of 1977, S. 3 (w.e.f. 1-4-1977).

[Rajasthan].-In its application to the State of Rajasthan, renumber S. 78 as sub-S (1) thereof and after sub-S (1) as so renumbered, insert the following as sub-S (2), namely,-

"(2) The State Government may, if in its opinion it is necessary in the public interest so to do, by order published in the Official Gazette, remit or reduce the fees payable in respect of any of the matters enumerated in clauses (a) to (j) of sub-section (1), either generally or for any particular class or classes of cases and in respect of persons generally or of any particular class or classes of persons."-Rajasthan Act 16 of 1976, S. 4 (w.e.f. 3-2-1976).

[West Bengal].-In its application to the whole of West Bengal, renumber S. 78 as sub. (1) thereof and after sub-5. (1) as so renumbered, insert the following as sub-S (2), namely,-

"(2) The State Government, if it is of opinion that there are reasonable grounds for doing so, may, by order published in the Official Gazette, remit in the whole or any part of West Bengal any fee or fees in respect of any matter or matters enumerated in clauses (a) to (j) of sub-section (1), either generally or for any particular class or classes of cases and in respect of persons generally or of any particular class or classes of persons."-West Bengal Act 8 of 1956, S. 3 (w.e.f. 27-1-1956).

Section 78-A

State Amendments-[Goa].-In its application to the State of Goa, after S. 78, insert the following new section, namely,-

"78-A. Power to reduce or remit fees.-If the Government of Goa, Daman and Diu is satisfied that it is necessary in the public interest so to do, it may, by notification in the Official Gazette, reduce or remit, whether prospectively or retrospectively, in the whole or any part of the territory, any fee or fees payable in respect of any of the matters enumerated in clauses (a) to (i) of section 78, either generally or for any particular class or classes of cases and in respect of persons generally or of any particular class or classes of persons." -Goa Act 14 of 1985, S. 2 (w.e.f. 27-6-1985).

[Tamil Nadu].-In its application to the State of Tamil Nadu, after S. 78, added the following new section, namely,-

"78-A. Power to reduce or remit fees.- The State Government may, if in their opinion it is necessary in the public interest so to do, by order published in the Tamil Nadu Government Gazette, reduce or remit, whether prospectively or retrospectively, the fees payable in respect of any of the matters enumerated in clauses (a) to (i) of section 78, either generally or for any particular class of cases and in respect of any person or class of persons."-Tamil Nadu Act 1 of 1998, S. 2 (w.e.f. 2-3-1998).

[Orissa].-In its application to the State of Orissa, after S. 78, insert the following new section, namely,-

"78-A. Power to remit fees.- The State Government, if it is of the opinion that any instrument which involves donation of property for public charitable purpose, or involves exchange of land on the initiative of the State Government in the public interest, may, by

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order published in the Gazette, remit the fees payable in respect of any such instrument."- Orissa Act 8 of 2002, S. 7 (w.e.f. 24-5-2002).

[Uttar Pradesh].-In its application to the State of Uttar Pradesh, after S. 78, insert the following new section, namely,-

"78-A. Power to reduce or remit fees.- The State Government may by rule or order published in the Official Gazette, reduce or remit, whether prospectively or retrospectively, in the whole or any part of the territories under its administration, the fees chargeable in respect of any instrument or class of instruments, or in respect of any class of instruments when executed by or in favour of the State Government or any person or class of persons."- Uttar Pradesh Act 48 of 1975, S. 4 (w.e.f. 1-11-1975).

Section 78-B

[Uttar Pradesh].-In its application to the State of Uttar Pradesh, after S. 78-A, insert the following new section, namely,-

"78-B. Payment of registration fees in the form of adhesive labels and allowance thereof.(1) The fee for the registration of a document may be charged in the form of adhesive labels for which the Inspector-General of Registration may, with the prior approval of the State Government, make rules to regulate supply and sale thereof, the persons by whom alone such sale is to be conducted and the duties and remuneration of and the fees chargeable from such persons.

(2) The District Registrar may, on an application of a person, make allowance for the spoiled, misused or unused adhesive labels purchased for the registration of a document in accordance with the rules made by the Inspector-General of Registration with the prior approval of the State Government".-Uttar Pradesh Act 36 of 2001, S. 24 (w.e.f. 20-5-2002).

COMMENT

The Notification dated 14-4-1969 issued by State Government of Himachal Pradesh prescribing registration fee on graduated form on basis of value of subject-matter of instrument is in accordance with the spirit of S. 78 of the Registration Act and is valid in law, particularly when there was no material on record to show that the overall amount received by the State Government by way of fee from the Registration Department far exceeds the overall expenditure incurred in maintaining the said Department. The notification issued by the State Government could not be struck down merely by taking into consideration the registration fee paid by the plaintiff's and quantification of the value of services rendered to them: *State of Himachal Pradesh V. Shivalik Agro Poly Products* A.I.R. 2004 S.c. 4393.

79. Publication of fees.-A table of the fees so payable shall be published in the Official Gazette and a copy thereof in English and the vernacular language of the district shall be exposed to public view in every registration office.

80. Fees payable on presentation.-All fees for the registration of documents under this Act shall be payable on the presentation of such documents.

Sections 80-A and 80-B

State Amendments-[Andhra Pradesh].-In its application to the State of Andhra Pradesh, after S. 80, insert the following new section, namely,-

"80-A. Recovery of deficit registration fees.-(1) Notwithstanding anything contained in section 80, if after the registration of document, it is found that the fee payable under this Act in relation to that document has not been paid or has been insufficiently paid, such fee or the deficit in the fee paid, as the case may be, may, on a certificate of the registering officer be recovered from the person who presented such document for registration under section 32, as an arrear of a land revenue:

Provided that no such certificate shall be granted unless due inquiry is made and such person is given an opportunity of being heard:

Provided further that no such enquiry shall be commenced after the expiry of such period, after the date of the registration of the document, as may be prescribed.

(2) The certificate of the registering officer under sub-section (1) shall, subject to appeal under sub-section (3), be final and shall not be called in question in any Court or before any authority.

(3) Any person aggrieved by a certificate of the registering officer under sub-section (1) may appeal to the Registrar if it is a certificate of the Sub-Registrar, or to the Inspector General of Registration if it is a certificate of the Registrar. All such appeals shall be preferred within such time and shall be heard and disposed of in such manner, as may be prescribed.

(4) The Government or the Inspector General of Registration and Stamps may write off the irrecoverable arrears of deficit registration fee subject to such conditions as may be prescribed."-Andhra Pradesh Act 40 of 1999,S. 7 (w.e.f.I-4-1999).

[Gujarat].-In its application to the State of Gujarat, after S. 80, insert the following new section, namely,-

"80-A. Recovery of deficit amount or registration fee as arrear of land revenue and provision for refund.-(1) If, on inspection or otherwise, it is found that the fee payable under this Act in relation to any document which is registered has not been paid or has been insufficiently paid, such fee may (after failure to pay the same on demand within the period specified therein), on a certificate of the Inspector-General of Registration, be recovered from the person who presented such document for registration under section 32 as an arrear of land revenue. The certificate of the Inspector-General of Registration shall be final and shall not be called in question in any Court or before any authority:

Provided that no such certificate shall be granted unless due inquiry is made and such person is given an opportunity of being heard.

(2) Where the Inspector-General of Registration finds that the amount of fee in excess of that which is legally chargeable, has been charged and paid under the provisions of this Act, he may upon an application in writing or otherwise, refund the excess. "-Gujarat Act 18 of 1990, S. 4 (w.e.f.19-11-1990).

[Haryana].-In its application to the State of Haryana, after S. 80 insert the following new section, namely,-

"80-A. Deficit amounts of fees payable and their recovery.-(1) If the value of the property or the consideration, as the case may be, has been increased under section 47-A of the Indian Stamp Act, 1899, the consequential increase in the fee for the registration of documents under this Act, shall be paid by the person liable to pay the same within a period of thirty days from the date the order of determination of the value of the property or the consideration, as the case may be, is communicated to him.

(2) The fee payable under sub-section (1) may be recovered as an arrear of land revenue. "-Haryana Act 36 of 1973,S. 2 (w.r.e.f.1-11-1966).

[Himachal Pradesh].-In its application to the State of Himachal Pradesh, after S. 80, insert the following new section, namely,-

"80-A. Recovery of registration fees as arrears of land revenue and provision for refund.(1) If on inspection or otherwise, it is found that the fee payable under this Act in relation to any document which is registered has not been paid or has been insufficiently paid, such fee may, after failure to pay the same on demand within a specified period, on a certificate of the registering authority concerned, be recovered from the person who presented such document for registration under section 32 as an arrear of land revenue.

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(2) Where the Registrar finds the amount of fee in excess of that which is legally chargeable has been charged and paid under the provisions of this Act, he may, upon an application in writing or otherwise, refund the excess. "-H P. Act 1 of 1982, S.2 (w.e.f. 15-1-1982).

[Karnataka]-In its application to the State of Kamataka, after S. 80, insert the following new section, namely,-

"80-A. Recovery of registration fee not levied or short levied, etc.-(1) If on inspection or otherwise, it is found that the fee payable under this Act in relation to any document which is registered has not been paid or has been insufficiently paid, such fee may, on a certificate of the Inspector-General of Registration, be recovered from the person who presented such document for registration as an arrear of land revenue. The certificate of the Inspector General shall be final and shall not be called in question in any Court or before any authority:

Provided that no such certificate shall be granted without giving such person,(i) an opportunity of being heard; and

(ii) an opportunity to pay the amount of fee found due from him.

(2) If on inspection or otherwise the Inspector-General of Registration finds that the amount of fees charged and paid under the provisions of this Act is in excess of that which is legally chargeable, he may, upon an application in writing or otherwise, refund the excess fee so charged and paid.

(3) Nothing in sub-sections (1) and (2) shall apply to instruments executed prior to first day of April, 1972. "-Karnataka Act 19 of 1980, S. 2 (w.r.e.f. 1-4-1972).

[Madhya Pradesh]-In its application to the State of Madhya Pradesh, S. 80, insert the following new section, namely,-

"80-A. Recovery of deficient registration fees as arrears of land revenue.-If on inspection or otherwise, it is found that the fees payable under this Act in relation to any document which is registered has been insufficiently paid, the deficient amount of fee shall after failure to pay the same on demand within the prescribed period, be recoverable from the person who presented such document, as arrears of land revenue."-Madhya Pradesh Act 4 of 1999, S. 3 (w.e.f.15-10-1999).

[Maharashtra]-In its application to the State of Maharashtra, after S. 80, insert the following new section, namely,-

"80-A. Recovery of fees and provision for refund.-(1) If on inspection or otherwise, it is found that any fee payable under this Act has not been paid or has been paid insufficiently, such fee may (after failure to pay the same on demand within the period specified therein), on a certificate of the Inspector-General of Registration, be recovered as an arrear of land revenue from the person from whom such demand is made. The certificate of the Inspector General shall be final and shall not be called in question in any Court or before any authority:

Provided that no such certificate shall be granted unless due inquiry is made and such person is given an opportunity of being heard.

(2) Where the Inspector-General of Registration finds the amount of fee in excess of that which is legally chargeable has been charged and paid under the provisions of this Act, he may, upon an application in writing or otherwise, refund the excess." -Maharashtra Act 35 of 1966, S. 2 (w.e.f. 9-11-1966) and Maharashtra Act 49 of 1975, S. 2 (w.e.f. 2-10-1975).

[Orissa]-In its application to the State of Orissa, after S. 80, insert the following new section, namely,-

"80-A. Recovery of deficient registration fees as arrears of land revenue.-If on inspection or otherwise, it is found that the fee payable under this Act in relation to any document which is registered has been insufficiently paid, the deficient fee shall, after failure to pay the same on demand within the prescribed period, be recoverable from the person who presented such document as arrears of land revenue."-Orissa Act 19 of 1991, S. 3 (w.e.f. 17-9-1991).

[Punjab].-In its application to the State of Punjab, after S. 80, insert the following new section, namely,-

"80-A. Duty of Collector in proceedings under section 47-A of the Indian Stamp Act, 1899.-
(1) If during any proceedings under section 47-A of the Indian Stamp Act, 1899, the Collector finds that the fee paid for registration of document under this Act is in deficit, he shall while determining the duty, by an order, also determine the deficient amount of fee and shall send a copy of the order so made to the concerned registering officer for the recovery of the amount of fee found so deficient from the person liable to pay the deficient amount of duty under the said section 47-A in respect of such a document:

Provided that no order determining the deficient amount of fee shall be made after the expiry of a period of three years from the date of registration of the document.

(2) An order of the Collector under sub-section (1) shall be deemed to be an order made by him under section 47-A of the Indian Stamp Act, 1899.

(3) Any amount recoverable under this section, may be recovered as arrears of land revenue.

80-B. Recovery of deficient amount of fee as arrears of land revenue.-(1) Where on inspection or otherwise, it is found that the fee payable under this Act in relation to any registered document has not been paid or has been insufficiently paid, such fee or the deficient fee, as the case may be, if not paid to the concerned registering officer on demand within the prescribed period, may, on a certificate of the Inspector-General of Registration or of the Registrar of a district, be recovered as arrears of land revenue from the person who presented such a document for registration in terms of the provisions of section 32:

Provided that,-

(i) no demand of fee as aforesaid shall be made after the expiry of a period of three years from the date of registration of the document, and

(ii) the certificate shall be issued after due enquiry and the person concerned having been given an opportunity of being heard.

(2) The certificate issued under sub-section (1), shall be final and shall not be called in question in any Court or before any authority.

80-C. Refund of excess fee.-Where the Inspector-General of Registration finds that the amount of fee charged and paid is in excess to that which is legally chargeable and payable under this Act, he may, upon an application in writing or otherwise, refund the excess amount of fee so charged and paid."-Punjab Act 18 of 1994, S. 3 (w.e.f. 18-7-1994).

[Rajasthan].-In its application to the State of Rajasthan, after S. 80, insert the following new sections, namely,-

"80-A. Duty of Collector in proceedings under sections 47-A and 47-C of the Indian Stamp Act, 1899.-(1) Where during the course of proceedings, if any, under section 47-A or section 47-C of the Indian Stamp Act, 1899, the Collector is satisfied that the fee for registration paid under this Act in respect of a document or instrument is in deficit, he shall determine, in the course of such proceedings, the deficient amount of fee and recover the same from the person liable to pay the deficient amount of stamp duty under the said section.

(2) The amount recoverable under this section shall be recovered as arrears of land revenue.

80-B. Recovery of deficient registration fee as arrears of land revenue.-If on inspection or otherwise, it is found that the fee payable under this Act in relation to any document which is registered has not been paid or has been insufficiently paid, such fee may (after failure to pay the same on demand within the prescribed period) on a certificate of Inspector-General of Registration or any other officer appointed under section 8, be recovered from the person liable to pay the stamp duty as arrears of land revenue. Such certificate shall be final and shall not be called in question in any Court or before any authority:

Provided that no such certificate shall be granted unless due enquiry is made and such person has been given an opportunity of being heard."-Rajasthan Act 11 of 1982, S.8 (w.e.f.16-7-1982).

[Tamil Nadu].-In its application to the State of Tamil Nadu, after S. 80, insert the following new section, namely,-

"80-A. Recovery of deficit registration fee.-(1) Notwithstanding anything contained in section 80, if, after the registration of a document, it is found that the fee payable under this Act in relation to that document has not been paid or has been insufficiently paid, such fee or the deficit, as the case may be, may, on the certificate of the registering officer, be recovered from the person who presented such document for registration under section 32, as an arrear of land revenue:

Provided that no such certificate shall be granted unless due inquiry is made and such person is given an opportunity of being heard:

Provided further that no such inquiry shall be commenced after the expiry of such period, after the date of registration of the document, as may be prescribed.

(2) The certificate of the registering officer under sub-section (1) shall, subject only to appeal under sub-section (3), be final and shall not be called in question in any Court or before any authority .

(3) Any person aggrieved by a certificate of the registering officer under sub-section (1), may appeal to the Registrar if it is a certificate of the Sub-Registrar or to the Inspector General of Registration if it is a certificate of Registrar. All such appeals shall be preferred within such time, and shall be heard and disposed of in such manner, as may be prescribed." -Tamil Nadu Act 31 of 1982, S. 2 (w.e.f. 5-9-1983).

[Uttar Pradesh].-In its application to the State of Uttar Pradesh, after S. 80, insert the following new section, namely,-

"80-A. Duty of Collector in proceedings under section 47-A of the Indian Stamp Act, 1899.-(1) It shall be the duty of the Collector, if he is satisfied, during the proceedings, if any, under section 47-A of the Indian Stamp Act, 1899, that the fee for registration paid under this Act in respect of a document is in deficit, to determine in the course of such proceedings the deficient amount of fee and to send a copy of the order made in the proceedings to the registering officer for the recovery of the said amount from the person liable to pay the deficient amount of stamp duty under the said section.

(2) An order of the Collector under sub-section (1) shall be deemed to be an order made by the Collector under section 47- A of the Indian Stamp Act, 1899 and shall be final.

(3) Any amount recoverable under this section may be recovered as arrears of land revenue.

80-B. Recovery of deficient registration fee as arrears of land revenue and provision for refund for excess.-(1) If on inspection or otherwise, it is found that the fee payable under this Act in relation to any document which is registered has not been paid or has been insufficiently

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paid, such fee may (after failure to pay the same on demand within the prescribed period), on a certificate of Inspector-General of Registration, Additional Inspector-General of Registration or Deputy Inspector-General of Registration, be recovered from the person who presented such document for registration under section 32 as arrears of land revenue. Such certificate shall be final and shall not be called in question in any Court or before any authority:

Provided that no such certificate shall be granted unless due enquiry is made and such person has been given an opportunity of being heard.

(2) Where the Inspector-General of Registration finds that the amount of fee charged and paid exceeds that which is legally chargeable under the provisions of this Act he may, upon an application in writing or otherwise, refund the excess".-Uttar Pradesh Act 48 of 1975, 5.5 (w.e.f. 1-11-1975).

[**Karnataka**].-In its application to State of Kamataka, after Part XIII, insert the following Part XIII-A, namely,-

"PART XIII-A
OF DEED WRITERS

"80-B. Deed writers to hold licences.-No person other than an advocate or other legal practitioner, shall for payment, write deeds unless he holds a licence granted in accordance with rules made under section 69. "-Karnataka Act 55 of 1976, S. 14 (w.e.f. 23-10-1976).

[**Tamil Nadu**].-In its application to the State of Tamil Nadu, after Part XIII, insert the following Part XIII-A, namely,-

"PART XIII-A
OF TOUTS

80-B. Powers to frame and publish lists of toutos.-(1) Every Registrar of a district as regards his own office and the offices subordinate thereto and every Sub-Divisional Magistrate as regards the registration offices within his own jurisdiction may frame and publish lists of persons proved to his satisfaction or to the satisfaction of any Sub-Registrar as provided in section 80-C, by evidence of general repute or otherwise, habitually to act as tout, and may from time to time, alter and amend such lists.

(2) No person's name shall be included in any such list until he shall have had an opportunity of showing cause against such inclusion.

(3) Where the name of any person is included in a list framed and published by a Sub-Divisional Magistrate under this section, such person may, within thirty days of the publication of the list in which his name first appears, apply in writing to the Registrar of the district for the removal of his name from such list and the orders of the Registrar, passed after such inquiry (if any) as he considers necessary on such application shall be final.

80-C. Inquiry by a Sub-Registrar regarding suspected toutos.-Any Registrar of a district or Sub-Divisional Magistrate may send to any Sub-Registrar within the jurisdiction of such authority the name of any person alleged or suspected to be a tout and request the Sub Registrar to hold an inquiry in regard to such person and the Sub-Registrar shall thereupon hold an inquiry into the conduct of that person, and, after giving him an opportunity of showing cause as provided in subsection (2) of section 80-B, shall report to the authority who has made the request whether the person has been proved to the satisfaction of the Sub-Registrar to be a tout; and that authority may include the name of any person who has been so proved to be a tout in the list of toutos framed and published by him under subsection (1) of section 80-B:

Provided that such authority shall hear such person who before his name has been so included, appears before him and desires to be heard.

80-D. Display of lists of toutos in registration offices.-A copy of every such list shall be conspicuously displayed in every registration office to which the same relates.

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80-E. Exclusion of touts from precincts of registration offices.-A registering officer may, by general or special order, exclude from the precincts of his registration office any person whose name is included in any such list.

80-F. Presumption as to touts found within precincts of registration offices.-Every person who having been excluded from the precincts of a registration office under section 80-E is found within the precincts of any registration office, without written permission from the registering officer shall be deemed to be acting as a tout for the purposes of section 82-A:

Provided that this section shall not apply where such person is a party to a document intended for registration at such office or has been directed to appear by any process of the registering officer.

80-G. Arrest and trial of touts.-(1) Any registering officer may, by an order in writing, direct any person named in the order to arrest any such tout found within the precincts of the registration office. Such tout may be arrested accordingly and shall be forthwith produced before the registering officer.

(2) If the tout admits his offence the provisions of section 345 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) shall be applicable, so far as may be, to his detention, trial and punishment.

(3) If the tout does not admit his offence the provisions of section 346 of the said Code shall be similarly applicable to his detention, trial and punishment.

(4) A registering officer shall be deemed to be a civil Court for the purposes of sections 345 and 346 of the said Code. "-Tamil Nadu Act 38 of 1987, S. 3 (w.e.f.1-1-1988).

[West Bengal].-In its application to the State of West Bengal, after Part XIII of the main Act, insert the following Parts XIII-A and XIII-B, namely,-

"PART XIII-A

OF TOUTS

80-A. Powers to frame and publish lists of touts.-(1) Every Registrar of district as regards his own office and the offices subordinate thereto and every Sub-Divisional Magistrate as regards the registration offices within his own jurisdiction may frame and publish lists of persons proved to his satisfaction or to the satisfaction of any Sub-Registrar as provided in section 80-B, by evidence of general repute or otherwise, habitually to act as touts, and may, from time to time, alter and amend such lists.

(2) No person's name shall be included in any such list until he shall have had an opportunity of showing cause against such inclusion.

(3) Where the name of any person is included in a list framed and published by a Sub-Divisional Magistrate under this section, such person may, within thirty days of the publication of the list in which his name first appears, apply in writing to the Registrar of the district for the removal of his name from such list and the orders of the Registrar, passed after such inquiry (if any) as he considers necessary, on such application shall be final.

80-B. Inquiry by Sub-Registrar regarding suspected touts.-Any Registrar of a district or Sub-Divisional Magistrate may send to any Sub-Registrar within the jurisdiction of such authority the name of any person alleged or suspected to be a tout, and request the Sub Registrar to hold an inquiry in regard to such person; and the Sub-Registrar shall thereupon hold an inquiry into the conduct of that person, and, after giving him an opportunity of showing cause as provided in subsection (2) of section 80-A, shall report to the authority who has made the request whether the person has been proved to the satisfaction of the Sub-Registrar to be a tout; and that authority may include the name of any person who has been so proved to be a tout in the list of touts framed and published by him under subsection (1) of section 80-A:

Provided that such authority shall hear any such person who, before his name has been so included, appears before him and desires to be heard.

80-C Hanging up of lists of touts in registration offices.-A copy of every such list shall be kept hung up in every registration office to which the same relates.

80-D. Exclusion of touts from precincts of registration offices.-A registering officer may, by general or special order, exclude from the precincts of his registration office any person whose name is included in any such list.

80-E Presumption as to touts found within precincts of registration offices.-Every person who having been excluded from the precincts of a registration office under section

80-D is found within the precincts of any registration office without written permission from the registering officer shall be deemed to be acting as a tout for the purposes of section 82-A:

Provided that this section shall not apply where such person is a party to a document intended for registration at such office or has been directed to appear by any process of the registering officer.

80-F. Arrest and trial of touts.- (1) Any registering officer may, by an order in writing, direct any person named in the order to arrest any such tout found within the precincts of the registration office. Such tout may be arrested accordingly and shall be forthwith produced before the registering officer.

(2) If the tout admits his offence the provisions of sections 480 and 481 of the

Code of Criminal Procedure, 1898, shall be applicable, so far as may be, to his detention, trial and punishment.

If the tout does not admit his offence the provisions of section 482 of the said Code shall be similarly applicable to his detention, trial and punishment.

(3) A registering officer shall be deemed to be a civil Court for the purposes of sections 480,481 and 482 of the said Code.

PART XIII-B OF DEED-WRITERS

80-G. Power of Inspector-General to make rules relating to deed writers.-(1) The Inspector General shall have power, from time to time, to make rules consistent with this Act-

(a) prescribing the manner in which and the terms subject to which persons who write documents outside the precincts of a registration office, or who frequent the precincts of registration offices, for the purposes of writing documents, may be granted licences;

(b) prescribing the fees (if any) to be paid for such licences; and

(c) declaring the conditions under which persons who write documents outside the precincts of registration offices without licences shall be deemed to be touts for the purposes of this Act.

(2) The rules so made shall be submitted to the State Government for approval, and, after they have been approved, they shall be published in the Official Gazette and on publication shall have effect as if enacted in this Act."-Bengal Act 5 of 1942, S.9 (w.e.f. 1-11-1943).

[West Bengal].-In its application to the State of West Bengal, after Part XIII-B, insert the following Part XIII-C , namely,-

"PART XIII-C

OF ACQUISITION OF IMMOVABLE PROPERTY IN CERTAIN CASES OF TRANSFER

80-H. Immovable property in respect of which proceedings for acquisition may be taken.(1) Where the State Government, on receipt of any report from the registering officer or otherwise, has reason to believe that any immovable property has been transferred by a person to another person for an apparent consideration which is less than the fair market value of the property and that the consideration for such as agreed to between the parties has been truly stated in the instrument of transfer, the State Government may acquire the property after initiating proceedings in accordance with the provisions of the Land Acquisition Act, 1894 (1 of 1894).

(2) Every registering officer shall report to the State Government in the Judicial Department any case of transfer as aforesaid as soon as it comes to his notice.

Explanation.-Words and expressions used herein and not defined but defined in Chapter XX-A of the Income-tax Act, 1961 (43 of 1961), shall have the meanings respectively assigned to them in that Act. "-West Bengal Act 23 of 1984, S. 3 (w.e.f. 15-9-1984).

PART XIV
OF PENALTIES

81. Penalty for incorrectly endorsing, copying, translating or registering documents with intent to injure.-Every registering officer appointed under this Act and every person employed in his office for the purposes of this Act, who, being charged with the endorsing, copying, translating or registering of any document presented or deposited under its provisions, endorses, copies, translates or registers such document in a manner which he knows or believes to be incorrect, intending thereby to cause or knowing it to be likely that he may thereby cause, injury, as defined in the Indian Penal Code (45 of 1860), to any person, shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

State Amendments-[Goa].-In its application to the State of Goa, in S. 81,-

(a) for the words "or registering of any document", substitute "registering, or filing a true copy of, any document";

(b) for the words "or registers such document", substitute "registers or files a true copy of, such document".---Goa Act 24 of 1985, S. 12 (w.e.f. 5-12-1985).

[Karnataka].-Same as that of West Bengal.-Karnataka Act 55 of 1976, S. 15 (w.e.f. 24-10-1976).

[Kerala].-In its application to the State of Kerala, in S. 81,-

(a) for the words "or registering of any document", substitute "registering, or filing a true copy of, any document";

(b) for the words "or registers such document", substitute "registers, or files a true copy of, such document".-Kerala Act 7 of 1968, S. 15 (w.e.f. 22-2-1968).

[Orissa].-Same as that of Kerala.-Orissa Act 14 of 1989, S. 13 (w.e.f. 19-9-1989).

[Pondicherry].-In its application to the Union Territory of Pondicherry, in S. 81,-

filing"; (i) in the marginal heading, for the words "or registering", substitute "or registering or

(ii) in the body of the section, for the words "or registering of any document", substitute "registering or filing a true copy, of any document"; and

(iii) for the words "or registers such document", substitute "registers, or files a copy

(iv) of such document."-Pondicherry Act 17 of 1970, S. 5 (w.e.f. 18-7-1970).

[Tamil Nadu].-Same as that of Pondicherry.-Tamil Nadu Act 21 of 1966, S. 3 (w.e.f. 1-4-1967).

[Tripura].-In its application to the State of Tripura, for -S 81, substitute the following section, namely,-

"81. Every registering officer appointed under this Act, and every person employed in his office for the purposes of this Act, who, being charged with the checking, endorsing, reading, examining, copying, translating, comparing, pasting a true copy, pasting a copy of the translation or registering of any document presented or deposited under its provisions checks, endorses, reads, examines, copies, translates, compares, pastes a true copy, pastes a copy of the translation or registers such document in a manner which he knows or believes to be incorrect intending thereby to cause or knowing it to be likely that he may thereby cause injury as defined in the Indian Penal Code, to any person, shall be punishable with

imprisonment for a term which may extend to seven years, or with fine, or with both." Tripura Act 7 of 1982, S. 14 (w.e.f. 1-1-1983).

[West Bengal].-In its application to the State of West Bengal, in S. 81-

- (i) in the marginal note, for the words "or registering", substitute "registering or filing";
- (ii) for the words "or registering of any document", substitute "registering or filing a true copy, of any document", and
- (iii) for the words "or registers such documents", substitute the words "registers or files a copy of such document." -West Bengal Act 17 of 1978, S. 4 (w.e.f. 1-1-1983).

82. Penalty for making false statements, delivering false copies or translations, false personation, and abetment.-Whoever-

(a) intentionally makes any false statement, whether on oath or not, and whether it has been recorded or not, before any officer acting in execution of this Act, in any proceeding or inquiry under this Act; or

(b) intentionally delivers to a registering officer, in any proceeding under section 19 or section 21, a false copy or translation of a document, or a false copy of a map or plan; or

(c) falsely personates another, and in such assumed character presents any document, or makes any admission or statement, or causes any summons or commission to be issued, or does any other act in any proceeding or enquiry under this Act; or

(d) abets anything made punishable by this Act,

shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

State Amendments-[Goa].-In its application to the State of Goa, in S. 82, for the words and figures "section 19 or section 21", substitute "this Act or the Rules made there under." -Goa Act 24 of 1985, S. 13 (w.e.f. 5-12-1985).

[Kamataka].-Same as that of Kerala.-Karnataka Act 55 of 1976, S. 16 (w.e.f. 23-10-1976).

[Kerala].-In its application to the State of Kerala, in Cl. (b) of S. 82, for the words and figures "section 19 or section 21", substitute "this Act or the Rules made there under." Kerala Act 7 of 1968, S. 16 (w.e.f. 22-2-1968).

[Orissa].-Same as that of Kerala.-Orissa Act 14 of 1989, S. 13 (w.e.f. 19-9-1989).

[Pondicherry].-Same as that of Kerala.-Pondicherry Act 17 of 1970, S.6 (w.e.f. 1-11-1970).

[Tamil Nadu].-Same as that of Kerala.-Tamil Nadu Act 21 of 1966, S.4 (w.e.f. 1-4-1967).

[Tripura].-In its application to the State of Tripura, for Cl. (b) of S. 82, substitute the following clause, namely,-

"(b) intentionally delivers to a registering officer, in any proceeding under this Act or the Rules made there under, a false copy or translation of a document, or a false copy of a map or plan; or"- Tripura Act 7 of 1982, S. 15 (w.e.f. 1-1-1983).

[Uttar Pradesh].-In its application to the State of Uttar Pradesh, for Cl. (b) of S.82, substitute the following clause, namely,-

"(b) intentionally delivers to a registering officer, in any proceeding under section 19 or section 21, a false copy or translation of a document, or a false copy of a map or plan;

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or"-Uttar Pradesh Act 14 of 1971, S.6 (w.e.f. 25-5-1971). This clause has now been substituted by U.P. Act 19 of 1981, S, 14 (w.r.e.f. 1-8-1981) and the substituted clause is the same as original Cl. (b).

[West Bengal].-Same as that of Kerala,-West Bengal Act 17 of 1978, S.5 (w.e.f. 1-1-1983).

Section 82-A

State Amendments-[Karnataka]'_In its application to the State of Karnataka, after S. 82, insert the following new section, namely,-

"82-A. Penalty in respect of deed-writers.-Whoever contravenes the provisions of section 80-B or any term or condition of a licence granted under rules made under section 69, shall be punishable with imprisonment which may extend to one month or with fine which may extend to two hundred rupees or with both,"-Karnataka Act 55 of

1976, S, 17 (w.e.f. 23-10-1976).

[Madhya Pradesh]'-Mahakoshal.-In its application to Mahakoshal region of the State of Madhya Pradesh, after S. 82, insert the following new section, namely,-

"82-A. Penalty for writing documents without licence.-(1) On and from such date as the State Government may, by notification, appoint in this behalf, no person shall write a document for another person for presentation to a registering officer except under a licence granted in accordance with the rules made under this Act:

Provided that nothing in this sub-section shall apply where the writer of such document is an authorized agent of the executant or a pleader engaged by the executant for drawing up the document or the registered clerk of such pleader,

(2) Whoever contravenes the provisions of sub-section (1), shall be punishable with fine which may extend to two hundred rupees." -Madhya Pradesh Act 8 of 1955, S. 2 (w.e.f. 18-4-1955).

[Maharashtra].-Vidarbha.-Section 82-A inserted by the Madhya Pradesh Act 8 of 1955 is repealed in its application to the Vidarbha region of the State of Maharashtra by Bombay Act 35 of 1958, S. 3 (w.e.f. 24-4-1958).

[Tamil Nadu].-In its application to the State of Tamil Nadu, after S. 82, insert the following new section, namely,-

"82-A. Penalty.-Whoever acts as a tout whilst his name is included in a list of touts framed and published under this Act shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees or with both,"-Tamil Nadu Act 38 of 1987, S. 3 (w.e.f. 1-1-1988),

[West Bengal].-In its application to the State of West Bengal, after S. 82, insert the following new section, namely,-

"82-A. Penalty.-Whoever acts as a tout whilst his name is included in a list of touts framed and published under this Act shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both,"-Bengal Act 5 of 1942, S. 10 (w.e.f. 1-11-1943).

83. Registering officer may commence prosecutions.-(1) A prosecution for any offence under this Act coming to the knowledge of a registering officer in his official capacity may be commenced by or with the permission of the Inspector General, ⁶⁰[* * *] the Registrar or the Sub-Registrar, in whose territories, district or sub-district, as the case may be, the offence has been committed.

(2) Offences punishable under this Act shall be triable by any Court or officer exercising powers not less than those of a Magistrate of the second class.

60, The words "the Branch Inspector General of Sindh," omitted by A.O. 1937.

State Amendments-[Goa, Daman and Diu].-In its application to the Union Territory of Goa, Daman and Diu, in S.83, for sub-S (1), substitute the following sub-section, namely,-

"(1) No prosecution for any offence under this Act shall be commenced save by or with the permission of the Inspector-General or any officer empowered in this behalf by the Government." -Goa Act 2 of 1968, S. 3.

[Tamil Nadu].-In its application to the State of Tamil Nadu, in sub-S (2), of S. 83, for the word "Offences", substitute "Save as provided in section 80-G, offences."-Tamil Nadu Act 38 of 1987, S. 3 (w.e.f. 1-1-1988).

[West Bengal].-In its application to the State of West Bengal, in sub-S (2), for the word "Offences", substitute "Save as provided in section 80-F, offences."-Bengal Act 5 of 1942, 11 (w.e.f. 1-11-1943).

84. Registering officers to be deemed public servants.-(1) Every registering officer appointed under this Act shall be deemed to be a public servant within the meaning of the Indian Penal Code (45 of 1860).

(2) Every person shall be legally bound to furnish information to such registering officer when required by him to do so.

(3) In section 228 of the Indian Penal Code (45 of 1860), the words "judicial proceeding" shall be deemed to include any proceeding under this Act.

PART XV

MISCELLANEOUS

85. Destruction of unclaimed documents.-Documents (other than wills) remaining unclaimed in any registration office for a period exceeding two years may be destroyed.

86. Registering officer not liable for thing *bona fide* done or refused in his official capacity.-No registering officer shall be liable to any suit, claim or demand by reason of anything in good faith done or refused in his official capacity.

87. Nothing so done invalidated by defect in appointment or procedure Nothing done in good faith pursuant to this Act or any Act hereby repealed, by any registering officer, shall be deemed invalid merely by reason of any defect in his appointment or procedure.

Section 87-A

State Amendment-[Orissa].-In its application to the State of Orissa, after S. 87, insert the following new section, namely,-

"87-A. *Delegation of powers.*- The State Government may, by order, delegate all or any of the powers conferred on them under this Act to the Inspector-General of Registration, who shall exercise the same subject to such restrictions and conditions as the State Government may impose and they may, in like manner, withdraw any power so delegated." -Orissa Act 7 of 1964, S. 2 (w.e.f. 4-5-1964).

⁶¹**[88. Registration of documents executed by Government officers or certain public functionaries.**-(1) Notwithstanding anything contained in this Act, it shall not be necessary for-

(a) any officer of Government, or

(b) any Administrator-General, Official Trustee or Official Assignee, or

61. S. 88 substituted by Act 39 of 1948, S. 5.

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(c) The Sheriff, Receiver or Registrar of a High Court, or

(d) The holder for the time being of such other public office as may be specified in a notification in the Official Gazette issued in that behalf by the State Government,

to appear in person or by agent at any registration office in any proceeding connected with the registration of any instrument executed by him or in his favour, in his official capacity, or to sign as provided in section 58.

" (2) Any instrument executed by or in favour of an officer of Government or any other person referred to in sub-section (1) may be presented for registration in such manner as may be prescribed by rules made under section 69.

(3) The registering officer to whom any instrument is presented for registration under this section may, if he thinks fit, refer to any Secretary to Government or to such officer of Government or other person referred to in sub-section (1) for information respecting the same and, on being satisfied of the execution thereof shall register the instrument.]

Objects and Reasons.-Section 88 of the Indian Registration Act, 1908, makes it unnecessary for the Administrator-General of West Bengal, Madras or Bombay to appear in person or by agent at any registration office in any proceeding connected with the registration of any instrument executed by him in his official capacity. In February, 1946, the state Government of the Punjab proposed that the Act should be amended so as to allow the benefit of the exemption to the Administrator-General, Punjab and the present Bill seeks to make the exemption general in its application. Power is also given to the Provincial Governments to notify any other public officer as being entitled to this exemption.

In the course of the examination of the Punjab Government's proposal, it was found that sub-section (1) of section 88 of the Act was not happily drawn; for after conferring exemption upon all officers of Government it proceeded to extend it to specified functionaries some of whom were undoubtedly officers of Government included within the first category. It was, therefore, considered necessary to recast the section with a view to removing all possible doubt on the point.

89. Copies of certain orders, certificates and instruments to be sent to registering officers and filed.-(1) Every officer granting a loan under the Land Improvement Loans Act, 1883, shall send a copy of his order to the registering officer within the local limits of whose jurisdiction the whole or any part of the land to be improved or of the land to be granted as collateral security, is situate, and such registering officer shall file the copy in his Book No. 1.

(2) Every Court granting a certificate of sale of immovable property under the Code of Civil Procedure, 1908, shall send a copy of such certificate to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in such certificate is situate and such officer shall file the copy in his Book No.1.

(3) Every officer granting a loan under the Agriculturists' Loans Act, 1884, shall send a copy of any instrument whereby immovable property is mortgaged for the purpose of securing the repayment of the loan, and if any such property is mortgaged for the same purpose in the order granting the loan, a copy also of that order, to the registering officer within the local limits of whose jurisdiction the whole or any part of the property so mortgaged is situate, and such registering officer shall file the copy or copies, as the case may be, in his Book No. 1.

(4) Every Revenue Officer granting a certificate of the sale to the purchaser of immovable property sold by public auction shall send a copy of the certificate to the registering officer within the local limits of whose jurisdiction the whole or any part of the property comprised in the certificate is situate, and such officer shall file the copy in his Book No. 1.

State Amendments-[Andhra Pradesh].-In its application to the State of Andhra Pradesh,-

(1) For sub-S (5) of. 89, substitute the following sub-section, namely,-

"(5) An officer empowered to grant a certificate of sale of immovable property under the Andhra Pradesh Co-operative Societies Act, 1964 or the rules made there Under shall send a copy of such certificate to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in such certificate is situate; and such registering officer shall file the copy in his Book No.1.

(6) Every Tribunal issuing a certificate under sub-section (6) of section 38 or sub-section (2) of section 38-E of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950, declaring the protected tenant to be the purchaser or owner, as the case may be, of the land, and every Tahsildar issuing certificate sanctioning the exchange under sub-section (2) of section 39 or under section 50-B of the Act aforesaid declaring the validity of any alienation or other transfer of agricultural land, shall send a copy of such certificate to the registering officer within the local limits of whose jurisdiction the whole or any part of the agricultural land comprised in such certificate is situate; and such registering officer shall file the copy in his Book No. 1." -Andhra Pradesh

Act 38 of 1974, S. 2 (w.e.f. 1-11-1974).

(2) In S. 89, after the words "shall file the copy in his Book No.1", wherever they occur, "or get scanned".-Andhra Pradesh Act 16 of 1999, S. 7 (w.e.f. 31-12-1998).

[Gujarat].-Same as that of Maharashtra.-Act 11 of 1960, S. 87; Gujarat A.L.O., 1960.

[Kerala].-In its application to the State of Kerala, in S. 89,-

(a) sub-Ss. (1) and (3) shall be omitted;

(b) after sub-So (4), add the following sub-sections, namely,-

"(5) Every Court passing-

(a) Any decree or order creating, declaring, transferring, limiting or extinguishing any right, title or interest to or in immovable property in favour of or of any person, or

(b) an order for attachment of immovable property or for the release of any immovable property from attachment,

shall send a copy of such decree or order together with a memorandum describing the property, as far as may be practicable, in the manner required by section 21, to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in such decree or order is situate, and such officer shall file the copy of memorandum in his Book No. 1.

(6) Every officer issuing a written demand before the attachment of the immovable property of a defaulter under the Revenue Recovery Act for the time being in force shall-

(a) send a copy of such written demand together with a memorandum describing the property, as far as may be practicable, in the manner required by section 21; and

(b) where such written demand is withdrawn or attachment of property is lifted or the property is sold and sale is confirmed, send a memorandum indicating that fact and describing that property, as far as may be practicable, in the manner required by section 21,

to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property to which the written demand relates is situate and such registering

officer shall file copy of the written demand and the memorandum in his Book No. 1."-Kerala Act 7 of 1968, S. 17 (w.e.f. 22-2-1968).

[Madhya Pradesh]-Mahakoshal.-In its application to the Mahakoshal region of the State of Madhya Pradesh, in S. 89,-

(i) after sub-S (4), insert the following sub-section, namely,-

"(5) Every sale officer granting a certificate of sale under section 20 of the Madhya Pradesh Co-operative Land Mortgage Banks Act, 1937 (1 of 1937), or under clause (c) of section 85 of the M.P. Co-operative Societies Act, 1960, or the rules made there under shall send a copy of such certificate to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in such certificate is situate, and such registering officer shall file the copy in his Book No. 1."-M.P. Act 42 of 1965, S. 2 (w.e.f. 9-12-1965).

(ii) after sub-S (5), insert the following sub-section, namely,-

"(6) Every consolidation officer passing an order under sub-section (1) of section 22 of the Central Provinces Consolidation of Holdings Act, 1928, shall send a copy of such order to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property referred to in such order is situate and such registering officer shall file the copy in his Book No. 1."-C.P. and Berar Act 59 of 1949, S. 2 (w.e.f. 23-12-1949).

[Maharashtra].-In its application to the State of Maharashtra, in S. 89,-

(i) in sub-Ss. (1) and (3), for the words and figure "Book No. I", substitute "office". Bombay Act 5 of 1929, S. 12 (w.e.f. 22-5-1929) read with Act 35 of 1958, S. 2 (w.e.f. 24-4-1958).

(ii) after sub-S (4), insert the following sub-sections, namely,-

"(5) Every consolidation officer passing an order,-

(i) under sub-section (1) of section 29 or sub-section (2) of section 29-A of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947, or

(ii) under sub-section (1) of section 203 of the Madhya Pradesh Land Revenue Code, 1954, or

(iii) under sub-section (1) of section 31 of the Hyderabad Prevention of Fragmentation and Consolidation of Holdings Act, 1956,

shall send a copy of such order to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property referred to in such order is situate, and such registering officer shall file the copy in his Book No. 1.

(6) Every sale officer granting a certificate of sale under section 20 of the Central Provinces and Berar Co-operative Land Mortgage Banks Act, 1937, shall send a copy of such certificate to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in such certificate is situate and such registering officer shall file the copy in his Book No. I." -Bombay Act 35 of 1958, S. 7 (w.e.f. 24-4-1958).

Vidarbha.-As the above amendments have now been extended to and shall remain in force in the Vidarbha region of the State of Maharashtra, sub-sections (5) and (6), inserted in section 89 by C.P. and Berar Acts 1 of 1937 and 59 of 1949 and in force immediately before, 24-4-1958, have been repealed from that date by Bombay Act 35 of 1958, S. 7(1).

(iii)(a) after sub-S (6), add the following new sub-section, namely,-

"(7) The registering officer to whom a memorandum under sub-section (7) of section 18, sub-sections (I-A) and (4) of section 22, section 22-C and section 28-A of the Bombay Public Trusts Act, 1950, or a copy of entry under section 23 of that Act is sent shall file the same in his Book No. I."

(b) in the marginal note, after the word "instruments", insert "and of certain memoranda".-Maharashtra Act 20 of 1971, S. 58 (w.e.f. 15-6-1972).

[Orissa].-In its application to the State of Orissa, in S.89, after sub-S (4), insert the following sub-section, namely,-

"(5) A copy of every certificate of sale granted under section 20 of the Orissa Co-operative Land Mortgage Banks Act, 1938, shall be sent to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in such certificate is situate and such registering officer shall file the copy in his Book No. 1."-Orissa Act 3 of 1938, S. 40 (w.e.f. 18-3-1940).

[Rajasthan].-In its application to the State of Rajasthan, in S. 89, after sub-S (4), insert the following sub-section, namely,-

"(5) Every bank granting a loan to an agriculturist for agricultural purposes shall send within such time and in such manner as may be prescribed, a copy of any instrument whereby immovable property is mortgaged for the purpose of securing repayment of loan, to the registering officer within the local limits of whose jurisdiction the whole or any part of the property so mortgaged is situate, and such registering officer shall file the copy in his Book No. 1.

Explanations.-For the purposes of sub-section (5),

(a) the expression "every bank" shall mean-

- (i) a banking company as defined in the Banking Regulation Act, 1949;
- (ii) the State Bank of India constituted under the Bank of India Act, 1955;
- (iii) a subsidiary bank as defined in the State Bank of India (Subsidiary Bank)
- (iv) a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970;
- (v) a banking institution notified by the Central Government under section 51 of the Banking Regulation Act, 1949;
- (vi) the Agricultural Refinance Corporation constituted under the Agricultural Refinance Corporation Act, 1963;
- (vii) Agro-Industries Corporation;
- (viii) Agricultural Finance Corporation Ltd., a company incorporated under the Companies Act, 1956; and
- (ix) any other financial institution notified by the State Government in the Official Gazette as a bank for the purpose of this Act.

(b) the word "agriculturist" shall have the meaning assigned to it in sub-section (3) of section 5 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955)." – Rajasthan Act 16 of 1976, S. 5 (w.e.f.13-2-1976).

[Tamil Nadu].-In its application to the Tamil Nadu area of the State of Madras, in S.89,-

(1) after sub-S (4), insert the following sub-section, namely,-

"(5) Every officer granting a certificate of sale of immovable property under the Madras Co-operative Land Mortgage Banks Act, 1934, or the rules made under the Madras Co-operative Societies Act, 1932, shall send a copy of such certificate to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in such certificate is situate, and such registering officer shall file the copy in his Book No. 1."-Tamil Nadu Act 3 of 1936, S. 2 (w.e.f. 21-1-1936). This Act has been extended to the transferred territory (Kanyakumari district and Shenkottah taluk of Tirunelveli district) by Tamil Nadu Act 26 of 1960. It has been also extended to the added territories under the Central Act 56 of 1959; see Tamil Nadu Added Territories (Adaptation of Laws) Order, 1961.

(2) after sub-S (5), insert the following sub-section, namely,

"(6) Every officer in charge of collection of the loans mentioned in sub-section (I), or sub-section (3) shall send to the registering officer to whom a copy of the order under subsection (I), or a copy of instrument or order under sub-section (3) has been sent, an intimation of the discharge of such loans. Such intimation shall be in such form as may be prescribed and the registering officer shall file the intimation in his Book No. 1."-Tamil Nadu Act 31 of 1974, S. 2 (w.e.f. 1-10-1974).

(3) after sub-S (6), insert the following sub-section, namely,-

"(7) Every officer granting any deed or other document purporting to be or to evidence, the grant or assignment by the Government, of land or of any interest in land, shall send a copy of such deed or other document to the registering officer within the local limits of whose jurisdiction the whole or any part of the land comprised in such deed or document is situate, and such registering officer shall file the copy in his Book No. 1."Tamil Nadu Act 31 of 1982, S. 3 (w.e.f. 5-9-1983).

[Uttar Pradesh].-In its application to the State of Uttar Pradesh, in S. 89,-

(a) in sub-Ss. (I), (2) and (4), for the words "file the copy in his Book No. I", substitute "take a similar action on it as taken on a document admitted to registration under subsection (1) of section 61";

(b) in sub-S (3), for the words "file the copy or copies, as the case may be, in his Book No. I", substitute "take a similar action on it as taken on a document admitted to registration under sub-section (1) of section 61".-Uttar Pradesh Act 36 of 2001, S. 25 (w.e.f. 22-5-2002).

Section 89-A

State Amendments-[Goa]._In its application to the State of Goa, after S. 89, insert the following new section, namely,-

"89-A. Power to make rules for filing of true copies of documents.-(1) The State

Government may make rules for all purposes connected with the filing of true copies of documents in the appropriate books under this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for,-

(a) the manner in which true copies of documents shall be prepared; and (b) the manner of filing and pasting of such copies.

(3) All rules made under this section shall be published in the Official Gazette and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(4) Every rule made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule." -Goa Act 24 of 1985, 14 (w.e.f. 5-12-1985).

[Karnataka].-In its application to the State of Karnataka, after S. 89, insert the following new section, namely,-

"89-A. Power to make rules for filing of copies of documents.-(1) The State Government may make rules for all purposes connected with the preparation or filing of true copies of documents in the appropriate books under this Act.

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(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for-

- (a) the manner in which true copies of documents shall be prepared; and
- (b) the manner of filing of such copies.

(3) All rules made under this section shall be published in the Official Gazette, and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(4) Every rule made under this Act shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days-which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is so laid or the session immediately following both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(5) Nothing in this Part shall apply to any document which is prepared on a printed or lithographed form or which in the opinion of the registering officer, is not in a fit condition to be photocopied.

(6) Notwithstanding anything contained in this part in the case of document containing a map, plan or trade mark label, if the party presenting the document so desires, the registering officer may accept three copies of such map, plan or trade mark label and where such true copies are accepted the map, plan or trade mark label shall not be photocopied and such copies thereof shall be filed in the appropriate file book." Karnataka Act 41 of 1984, S. 5 (w.e.f. 7-11-1986).

[Kerala].-In its application to the State of Kerala, after S. 89, insert the following new section, namely,-

"89-A. Power to make rules for filing of true copies of documents.-(1) The State Government may make rules for all purposes connected with the filing of true copies of documents in the appropriate books under this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for-

- (a) the manner in which true copies of documents shall be prepared; and
- (b) the manner of filing of such copies.

(3) All rules made under this section shall be published in the Official Gazette and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(4) Every rule made under this section shall be laid as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that rule should not be made, the rule thereafter have effect only in such modified form or be of no effect as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."-Kerala Act 7 of

1968, S.18 (w.e.f.22-2-1968).

[Orissa].-In its application to the State of Orissa, after S. 89, insert the following new section, namely,-

"89-A. Duty of Collector in proceedings under section 47-A of the Indian Stamp Act,

1899.(1) It shall be the duty of the Collector, if he is satisfied during the proceedings,

if any, under section 47-A of the Indian Stamp Act, 1899, that the fees for registration paid under this Act in respect of a document is in deficit, to determine in the course of such proceedings the

deficient amount of fees *[and to recover the said amount of fees along with the deficient amount of stamp duty] from the person liable to pay the deficient amount of stamp duty under the said section; and all amounts recoverable as aforesaid may be recovered as arrears of land revenue.

(2) An order of the Collector under sub-section (1) shall be deemed to be an order made by the Collector under section 47-A of the Indian Stamp Act, 1899, and shall be final subject to the decision in appeal, if any, under sub-section (3) of the said section Orissa Act 17 of 1966, S.2 (w.e.f. 11-7-1966). *Substituted by Orissa Act 8 of 2002, S.8 (w.e.f. 24-5-2002).

[Pondicherry].-In its application to the Union Territory of Pondicherry, after S.89, insert the following new section, namely,-

“89-A. Power to make rules for filing copies of documents.-(1) The State Government may make rules for all purposes connected with the filing of true copies of documents in the appropriate books under this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for-

(a) the manner in which true copies of documents shall be prepared; and (b) the manner of filing of such copies.

(3) All rules made under this section shall be published in the Official Gazette and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(4) Every rule made under this section shall, as soon as possible after it is made, be laid

before the Legislative Assembly, Pondicherry, while it is in session for a total period of 14 days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the sessions aforesaid, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of

anything previously done under that rule.” - Pondicherry Act 17 of 1970, S. 7 (w.e.f. 1-11-1970).

[Tamil Nadu].-In its application to the State of Tamil Nadu, after S.89, insert the following new section, namely,-

“89-A. Power to make rules for filing copies of documents.-(1) The State Government may make rules for all purposes connected with the filing of true copies of documents in the appropriate books under this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for-

(a) the furnishing of true copies of documents by the person presenting the document for registration;

(b) the manner in which true copies of documents shall be prepared; and (c) the manner of filing of such copies.

*(2-A) Every Court passing an order for effecting or raising an attachment of immovable property under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), shall send a copy of such order together with the memorandum giving the details of the property to the registering officer within the local limits of whose jurisdiction the whole or any part of the said immovable property is situate, and such registering officer shall file the copy of such order in his Book No. 1.]

(3) All rules made under this section shall be published in the Official Gazette and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(4) Every rule made under this section shall, as soon as possible after it is made, be placed on the table of both the Houses of the State Legislature, and if, before the expiry of

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the session in which it is so placed or the next session, both the Houses agree in making any modification in any such rule or both House agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."-Tamil Nadu Act 21 of 1966, S. 5 (w.e.f.1-4-1967).* Inserted by Tamil Nadu Act 3 of 1987, S. 2 (w.e.f. 1-4-1987).

[West Bengal].-In its application to the State of West Bengal, after S.89, insert the following new section, namely,-

"89-A. Power to make rules for filing copies of documents.-(1) The State Government may make rules for all purposes connected with the preparation or filing of true copies of documents in the appropriate books under this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for-

(a) the manner in which true copies of documents shall be prepared; and

(b) the manner of filing of such copies."-West Bengal Act 17 of 1978, S. 6 (w.e.f. 1-1-1983).

Section 89-B

State Amendments-[Orissa].-In its application to the State of Orissa, after S. 89-A, insert the following new section, namely,-

"89-B. Power of State Government to make Rules.-(1) The State Government may, by notification in the Official Gazette, make Rules for all purposes connected with the filing of true copies of documents in the appropriate books under this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such Rules may provide for,-

(a) the furnishing of true copies of documents by the person presenting the documents for registration;

(b) the manner in which true copies of documents shall be prepared; and

(c) the manner of filing such copies. "-Orissa Act 14 of 1989, S. 15 (w.e.f. 19-9-1989).

[Tamil Nadu].-In its application to the State of Tamil Nadu, after S. 89-A, insert the following new section, namely,-

"89-B. Power to make rules regulating the writing of documents.- The State Government may make rules providing for the grant of licences to document writers, the terms and conditions subject to which and the authority by whom such licences shall be granted, the circumstances under which such licences may be revoked, and generally for all purposes connected with the writing of documents to be presented for registration."-Tamil Nadu Act 26 of 1981, S. 2.

*Exemptions from Act***90. Exemption of certain documents executed by or in favour of Government.-**

(1) Nothing contained in this Act or in the Indian Registration Act, 1877, or in the Indian Registration Act, 1871, or in any Act thereby repealed, shall be deemed to require, or to have at any time required, the registration of any of the following documents or maps, namely,-

(a) documents issued, received or attested by any officer engaged in making a settlement or revision of settlement of land revenue, and which form part of the records of such settlement; or

(b) documents and maps issued, received or authenticated by any officer engaged on behalf of Government in making or revising the survey of any land, and which form part of the record of such survey; or

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(c) documents which, under any law for the time being in force, are filed periodically in any revenue office by Patwaries or other officers charged with the preparation of village-records; or

(d) sanads, inam title-deeds and other documents purporting to be or to evidence grants or assignments by Government of land or of any interest in land; or

(e) notices given under section 74 or section 76 of the Bombay Land Revenue Code, 1879, or relinquishment of occupancy by occupants, or of alienated land by holders of such land.

(2) All such documents and maps shall, for the purposes of sections 48 and 49, be deemed to have been and to be registered in accordance with the provisions of this Act.

State Amendments-[Goa, Daman and Diu].-In its application to the Union Territory of

Goa, Daman and Diu, in sub-S (I), sub-Cl. (d), for the words "grants or assignments by Government of land or of any interest in land", substitute "grants, assignments or leases by Government of immovable property or of any interest in immovable property".-Goa, Daman

and Diu Act 2 of 1968, S. 4.

91. Inspection and copies of such documents.-⁶²[(1)] Subject to such rules and the previous payment of such fees as the 63[64[State Government], by notification in the Official Gazette, prescribes in this behalf], all documents and maps mentioned in section 90, clauses (a), (b), (c) and (e), and all registers of the documents mentioned in clause (d), shall be open to the inspection of any person applying to inspect the same, and, subject as aforesaid, copies of such document shall be given to all persons applying for such copies.

⁶⁵[(2) Every rule prescribed under this sub-section or made under section 69 shall be laid, as soon as it is made, before the State Legislature.]

Section 91-A

State Amendment-[Tripura]._In its application to the State of Tripura, after S. 91, insert the following new section, namely,-

"91-A.(1) The State Government may, by notification in the Official Gazette, make rules for all purposes connected with the pasting of true copies of documents in the appropriate books under this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for-

(a) the furnishing of true copies of documents by the person presenting the document for registration;

(b) the manner in which true copies of documents shall be prepared;

(c) the manner in which the true copies of documents shall be compared with the original documents after the same are admitted to registration; and

(d) the manner of pasting such copies.

(3) Every rule made under this section shall be laid as soon as may be after it is made, before the Legislative Assembly of Tripura, while it is in session for a total period of not less than fourteen days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session in which it is so laid or the successive sessions as aforesaid, the Legislative Assembly agrees in making any

62.S. 91 renumbered as sub-S (1) by Act 20 of 1983, S. 2 (w.e.f. 15-3-1984).

63.Substituted, *ibid*, for "State Government in this behalf" (w.e.f. 15-3-1984).

64.Substituted for "Provincial Government" by A.O. 1950.

65.Inserted by Act 20 of 1983, S. 2 (w.e.f. 15-3-1984).

modification in the rule or the Legislative Assembly agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule".-Tripura Act 7 of 1982, S.16 (w.e.f.I-I-1983).

92. Burmese registration-rules confirmed.-[Repealed by A.O. 1937.] *Repeals*

93. Repeals.-[Repealed by the Repealing Act, 1938 (1 of 1938), section 2 and Schedule.]

THE SCHEDULE-REPEAL OF ENACTMENTS .-[Repealed by the Repealing Act, 1938 (1 of 1938), section 2 and Schedule.]

State Amendments-[Pondicherry].-In its application to the Union Territory of Pondicherry, after S. 91, insert the following Schedule, namely,-

"THE SCHEDULE

[See section 52(5)]

MODIFICATION OF CERTAIN PROVISIONS OF THE ACT

1. In S. 45,-

(a) in sub-S (1), for the words and figure "cause the contents thereof to be copied into his Book No.3", substitute "cause a true copy of the contents thereof to be made and filed in his Book No.3"; and

(b) in sub-S (2), for the words "copy has been made", substitute "true copy has been filed".

2. In sub-S (2) of S. 46,-

(a) for the words "unless the will has been already copied", substitute "unless a true copy of the will has already been filed"; and

(b) for the words and figure "cause the will to be copied into his Book No.3", substitute "cause a true copy to be made and filed in his Book No.3".

3. In S. 51,-

(a) for sub-S (2), substitute the following sub-section, namely,"

(2) In Book I shall be filed,-

(i) true copies of all documents; and

(ii) all memoranda,

registered under sections 17, 18 and 89, which relate to immovable property, and are not wills"; and

(b) in sub-S (3), for the words "entered all documents", substitute "filed true copies of all documents".

4. In S. 54, for the words "copied or filed", substitute "filed a true copy of, or".

5. In S. 55,-

(a) in sub-S (2), for the words "every document entered or memorandum filed", substitute

"every document of which a true copy or memorandum is filed";

(b) in sub-S (4), for the words and figure "every will and authority entered in Book No.3", substitute "every will and authority of which a true copy is filed in Book No.3"; and

(c) in sub-S (5), for the words "document entered", substitute "document of which a true copy is filed".

6. In sub-S (1) of S. 60, for the words "the document has been copied", substitute "the true copy of the document has been filed".

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7. In sub-S (1) of S. 61, for the words "copied into the margin of the register book", substitute "copied into the true copy of the document filed under sub-section (1-B) of section 52".-Pondicherry Act 17 of 1970, 5.8 (w.e.f.1-11-1970).

[**Tamil Nadu**].-In its application to the State of Tamil Nadu, after S.91, insert the following Schedule, namely,-

"THE SCHEDULE
[See section 52(5)]

1. In S. 19, the words "and also by a true copy" shall be omitted.

2. In S. 45,-

(a) in sub-S (1), for the words and figure "cause the contents thereof to be copied into his Book No.3", substitute "cause a true copy of the contents thereof to be made and filed in his Book No.3"; and

(b) in sub-S (2), for the words "copy has been made", substitute "true copy has been filed".

3. In sub-S (2) of S. 46,-

(a) for the words "unless the will has been already copied", substitute "unless a true copy of the will has already been filed"; and

(b) for the words and figure "cause the will to be copied into his Book No.3", substitute "cause a true copy to be made and filed in his Book No.3".

4. In S. 51,-

(a) for sub-S (2), substitute the following sub-section, namely,"(2) In Book I shall be filed,-

(i) true copies of all documents; and (ii) all memoranda,

registered under sections 17, 18 and 89, which relate to immovable property, and are not wills"; and

(b) in sub-s. (3), for the words "entered all documents", substitute "filed true copies of all documents".

5. In S. 54, for the words "copied or filed", substitute "filed a true copy of, or". 6. In S. 55,-

(a) in sub-S (2), for the words "every document entered or memorandum filed", substitute "every document of which a true copy or memorandum is filed";

(b) in sub-S (4), for the words and figure "every will and authority entered in Book No.3", substitute "every will and authority of which a true copy is filed in Book No.3"; and

(c) in sub-S (5), for the words "document entered", substitute "document of which a true copy is filed".

6. In sub-S (1) of S. 60, for the words "the document has been copied", substitute "the true copy of the document has been filed".

7. In sub-S (1) of S. 61, the words "margin of" shall be omitted.

8. In S. 62, for sub-S (1), substitute the following sub-section, namely,-

"(1) When a document is presented for registration under section 19, the translation Together with the true copy of the document shall be filed in the appropriate book". – Tamil Nadu Act 21 of 1966, 5.6 (w.e.f. 1-4-1967).

[**West Bengal**].-Same as that of Tamil Nadu.-West Bengal Act 17 of 1978, S. 7 (w.e.f. 1-1-1983)...

KARNATAKA ACT NO.32 OF 2001
THE REGISTRATION (KARNATAKA AMENDMENT)
ACT, 2000

ARRANGEMENT OF SECTIONS

Sections:

1. Short title and commencement
2. Amendment of section 6
3. Amendment of section 12
4. Substitution of Part XIA
5. Repeal

STATEMENT OF OBJECTS AND REASONS

It is proposed to introduce the process of registration of documents by means of electronic or other devices that is with the help of computers, scanners, compact disk etc. in such areas as may be notified by the Government by making amendments to the Registration Act, 1908 (Central Act XVI of 1908) in its application to the State of Karnataka. Certain other consequential amendments are also made.

Hence the Bill.

(Vide L.A. Bill No. 25 of 2000 File No. ಸಂಖ್ಯೆಶಾಇ 38 ಶಾಸನ
2001)

KARNATAKA ACT NO. 32 OF 2001

*(First Published in the Karnataka Gazette Extra-ordinary on
the third day of October, 2001)*

**THE REGISTRATION (KARNATAKA AMENDMENT)
ACT, 2000**

*(Received the assent of the President on the twenty fifth day
of July, 2001)*

An Act further to amend the Registration Act, 1908 in its application to the State of Karnataka.

Whereas it is expedient further to amend the Registration Act, 1908 (Central Act XVI of 1908) in its application to the State of Karnataka for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Fifty first year of the Republic of India as follows:-

1.Short title and commencement.- (1) This Act may be called the Registration(Karnataka Amendment) Act, 2000.

(2) It shall come into force on such ¹[date] as the State Government may, by notification in the official Gazette, appoint.

2. Amendment of section 6.- In section 6 of the Registration Act, 1908 (Central Act XVI of 1908) (hereinafter referred to as the principal Act), the following shall be inserted, namely:-

“ Provided that the State Government may also appoint one or more Sub-Registrars for the same sub-district:

Published in the Karnataka Gazette Part IV-A Extraordinary No. 1761 dated 3-10-2001 Notification No. ಸಂವ್ಯಶಾಇ 31 ಶಾಸನ 1999

1. This Act has come into force w.e.f. 3-10-2001, vide Notification No. RD 304 MUNOMU 2001, dated 2-1-2002.

Provided further that, the State Government may delegate to the Inspector General of Registration, the power of appointing Sub-Registrars.”.

3. Amendment of section 12.- In section 12 of the principal Act, after the word “whom” the words “the Inspector General of Registration or” shall be inserted.

4. Substitution of Part XIA.- For Part XIA of the principal Act, the following Part and sections shall be substituted, namely:-

“PART XIA

**REGISTRATION OF DOCUMENTS BY MEANS OF
ELECTRONIC OR OTHER DEVICES**

70A. Application of this part.- This part shall apply only to the areas in respect of which a notification is issued by the State Government under section 70C.

70B. Definition.- In this part, “Process of Registration of documents by means of electronic or other devices” shall mean and include scanning and preservation of documents with the help of computers, scanners, compact disks, printers, micro-filming and any other device used for the purpose of storage and retrieval when required.

70C. Process of registration of documents by means of electronic or other device in the areas notified by the State Government.- (1) The State Government may by notification direct that to any District or Sub-District specified in this behalf process of registration by means of electronic or other device shall be applicable and the documents admitted for Registration under this Act may be scanned or Micro-filmed and their images stored and preserved with the help of electronic or any other device.

(2) On the issue of such notification, it shall be pasted in a conspicuous place at each registration offices affected by the notification.

70D. Application of Act to areas notified under section 70C .-In any District or Sub-Districts in respect of which notification has been issued under section 70C, the following provisions of the principal Act shall, for the purpose of this part be subject to the following modifications, namely:-

(a) in clause (2) of section 2, the words “and the information, storage devices like floppy disk, hard disk or compact disk etc., Micro-film or any other media” shall be inserted at the end;

(b) in section 16, for sub-section (1), the following shall be substituted, namely:-

“ (1) The State Governemnt shall provide for the office of Registering Officer the books and the information, or image processing and storage devices like Micro-filming unit or Computer and scanners along with the software prescribed by the Inspector General from time to time necessary for the purpose of this Act.”.

(c) in section 51, in sub-section (1), for the words “ The following books” the words, figures and brackets “The following books and the information or storage devices as specified in sub-section (1) of section 16” shall be substituted.

(d) in clause (c) of sub-section (1) of section 52 after the words “book appropriate there for” the word “or stored in the electronic or other storage device” shall be inserted.

(e) in section 54, after the word “copied” the words “or stored in the electronic or other storage device” shall be inserted.

(f) in sub-section (1) of section 60, after the word “copied” the words “ or where the document is stored in an electronic or other device the certificate shall contain the word “ Registered” with Document No, Year, Book No and Date” shall be inserted.

(g) in section 61,-

(i) in the heading after the word “copied” the word “or stored in the electronic or other storage device” shall be inserted.

(ii) after sub-section (1) , the following shall be inserted, namely:-

“Provided that, where the process of registration is done by using electronic or other devices, such endorsements and certificate shall also be stored with it along with the copy of the map or plan.

Provided further that, the Registering Officer shall after the storage for preservation of the document shall also endorse thereon on the original, the reference to the serial No. of the file, pages and compact disk or any other storage device, as the case may be, where such document is preserved.”.

(h) after clause (k) of sub-section (1) of section 69, the following shall be inserted, namely:-

“(l) regulating the process of registration referred to in sub-section (1) of section 70C by using electronic or other devices like Micro-filming unit, computers, scanners, floppies, hard disks,

compact disks and printers including storage, retrieval and preservation and also the manner in which documents are indexed and certified copies, encumbrance certificates issued.”.

- (i) in section 89, in sub-sections (1), (2), (3) and (4) the following shall be inserted at the end, namely:-

“ or shall get the same scanned, stored and preserved on the electronic or other device, as the case may be.”.

70E. Evidentiary value of copy of certain documents registered through the process of registration by means of electronic or other devices or by other methods.- Notwithstanding anything contained in this Act or any other law for the time being in force, a copy of any document registered through the process of registration by means of electronic or other devices or by any other method and certified or attested by the Registering Officer in charge of the office shall also be received in evidence of any transaction as is described in the said document.

70F. Saving.- Nothing in this part shall apply,-

(1) to any document which in the opinion of the Registering Officer is not in a condition fit to be processed by means of electronic or other devices;

(2) in the case of unforeseen eventuality like break-down of the electronic or other devices of registration:

Provided that the Registering Officer shall record in writing the reasons therefor.

Provided further that the Registering Officer shall ensure that the data and images of the documents registered during the period of non-application of this part due to a break-down of

electronic or other device are duly incorporated into the system, after the same is re-stored in the manner specified in the rules by the Inspector General of Registration.

70G. Powers of the State Government under this Chapter.- Where for any reason, the State Government is satisfied that, the process of Registration by means of electronic or other device is not possible in respect of all documents in any office to which this chapter applies, may direct by notification published in the official Gazette to copy such documents in the books kept in the office and in accordance with the rules made for this purpose.”

5. Repeal.- Section 5 of the Registration (Karnataka Amendment) Act, 1984 (Karnataka Act 41 of 1984) is hereby repealed.

KARNATAKA ACT No. 22 OF 2002
THE REGISTRATION (KARNATAKA AMENDMENT)
ACT, 2002

Arrangement of Sections

Sections:

1. Short title and commencement
2. Amendment of section 70C
3. Amendment of section 70D
4. Repeal and savings

STATEMENT OF OBJECTS AND REASONS

The Registration (Karnataka Amendment) Bill, 2000 was sent to the Government of India, Ministry of Home Affairs for obtaining the assent of the President. While communicating the assent of the president the Government of India suggested certain modifications to sections 70C and 70D proposed to be inserted by the Amendment Bill, 2000 and also conveyed previous instructions of the President to the Draft Registration (Karnataka Amendment) Ordinance, 2001 vide letter No: 17/10/2001 Judl. dated 25.7.2001. The Ordinance was issued simultaneously with the publication of the Registration (Karnataka Amendment) Act, 2001.

This Bill seeks to replace the said Ordinance.

Hence the Bill.

(L.A. Bill No. 1 of 2002)

KARNATAKA ACT No. 22 OF 2002

*(First published in the Karnataka Gazette Extra-ordinary on the
Seventeenth day of October, 2002)*

**THE REGISTRATION (KARNATAKA AMENDMENT)
ACT, 2002**

*(Received the assent of the President on the eighth day of
October, 2002)*

An Act further to amend the Registration Act, 1908 in its application to the State of Karnataka.

Whereas it is expedient further to amend the Registration Act, 1908 (Central Act XVI of 1908) in its application to the State of Karnataka for the purposes hereinafter appearing:

Be it enacted by the Karnataka State Legislature in the Fifty third year of the Republic of India, as follows:-

1. Short title and commencement.- (1) This Act may be called the Registration (Karnataka Amendment) Act, 2002.

(2) It shall be deemed to have come into force with effect from the third day of October, 2001.

2. Amendment of section 70C.- In sub-section (2) of section 70C of the Registration Act, 1908 (Central Act XVI of 1908) (hereinafter referred to as the principal Act), for the word "officers" the word "office" shall be substituted.

3. Amendment of section 70D.- In section 70D of the principal Act,-

(Published in the Karnataka Gazette Part IV-A Extra Ordinary No. 1406 dated 17-10-2002 in Notification No. ಸಂವ್ಯಾಖ್ಯಾನ 49 ಶಾಸನ 2001)

(a) in clause (a), for the word “media” the word “device” shall be substituted;

(b) in clause (c), for the words “books and the information” the words “books or the information” shall be substituted;

(c) in clause (g), in sub-clause (ii), after the words “the following “ the word “provisos” shall be inserted;

(d) in clause (h), for the brackets, letter and words “(i) regulating the process” the brackets, letter and words “(1) regulating the process” shall be substituted.

4. Repeal and savings.- (1) The Registration (Karnataka Amendment) Ordinance, 2001 (Karnataka Ordinance 5 of 2001) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act, as amended by this Act.