The Registration Act, 1908

Act 16 of 1908. 96 sections. Bare Act with the official footnotes.

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Every section online, with the old and new law side by side and exam questions:
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[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:-

PART I PRELIMINARY

Section 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 [3]***:

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.

State Amendment

Karnataka

Amendment of section 1.-For sub-section (3) of section 1 of the Registration (Karnataka Amendment) Act, 1976 (Karnataka Act 55 of 1976) the following sub-section shall be and shall be deemed have been substituted, namely:--

"(3) This section and sections 3, 13, 14, 16, 17 and 19 shall come into force at once and the other sections shall come into force on such date as the State Government may, by notification, appoint and different sections areas."

[Vide Karnataka Act 64 of 1976, s. 2]

[1] The word "Indian" omitted by Act 45 of 1969, s. 2.

[2] Subs. by Act 3 of 1951, s. 3 and the Schedule, for sub-section (2).
[3] The words "except the State of Jammu and Kashmir" omitted by Act 34 of 2019, s. 95 and the Fifth Schedule (w.e.f. 31-10-2019).

Section 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 [1][an Indian], [2]*** 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;

(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;

[3][(6A) "India" means the territory of India excluding the State of Jammu and Kashmir;]

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

(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.

[4]* * * * *

State Amendment

Uttarakhand

Amendment of section 2.-In the Registration Act, 1908 (hereinafter referred to as the Principal Act),

(a) Clause (2) of section 2 shall be substituted as follows; namely:-

"(2) 'book' includes a portion of a book and also any number of sheets connected together with a view to forming a book, or portion of a book and also includes a book in electronic form;"

(b) after clause (10), the following clauses shall be inserted, namely:-

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

(10-B) the words and expressions used herein and not defined but defined in the Information Technology Act, 2000 shall have the meaning respectively assigned to them in that Act."

[Vide Uttarakhand Act 24 of 2014, s. 2]

Uttar Pradesh

Amendment of section 2 .-In section 2 of the Registration Act, 1908, hereinafter referred to as the Principal Act, in clause (2),-

(a) for the words "or portion of a book", the words, "or portion of a book and also includes a book in electronic form".]

(b) after clause (10), the following clauses shall be inserted, 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."

[Vide Uttar Pradesh Act 36 of 2001, s. 2]

[1] Subs. by A.O. 1950, for "a Native of India".
[2] The words and brackets "his cast (if any) and" omitted by Act 17 of 1956, s. 2.
[3] Ins. by Act 3 of 1951, s. 3 and the Schedule.
[4] Clause (11) omitted by Act 3 of 1951, s. 3 and Schedule. Earlier it was inserted by the A.O. 1950.

PART II OF THE REGISTRATION-ESTABLISHMENT

Section 3. Inspector-General of Registration

(1) The [1][State Government] shall appoint an officer to be the Inspector-General of Registration for the territories subject to such Government:

Provided that the [1][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 [1][State Government] appoints in this behalf.

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

State Amendment

Uttarakhand

Amendment of section 3.-Sub-section (3) of section 3 of the Principal Act, shall be substituted as follows; namely:--

"(3) The State Government may appoint one or more Additional Inspector General of Registration, Deputy Inspectors 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 authorize them to exercise and perform all or any of the powers and duties of the Inspector General of Registration."

[Vide Uttarakhand Act 24 of 2014, s. 3]

Uttar Pradesh

Amendment of section 3.-In section 3 of the principal Act, in sub-section (3), for the words, Additional Inspector-General of Registration and Deputy Inspector General of Registration", the words, "Additional Inspector-General of Registration, Deputy Inspector-General of Registration and Assistant Inspector-General of Registration" shall be substituted.

[Vide Uttar Pradesh Act 36 of 2001, s. 3]

[1] Subs. by the A.O. 1950, for "Provincial Government".

[2] Subs., ibid., for "the Crown".

Section 4. Branch Inspector-General of Sindh

[Branch Inspector-General of Sindh.] -Rep.by the Government of India (Adaptation of Indian Laws) Order, 1937.

Section 5. Districts and sub-districts

(1) For the purposes of this Act, the [1][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 alternation of such limits, shall be notified in the [Official Gazette].

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

[1] Subs. by the A.O. 1950, for "Provincial Government".

Section 6. Registrars and Sub-Registrars

The [1][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.

[2]* * * * *

State Amendment

Karnataka

Amendment of section 6.-In section 6 of the Registration Act, 1908 (Central Act 16 of 1908) the following provisos inserted, 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."

[Vide Karnataka Act 32 of 2001, s. 2]

Uttar Pradesh

Amendment of section 6.-After section 6 of the Registration Act, 1908 as amended in its application in Uttar Pradesh, hereinafter referred to as the principal Act, the following section shall be inserted, namely :-

"6A. 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."

[Vide Uttar Pradesh Act 27 of 1994, s. 2]

[1] Subs. by the A.O. 1950, for "Provincial Government".

[2] Subs. by the A.O. 1937, for "Local Official Gazette".

Section 7. Offices of Registrar and Sub-Registrar

(1) The [1][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 [1][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 the duties of the Registrar to whom he is subordinate:

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

[1] The proviso rep. by the A.O. 1937. Earlier it was inserted by Act 4 of 1914, s. 2 and the Schedule.

Section 8. Inspectors of Registration offices

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

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

State Amendment

Orissa

Amendment of section 8.--In section 8 of the Registration Act, 1908 (16 of 1908) (hereinafter referred to as the principal Act),-

(a) in sub-section (1), for the words " Inspector of Registration Offices" the words " Additional Inspector -General of Registration, Joint Inspector-General of Registration and Deputy Inspector-General of Registration" shall be substituted; and

(b) in sub-section(2), for the words "Inspector", the words "Additional Inspector-General, Joint Inspector-General and Deputy Inspector-General" shall be substituted.

[Vide Orissa Act 8 of 2002, s. 2]

Uttarakhand

Repealed of section 8.-Section 8 of the Principal act shall be repealed. [Vide Uttarakhand Act 24 of 2014, s. 4]

[1] The proviso rep. by the A.O. 1937. Earlier it was inserted by Act 4 of 1914, s. 2 and the Schedule.

Section 9. Military cantonments may be declared sub-districts or districts

[Military cantonments may be declared sub-districts or districts.] Rep.by the Repealing and Amending Act, 1927 (10 of 1927), s. 3 and Second Schedule.]

Section 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 [2][State Government] fills up the vacancy.

[1] Subs. by the A.O. 1950, for "Provincial Government".

[2] Subs. by Act 4 of 1914, s. 2 and the Schedule, for "the Local Government fills up the vacancy".

Section 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.

Section 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 [1][the vacancy is filled up].

State Amendment

Karnataka

Amendment of section 12.-In section 12, after the word "whom" the words "the Inspector-General of Registration or" shall be

inserted.]

[Vide Karnataka Act 32 of 2001, s. 3]

Uttarakhand

Amendment of section 12.-Section 12 of the Principal Act, shall be substituted as follows; namely:--

"12. When any Sub-Registrar is absent, or when his office is temporarily vacant, any person, whom the Inspector-General of Registration appoints in this behalf, shall be Sub-Registrar during such absence or until the vacancy is filled up."

[Vide Maharashtra Act 24 of 2014, s. 5]

[1] Subs. by Act 4 of 1914, s. 2 and the Schedule, for "the Local Government fills up the vacancy".

Section 13. Report to State Government of appointments under sections 10, 11 and 12

(1) [1]*** All appointments made under section 10, section 11 or section 12 shall be reported to the [2][State Government] by the Inspector-General.

(2) Such report shall be either special or general, as the [3][State Government] directs.

[4]* * * * *

[1] The words and figure "All appointments made by the Inspector-General under section 6 and" rep. by the A.O. 1937.Earlier these words and figure were ins. by Act 4 of 1914, s. 2 and the Schedule.

[2] Subs. by the A.O. 1950, for "Provincial Government".

[3] Subs. by Act 4 of 1914, s. 2 and the Schedule, for "the Local Government fills up the vacancy".

[4] Sub-section (3) rep. by the A.O. 1937.

Section 14. Establishments of registering officers

[1]***

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

[1] Sub-section (1) rep., ibid.

[2] Subs. by Act 4 of 1914, s. 2 and the Schedule, for "the Local Government fills up the vacancy".

Section 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 [1][State Government] directs:-"The seal of the Registrar (or of the Sub-Registrar) of".

[1] Subs. by Act 4 of 1914, s. 2 and the Schedule, for "the Local Government fills up the vacancy".

Section 16. Register-books and fire-proof boxes

(1) The [1][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 [1][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 [1][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.

[1] Subs. by Act 4 of 1914, s. 2 and the Schedule, for "the Local Government fills up the vacancy".

Section 16A. Keeping of books in computer floppies, diskettes, etc

[1][(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 sub-section (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.]

[1] Ins. by Act 48 of 2001, s. 2 (w.e.f. 24-9-2001).

PART III OF REGISTRABLE DOCUMENTS

Section 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 No. 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;

[1][(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 [2][State Government] may, by order published in the [3][Official Gazette], exempt from the operation of this sub-section any lease 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.

[4][(1A) The documents containing contracts to transfer for consideration, any immovable property for the purpose of section 53A of the Transfer of Property Act, 1882 (4 of 1882) shall be registered if they have been executed on or after the commencement of the Registration and Other Related laws (Amendment) Act, 2001 (48 of 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 53A.]

(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 in so far as it entitles the holder to the security 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) [5][any document other than the documents specified in sub-section (1A)] 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 Court [6][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 [7][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 (26 of 1871), or the Land Improvement Loans Act, 1883 (19 of 1883); or

(x) any order granting a loan under the Agriculturists, Loans Act, 1884 (12 of 1884), or instrument for securing the repayment of a loan made under that Act; or

[8][(xa) any order made under the Charitable Endowments Act, 1890 (6 of 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.

[9][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 1st day of January, 1872, and not conferred by a will, shall also be registered.

State Amendment

Kerala

Amendment of section 17. -In section 17 of the Registration Act, 1908 (Central Act 16 of 1908) (hereinafter referred to as the principal Act),-

(i) in sub-section (1), after clause (e), the following clauses shall be inserted, namely:-

"(f) Instruments purporting or operating to effect a contract for the sale of immovable property of the value of one hundred rupees and upwards;

(g) Power of attorney creating any power or right of management, administration, development, transfer or any other transaction relating to immovable property of the value of one hundred rupees and upwards other than those executed in favour of father, mother, wife, husband, son, adopted son, daughter, adopted daughter, brother, sister, son-in-law or daughter-in-law of the executant.";

(ii) in sub-section (2), the Explanation shall be omitted.

[Vide Kerala Act 31 of 2013, s. 2]

Kerala

Amendment of section 17.--In sub-section (2) of section 17 of the Indian Registration Act, 1908 (Central Act 16 of 1908) (hereinafter referred to as the principal Act), clause (ix) and (x) shall be omitted.

[Vide kerala Act 7 of 1968, s. 2]

Orissa

Amendment of section 17.--In section 17 of the principal Act, in sub-section (1), after clause (e), the following clauses shall be inserted before the proviso, 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."

[Vide Orissa Act 8 of 2002, s. 3]

Rajasthan

Amendment of section 17, Central Act XVI of 1908.-In sub-section (2) of section 17 of the Registration Act, 1908 (Central Act XVI of 1908), in its application to the State of Rajasthan, hereinafter referred to as the principal Act-

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

(b) after clause (xii) as so amended, the following clause shall be added. namely :-

"(xiii) any instrument referred to in sub-section (5) of section 89."

[Vide Rajasthan Act 16 of 1976, s. 2]

Amendment of section 17, Central Act 16 of 1908.--In section 17 of the Registration Act, 1908 (Central Act 16 of 1908), in its application to the State of Rajasthan, hereinafter referred to as the principal Act,-

(a) in sub-section (1), after clause (e), and before the proviso, the following clauses shall be added, namely:-

"(f) agreement to sell immovable property possession where of 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-section (2), the existing Explanation shall be omitted.

[Vide Rajasthan Act 18 of 1989, s. 2]

Gujarat

Amendment of section 17 of XVI of 1908.-In the Registration Act, 1908, in its application to the State of Gujarat (hereinafter referred to as "the principal Act"), in section 17,--

(i) in sub-section (1),--

(a) for clause (f), the following clause shall be substituted, namely:--

"(f) power of attorney intending to administer, manage and/or alienate immovable property in any manner, executed on or after the commencement of the Registration (Gujarat Amendment) Act, 2016(Guj.16 of 2016);":

(b) after clause (j), the following clause shall be added, namely:--

"(k) sale certificate issued by any competent officer or authority under any central Act or State Act for the time being in force.";

(ii) in sub-section (2), clause (xii) shall be deleted.

[Vide Gujarat Act 4 of 2020, s. 2]

[1] Ins. by Act 21 of 1929, s. 10.

[2] Subs. by the A.O. 1950, for "Provincial Government".

[3] Subs. by the A.O. 1937, for "Local Official Gazette".

[4] Ins. by Act 48 of 2001, s. 3 (w.e.f. 24-9-2001).

[5] Subs. by Act 48 of 2001, s. 3, for "any document" (w.e.f. 24-9-2001).
[6] Subs. by Act 21 of 1929, s. 10, for "and any award".
[7] Subs. by the A.O. 1950, for "Crown".
[8] Ins. by Act 39 of 1948, s. 2.
[9] Ins by Act 2 of 1927, s. 2.

Section 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 gift 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 then one hundred rupees, to or in immovable property;

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

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

[1][(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 Amendment

Himachal Pradesh

3. Insertion of new section 18A.- In the Indian Registration Act, 1908 (16 of 1908) (hereinafter referred to as the principal Act), after section 18, the following section shall be inserted, namely;

"18-A. Documents for registration to be accompanied by a true copy.- 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 copy thereof."

[Vide Himachal Pradesh Act 2 of 1969, s. 3]

Tripura

Insertion of new section 18A.-In the Registration Act, 1908 (hereinafter referred to as the principal Act), after section 18, the following section shall be inserted, namely:-

18A. Document for Registration to be accompanied by a true copy.-(1) Notwithstanding anything contained in the Act, the Registering Officer shall refuse to register any document presented to 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 hand-written or printed or type-written or lithographed or otherwise prepared in such manner as may be prescribed.

[Vide Tripura Act 7 of 1982, s. 2]

Uttar Pradesh

Insertion of a new section 18-A in Act XVI of 1908.-In the Registration Act, 1908 (hereinafter referred to as the principal Act), after section 18, the following section shall be inserted, namely :-

18A. Documents for registration to be accompanied by a true copy thereof.-(1) The Registering Officer shall refuse to register any document presented to him for registration unless such document is accompanied by a true copy thereof, and in the case of a document referred to in section 19, also by a true copy of the translation referred to therein.

(2) A copy referred to in sub-section (1) shall not be a carbon copy, and shall be neatly handwritten, printed or type written, or be a cyclostyled copy of type-written matter, on only one side of the paper, and shall be prepared in accordance with such rules, if any, as may be made in that behalf, and shall contain a declaration in the prescribed manner that the same is a true copy of the document or of the translation, as the case may be."]

[Vide Uttar Pradesh Act 14 of 1971, s. 2]

[1] Ins. by Act 33 of 1940, s. 2.

Section 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 documents, unless it be accompanied by a true translation into a language commonly used in the district and also by a true copy.

State Amendment

Karnataka

Insertion of new section 19A.-After section 19 of the Registration Act, 1908 (Central Act 16 of 1908) (hereinafter referred to as the principal Act), the following section shall be inserted namely:--

"19A. Documents presented for registration to be accompanied by 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 neatly handwritten, printed, typewritten, lithographed or otherwise prepared in accordance with such rules may be made in this matter."

[Vide Karnataka Act 55 of 1976, s. 4]

Tripura

Amendment of Section 19.-In section 19 of the principal Act, for the words "a true translation" the words "two copies of the true translation" shall be substituted.

[Vide Tripura Act 7 of 1982, s. 3]

Kerala

Amendment of section 19.-In section 19 of the principal Act, the words "and also by a true copy" shall be omitted.

[Vide kerala Act 7 of 1968, s. 3]

Insertion of new section 19A.-After section 19 of the principal Act, the following section shall be inserted, namely:-

"19A. Documents presented for registration to be accompanied by true copies thereof.-(1) No documents 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 handwritten, printed, typewritten, lithographed or otherwise, prepared in accordance with such rules as may be made in this behalf."

[Vide kerala Act 7 of 1968, s. 4]

Himachal Pradesh

Amendment of section 19.- In section 19 of the principal Act, for the words "a true translation", the words "two copies of the true translation" shall be substituted.

[Vide Himachal Pradesh Act 2 of 1969, s. 4]

Orissa

Amendment of section 19.- In the Registration Act, 1908 (16 of 1908) (hereinafter referred to as the principal act), in section 19, the words " and also by a true copy" shall be omitted.

[Vide Orissa Act 14 of 1989, s. 2]

Insertion of new section 19-A.-In the principal Act, after section 19, the following section shall be inserted, namely:-

"19-A. Documents Presented for registration on 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 handwritten, printed, type-written, lithographed, cyclostyled or otherwise 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 true copy of the document and its translation, if any.".

[Vide Orissa Act 14 of 1989, s. 3]

Orissa

Amendment of section 19-A.-In Sub-section (2), for the words "otherwise prepared", the words "otherwise legibly prepared" shall be substituted.

[Vide Orissa Act 8 of 2002, s. 4]

Section 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.

Section 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 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.

State Amendment

Assam

Insertion of new Section 21A.- In the principal Act, after the existing section 21, the following new section 21A shall be inserted, namely:-

"21A. No registration of non-testamentary instruments without no objection certificate.- Notwithstanding anything contained in any other provision of this Act, no non-testamentary instrument relating to immovable property shall be accepted for registration, unless the Deputy Commissioner of the concerned district issues a No Objection Certificate containing the description of such immovable property to be transferred and also such other No objection Certificates, which are required to be issued by the Deputy Commissioner or any other Authority under any law for the time being in force or under any Executive Instruction, Order, etc., issued by the State Government from time-to-time:

Provided that all such No Objection Certificates shall be issued within a period of thirty days from the date of the receipt of application and in case No Objection Certificate is not issued within the stipulated period of thirty days, a speaking order with reasons thereof shall be issued to the applicant within the said stipulated period." [Vide Assam Act 29 of 2009, s. 2]

Uttarkhand

Amendment of section 21.-In placed of sub-section (1) of section 21 of the Principal act, shall be substituted as follows; namely:--

"(1) 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.". [Vide Uttarakhand Act 24 of 2014, s. 6]

Section 22. Description of houses and land by reference to Government maps or surveys

(1) Where it is, in the opinion of the [1][State Government], practicable to describe houses, not being houses in towns, and lands by reference to a Government map or survey, the[1][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 (1), failure to comply with the provisions of section 21, sub-section (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.

State Amendment

Karnataka

Insertion of new section 22A.-After section 22 of the principal Act, the following section shall be inserted namely:--

"22A. 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 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."

[Vide Karnataka Act 55 of 1976, s. 5]

Orissa

Insertion of new section 22-A. -After section 22 of the principal Act, the following section shall be inserted, namely:-

"22-A. Document of section 17.--(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." [Vide Orissa Act 8 of 2002, s. 5]

Orissa

Amendment of section 22-A.-- In the Registration Act, 1908 (16 of 1908), for section 22-A, the following section shall be substituted, namely:-

"22-A. Refusal to register certain documents.--(1) The registering officer shall refuse to register,-

(a) any instrument relating to the transfer of immovable properties by way of sale, gift, mortgage, exchange or lease,-

(i) belonging to the State Government , or the Local Authority;

(ii) belonging to any religious institution to which the Odisha Hindu Religious Endowment Act, 1951 (Odisha Act 2 of 1952) is applicable.

(iii) belonging to or recorded in the name of Lord Jagannath, Puri;

(iv) donated for Bhoodan Yagna and vested in the Odisha Bhoodan Yagna Samiti established under section 3 of the Odisha Bhoodan and Gramdan Act, 1970 (Odisha Act 2 of 1971);

(v) belonging to Wakfs which are under the supervision of Odisha Wakf Board established under the Wakf Act, 1995 (43 of 1995); unless a sanction in this regard, issued by the competent

authority as provided under the relevant Act or in absence of any such authority, and authority so authorized by the State Government for this purpose, is produced before the registering officer;

Explanation.-For the purpose of this section Local Authority means any Municipal Corporation, Municipality, Notified Area Council, Zilla Parisad, Grama Panchayat, Urban Development Authority and Planning Authority or any Local Self Government constituted under any law for the time being in force.

(b) The instrument relating to cancellation of sale deeds without the consent of the person claiming under the said sale deed; and

(c) Any instrument relating to transfer of immovable property, the alienation or transfer of which is prohibited under any State or the Central Act. (2) Notwithstanding anything contained in this Act, the registering officer shall not register any document presented to him for registration unless the transferor produce the record of rights for the satisfaction of the registering officer that such transferor has right, title and interest over the property so transferred.

Explanation.-For the purpose of this sub-section 'record-of-rights' means the record of rights as defined under the Odisha Survey and Settlement Act, 1958 (Odisha Act 3 of 1959)." [Vide Orissa Act 1 of 2014, s. 2]

Rajasthan

Insertion of section 22-A in Central Act XVI of 1908.- After section 22 of the principal Act, the following section shall be inserted, 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 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."

[Vide Rajasthan Act 16 of 1976, s. 3]

[1] Subs. by the A.O. 1950, for "Provincial Government".

PART IV OF THE TIME OF PRESENTATION

Section 23. Time for presenting documents

Subject to the provisions contained in sections 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:

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

Section 23A. Re-registration of certain documents

[1][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 form his first becoming aware that the registration of such document is 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 has not been previously registered, and as if such presentation for re-registration was a presentation for registration made within the time allowed therefore 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.

[1] Ins. by Act 15 of 1917, s. 2.

Section 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.

Section 25. Provision where delay in presentation is unavoidable

(1) If, owing to urgent necessity or unavoidable accident, any document executed, or copy of a decree or order made, in [1][India] is not presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, the Registrar, in 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

Rajasthan

Amendment of section 25, Central Act 16 of 1908.- In section 25 of the principal Act,-

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

(b) sub-section (2) shall be omitted.

[Vide Rajasthan Act 18 of 1989, s. 3]

[1] Subs. by Act 3 of 1951, s. 3 and the Schedule, for "the State".

Section 26. Documents executed out of India

When a document purporting to have been executed by all or any of the parties out of [1][India] is not presented for registration till after the expiration of the time hereinbefore prescribed in 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 its arrival in [1][India],

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

[1] Subs. by Act 33 of 1940, s. 3, for "and (c)".

Section 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

Section 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) [1][, (d) and (e), section 17, sub-section (2), insofar as such document affects immovable property,] and section 18, clauses (a), (b) [2][(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 Amendment

Orissa

Amendment of section 28.-In section 28 of the principal Act,-

(i) for the word, brackets and letter " and (e)" , the commas, brackets, letters and word, "(e), (f) and (g)" shall be substituted; and

(ii) the words " or some portion" shall be omitted. [Vide Orissa Act 8 of 2002, s. 6]

Rajasthan

Amendment of section 30, Central Act 16 of 1908.-In section 30 of the principal Act, the brackets and figure "(l)" and sub-section (2) shall be omitted.

[Vide Rajasthan Act 18 of 1989, s. 4]

Uttar Pradesh

Amendment of section 28.-In section 28 of the Principal Act,-

(a) The words "or some portion" shall be omitted.

(b) The following proviso to 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 portion or half-portion of the property to which such document relates is situate."

[Vide Uttar Pradesh Act 27 of 1994, s. 3]

[1] Subs. by Act 33 of 1940, s. 3, for "and (d)".

[2] Subs. by Act 33 of 1940, s. 3, for "and (c)".

Section 29. Place for registering other documents

(1) Every document [1][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 [2][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 [1][State Government] at which all the persons claiming under the decree or order desire the copy to be registered.

[1] Subs. by Act 32 of 1940, s. 3 and the first Schedule, for certain words.

[2] Subs. by the A.O. 1950, for "Provincial Government".

Section 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.

[1]* * * * *

State Amendment

Karnataka

Amendment of section 30.--In Section 30 of the Registration Act, 1908 (Central Amendment 16 of 1908) (hereinafter referred to as the principal Act), the brackets and figure "(1)" and 'sub-section (2)' shall be omitted.]

[Vide Karnataka Act 24 of 1989, s. 2]

Orissa

Amendment of section 30.-In the Registration Act, 1908 (16 of 1908) (hereinafter referred to as the principal Act), in section 30, sub-section (2) shall be omitted.

[Vide Orissa Act 19 of 1991, s. 2]

Haryana

Amendment of section 30 of Central Act 16 of 1908.-Sub-section (2) of section 30 of the Registration Act, 1908 (hereinafter referred to as the principal Act), shall be omitted.

[Vide Haryana Act 4 of 1997, s. 2]

Uttar Pradesh

Amendment of section 30.-In section 30 of the principal Act sub-section (2)

[Vide Uttar Pradesh Act 27 of 1994, s. 4]

[1] Sub-section (2) omitted by Act 48 of 2001, s. 4 (w.e.f. 24-9-2001).

Section 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 authorised 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

Section 32. Persons to present documents for registration

Except in the cases mentioned in [1][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 authorised by power-of-attorney executed and authenticated in manner hereinafter mentioned.

State Amendment

Gujarat

Amendment of section 32 of XVI of 1908.-In the principal Act, in section 32, the following Explanation shall be added at the end, namely:--

"Explanation.-For the purpose of this section the term "document" shall include the document presented by an electronic means."

[Vide Gujarat Act 4 of 2020, s. 3]

[1] Subs. by Act 39 of 1948, s. 3, for "section 31 and section 89".

Section 32A. Compulsory affixing of photograph, etc

[1][Every person presenting any document at the proper registration office under section 32 shall affix his passport size photograph and fingerprints to the document:

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

State Amendment

Uttarakhand

Amendment of section 32-A.-In section 32-A of the Principal act,--

(1) in sub-section (1)-

(i) the words, "in such areas as may be notified by the State Government," shall be omitted;

(ii) the word photostat" wherever occurring including heading, shall be omitted;

(2) in sub-section (2)-

(i) for the words "photostat copy" the words "true copy" shall be substituted;

(ii) for clauses (b) and (c), the following clause shall be inserted, namely:-

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

(3) Sub-section (3) shall be omitted.

[Vide Uttarakhand Act 24 of 2014, s.7]

Repealed at section 32-B.-Section 32-B of the Principal Act shall be repealed.

[Vide Uttarkhand Act 24 of 2014, s. 8]

Uttar Pradesh

Amendment of section 30.-In section 30 of the principal Act sub-section (2) shall be omitted.

Insertion of new section 32-B.-After section 32-A of the principal Act, the following section shall be inserted, namely-

32B. Lamination of true copies.-(1) Notwithstanding anything contained in this Act, in such areas as may be notified by the State Government, every document and the translation of the document referred to in section 19, presented for registration shall be accompanied by a true copy thereof ;

(2) The copy referred to in sub-section (1) shall-

(a) not be a carbon copy ;

(b) be neatly and legibly printed, lithographed, typewritten or otherwise prepared on only one side of the paper of such specification as may be notified by the State Government ;

(c) contain a declaration in the manner prescribed by rules under section 69 that the same is a true copy of the document or the translation, as the case may be.

(3) The registering officer shall refuse to register any document presented to him for registration unless such document is accompanied by a true copy thereof as provided in sub-section (1).

(4) The copy shall--

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

(b) be separately laminated, bound and permanently kept in such manner as may be prescribed by rules under section 69.

(5) In such areas as have been notified under sub-section (1), the provisions of section 32A shall cease to apply:

Provided that a Photostat copy filed before notification under sub-section (1) is issued and not copied in the appropriate book shall be deemed to be a true copy for the purposes of this section and shall be laminated in accordance with the procedure laid down in this section:

Provided further that if the Photostat copy already filed is dim or has otherwise become illegible, the registering officer shall, with the prior approval of the registrar, require the party concerned to deliver the document to him for getting its copy prepared for lamination, and if the party concerned informs him that the document has been lost or destroyed, the photostat copy available in the registering office shall be copied in the appropriate book.

(6) Where the provisions of this section apply, the sections mentioned below shall be deemed to be modified as follows:--

(a) in section 52, in sub-section (1),--

(i) in clause (a), after the words "every such document" the words "alongwith the true copy thereof" shall be inserted;

(ii) for clause (c), the following clause shall be substituted, namely:--

"(c) subject to the provisions contained in section 62, every true copy shall, without unnecessary delay be verified from the document admitted to registration, be laminated and placed in the proper book for being bound and kept permanently in the book appropriate for the document admitted to registration according to the order of its admission."

(b) in section 55, after sub-section (6), the following sub-section shall be inserted, namely, -

"(7) The indexes prepared under this section shall be laminated and bound in such manner as may be prescribed by rules under section 69."

(c) in section 58, in sub-section (1), after the words "admitted to registration" the words "and true copy thereof" shall be inserted;

(d) in section 60, in sub-section (1), for the words "the document has been copied" the words "the laminated true copy thereof has been bound and kept" shall be substituted;

(e) in section 62, in sub-section (1), for the words "the translation shall be transcribed" the words "the true copy of the translation shall be laminated, bound and kept shall be substituted;

(f) in section 69, after clause (hh-2), the following clauses shall be inserted, namely--

"(hh3) regulating the manner in which the true copy of the document and of the translation under section 19 shall be prepared and the form of declaration required under sub-section (2) of section 32B;

(hh4) regulating the manner and procedure for lamination of true copies, the books in which they shall be kept for record, keeping such records and preservation thereof, grant of licence for lamination and matters connected therewith including the rate of fees for laminating the copies, and seating arrangement for the licensees."

[Vide Uttar Pradesh Act 27 of 1994, s. 5]

[1] Ins. by Act 48 of 2001, s. 5 (w.e.f. 24-9-2001).

Section 33. Power-of-attorney recognisable for purposes of section 32

(1) For the 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 [1][India] in which this Act is for the time being in force, a 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 [2][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;

(c) if the principal at the time aforesaid does not reside in [3][India], a power-of-attorney executed before and authenticated by a Notary Public, or any Court, Judge, Magistrate, [4][Indian] Consul or Vice-Consul, or representative [5]*** 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.

[6][Explanation.-In this sub-section "India" means India, as defined in clause (28) of section 3 of the General Clauses Act, 1897 (10 of 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 hereinbefore mentioned in that behalf.

[1] Subs. by Act 3 of 1951, s. 3 and the Schedule, for "the State".

[2] Subs. by Act 3 of 1951, s. 3 and the Schedule, for "resides in any other part of the States".

[3] Subs. by s. 3, ibid., and the Schedule, for "the State".

[4] Subs. by the A.O. 1950, for "British".

[5] The words "of His Majesty or" omitted, ibid.

[6] Ins. by Act 3 of 1951, s. 3 and the Schedule.

Section 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 authorised 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;

(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 AMENEDMENT

Gujarat

Amendment of section 34 of XVI of 1908.-In the principal Act, in section 34,--

(i) after sub-section (1), the following sub-section shall be inserted, namely:--

"(1A) The registering officer may refuse to accept the non-testamentary documents relating to immovable property mentioned in sub-section (1) of section 17, if they are not accompanied by the-

(a) proofs of identify of executing and claiming parties and witnesses;

(b) proofs of authorization when the executant or claimant thereunder is representative or agent authorized by the person or entity whose document is so be registered;

.---

[Vide Gujarat Act 4 of 2020, s. 4]

Section 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 person 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 any one 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:

[1][Provided further that the[2][State Government] may, by notification in the[3][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.] STATE AMENEDMENT

Gujarat Amendment of section 35 of XVI of 1908.-

shall

[Vide Gujarat Act 4 of 2020, s. 5]

[1] Ins. by Act 13 of 1926, s. 2.
[2] Subs. by the A.O. 1950, for "Provincial Government".
[3] Subs. by the A.O. 1939, for "Local Official Gazette".

PART VII OF ENFORCING THE APPEARANCE OF EXECUTANTS AND WITNESSES

Section 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 [1][State Government] directs in this behalf to issue a summons requiring him to appear at the registration office, either in person or by duly authorised agent, as in the summons may be mentioned, and at a time named therein.

[1] Subs. by the A.O. 1950, for "Provincial Government".

Section 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.

Section 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) person exempt by law from personal appearance in Court, and who would but for the provisions 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.

Section 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.

PART VIII OF PRESENTING WILLS AND AUTHORITIES TO ADOPT

Section 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.

Section 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

Section 42. Deposit of wills

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

Section 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 fire-proof box.

Section 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 authorised 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.

Section 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.

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

State Amendment

Karnataka

Amendment of section 45.-in section 45 of the principal Act,--

(a) in sub-section (1), for the words, letters and figure "cause the contents thereof to be copied into his Book No. 3", the words, letters and figure "cause a true copy of the contents thereof to be made and filled in his Book No. 3" shall be substituted;

(b) in sub-section (2) for the words "copy has been made", the words "true copy has been filed" shall be substituted.

[Vide Karnataka Act 55 of 1976, s. 6]

Tripura

Amendment of Section 45.-In section 45 of the principal Act,-

(a) In sub-section (1), for the words and figure "cause the contents thereof to be copied into his Book No. 3", the words and figure "cause a true copy of the contents thereof to be made and pasted in his Book No. 3" shall be substituted; and

(b) In sub-section (2), for the words "copy has been made", the words "true copy has been pasted" shall be substituted. [Vide Tripura Act 7 of 1982, s. 4]

Kerala

Amendment of section 45.-In section 45 of the principal Act, --

(a) in sub-section (1), for the words, letters and figure "cause the contents thereof to be copied into his Book No. 3, the words, letters and figures "cause a true copy of the contents thereof to be made and filed in his Book No. 3" shall be substituted.

(b) in sub-section (2), for the words "copy has been made", the words "true copy has been filed" shall be substituted.

[Vide kerala Act 7 of 1968, s. 5]

Orissa

Amendment of section 45.-In the principal Act, in section 45,-

(a) in sub-section (1), for the words letters and figure "cause the contents thereof to be copied into his Book No. 3", the words, letters and figure "cause a true copy of the contents there of to be made and filed in his Book No.3" shall be substituted; and

(b) in sub-section (2), for the words, "copy has been made", the words "true copy has been filed" shall be substituted.

[Vide Orissa Act 14 of 1989, s. 4]

Section 46. Saving of certain enactments and powers of Courts

(1) Nothing hereinbefore contained shall affect the provisions of section 259 of the Indian Succession Act, 1865 (10 of 1865), or of section 81 of the Probate and Administration Act, 1881 (5 of 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.

State Amendment

Karnataka

Amendment of section 46.-In sub-section (2) of section 46 of the principal Act--

(a) for the words "unless the will has been already copied", the words "unless a true copy of the will has already been filled" shall be substituted;

(b) for the words, letters and figure "cause the will to be copied into his Book No.3", the words, letters and figure "cause a true copy of the will to be made and filed in his Book No. 3" shall be substituted.

[Vide Karnataka Act 55 of 1976, s. 7]

Tripura

Amendment of Section 46.-In section (2) of section 46 of the principal Act,--

(a) For the words "unless the will has been already copied", the words "unless a true copy of the will has been already pasted" shall be substituted; and

(b) For the words and figure "cause the will to be copied into his book No.3", the words and figure "cause a true copy of the will to be made and pasted in his Book No. 3" shall be substituted.

[Vide Tripura Act 7 of 1982, s. 5]

Kerala

Amendment of section 46.-In sub-section (2) of section 46 of the principal Act,--

(a) for the words "unless the will has been already copied", the words "unless a true copy of the will has already been filed" shall be substituted.

(b) for the words, letters and figure "cause the will to be copied into his Book No. 3", the words, letters and figure "cause a true copy of the will to be made and filed in his Book No. 3" shall be substituted.

[Vide kerala Act 7 of 1968, s. 6]

Orissa

Amendment of section 46.- In the principal Act, in sub-section (2) of section 46,-

(a) for the words "unless the will has been already copied", the words " unless a true copy of the will has already been filed" shall be substituted; and

(b) for the words, letters and figure "cause the will to be copied in his Book No.3", the words, letters and figure "cause a true copy of the will to be made and filed in his Book No.3" shall be substituted.

[Vide Orissa Act 14 of 1989, s. 5]

PART X

Section 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.

Section 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 [1][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 (4 of 1882), shall take effect against any mortgage-deed subsequently executed and registered which relates to the same property.]

[1] Ins. by Act 21 of 1929, s. 10.

Section 49. Effect of non-registration of documents required to be registered

No document required by section 17 [1][or by any provision of the Transfer of Property Act, 1882 (4 of 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:

[1][Provided that an unregistered document affecting immovable property and required by this Act or the Transfer of Property Act, 1882 (4 of 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, 1877 (1 of 1877)[2], [3]*** or as evidence of any collateral transaction not required to be effected by registered instrument.]

[1] Ins. by Act 21 of 1929, s. 10.

[2] See now the Specific Relief Act, 1963 (47 of 1963).

[3] The words, figures and letter "or as evidence of part performance of a contract for the purposes of section 53A of the Transfer of Property Act, 1882 (4 of 1882)" omitted by Act 48 of 2001, s. 6 (w.e.f. 24-9-2001).

Section 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 sub-section (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.

PART XI OF THE DUITES AND POWERS OF REGISTERING OFFICERS

(A) As to the Register-books and Indexes

Section 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 (f) 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 Amendment

Karnataka

Amendment of section 51.--In Section 51 of the principal Act, for clause (c) of sub-section (1), the following clause shall be substituted, namely:--

(a) for sub-section (2), the following sub-section shall be substituted, namely:-

"(2) In Book No.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-section (3), for the words "entered all documents", the words "filed true copies of all documents" shall be substituted;

(c) after sub-section (4), the following sub-section shall be inserted, 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 prepared and authenticated." [Vide Karnataka Act 55 of 1976, s. 8]

Tripura

Amendment of Section 51.-In section 51 of the principal Act,-

(a) for sub-section (2), the following sub-section shall be substituted, namely:-

(2) In Book I shall be

(i) pasted true copied of all documents and

(ii) filed all memoranda registered under Section 17, 18 and 89 which relate to immovable property, and are not wills and

(b) in sub-section (3), for the word "entered", the words "pasted true copies of" shall be substituted.

[Vide Tripura Act 7 of 1982, s. 6]

Kerala

Amendment of section 51.-In section 51 of th3 principal Act,-

(a) for sub-section (2) the following sub-section shall be substituted, 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 related to immovable property, and are not wills."

(b) in sub-section (3), for the words "entered all documents", the words "filed true copies of all documents" shall be substituted."

[Vide kerala Act 7 of 1968, s. 7]

Orissa

Amendment of section 51.-In the Principal Act, in section 51,-

(a) for sub-section (2), the following sub-section shall be substituted , 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."; (b) in sub-section (3), for the "entered all documents", the words "filed true copies of all documents", shall be substituted;

(c) after sub-section (4), the following sub-section shall be inserted, namely:-

"(5) If in the opinion of the Register any of the books mentioned in sub-section (1) is in danger of being destroyed or becoming illegible wholly or partly, the registrar may, by written 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 reference 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".

[Vide Orissa Act 14 of 1989, s. 6]

Uttarakhand

Amendment of section 51.- In placed of sub-sections (2), (3) and (5) of section 51 of the Principal Act, the following sub-section shall be substituted as follows; 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.

(5) Where due to fire, tempest, flood, excessive rainfall, violence of any army or mob, or other irresistible force and for any other reason 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 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."

[Vide Uttarakhand Act 24 of 2014, s. 9]

Section 52. Duties of registering officers when document presented

(1) (a) The day, hour and place of presentation, [1][the photographs and finger prints affixed under section 32A], 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 appropriated therefore 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 Amendment

Karnataka

Amendment of section 52.-In section 52 of the principal Act, for clause (c) of sub-section (1), the following clause shall be substituted, namely:-

"(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".

[Vide Karnataka Act 55 of 1976, s. 9]

Tripura

Amendment of Section 52-In section 52 of the principal Act, for clause (c) of sub-section (1), the following clause shall be substituted namely:-

"(c) subject to the provisions contained in section 62 the true copy, referred to in section 18A of every document admitted to registration shall, without unnecessary delay, be pasted in the book appropriated therefore according to the order of its admission."

[Vide Tripura Act 7 of 1982, s.7]

Kerala

Amendment of section 52.-In section 52 of the principal Act, for clause (c) of sub-section (1), the following clause shall be substituted.

"(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." [Vide kerala Act 7 of 1968, s. 8]

Himachal Pradesh

Amendment of section 52.- In section 52 of the principal Act, for clause (c) of sub-section (1), the following clause shall be substituted, 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 therefore according to the order of admission of the document." [Vide Himachal Pradesh Act 2 of 1969, s. 5]

Orissa

Amendment of section 52.- In the principal Act, in section 52, for clause (c) of sub-section (1), the following clause shall be substituted, namely:-

"(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 its order of admission.".

[Vide Orissa Act 14 of 1989, s. 7]

Uttarakhand

Amendment of section 52.-In sub-section (1) of section 52 of the principal Act,--

(1) in sub-section (1) -

(i) in clause (a), for the words, "every such documents at the time of presenting it", the words, "every such documents and true copy thereof at the time of presenting it; and" shall be substituted;

(ii) for clauses (b) and (c), the following clause shall be substituted, namely:-

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

(2) sub-section (2) shall be omitted.

[Vide Uttarakhand Act 24 of 2014, s. 10]

Uttar Pradesh

Amendment of section 52.-In section 52 of the principal Act, in sub-section (1) after clause (c), the following Explanation shall be inserted, namely :-

"Explanation-Copying of the document in the said book includes the pasting of its copy in the book."

[Vide Uttar Pradesh Act 14 of 1971, s. 3]

[1] Ins. by Act 48 of 2001, s. 7 (w.e.f. 24-9-2001).

Section 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.

Uttarakhand

Insertion of proviso to section 53.-In section 53 of the Principal Act, the following proviso shall be inserted, namely:--

"Provided that where Book is in electronic form, all entries and numbers in that Book and the Book maintained manually shall be identical."

[Vide Uttarakhand Act 24 of 2014, s. 11]

Section 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 Amendment

Karnataka

Amendment of section 54.-In section 54 of the principal Act, for the words "copied, or filed memorandum of, the words "filed a true copy or memorandum or shall be substituted.

[Vide Karnataka Act 55 of 1976, s. 10]

Tripura

Amendment of Section 54.-In section 54 of the principal Act, for the words and mark "copied, or filed a memorandum of "the words "pasted a true copy or filed a memorandum of" shall be substituted.

[Vide Tripura Act 7 of 1982, s. 8]

Kerala

Amendment of section 54.-In section 54 of the principal Act for the words "copied, or filed a memorandum of," the words "filed a true copy or memorandum of" shall be substituted."

[Vide kerala Act 7 of 1968, s. 9]

Orissa

Amendment of section 54.- In the principal Act, in section 54, for the words "copied or filed", the words "filed a true copy or" shall be substituted.

[Vide Orissa Act 14 of 1989, s. 8]

Uttarakhand

Amendment of section 54.-Section 54 of the Principal Act, shall be substituted as follows; namely:-

"54. 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 scanned or filed a true copy or a memorandum of, the document to which it relate."

[Vide Uttarakhand Act 24 of 2014, s. 12]

Section 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. Ill 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. 1.

(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 thereunder, 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 Amendment

Karnataka

Amendment of section 55.-In section 55 of the principal Act,-

(a) in sub-section (2), for the words "documents entered or memorandum filed", the words "documents of which a true copy or memorandum is filed" shall be substituted;

(b) in sub-section (4), for the words "authority entered", the words "authority of which a true copy is filed" shall be substituted;

(c) in sub-section (5), for the words "document entered", the words "documents of which a true copy is filed" shall be substituted.

[Vide Karnataka Act 55 of 1976, s. 11]

Tripura

Amendment of Section 55.-In section 55 of the principal Act-

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

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

(c) in sub-section (5), for the word "entered" substitute the words "of which a true copy is pasted" shall be substituted.

[Vide Tripura Act 7 of 1982, s. 9]

Kerala

Amendment of section 55.-In section 55 of the principal Act,-

(a) in sub-section (2), for the words "document entered or memorandum filed", the words "document of which a true copy, or memorandum, is filed" shall be substituted.

(b) in sub-section (4), for the words "authority entered", the words "authority of which a true copy is filed" shall be substituted.

(c) in sub-section (5), for the words "document entered", the words "document of which a true copy is filed" shall be substituted.

[Vide kerala Act 7 of 1968, s. 10]

Orissa

Amendment of section 55.- In the principal Act, in section 55,-

(a) in sub-section (2), for the words "document entered or memorandum filed", the words "document of which a true copy or a memorandum is filed" shall be substituted;

(b) in sub-section (4), for the words "authority entered", the words "authority of which a true copy is filed" shall be substituted; and

(c) in sub-section (5), for the words "document entered", the words "document of which a true copy is filed" shall be substituted.

[Vide Orissa Act 14 of 1989, s. 9]

Uttarkhand

Insertion in section 55.-After sub-section (6) of section 55 of the Principal Act, the following sub-section shall be inserted, 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."

[Vide Uttarakhand Act 24 of 2014, s.13]

Section 56. Copy of entries in Indexes Nos. I, II and III to be sent by Sub-Registrar to Registrar and filed

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

Section 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 or 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 the 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 Book 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 Amendment

Uttarakhand

Amendment of section 57.-In place of sub-section (1) of section 57 of the Principal Act, shall be substituted as follows; namely:-

"(1) Subject to the previous payment of fees payable in that behalf, books 1 and 2 and indexes relating to Book I other than those in electronic Form 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."

[Vide Uttarakhand Act 24 of 2014, s. 14]

(B) As to the procedure on admitting to registration

(B) As to the procedure on admitting to registration

Section 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 Amendment

Uttarakhand

Amendment of section 58.-In place of sub-section (1) of section 58 of the Principal Act, shall be substituted as follows; namely:-

"(1) On every document admitted to registration and true copy there of 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 the 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."

[Vide Uttarakhand Act 24 of 2014, s. 15]

Section 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.

Section 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 Amendment

Karnataka

Amendment of section 60.-The words "the document has been copied", the words " a true copy of the document has been filed" shall be substituted.

[Vide Karnataka Act 55 of 1976, s. 12]

Kerala

Amendment of section 60.-In sub-section (1) of section 60, for the principal Act, for the words "the document has been copied", the words "the true copy of the document has been filed" shall be substituted.]

[Vide kerala Act 7 of 1968, s. 11]

Tripura

Amendment of Section 60.-In sub-section (1) of section 60 of the principal Act, for the words "the document has been copied", the words "the true copy of the document has been pasted" shall be substituted.

[Vide Tripura Act 7 of 1982, s. 10]

Orissa

Amendment of section 60.- In the Principal Act, in sub-section (1) of section 60, for the words " the document has been copied", the words " the true copy of the document has been filed" shall be substituted.

[Vide Orissa Act 14 of 1989, s. 10]

Uttarakhand

Amendment of section 60.-In place of sub-section (1) of section 60 of the Principal Act, shall be substituted as follows; namely:--

"(1) After such of the provision 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 pages of the books in which the laminated true copy thereof has been bound and kept."

[Vide Uttarakhand Act 24 of 2014, s. 16]

Section 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. 1.

(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 Amendment

Karnataka

Amendment of section 61.-For sub-section (1) of section 61 of the principal Act the following sub-section shall be substituted 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 along with the document and the true copy of the map or the plan (if any) mentioned in section 21 shall also be filed along with the true copy of the document." [Vide Karnataka Act 55 of 1976, s. 13]

Kerala

Amendment of section 61.-for sub-section (1) of section 61 of the principal Act, the following sub-section shall be substitute, namely:-

"(1) The endorsement and certificate referred to and mentioned in sections 59 and 60 shall thereupon be copied into the true copy of the document presented along with the document, and the true copy of the map or plan (if any) mentioned in section 21 shall also be filed along with the true copy of the document." [Vide kerala Act 7 of 1968, s. 12]

Orissa

Amendment of section 61.-In the principal Act, for sub-section (1) of section 61, the following sub-section shall be substituted, namely:-

"(1) The endorsements and certificates referred to and mentioned in sections 59 and 60 shall thereupon be copied into the true copy of the document presented along with 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.".

[Vide Orissa Act 14 of 1989, s. 11]

Tripura

Amendment of section 61.-In sub-section (1) of the section 61 of the principal Act, the words "the margin of" shall be omitted.

[Vide Tripura Act 7 of 1982, s. 11]

Uttarakhand

Amendment of section 61.-In place of section 61 of the Principal Act, shall be substituted as follows; namely:-

"61.(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 along with 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 along with 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 (Uttarakhand Amendment) Act, 2010 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 (Uttarakhand Amendment) Act, 2010 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."

[Vide Uttarakhand Act 24 of 2014, s. 17]

Section 62. Procedure on presenting document in language unknown to registering officer

(1) 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 Amendment

Karnataka

Amendment of section 62.-For sub-section (1) of section 62 of the principal Act, the following sub-section shall be substituted, 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." [Vide Karnataka Act 55 of 1976, s. 14]

Kerala

Amendment of section 62.-For sub-section (1) of section 62 of the principal Act, the following sub-section shall be substituted, 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." [Vide kerala Act 7 of 1968, s. 13]

Himachal Pradesh

Amendment of section 62.- In section 62 of the principal Act, for sub-section (1), the following sub-section shall be substituted, 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 true copy referred to in Section 19, shall be filed in the registration office."

[Vide Himachal Pradesh Act 2 of 1969, s. 6]

Orissa

Amendment of section 62.- In the principal Act, for sub-section (1) of section 62, the following sub-section shall be substituted, 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.".

[Vide Orissa Act 14 of 1989, s. 12]

Tripura

Amendment of section 62.-In section 62 of the principal Act, for sub-section (1), the following shall be substituted:-

"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".

[Vide Tripura Act 7 of 1982, s. 12]

Uttarakhand

Substitution of section 62.-In place of section 62 of the Principal Act, shall be substituted as follows; namely:--

"62. 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 along with the original document and its printout kept along with 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 along with 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."

[Vide Uttarakhand Act 24 of 2014, s. 18]

Uttar Pradesh

Amendment of section 62.-In section 62 of the principal Act, after sub-section (1), the following Explanation shall be inserted, namely :-

"Explanation-Transcribing the translation in the said register includes pasting of a copy of such transition in that register."

[Vide Uttar Pradesh Act 14 of 1971, s. 4]

Section 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

(C) Special duties of Sub-Registrar

Section 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

Uttarakhand

Amendment of section 64.-In place of section 64 of the Principal act, shall be substituted as follows; namely:--

"64. Every sub-registrar, on registering an non-testamentary document relating to immoveable property not wholly situate in his own sub-district, shall make a memorandum thereof and of the endorsements 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 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." [Vide Uttarakhand Act 24 of 2014, s. 19]

Section 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 in his Book No. 1.

State Amendment

Uttarakhand

Amendment of section 65.-In place of sub-section (2) of section 65 of the Principal act, shall be substituted as follows; namely:--

"(2) The Registrar, on receiving the same shall 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 sub-section (1) of section 61 and shall forward a memorandum of the document to each of the sub-registrars subordinate to him, within those sub-district any part of such property is situate and every sub-registrar, receiving such memorandum, shall take a similar action on it as taken by the Registrar under this section.". [Vide Uttarakhand Act 24 of 2014, s. 20]

(D) Special duties of Registrar

(D) Special duties of Registrar

Section 66. Procedure after registration of documents relating to land

(1) On registering any non-testamentary document relating to immovable properly, 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

Uttarkhand

Amendment of section 66.- In place of sub-section (3) and sub-section (4) of section 66 of the Principal Act shall be substituted as follows; namely:-

"(3) Such Registrar, on receiving any such copy, shall take a similar action on it as taken on a document admitted to registration under sub-section (1) of section 61 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 take a similar action on it as taken on a copy received under sub-section (3)." [Vide Uttarakhand Act 24 of 2014, s. 21]

Section 67. Procedure after registration under section 30, sub-section (2)

[Procedure after registration under section 30, sub-section (2).] Omitted by the Registration and Other Related Laws (Amendment) Act, 2001 (48 of 2001), s. 8 (w.e.f. 24-9-2001).

State Amendment

Karnataka

Omission of section 67.-Section 67 of the principal Act, shall be omitted.

[Vide Karnataka Act 24 of 1989, s. 3]

Rajasthan

Amendment of section 67, Central Act 16 of 1908.-Section 67 of the principal Act shall be omitted.

[Vide Rajasthan Act 18 of 1989, s. 5]

Haryana

Omission of section 67 of Central Act 16 of 1908.-Section 67 of the principal Act shall be omitted.

[Vide Haryana Act 4 of 1997, s. 3]

Uttar Pradesh

Omission of section 67.-Section 67 of the principal Act shall be omitted.

[Vide Uttar Pradesh Act 27 of 1994, s. 6]

(E) Of the Controlling powers of Registrar and Inspector-General

(E) Of the Controlling powers of Registrar and Inspector-General

Section 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.

Section 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 [1][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; [2]***

[3][(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 16A;]

(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;

[4][(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 particulars to be contained in Indexes Nos. I, 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 [5] [State Government] for approval, and, after they have been approved, they shall be published in the [6][Official Gazette], and on publication shall have effect as if enacted in this Act.

State Amendment

Karnataka

Amendment of section 69.-In sub-section (1) of section 69 of the principal Act,

(i) in clause (g) after the word and figures "section 51", insert the words "and the manner of recopying such books on portions thereof",

(ii) after clause (i) insert us under--

"(ii) prescribing the manner in which and the terms subject to which persons who write deeds outside the precincts of a registration officer, 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;

[Vide Karnataka Act 55 of 1976, s. 15]

Kerala

Amendment of section 69.-After clause (b) of sub-section (1) of section 69 of the principal Act, the following clause shall be inserted, 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."

[Vide Kerala Act 2 of 1959, s. 3]

Himachal Pradesh

Amendment of section 69.-

In section 69 of the principal Act, in sub-section (1), after clause (b), the following clause shall be inserted, 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 ranted and generally for all purposes connected with the writing of the documents to be presented for registration."

[Vide Himachal Pradesh Act 2 of 1969, s. 7]

Orissa

Amendment of section 69.-In section 69 of the Registration Act, 1908 (16 of 1908), in sub-section (1) after clause (b), the following new clause shall be inserted, namely:-

"(bb) providing for the grant of 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.". [Vide Orissa Act 11 of 1976, s. 2]

Tripura

Amendment of Section 69.-In section 69 of the principal Act, in sub-section (1) after clause (b), the following clause be inserted, 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 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".

[Vide Tripura Act 7 of 1982, s. 13]

Uttarkhand

Insertion of section 69.-In section 69 of the Principal Act, after clause (hh), the following clauses shall be inserted, namely:-

"(hh-1) regulating the number and manner in which printouts 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."

(2) After section 69 of the Principal Act, the following section shall be inserted, namely:-

"69-A 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."

[Vide Uttarakhand Act 24 of 2014, s. 22]

Uttar Pradesh

Amendment of section 69.-In section 69 of the principal Act, after clause (h), the following clauses shall be inserted, namely :-

"(hh) regulating the manner in which translations to be delivered under section 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;"

[Vide Uttar Pradesh Act 14 of 1971, s. 5]

Rajasthan

Amendment of section 69, Act XVI of 1908.- After clause (b) of sub-section (1) of section 69 of the Indian Registration Act, 1908 (XVI of 1908), the following clause shall be inserted, 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."

[Vide Rajasthan Act XVIII of 1953, s. 2]

Amendment of section 69, Central Act 16 of 1908.-After sub-section(2) of section 69 of the principal Act, the following shall be added, 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.".

[Vide Rajasthan Act 18 of 1989, s. 6]

Gujarat

Amendment of section 69 of XVI of 1908.-the

[Vide Gujarat Act 4 of 2020, s. 6]

Uttar Pradesh

Amendment of section 69.-In section 69 of the Principal Act, in sub-section (1), after clause (d), the following clauses shall be inserted, namely :-

"(dd) providing for refund of registration fees paid in excess;

(ddd) providing for recovery of deficiency in registration fees."] [Vide Uttar Pardesh Act 48 of 1975, s. 3]

[1] Subs. by the A.O. 1950, for "Provincial Government".

[2] The words "and also for the destruction of such books, papers and documents as need no longer be kept" rep. by Act 5 of 1917, s. 6 and the Schedule.

[3] Ins. by Act 48 of 2001, s. 9 (w.e.f. 24-9-2001).

[4] Ins. by Act 39 of 1948, s. 4.

[5] Subs. by the A.O. 1950, for "Provincial Government".

[6] Subs. by the A.O. 1937, for "Local Official Gazette".

Section 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.

PART XII OF REFUSAL TO REGISTER

Section 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.

State Amendment

Kerala

Amendment of section 71.-In section 71 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:-

"(3) No registering officer shall accept for registration any document involving transfer of property including contract for sale of immovable property belonging to or vested in the Government of Kerala or public sector undertakings operating in the State or local self government institutions unless it is accompanied by a no objection certificate issued by an officer authorised by the State Government in this behalf.".

[Vide Kerala Act 31 of 2013, s. 3]

Section 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 days from 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.

Section 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 authorised 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.

Section 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.-

(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.

Section 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 witness, 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 (5 of 1908).

Section 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.

Section 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 documents shall be receivable in evidence in such suit.

PART XIII

Section 78. Fees to be fixed by State Government

[1]*** The [2][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 document; and

(i) for such other matters as appear to the Government necessary to effect the purposes of this Act.

State Amendment

Assam

Insertion of new Section 78A.- In the principal Act, after the existing sections 78, the following new section 78A shall be inserted, namely:-

"78A. Power to reduce or remit fees.-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, reduce or remit 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 persons generally or of any particular class or classes of persons, or in respect of any particular class or classes of instruments." [Vide Assam Act 24 of 2013, s. 2]

Kerala

Amendment of section 78.-Section 78 of the principal Act shall be renumbered as sub-section (1) of that section, and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:-

"(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 encumbered in clauses (a) to (i) of sub-section (1), either generally for any particular class or classes of cases and in respect of persons generally or of any particular class or classes of persons."

[Vide kerala Act 7 of 1968, s. 14]

Orissa

Insertion of new section 78-A.--After section 78 of the principal Act, the following section shall be inserted, 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 order published in the Gazette, remit the fees payable in respect of any such instrument."

[Vide Orissa Act 8 of 2002, s. 7]

Uttarakhand

Insertion of section 78-B.-After section 78-A of the Principal Act, the following section shall be inserted, namely:--

"78-B (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 is accordance with the rules made by the Inspector-General of Registration with the prior approval of the State Government."

[Vide Uttarakhand Act 24 of 2014, s. 23]

Rajasthan

Amendment of section 78, Central Act XVI of 1908.- Section 78 of the principal Act shall be renumbered as sub-section (1) thereof and after sub-section (1), as so re-numbered, the following sub-section shall be added 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 (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."

[Vide Rajasthan Act 16 of 1976, s. 4]

Uttar Pradesh

After section 78 of the principal Act, the following section shall be inserted, namely :-

"78A. 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."

[Vide Uttar Pradesh Act 48 of 1975, s. 4]

[1] The words "Subject to the control of the Governor-General in Council" omitted by Act 38 of 1920, s. 2,and the First Schedule.

[2] Subs. by the A.O. 1950, for "Provincial Government".

Section 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.

Section 80. Fees payable on presentation

All fees for the registration of documents under this Act shall be payable on the presentation of such documents.

State Amendment

Kerala

Insertion of new section 80 A.-After section 80 of the Registration Act, 1908 (Central Act 16 of 1908), the following section shall be inserted, namely.-

"80A. Recovery of registration fees in certain cases.-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 or that the fee paid has subsequently been found to be insufficient due to the fact that the value of the property or the consideration, as the case may be, has not been truly set forth in the document, such fee or the difference between the fee paid and the fee due, as the case may be, may on a certificate by the Inspector General of Registration or an officer authorised by him in that behalf, be recovered from the person who presented such document for registration under section 32, as an arrear of public revenue due on land under the provisions of the Revenue Recovery Act for the time being in force:

Provided that no such certificate shall be granted unless enquiry in the prescribed manner has been held and such person has been given a reasonable opportunity of being heard:

Provided further that no such certificate shall be granted after the expiry of a period of three years from the date of presentation of the document under section 32.".

[Vide Kerala Act 21 of 1998, s. 2]

Karnataka

Insertion of new section 80A.-After section 80 of the Registration Act, 1908 (Central Act 16 of 1908) the following section shall be inserted, namely:-

"80A. Deficient amount of fees payable and their recovery.-(1) If the value of the property has been increased under section 45A of the Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957), 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 determining the market value of the property is communicated to him.

(2) The fee payable under sub-section (1) may be recovered as an arrear of land revenue."

[Vide Karnataka Act 28 of 1975, s. 2]

Karnataka

Insertion of new Part after Part XIII-After Part XIII of the principal Act, the following Part shall be inserted, namely:-

"PART XIII-A

OF DEED WRITERS

80B. 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".

[Vide Karnataka Act 55 of 1976, s. 16]

Karnataka

Insertion of new section 80A.-After section 80 of the Registration Act, 1908 (Central Act 25 of 1908), the following section shall be and shall be deemed to have been inserted with effect from the first day of April, 1972, namely:-

"80A. 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."

[Vide Karnataka Act 19 of 1980, s. 2]

Himachal Pradesh

Insertion of new section 80-A.- In the Registration Act, 1908 (16 of 1908) after section 80, the following new section along with its heading shall be inserted and shall be deemed always to have been inserted, namely:-

"80-A. Recovery of registration fee as arrears of land revenue and provision for refund.- (l) 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.

(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."

[Vide Himachal Pradesh Act 1 of 1982, s. 2]

Orissa

Insertion of new section 80-A.- In the principal Act, after section 80, the following section shall be inserted namely:-

"80-A. 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 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.".

[Vide Orissa Act 19 of 1991, s. 3]

Haryana

Insertion of section 80A in Central Act 16 of 1908.-After section 80 of the Registration Act, 1908, the following new section shall be inserted, namely:-

"80A. Deficient 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 47A 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.". [Vide Haryana Act 36 of 1973, s. 2]

Uttar Pradesh

Insertion of New section 80-A and 80-B.-After section 80 of the principal Act, the following section shall be inserted, namely :-

"80A. Duty of Collector in proceedings under section 47A 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 47A 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 47A 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.

80B. 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 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." [Vide Uttar Pradesh Act 48 of 1975, s. 5]

West Bengal

Insertion of new section 80A:- After Part XIII of the main Act, insert the following Parts XIIIA and XIIIB, namely:-

PART XIIIA

Of Touts

80A. 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 80B, 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.

80B. 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 sub-section (2) of section 80A, 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 sub-section (1) of section 80A:

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.

80C. 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.

80D. 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.

80E. 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 80D 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 82A:

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.

80F. 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 XIIIB

Of Deed-Writers

80G. 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 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 purpose 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.]

[Vide Bengal Act 5 of 1942, s. 9]

PART XIV OF PENALTIES

Section 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 Amendment

Karnataka

Amendment of section 81.-In section 81 of the principal Act,-

(i) in the marginal heading, for the words " the registering", the words "registering or filing" shall be substituted;

(ii) for the words "or registering of any document" the words "registering or filing a true copy of any document" shall be substituted;

(iii) for the words "or registers such document", the words "registers or files a copy of such document" shall be substituted. [Vide Karnataka Act 55 of 1976, s. 17]

Kerala

Amendment of section 81.-In section 81 of the principal Act,-

(a) for the words "or registering of any document", the words "registering, or filing a true copy, of any document" shall be substituted;

(b) for the words "or registers such document", the words "registers, or files a true copy of, such document" shall be substituted.

[Vide Kerala Act 7 of 1968, s. 15]

Orissa

Amendment of section 81.-In the principal Act, in section 81,-

(a) for the words " or registering of any document" the words "registering or filing a true copy of any document" shall be substituted;

(b) for the words "or registers such document", the words "registers or files a true copy of such document" shall be substituted.

[Vide Orissa Act 14 of 1989, s. 13]

Tripura

Amendment of section 81.-For section 81 of the principal Act, the following shall be substituted, 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."

[Vide Tripura Act 7 of 1982, s. 14]

Section 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 enquiry 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 Amendment

Karnataka

Amendment of section 82.--In clause (b) of section 82 of the principal Act, the following the words and figures "under section 19 or section 21", the words "under this Act or the rules made thereunder" shall be substituted.

[Vide Karnataka Act 55 of 1976, s. 18]

Insertion of new section 82A,-- After section 82 of the principal Act, the following section shall be inserted namely:--

"82A. Penalty in respect of deed writers.-Whoever contravenes the provisions of section 80B 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"]

[Vide Karnataka Act 55 of 1976, s. 19]

Kerala

Amendment of section 82.-In clause (b) of section 82 of the principal Act, for the words and figures "section 19 or section 21", the words "this Act or the rules made thereunder" shall be substituted.

[Vide kerala Act 7 of 1968, s. 16]

Orissa

Amendment of section 82.- In the principal Act, in clause (b) of section 82, for the words and figures "section 19 or section 21", the words " this Act or the rules under thereunder" shall be substituted.

[Vide Orissa Act 14 of 1989, s. 14]

Tripura

Amendment of Section 82.-For sub-section (b) of section 82 of the principal Act, the following shall be substituted, namely:-

"(b) intentionally delivers to a registering Officer, in any proceeding under this Act or the rules made thereunder, a false copy or translation of a document, or a false copy of a map or plan; or"

[Vide Tripura Act 7 of 1982, s. 15]

Uttar Pradesh

Amendment of section 82.-In section 82 of the principal Act, for clause (b) the following clause shall be substituted, namely-

"(b) intentionally delivers to a registering officer, in any proceeding under section 18-A, section 19 or section 21, a false copy or translation of a document or a false copy of a map or plan or makes a false declaration ; or."

[Vide Uttar Pradesh Act 14 of 1971, s. 5]

Section 83. Registering officers 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, [1]*** 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.

State Amendment

Kerala

Insertion of new sections 83A and 83B.-After section 83 of the principal Act, the following sections shall be inserted, namely:-

"83A. Cancellation of registered documents in certain cases.-(1) If on enquiry by an officer in the Registration Department not below the rank of the deputy Inspector General of Registration, it is found that some one has falsely personated another, and in such assumed character presented, admitted the execution and got registered any document by a registering officer and the existence of such a document is detrimental to the interest of another person, the same shall be cancelled by the Inspector General of Registration on application made to him in such form as may be prescribed.

(2) If on an enquiry conducted by the District Collector suo motu or on the basis of a complaint received by him, it is found that any Government land or land owned by a public sector undertaking, has been transferred on the strength of a document which is got registered without following the procedure prescribed in sub-section (3) of section 71, the District Collector may make recommendation to the Inspector General of Registration to cancel the registration of such document.

(3) On receipt of such recommendation from the District Collector, the Inspector General of Registration shall have the authority to cancel the registration of such document after following such procedure as may be prescribed.

83B. Appeal to Government from orders of the Inspector General of Registration.-Any person aggrieved by an order of the Inspector General of Registration under section 83A, may prefer an appeal before the Government within thirty days from the date of receipt of such order, and the Government shall pass an order confirming, modifying or cancelling the order of the Inspector General of Registration as they deem fit.".

[Vide Kerala Act 31 of 2013, s. 4]

[1] The words "the Branch Inspector-General of Sindh" omitted by the A.O. 1937.

Section 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

Section 85. Destruction of unclaimed documents

Documents (other than wills) remaining unclaimed in any registration office for a period exceeding two years may be destroyed.

Section 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.

Section 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.

State Amendment

Orissa

Insertion of new section 87-A (Act 16 of 1908).- After section 87 of the Indian Registration Act, 1908 (16 of 1908) (hereinafter referred to as the principal Act), the following new section shall be inserted, 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."

[Vide Orissa Act 7 of 1964, s. 2]

Section 88. Registration of documents executed by Government officers or certain public functionaries

[1][(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

(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.]

[1] Subs. by Act 39 of 1948, s. 5, for section 88.

Section 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 (19 of 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 (5 of 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 (12 of 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 or 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 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 Amendment

Karnataka

Insertion of new section 89A.-After section 89 of the principal Act, the following section shall be inserted namely:-

"89A. Power to make rules for filing of 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 documents for registration;

(b) the manner in which true copies of documents shall be prepared; and

(c) 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 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."

[Vide Karnataka Act 55 of 1976, s. 20]

Kerala

Amendment of section 89.-In section 89 of the principal Act, -

(a) sub-section (1) and (3) shall be omitted.

(b) after sub-section (4), the following sub-sections shall be inserted, namely:-

"(5) Every court passing

(a) any decree or order creating, declaring, transferring, limiting or extinguishing and right, title or interest to or in immovable property in favour of or of any person, or

(b) an order for the attachment of immovable property or of 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 and 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 of 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 the property is lifted or the property is sold and the sale is confirmed, send a memorandum indicating that fact and 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 party of the immovable property to which the written demand relates is situate and such registering officer shall fiel the copy of the written demand and the memoranda I his Book No. 1."

[Vide Kerala Act 7 of 1968, s. 17]

Insertion of new section 89A.-After section 89 of the principal Act, the following section shall be inserted, namely:-

"89A. 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 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."

[Vide kerala Act 7 of 1968, s. 18]

Orissa

Insertion of new section 89A (Act 16 of 1908).-After section 89 of the Indian Registration Act, 1908 (16 of 1908), the following new section shall be inserted, namely:-

"89-A. Duty of Collector in proceedings under section 47-A of the Indian Stamps Act, 1899 (2 of 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 (2 of 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 send a copy of the order made in the proceedings to the registering officer for recovery of the said amount 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 (2 of 1899) and shall be final subject to the decision in appeal, if any, under sub-section (3) of the said section.

[Vide Orissa Act 17 of 1966, s. 2]

Orissa

Insertion of new section 89.- In the principal Act, after section 89-A, the following section shall be inserted, 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 furnishing of true copies of documents by the person presenting the documents for registration;

(c) the manner of filing such copies.".

[Vide Orissa Act 14 of 1989, s. 15]

Orissa

Amendment of section 89-A.--In Section 89-A of the principal Act, in Sub-section (1), for the words "and to send a copy of the order made in the proceedings to the registering officer for the recovery of the said amount", the words "and to recover the said amount of fees along with the deficient amount of stamp duty" shall be substituted.

[Vide Orissa Act 8 of 2002, s. 8]

Uttarakhand

Amendment of section 89.-Sub-section (1), (2), (3) and (4) of section 89 of the Principal Act shall be substituted as follows; namely:-

"(1) Every officer granting a loan under the Land Improvement Loans Act, 1883 (XIX of 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 the land to be granted as collated security, is situate, and such registering officer shall take a similar action on it as taken on a document admitted to registration under sub-section (1) of section 61.

(2) Every Court granting a certificate of sale of immovable property under the Code of Civil Procedure, 1908 (V of 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 immoveable property, comprised in such certificate, is situate and such officer shall take a similar action on it as taken on a document admitted to registration under sub-section (1) of section 61.

(3) Every officer granting a loan under the Agriculturists Loans Act, 1884 (XII of 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 the order, to the registering officer within the local limits of whose jurisdiction, the whole or any part of the property mortgaged is situate and such registering officer shall take a similar action on it as taken on a document admitted to registration under sub-section (1) of section 61.

(4) Every Revenue Officer granting a certificate of sale to the purchase 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 take a similar action on it as taken on a document admitted to registration under sub-section (1) of section 61."

[Vide Uttarakhand Act 24 of 2019, s. 24]

Rajasthan

Amendment of section 89, Central Act XVI of 1908.-In section 89 of the principal Act, after sub-section (4), the following sub-section shall be added, 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 the 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.

Explanation.- F or the purpose 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 State Bank of India Act, 1955;

(iii) a subsidiary bank as defined in the State Bank of India (Subsidiary Bank) Act, 1959

(iv) a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertaking) Act, 1970;

(y) 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 Re-finance 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).

[Vide Rajasthan Act 16 of 1976, s. 5]

Gujarat

Insertion of new sections 89A, 89B, 89C and 89D in XVI of 1908.-

sent Registering registers.-Every court passing,--

they subject Legislature

[Vide Gujarat Act 4 of 2020, s. 7]

Exemption from Act

Section 90. Exemption of certain documents executed by or in u of Government

(1) Nothing contained in this Act or in the Indian Registration Act, 1877 (3 of 1877), or in the Indian Registration Act, 1871 (8 of 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 or 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

(c) documents which, under any law for the time being in force, are filed periodically in any revenue office by patwaris 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 (Bomb. 5 of 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.

Section 91. Inspection and copies of such documents

[1][(1)] Subject to such rules and the previous payment of such fees as the [2][[3][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 documents shall be given to all persons applying for such copies.

[4][(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.]

State Amendment

Tripura

Insertion of new section 91A.-After section 91 of the principal Act, the following new section shall be inserted, namely:-

91A. (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 in which it is so laid or the successive sessions aforesaid, the Legislative Assembly agrees in making any 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 or 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.

[Vide Tripura Act 7 of 1982, s. 16].

[1] Section 91 renumbered as sub-section (1) thereof by Act 20 of 1983, s. 2 and Schedule.

[2] Subs. by the A.O. 1950, for "Provincial Government".

[3] Subs., ibid., for "State Government prescribes in this behalf".
[4] Ins. by Act 20 of 1983, s. 2 and Schedule (w.e.f. 15-3-1984).

Section 92. Burmese registration-rules confirmed

[Burmese registration-rules confirmed] Rep. by the Government of India (Adaptation of Indian Laws) Order, 1937.

Section 93. Repeals

[Repeals] Rep. by the Repealing Act, 1938 (1 of 1938), s. 2 and Schedule.

Schedules

The Schedules are not reproduced in this PDF. Each is in the official file, at the page given:

THE SCHEDULE. Repeal of Enactments.Rep. by the Repealing Act, 1938 (1 of 1938), s. 2 and the (official file, page 64)

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