

THE REGISTRATION ACT, 1908¹

[Act, No. 16 of 1908]

[18th December, 1908]

PREAMBLE

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:--

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

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of 1960 but the Act as was prevailing in the territories added to Tamil Nadu from the State of Andhra Pradesh has been repealed by T.N. Act 8 of 1964.

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

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 except the State of Jammu and Kashmir:

Provided that the State Government may exclude any districts or tracts of country from its operation.]

(3) It shall come into force on the first day of January, 1909.

1. The word "Indian" omitted by Act 45 of 1969, Section 2 (w.e.f. 26-12-1969).

2. Substituted by Act 3 of 1951, Section 3 and Schedule, for sub-section (2) (w.e.f. 1-4-1951).

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 AMENDMENTS

⁵[Andhra Pradesh:

In section 2

In sub-section (2), after the words "includes a portion of book", the words "and the information storage devices like floppy disk, hard disk, compact disk" shall be added.

⁶[Goa, Daman and Diu:

In clause (1) of section 2

The words "his father's name", insert the words "his marital status, and".

⁷[Tamil Nadu:

In section 2,--

- (i) in clause (9), the word "and" occurring at the end shall be omitted;
- (ii) in clause (10), the word "and" shall be added at the end;
- (iii) after clause (10), the following clause shall be added, namely:--

"(11) 'tout' means a person who habitually frequents the precincts of a registration office, for the purpose of employment for himself or for any other person in connection with any registration business and who is so declared as a tout under Part XIII-A.]

¹¹[In section 2 of clause (2), the following expression shall be added at the end, namely:--

"and the information storage devices like floppy disk, hard disk or compact disk or any other electronic media;]

⁸[West Bengal:

In section 2,--

- (1) omit the word "and" at the end of sub-section (9); and
- (2) add after sub-section (10) the following word and sub-section,--

"and

(11) 'tout' means a person--

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

(b) who is declared to be deemed to be a tout for the purposes of this Act by rules made under section 80G."]

[Puducherry

⁹[In Section 2

In sub-section (2) of section 2, after the words "includes a portion of book", the words "and the information in storage devices like floppy disk, hard disk or compact disk" shall be added.]

[Uttaranchal

¹⁰[In Section 2

(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."]

Uttar Pradesh

¹²[In its application to the State of Uttar Pradesh, S.2, in Cl. (2), for the words "or portion of a book", substitute "or portion of a book and also includes a book in electronic form".]

¹⁴[In its application to the State of Uttar Pradesh, S.2, after Cl.(10), insert the following clauses, namely:-

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

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

Madhya Pradesh

¹³[In its application to the State of Madhya Pradesh, in S.2, after Cl. (4), insert the following clause, namely:-

(4-A) "Electronic form" shall have the same meaning as assigned to it in clause (1) of sub-section (1) of section 2 of the Information Technology Act, 2000 (21 of 2000);]

1. Substituted by the A.O. 1950, for "a Native of India" (w.e.f. 26-1-1950).

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

3. Inserted by Act 3 of 1951, Section 3 and Schedule (w.e.f. 1-4-1951).
4. Clause (11) Inserted by the A.O. 1950, and omitted by Act 3 of 1951, Section 3 and Sch (w.e.f. 1-4-1951).
5. Vide Andhra Pradesh Act 16 of 1999, Section 2 (w.e.f. 31-12-1998).
6. Vide Goa, Daman and Diu Act 2 of 1968, Section 2.
7. Vide Tamil Nadu Act 38 of 1987, Section 3 (w.e.f. 18-1-1988).
8. Vide West Bengal Act 5 of 1942, Section 8 (w.e.f. 1-11-1943).
9. Added by Registration (Puducherry Amendment) Act, 2004.
10. Clause (2) shall be Substituted and Clause (10-A) and (10-B) shall be Inserted by Indian Registration (Uttarakhand Amendment) Act, 2011.
11. Inserted by the Registration (Tamil Nadu Second Amendment) Act, 2000.
12. Substituted by the Uttar Pradesh Act, 36 of 2001, S.2 (w.e.f. 20.05.2002).
13. Inserted by the Madhya Pradesh Act 4 of 2010, S.3 (w.e.f. 14.01.2010).
14. Inserted by the Uttar Pradesh Act 36 of 2001, S.2 (w.e.f. 20.05.2002).

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 AMENDMENTS

³[Uttar Pradesh:

After sub-section (2), insert sub-section (3) as under--

"(3) The State Government may appoint one or more Additional Inspector-General of Registration and Deputy Inspector-General of Registration for the territories subject to such Government and may prescribe the duties of such officers and authorise them to exercise and perform all or any of the powers and duties of the Inspector-General of Registration."

[Uttarakhand

⁴[In 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."

West Bengal

⁵[In its application to the State of West Bengal, after sub-section (2), insert the following new sub-section, namely:-

"(3) The State Government may appoint officers by the designation of-

(a) Additional Inspector-General of Registration,

(b) Joint Inspector-General of Registration, and

(c) Deputy Inspector-General of Registration, to assist the Inspector-General of Registration and prescribe the duties of such officers.

(4) The Additional Inspector-General of Registration, and the Joint Inspector-General of Registration, referred to in clause (a) and clause (b) of sub-section (3), may hold simultaneously any other officer under the State Government.

(5) The officers appointed under sub-section (3), shall be subordinate to the Inspector-General of Registration."

1. Substituted by the A.O. 1950, for "Provincial Government".

2. Substituted by the A.O. 1950, for "the Crown".

3. Vide Uttar Pradesh Act 48 of 1975, Section 2 (w.e.f. 1-11-1975).

4. Substituted by Indian Registration (Uttarakhand Amendment) Act, 2011.

5. Inserted by the West Bengal Act, 23 of 2007, Section.3.

Section 4 - Branch Inspector-General of Sindh (Repealed)

4. Branch Inspector-General of Sindh

¹[***]

1. Repealed by the Government of India (Adaptation of India Laws) Orders, 1937 (w.e.f. 01.04.1937).

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 ²[Official Gazette].

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

1. Substituted by the A.O. 1950, for "Provincial Government".

2. Substituted by the A.O. 1937, for "Local Official Gazette".

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 AMENDMENTS]

³[Karnataka:

In section 6, the following proviso shall be inserted at the end:--

"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."

⁷[In Section 6

The following shall be 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.".]

⁸[In Section 6

The following shall be 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.”.]

West Bengal

⁹[In its application to the State of West Bengal, for Section 6, substitute the following section, namely-

"6. Registrars, District Sub-Registrars, Additional District Sub-Registrars or Sub-Registrars -

(1) The State Government may appoint such persons whether public officers or not, as it thinks proper, to be Registrars of the several districts, to be District Sub-Registrars or Additional District Sub-Registrars of the several sub-districts, and to be Sub-Registrars of the respective sub-districts.

(2) The powers, duties or other matters mentioned in any of the provisions except those mentioned in section 68 and section 72 of this Act in respect of a Registrar shall be deemed to be applicable to a District Sub-Registrar, where such powers, duties or other matters are referred to a Registrar under this Act.

(3) The District Sub-Registrar, the Additional District Sub-Registrar and the Sub-Registrar shall be subordinate to the Registrar."]

⁴[Maharashtra:

After section 6, insert section 6A as under:--

"6A. Joint District Registrars.--

The State Government may by order also appoint a Joint District Registrar to assist the District Registrar, or any two or more District Registrars, specified in the order and may authorise such Joint District Registrar to exercise and perform all or any of the powers and duties of the District Registrar under this Act."

⁵⁶[Uttar Pradesh:]

In the end insert proviso as under--

"Provided that the State Government may delegate, subject to such restrictions and conditions as it thinks fit, to the Inspector-General of Registration, the power of appointing Sub-Registrars."

After section 6, insert section 6A as follows:

"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."

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1. Substituted by the A.O. 1950, for "Provincial Government".
 2. The proviso added by Act 4 of 1914, Section 2 and Schedule, Pt. I and omitted by the A.O. 1937.
 3. Vide Karnataka Act 32 of 2001, Section 2 (w.e.f. 3-10-2001).
 4. Vide Maharashtra Act 29 of 1974, Section 2 (w.e.f. 10-6-1974).
 5. Vide Uttar Pradesh Act 19 of 1981, Section 5 (w.e.f. 1-8-1981).
 6. Vide Uttar Pradesh Act 27 of 1994, Section 2.
 7. Inserted by Registration (Karnataka Amendment) Act, 2000.
 8. Inserted by Registration (Karnataka Amendment) Act, 2001.
 9. Substituted vide West Bengal Act 23 of 2007, Section 4.

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.

STATE AMENDMENTS

²[MAHARASHTRA -

In section 7 of the Registration Act, 1908 (16 of 1908), in its application to the State of Maharashtra (hereinafter referred to as " the principal Act "), to sub-section (1), the following proviso shall be added, namely :-

" Provided that, the State Government may, by order published in the Official Gazette, specify the documents for registration by the office of the Joint Sub-Registrar so established.]

West Bengal

³[In its application to the State of West Bengal, in section 7, add the following Explanation, namely:-

"Explanation.- For the purpose of this section, the expressions "the office of a Registrar" and "the office of a Sub-Registrar" shall include "the office of a District Sub-Registrar" and "the office of an Additional District Sub-Registrar", respectively".]

1. Substituted by the A.O. 1950, for "Provincial Government".

2. Inserted by Registration (Maharashtra Amendment) Act, 2010.

3. Inserted by the West Bengal Act 23 of 2007, section 5.

Section 8 - Inspectors of Registration offices

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

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

[STATE AMENDMENTS

²[Rajasthan:

Substitute section 8, as under:-

"8. Officers of registration offices.--

(1) The State Government may also appoint officers as may be designated from time to time and may prescribe the duties of such officers.

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

³[Uttar Pradesh:

(i) in sub-section (1), for the words "Inspectors of Registration Offices", substitute the words "Assistant Inspector General of Registration";

(ii) in sub-section (2), for the word "Inspector", substitute the words "Assistant Inspector General".

⁵[In its application to the State of Uttar Pradesh, section 8 shall be omitted.]

⁴[Orissa:

In Section 8 of the Registration Act, 1908 (hereinafter referred to as the principal Act), -

(a) in Sub-section (1), for the words, "Inspector of Registration Officer", 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.]

1. Substituted by the A.O. 1950, for "Provincial Government".

2. Vide Rajasthan Act 11 of 1982, section 2 (w.e.f. 16-6-1982).

3. Vide Uttar Pradesh Act 6 of 1980, section 12 (w.r.e.f. 21-11-1979).

4. Vide Orissa (Act No. 8 of 2002) dated 24.05.2002.

5. Omitted vide Uttar Pradesh Act 36 of 2001, section 4 (w.e.f. 20.05.2002.)

Section 9 - Military cantonments may be declared sub-districts or districts (Repealed)

[Repealed by the Repealing and Amending Act, 1927 (10 of 1927), section 3 and Schedule II.]

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 ¹[State Government] fills up the vacancy.

1. Substituted by the A.O. 1950, for "Provincial Government".

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 AMENDMENTS

²[Karnataka:

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

⁴[In Section 12

The word "whom" the words "the Inspector General of Registration or" shall be inserted.]

[Uttarakhand

⁵[In 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.""]]

Uttar Pradesh

⁶[In its application to the State of Uttar Pradesh, in Section 12, for the words "Registrar of the district" substitute "Inspector-General of Registration ".]

1. Substituted by Act 4 of 1914, section 2 and Schedule, Pt. I, for "the Local Government fills up the vacancy".

2. Vide Karnataka Act 32 of 2001, section 3 (w.e.f. 3-10-2001).

3. Inserted by Registration (Karnataka Amendment) Act, 2000.

4. Inserted by Registration (Karnataka Amendment) Act, 2001.

5. Substituted by Indian Registration (Uttarakhand Amendment) Act, 2011.

6. Inserted by the Uttar Pradesh Act 36 of 2001, Section 5 (w.e.f. 20.05.2002).

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 ²[State Government] directs.

³[***]

STATE AMENDMENTS

⁴[Gujarat:

Amendment is the same as that of Maharashtra.

⁵[Maharashtra:

Sub-sections (1) and (2) were repealed and in sub-section (3) (now omitted by A.O., 1937), after the word "Sub-Registrars", the words "and Inspectors of Registration Offices" were inserted. Thus, whole section now stands omitted in Maharashtra.

⁶[Uttar Pradesh:

(i) in sub-section (1), for the words "Inspectors of Registration Offices", substitute the words "Assistant Inspector General of Registration";

(ii) in sub-section (2), for the word "Inspector", substitute the words "Assistant Inspector-General".

1. The words "All appointments made by the Inspector-General under section 6and", Inserted by Act 4 of 1914, section 2 and Schedule, Pt. I and omitted by the A.O. 1937.

2. Substituted by the A.O. 1950, for "Provincial Government".

3. Sub-section (3) omitted by the A.O. 1937.

4. Vide Act 11 of 1960, Section 87 and Gujarat A.L.O., 1960.

5. Vide Bombay Act 5 of 1929, section 3 (w.e.f. 22-5-1929) read with Act 35 of 1958,section 2 (w.e.f. 28-4-1958).

6. Vide U.P. Act 6 of 1980, section 12 (w.r.e.f. 21-1-1979).

Section 14 - Establishments of registering officers

¹[***]

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

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1. Sub-section (1) omitted by the A.O. 1937.
 2. Substituted by the A.O. 1950, for "Provincial Government".

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)"

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1. Substituted by A.O. 1950, for "Provincila Government".

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.

[STATE AMENDMENTS

Andhra Pradesh:

²In section 16, for sub-section (1), the following shall be substituted, namely:--

"(1) The State Government shall provide for the office of every registering officer the books and also the information processing and storage devices like computers and scanners along with the software prescribed by the Inspector-General, from time to time necessary for purpose of this Act."

[Puducherry

⁴[In Section 16

The following sub-section shall be inserted, namely:-

(2.A) The State Government shall provide for the office of every registering officer the books and also the information processing and storage devices like computer and scanners alongwith the software

prescribed by the Inspector-General of Registration, from time to time necessary for purpose of this Act".]

TAMIL NADU:

⁵[In section 16 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:--

"(2-A) The State Government shall also provide for the office of every Registering Officer notified by the State Government under sub-section (1) of section 70-B, the information processing and storage devices like computer and scanners along with the software prescribed by the Inspector-General, from time to time, necessary for the purposes of this Act.]

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1. Substituted by the A.O. 1950, for "Provincial Government".
 2. Vide Andhra Pradesh Act 16 of 1999, section 3 (w.e.f. 31-12-1998).
 4. Inserted by Registration (Puducherry Amendment) Act, 2004.
 5. Inserted by Registration (Tamil Nadu Second Amendment) Act, 2000.

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

¹[16A. Keeping of books in computer floppies, diskettes, etc.

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

(2) Notwithstanding anything contained in this Act or in any other law for the time being in force, a copy or extracts from the books kept under 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.]

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1. Inserted by Act 48 of 2001, section 2 (w.e.f. 24-9-2001).

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 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, or the Land Improvement Loans Act, 1883; or
- (x) any order granting a loan under the Agriculturists, Loans Act, 1884, or instrument for securing the repayment of a loan made under that Act; or
- 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 AMENDMENTS

¹⁰[Andhra Pradesh:

In section 17,--

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

(i) for clause (d) the following shall be substituted, namely:--

"(d) leases of immovable property;"

(ii) after clause (e) but before the proviso, the following clauses shall be inserted, namely:--

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

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

(b) in sub-section (2),--

(i) in clause (v), for the words "any document not in itself creating", the words "any document except an agreement of sale as mentioned in clause (g) of sub-section (1) not in itself creating", shall be substituted,

(ii) in clause (vi), for the words "any decree or order of a court", the words "any decree or order of a court, not being a decree or order or award falling under clause (f) of sub-section (1)", shall be substituted,

(iii) the Explanation shall be omitted.

¹¹[Gujarat:

In section 17,--

(i) in sub-section (1), after clause (a), insert as under:-- .

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

(ii) after sub-section (1), insert as under:

"(1A) The provisions of section 23 shall apply to an instrument referred to in clause (aa) of sub-section (1) and executed before the commencement of the Registration (Gujarat Amendment) Act, 1982

as if in that section for the words "from the date of its execution" the words, figures and letters "from the 1st March, 1982" has been substituted."

(iii) in sub-section (2), delete Explanation.]

²²[In Section 17

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

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

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

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

(3) in sub-section (2), the explanation shall be deleted.]

²³[In Section 17

The following clauses shall be inserted, namely:-

"(f) power of attorney relating to transfer of immovable property possession whereof has been or is handed over to the purported attorney holder;

(g) instrument relating to the a mortgage by deposit of title deeds";]

¹²[Kerala:

In sub-section (2) omit clauses (ix) and (x).]

²⁰[In Section 17

Omitted.]

²¹[In Section 17

(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.]]]

¹⁴**[Pondicherry:**

In sub-section (3), for the words "the first day of January, 1872", substitute the words "the 9th day of January, 1969".

¹⁵¹⁶**[Rajasthan:**

(1) In section 17 sub-section (2)-

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

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

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

(2) In Section 17 -

(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 whereof has been or is handed over to the purported purchaser;

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

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

¹⁷**[Tamil Nadu:**

In section 17, in sub-section (1), after clause (e), the following clause shall be added, namely:--

"(f) instruments of agreement relating to construction of multi unit house or building on land held by several persons as referred to in clause (i) under Article 5 of Schedule I to the Indian Stamp Act, 1899 (2 of 1899)."

¹⁸**[Uttar Pradesh:**

In section 17,--

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

(i) in clauses (b) and (e) omit the words "of the value of one hundred rupees and upwards",

(ii) after clause (e), insert as under--

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

(iii) Omit proviso.

(b) in sub-section (2)--

(i) in clause (v), after the words "any document" occurring in the beginning, insert the words "other than contract for sale", and omit the words "of the value of the one hundred rupees and upwards",

(ii) omit Explanation.

(c) in sub-section (3), after the words "by a will", insert the words "and an instrument recording adoption of a child executed after the first day of January, 1977".

¹⁹[Orissa :

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".]

[Tamil Nadu

²⁴[In Section 17

(1) in sub-section (1), for clause (f), the following clauses shall be substituted, namely:--

"(f) instruments of agreement relating to construction of building as referred to in clause (i) under Article 5 of Schedule I to the Indian Stamp Act, 1899 (Central Act II of 1899);

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

(h) instruments of Power of Attorney relating to immovable property other than those executed outside India;

(i) instruments evidencing an agreement relating to the deposit of title deeds:";

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

²⁵[MAHARASHTRA -

In section 17 of the principal Act, in sub-section (1), after clause (e), the following clauses shall be added, namely:--

(f) agreement relating to the Deposit of title deeds, where such deposit has been made by way of security for the repayment of a loan or an existing or future debts;

(g) sale certificate issued by any competent officer or authority under any recovery Act;

(h) irrevocable Power of Attorney relating to transfer of immovable property in any way, executed on or after the commencement of the Registration (Maharashtra Amendment) Act, 2010 (Mah. X of 2012).]

¹³**[Maharashtra:**

In sub-section (2), in clause (x),--

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

(b) for the words "under that Act", substitute "under either of those Acts".

²⁶**[Madhya Pradesh**

In its application to the State of Madhya Pradesh, in Section 17,-

(i) in Sub-Section (1), in Cl. (e), for colon, the semi colon shall be substituted and thereafter the following clauses shall be inserted, namely:-

"(f) any document which purports or operates to effect any contract for sale of any immovable property:

(g) power of attorney relating to sale of immovable property in any way."

(ii) in sub-section (2),-

(a) in Cl. (v), for the words, bracket, figure and letter "any document other than the document specified in sub-section (1-A)", substitute the words, brackets, figures and letters "any document other than the document's specified in clauses (f) and (g) of sub-section (1) and sub-section (1-A)";

(b) the existing explanation shall be omitted.]

1. Added by Act 21 of 1929, section 10.

2. Substituted by the A.O. 1950, for "Provincial Government".

3. Substituted by the A.O. 1937, for "Local Official Gazette".

4. Inserted by Act 48 of 2001, section 3 (w.e.f. 24-9-2001).

5. Substituted by Act 48 of 2001, section 3, for "any document" (w.e.f. 24-9-2001).
6. Substituted by Act 21 of 1929, section 10, for "and any award".
7. Substituted by the A.O. 1950, for "Crown".
8. Inserted by Act 39 of 1948, section 2.
9. Inserted by Act 2 of 1927, section 2.
10. Vide Andhra Pradesh Act 4 of 1999 (w.e.f. 1-4-1999).
11. Vide Gujarat Act 7 of 1982, section 2 (w.e.f. 18-12-1981).
12. Vide Kerala Act 7 of 1968, section 2 (w.e.f. 22-2-1968).
13. Vide Maharashtra Act 19 of 1960, section 2 (w.e.f. 24-10-1960).
14. Vide Pondicherry Act 17 of 1970, section 2 (w.e.f. 1-11-1970).
15. Vide Rajasthan Act 16 of 1976, section 2 (w.e.f. 13-2-1976).
16. Vide Rajasthan Act 18 of 1989, section 2 (w.e.f. 18-9-1989).
17. Vide Tamil Nadu Act 38 of 1987, section 3 (w.e.f. 1-1-1988).
18. Vide Uttar Pradesh Act 57 of 1976, section 32 (w.e.f. 1-1-1977).
19. Vide Orissa (Act No. 8 of 2002) dated 24.05.2002.
20. Inserted by Indian Registration (Kerala Amendment) Act 1968.
21. Sub-section (1) shall be Inserted and Sub-section (2) shall be Omitted by Registration (Kerala Amendment) Act, 2012.
22. Sub-section (1) and (1A) shall be Inserted and sub-section (2) shall be Omitted by Registration (Gujarat Amendment) Act, 1982.
23. Inserted by Registration (Gujarat Amendment) Act, 2008.
24. Substituted by Registration (Tamil Nadu Amendment) Act, 2012 (Act 29 of 2012).
25. Inserted by Registration (Maharashtra Amendment) Act, 2010.
26. Inserted by Madhya Pradesh Act, 4 of 2010, section 4 (w.e.f. 14.01.2010.)

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 than 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 AMENDMENTS

²[Andhra Pradesh:

In section 18, clause (c) should be omitted.

³[Gujarat:

Amendments are the same as those of Maharashtra.

⁴⁵[Maharashtra:

In section 18,--

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

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

"(ee) notices of pending suits or proceedings referred to in section 52 of the Transfer of Property Act, 1882;"

Note.--section 2 of Bombay Act 14 of 1939, as amended by Bombay Act 17 of 1945, is as follows:--

"2. Application of Act.--This Act shall apply to notices in respect of suits or proceedings which relate to immovable properties situate wholly or partly in the Greater Bombay with effect from such date as may be directed by the State Government in this behalf by notification in the Official Gazette:

Provided that the State Government may by similar notification direct that the provisions of this Act shall apply to such notices relating to immovable properties situate wholly or partly in such other area as may be specified in the said notification."

(iii) the word "and" in clause (ee) shall be added at the end and clause (eei) inserted by Act (Bombay Act 6 of 1960), section 43, shall be deleted.

⁶[**Uttar Pradesh:**

In section 18, clauses (a), (b) and (cc) be omitted.

In section 18(c), omit the words and figures "and leases exempted under section 17".

[Section 18A

¹⁴[After Section 18

The following section shall be inserted, namely:

"18-A. 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."]

⁸[**Delhi:**

Same as in Punjab.

⁹[**Himachal Pradesh:**

Same as in Punjab.

¹²[After section 18

The following section shall be inserted, namely:--

"18-A. Document 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."]

¹⁰[Punjab, Haryana, Chandigarh:

After section 18, insert the following new section:--

"18A. Document for registration to be accompanied by a true copy thereof.--
Notwithstanding anything contained in this Act, the registering officer shall refuse to register any document presented to him for registration unless such document is accompanied by a true copy thereof."

¹³[After Section 18

The following section shall be inserted, namely:-

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

¹¹[Tripura:

After section 18, insert as under:--

"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 handwritten or printed or type-written or lithographed or otherwise prepared in such manner as may be prescribed."

Uttar Pradesh:

Section 18A as inserted by U.P. Act 14 of 1971, omitted by U.P. Act 19 of 1981, section 7 (w.r.e.f. 1-8-1981). Prior to omission section 18A ran as under:

"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 typewritten, 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."

1. Inserted by Act 33 of 1940, section 2.
2. Vide Andhra Pradesh Act 4 of 1999, section 3 (w.e.f. 1-4-1999).
3. Vide Gujarat Act 11 of 1960, section 87, Gujarat A.L.O., 1960.
4. Vide Bombay Act 14 of 1939, section 4 (w.e.f. 15-6-1939) read with Act 35 of 1958, section 2 (w.e.f. 28-4-1958).
5. Vide Maharashtra Act 20 of 1971, section 58 (w.e.f. 15-6-1972).
6. Vide Uttar Pradesh Act 57 of 1976, section 33 (w.e.f. 1-1-1977).
7. Vide Uttar Pradesh Act 19 of 1981, section 6 (w.r.e.f. 1-8-1981).
8. Vide G.S.R. 465 dated 20th March, 1965, Gazette of India, 1965, Pt. II, section 3(i), page 499.
9. Vide Himachal Pradesh Act 2 of 1969, section 3 (w.e.f. 11-4-1969).
10. Vide Punjab Act 19 of 1961, section 2 (w.e.f. 4-5-1961); Act 33 of 1966 section 89.
11. Vide Tripura Act 7 of 1982, section 2 (w.e.f. 1-1-1983).
12. Inserted by Indian Registration (Himachal Pradesh Amendment) Act, 1968.
13. Inserted by Indian Registration (Punjab Amendment) Act, 1961 (punjab).
14. Inserted by Registration (Uttar Pradesh Amendment) Act, 1970 (Act 14 of 1971).

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 the 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 AMENDMENTS

¹[Delhi:

Same as in Punjab.

²[Himachal Pradesh:

Same as in Punjab.

¹⁶[In section 19

The words "a true translation", the words "two copies of the true translation" shall be substituted.]

³[Kerala:

In section 19, the words "and also by a true copy" shall be omitted.]

¹²[After section 19, insert the following new section:--

"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 behalf."]

¹⁸[In Section 19

Omitted.]

¹⁹[After Section 19

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 hand written, printed, typewritten, lithographed or otherwise prepared in accordance with such rules as may be made in this behalf.".]

Maharashtra, Gujarat:

For modification of section 19, see sub-section (3) of section 70-D(3) in Part XI-A inserted in the main Act by the Indian Registration (Bombay Amendment) Act, 1930 (17 of 1930) (w.e.f. 4.9.1930); Bombay Act 35 of 1958; Act 11 of 1960, Section 87.

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

⁴[Punjab, Hatyana, Chandigarh:

For the words "a true translation", substitute "two copies of the true translation".]

²⁰[In Section 19

The words "a true translation" the words "two copies of the true translation" shall be substituted.]

⁵[Orissa:

The words "and also by a true copy" shall be omitted.]

¹³[After section 19, insert--

"19A. Documents presented for registration to accompany true copies thereof.--

(1) No document shall be accepted for registration, unless it is accompanied by a true copy thereof.

(2) The true copy referred to in sub-section (1) shall be legibly handwritten, printed, type-written, lithographed, cyclostyled or *[otherwise legibly prepared] only on one side of the paper and in accordance with such rules as may be made in this behalf by the State Government, and shall contain a declaration in the prescribed manner that the same is a true copy of the document and its translation, if any."

¹⁵[In Section 19-A

In Sub-section (2), for the words "otherwise prepared", the words "otherwise legibly prepared" shall be substituted.]

⁶[**Rajasthan:**

Same as that in Punjab.

⁷[**Tripura:**

Same as that in Punjab.

Section 19A

⁸[**Tamil Nadu:**

Same as in West Bengal.

⁹[**West Bengal:**

The words "and also by a true copy" shall be omitted.]

²¹[After Section 19

The following section shall be inserted:-

19A. "Document unless accompanied by a true copy thereof not to be accepted for registration

Notwithstanding anything contained elsewhere in this Act or in any other law for the time being in force, no document shall be accepted by the registering officer for registration unless it is prepared and presented, and accompanied by a true copy thereof, in accordance with such rules as may be made in this behalf."]

¹⁰[**Goa:**

After section 19, insert--

"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 as may be made in this behalf.]"

¹¹**[Karnataka:**

Same as that in Kerala.

¹⁷[After Section 19

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 hand written, printed, typewritten, lithographed or otherwise prepared in accordance with such rules as may be made in this behalf.]"

¹⁴**Rajasthan:**

Insert section 19A as under:--

"19A. Refusal to register.--

Notwithstanding anything contained in this Act, the registration officer shall refuse to register any document presented to him for registration unless such document is accompanied by a true or photostat copy thereof."

Tamil Nadu and West Bengal:

For modification of section 14-- See Schedule to Act as inserted by Tamil Nadu Act 21 of 1966 and West Bengal Act 17 of 1978.]

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1. Vide G.S.R. 465, Gazette of India, 1965, Pt. II, Section 3(i), p. 499.
 2. Vide Himachal Pradesh Act 2 of 1969, Section 4 (w.e.f. 11-4-1969).
 3. Vide Kerala Act 7 of 1968, Section 3 (w.e.f. 22-2-1968).
 4. Vide Punjab Act 19 of 1961, Section 3 (w.e.f. 4-5-1961); Act 31 of 1966, Section 89.
 5. Vide Orissa Act 14 of 1989, Section 2.
 6. Vide Rajasthan Act 11 of 1982, Section 3 (w.e.f. 16-7-1982).
 7. Vide Tripura Act 7 of 1982, Section 3 (w.e.f. 1-1-1983).
 8. Vide Tamil Nadu Act 21 of 1966.

9. Vide West Bengal Act 17 of 1978, Section 7 and Schedule.
 10. Vide Goa Act 24 of 1984, Section 2 (w.e.f. 5-12-1985).
 11. Vide Karnataka Act 55 of 1976, Section 3 (w.e.f. 23-10-1976).
 12. Vide Kerala Act 7 of 1968, Section 4 (w.e.f. 22-2-1968).
 13. Vide Orissa Act 14 of 1989, Section 3 (w.e.f. 19-9-1989).
 14. Vide Rajasthan Act 11 of 1982, Section 4 (w.e.f. 16-7-1982).
 15. Vide Orissa (Act No. 8 of 2002) dated 24.05.2002.
 16. Substituted by Indian Registration (Himachal Pradesh Amendment) Act, 1968.
 17. Inserted by Registration (Karnataka Amendment) Act, 1976.
 18. Omitted by Indian Registration (Kerala Amendment) Act 1968.
 19. Inserted by Indian Registration (Kerala Amendment) Act 1968.
 20. Substituted by Indian Registration (Punjab Amendment) Act, 1961 (punjab).
 21. Inserted by Registration (West Bengal Amendment) Act, 1981 (Act 43 of 1981).
- *. Substituted by Orissa Act 8 of 2002, Section 4 (w.e.f. 24.05.2002).

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.

STATE AMENDMENTS

Maharashtra, Gujarat:

Note.--For omission of sub-section (2) of section 20, see sub-section (3) of section 70D in Part XIA inserted in main Act by the Indian Registration (Bombay Amendment) Act, 1930 (17 of 1930) (w.e.f. 4-9-1930); Bombay Act 35 of 1958; Act 11 of 1960, Section 87; Gujarat A.L.O., 1960.

TAMIL NADU:

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

1. Inserted by the Registration (Tamil Nadu Act 28 Amendment) Act, 2000.

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 the territorial division in which they are situate, and by their superficial contents, the roads and other properties on to which they abut, and their existing occupancies, and also, whenever it is practicable, by reference to a Government map or survey.
- (4) No non-testamentary document containing a map or plan of any property comprised therein shall be accepted for registration unless it is accompanied by a true copy of the map or plan, or, in case such property is situate in several districts, by such number of true copies of the map or plan as are equal to the number of such districts.

[STATE AMENDMENTS

1[Gujarat:

Amendment is the same as that of Maharashtra.

2[Maharashtra:

For sub-section (2), substitute the following, namely:--

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

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

[Assam

³[After 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."]

[Uttarakhand

⁴[In 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."]]

Uttar Pradesh

⁵[In its application to the State of Uttar Pradesh, in Section 21, for sub-section (1) substitute the following sub-section, namely:-

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

(a) it contains a description of such property sufficient to identity 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."]

1. Vide Gujarat Act 11 of 1960, Section 87 and Gujarat A.L.O., 1960.

2. Vide Bombay Act 35 of 1958, Section 4 (w.e.f. 24-4-1958).

3. Inserted by Registration (Assam Amendment) Act, 2009.

4. Substituted by Indian Registration (Uttarakhand Amendment) Act, 2011.

5. Substituted by the Uttar Pradesh Act 36 of 2001, Section 6 (w.e.f. 20.05.2002).

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

(1) Where it is, in the opinion of the¹[State Government], practicable to describe houses, not being houses in towns, and lands by reference to a Government map or survey, the¹[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 AMENDMENTS

²[Delhi:

Same as in Punjab.

³[Gujarat:

Same as that of Maharashtra.

⁴[Maharashtra:

In section 22, for sub-section (2), substitute the following, namely:--

"(2) Except in the case of city surveyed areas and except as otherwise provided by any rule made under sub-section (1), failure to comply with the provisions of section 21, 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."

⁵[Punjab, Haryana, Chandigarh:

In section 22, in sub-section (1), omit the words "not being houses in towns".

Section 22A

⁶[Andhra Pradesh:

After section 22, the following section shall be inserted:--

"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."

⁷[Bihar:

After section 22 insert as under:--

"22A. Registration of documents which is against the public policy.--

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

(2) Notwithstanding anything contained in the Act, the registering officer shall refuse to register any document to which the notification issued under sub-section (1) is applicable."

⁸[Gujarat:

Same as that of Maharashtra.

⁹[Karnataka:

Same as that of Orissa.

¹⁵[After Section 22

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."]

¹⁰[Maharashtra:

After section 22, insert the following section, 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 document is opposed to public policy.

(2) Notwithstanding anything contained in this Act, the registering officer shall refuse to register any document to which a notification issued under sub-section (1) is applicable."

Note.--For notifications barring registration of documents relating to permanent alienation of agricultural land without sanction from the Collector, see Bombay Government Notification No. 1958/97574 IV-27/28 January, 1959 and No. 1959/192322(b), dated 18-1-1960; for similar notification in respect of Vidarbha region, see Bombay Gazette, 1958, Pt. IV, p. 12; for declaration of registration of trade marks under this Act as being against public policy, see Bombay Gazette, 1958, Pt. IVA, p. 504.

¹¹[Meghalaya:

After section 22, insert as under:

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

(2) Notwithstanding anything contained in this Act, the registering officer shall refuse to register any document to which a notification made under sub-section (1) is applicable."

¹²[Rajasthan:

Same as that of Orissa.

¹³[West Bengal:

After section 22, insert the following new section 22A:--

"22A. Registration of certain documents to be opposed to public policy.--

(1) The State Government may, by notification in the Official Gazette, declare that the registration of any document or any class of documents specified in such notification shall be opposed to public policy.

(2) The registering officer shall examine a document prescribed for registration is one to which a notification under sub-section (1) is applicable and shall take such evidence as may be produced by the parties and may also require them to produce all documents in their possession or custody which the registering officer considers relevant.

(3) Notwithstanding anything to the contrary contained elsewhere in the Act, the registering officer shall refuse to register any document or any class of documents to which a notification under sub-section (1) is applicable."

¹⁴[Orissa:-

After Section 22 of the principal Act, the following section shall be inserted, namely :

"22-A. Document Registration of which Is opposed to public policy.--

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

(2) Notwithstanding anything contained in this Act, the registering officer shall refuse to register a document to which a notification issued under Sub-section (1) is applicable.]

[Puducherry

¹⁶[After Section 22

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 or class of documents to which a notification issued under sub-section (1) is applicable.]

[Punjab

¹⁷[In Section 22

The Indian Registration Act, 1908, shall, in its application to Punjab, be amended as follows:--

In sub-section (1) of section 22 of the said Act the words " not being houses in towns " shall be omitted.]

[Tamil Nadu

¹⁸[After Section 22

The following section shall be substituted, namely:--

" 22-A. Refusal to register certain documents.--Notwithstanding anything contained in this Act, the registering officer shall refuse to register any of the following documents, namely:--

(1) 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 or Chennai Metropolitan Development Authority established under section 9-A of the Tamil Nadu Town and Country Planning Act, 1971(Tamil Nadu Act 35 of 1972);

(ii) belonging to, or given or endowed for the purpose of, any religious institution to which the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959(Tamil Nadu Act 22 of 1959) is applicable;

(iii) donated for Bhoodan Yagna and vested in the Tamil Nadu State Bhoodan Yagna Board established under section 3 of the Tamil Nadu Bhoodan Yagna Act, 1958(Tamil Nadu Act XV of 1958); or

(iv) of Wakfs which are under the superintendence of the Tamil Nadu Wakf Board established under the Wakf Act, 1995(Central Act 43 of 1995), unless a sanction in this regard issued by the competent authority as provided under the relevant Act or in the absence of any such authority, an authority so authorised by the State Government for this purpose, is produced before the registering officer;

(2) instrument relating to the transfer of ownership of lands converted as house sites without the permission for development of such land from planning authority concerned:

Provided that the house sites without such permission may be registered if it is shown that the same house site has been previously registered as house site.

Explanation I.--For the purpose of this section 'local authority' means,--

(i) any Municipal Corporation constituted under any law for the time being in force; or

(ii) a Municipal Council constituted under the Tamil Nadu District Municipalities Act, 1920(Tamil Nadu Act V of 1920) ; or

(iii) a Panchayat Union Council or a Village Panchayat constituted under the Tamil Nadu Panchayats Act, 1994(Tamil Nadu Act 21 of 1994) ; or

(iv) any other Municipal Corporation, that may be constituted under any law for the time being in force.

Explanation II.--For the purpose of this section 'planning authority' means the authority constituted under section 11 of, and includes the Chennai Metropolitan Development Authority established under section 9-A of the Tamil Nadu

Town and Country Planning Act, 1971(Tamil Nadu Act 35 of 1972);

(3) instrument relating to cancellation of sale deeds without the consent of the person claiming under the said sale deed.”.]

¹⁹[After Section 22

The following Section shall be substituted, namely:--

"22-A. Refusal to register certain documents.-- Notwithstanding anything contained in this Act, the registering officer shall refuse to register any of the following documents, namely:--

(1) 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 or Chennai Metropolitan Development Authority established under Section 9-A of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972);

(ii) belonging to, or given or endowed for the purpose of, any religious institution to which the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959) is applicable;

(iii) donated for Bhoodan Yagna and vested in the Tamil Nadu State Bhoodan Yagna Board established under Section 3 of the Tamil Nadu Bhoodan Yagna Act, 1958 (Tamil Nadu Act 15 of 1958); or

(iv) of Wakfs which are under the superintendence of the Tamil Nadu Wakf Board established under the Wakf Act, 1995 (Central Act 43 of 1995), unless a sanction in this regard issued by the competent authority as provided under the relevant Act or in the absence of any such authority, an authority so authorised by the State Government for this purpose, is produced before the Registering Officer;

(2) instrument relating to the transfer of ownership of lands converted as house sites without the permission for development of such land from Planning Authority concerned:

Provided that the house sites without such permission may be registered if it is shown that the same house site has been previously registered as house site.

Explanation I.-- For the purpose of this Section 'local authority' means,--

(i) any Municipal Corporation constituted under any law for the time being in force; or

(ii) a Municipal Council constituted under the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act 5 of 1920);
or

(iii) a Panchayat Union Council or a Village Panchayat constituted under the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994); or

(iv) any other Municipal Corporation, that may be constituted under any law for the time being in force.

Explanation II.--For the purpose of this Section 'planning authority' means the authority constituted under Section 11 of, and includes the Chennai Metropolitan Development Authority established under Section 9-A of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972);

(3) instrument relating to cancellation of sale deeds without the consent of the person claiming under the said sale deed.".]]]

²⁰[Maharashtra -

Section 22A of the principal Act shall be deleted.]

Madhya Pradesh

²¹[In its application to the State of Madhya Pradesh, after Section 22, insert the following new Section, namely,-

"22-A. Non-acceptance of registration of document regarding the property already conveyed by a registered document by the same person.-

Notwithstanding anything contained in this Act or any other law for the time being in force, no Registering Officer shall accept for Registration any document relating to the sale of any immovable property, if the property comprised therein has already been conveyed or permanently alienated by the same person or his representative assign or agent in favour of any other person by a registered document, unless the previous registered document is cancelled by order of a Court.".]

1. Substituted by the A.O. 1950, for "Provincial Government".

2. Vide Notification No. 189/38 dated 30th May, 1939, as amended by No. 72/43-Public, dated 16th September, 1943.

3. Vide Act 11 of 1960, Section 87 and Gujarat A.L.O. 1960.

4. Vide Bombay Act 35 of 1958, Section 5 (w.e.f. 24-4-1958).

5. Vide Punjab Act 8 of 1941, Section 2 (w.e.f. 23-5-1941) read with Act 23 of 1960, Section 4; Act 31 of 1966, Section 88.

6. Vide Andhra Pradesh Act 4 of 1999, Section 4 (w.e.f. 1-4-1999).

7. Vide Bihar Act 6 of 1991, Section 2 (w.e.f. 8-8-1991).

8. Vide Act 11 of 1960, Section 87; Gujarat A.L.O., 1960.
9. Vide Karnataka Act 55 of 1976, Section 3 (w.e.f. 23-10-1976).
10. Vide Bombay Act 24 of 1938 (w.e.f. 8-2-1939) read with Act 35 of 1958 (w.e.f. 24-4-1958).
11. Vide Meghalaya Act 5 of 1990, Section 2 (w.e.f. 22-6-1990).
12. Vide Rajasthan Act 16 of 1976, Section 2 (w.e.f. 13-2-1976).
13. Vide Registration (West Bengal Amendment) Act, 1981.
14. Vide Orissa (Act No. 8 of 2002) dated 24.05.2002.
15. Inserted by Registration (Karnataka Amendment) Act, 1976.
16. Inserted by Registration (Puducherry Amendment) Act, 2002.
17. Omitted by Indian Registration (Punjab Amendment) Act, 1941.
18. Substituted by Registration (Tamil Nadu Amendment) Act, 2008 (Act 02 of 2009).
19. Substituted by Registration (Tamil Nadu Amendment) Act, 2009 (Act 02 of 2009).
20. Omitted by Registration (Maharashtra Amendment) Act, 2010.
21. Inserted by the Madhya Pradesh Act 4 of 2010, Section 5 (w.e.f. 14.01.2010).

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 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[23A. Re-registration of certain documents

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

STATE AMENDMENTS

Section 23B

²[Andhra Pradesh:

After section 23A, insert the following section, namely:--

"23B. Power of State Government to permit the registration of documents registered in the loges at Masulipatnam and in certain other areas in French India.--

(1) The State Government may, by notification in the Andhra Gazette, direct that all documents, or any class of documents, which--

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

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

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

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

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

(2) Sub-section (1) shall apply in relation to documents relating to properties situated within the limits of any French territory now adjoining the territory of the State of Andhra Pradesh, as it applies in relation to documents relating to properties situated within the loges referred to in sub-section (1), subject to the modification that for the words "before the enactment of this section" occurring in the proviso, the words "before such date as may be notified in that behalf by the State Government" shall be substituted."

³[Kerala:

Malabar--Omit section 23B inserted by Madras Act 17 of 1952 as in force in the Malabar District.

⁴[Tamil Nadu:

After section 23A the following section shall be inserted:--

"23B. Power of State Government to permit the registration of documents registered in the loges at Kozhikode and in certain other areas in French India.--

(1) The Government may, by notification in the Fort St. George Gazette, direct that all documents, or any class of documents, which--

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

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

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

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

Provided that nothing in this sub-section shall be deemed to invalidate any decree or order touching any such document which

may have been passed by any Court of law and become final before the enactment of this section.

(2) Sub-section (1) shall apply in relation to documents relating to properties situated within the limits of any French territory now adjoining the territory of the State of Madras, as it applies in relation to documents relating to properties situated within the loges referred to in sub-section (1), subject to the modification that for the words "before the enactment of this section" occurring in the proviso, the words "before such date as may be notified in that behalf by the State Government" shall be substituted."

1. Inserted by Act 15 of 1917, Section 2.

2. Vide Madras Act 17 of 1952, Section 2 (w.e.f. 14-1-1953) as adapted by Andhra Pradesh A.L.O., 1953,

3. Vide Kerala Act 2 of 1959, Section 2 (w.e.f. 1-6-1960).

4. Vide Tamil Nadu Act 17 of 1952, Section 2 (w.e.f. 14-1-1953) as adapted by Tamil Nadu A.L.O., 1954.

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, in¹[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

²Rajasthan:

In section 25--

(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.

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

2.Vide Rajasthan Act 18 of 1989, section 3 (w.e.f. 18-9-1989).

Section 26 - Documents executed out of India

When a document purporting to have been executed by all or any of the parties out of¹[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 in²[India],

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

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

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.

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 AMENDMENTS

³[Andhra Pradesh:

In section 28, for the expression "clauses (a), (b), (c), (d) and (e) of section 17, sub-section 2", the expression "clauses (a), (b), (c), (d), (e), (f) and (g) of section 17, sub-section (2)", and for expression "clauses (a), (b), (c) and (cc)" the expression "clauses (a), (b) and (cc)" shall be substituted.

⁴[Bihar:

Substitute section 28 as under:

"28. Place for registering documents relating to land.--Save as in this part otherwise provided every document mentioned in clauses (a), (b), (c), (d) and (e) of sub-section (1) and sub-section (2) of section 17 insofar as such documents affect immovable property and in clauses (a), (b), (c) and (cc) of

section 18 shall be presented for registration in the office of the Sub-Registrar within whose sub-district or district the whole of the property to which such document relates is situated in the State of Bihar."

⁵[Gujarat:

Amendment is the same as that of Maharashtra.

⁶[Maharashtra:

(i) In section 28 for the letters, brackets and word "(b) and (c)" substitute the brackets, letters and word "(b), (c), (cc) and (ee)".

(ii) For brackets, letters, word and figure "(ee) and (eee)", brackets, letters and words "and (ee)" shall be substituted.

⁸[Pondicherry:

Section 28 shall be substituted as under:

"28. Place for registering documents relating to land.--Save as in this Part otherwise provided,--

(a) every document mentioned in clauses (a), (b), (c), (d) and (e) of sub-section (1) and sub-section (2) of section 17, in so far as such document affects immovable property and in clauses (a), (b), (c) and (cc) of section 18 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 in the Union Territory of Pondicherry; and

(b) any document registered outside the Union Territory of Pondicherry in contravention of the provisions of clause (a) shall be deemed to be null and void."

⁹[¹⁰Uttar Pradesh:

1. In section 28, omit the words, figures and letters "sub-section (1), clauses (a), (b), (c), (d) and (e), section 17, sub-section (2)". For the words "section 18, clauses (a), (b), (c) and (cc)", substitute "every document mentioned in section 18, clause (c)".

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

(ii) 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."

¹¹[Orissa:

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.]

[Puducherry

¹²[In Section 28

The following section shall be substituted, namely:-

28. Place for registering documents relating to land

Save as in this Part otherwise provided,---

(a) every document mentioned in clauses (a), (b), (c), (d) and (e) of subsection (1) and sub-section (2) of section 17 in so far as such document affects immovable property and in clauses (a), (b), (c) and (cc) of section 18 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 in the Union territory of Puducherry; and

(b) any document registered outside the Union territory of Puducherry in contravention of the provisions of clause (a) shall be deemed to be null and void.]

[Tamil Nadu

In Section 28

¹³[(1) in clause (a), for the expression "clauses (a), (b), (c), (d) and (e)," the expression "clauses (a), (b), (c), (d), (e), (f), (g), (h) and (i)" shall be substituted;]

¹⁴[(2) to clause (a), as so amended, the following proviso shall be added, namely:-

"Provided that every document mentioned in clause (h) of sub-section (1) of section 17 may also be presented for registration in the office of the Sub-Registrar within whose jurisdiction the principal ordinarily resides;]

¹⁵[In the Registration Act, 1908, (Central Act XVI of 1908) for section 28, the following section shall be substituted, namely:--

"28. Place for registering documents relating to land.--

Save as in this Part otherwise provided,--

(a) every document mentioned in clauses (a), (b), (c), (d) and (e) of sub-section (1) and sub-section (2) of section 17 in so far as such document affects immovable property and in clauses (a), (b), (c) and (cc) of section 18, 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 in the State of Tamil Nadu; and

(b) any document registered outside the State of Tamil Nadu in contravention of the provisions of clause (a) shall be deemed to be null and void]

-
1. Substituted by Act 33 of 1940, section 3, for "and (d)".
 2. Substituted by Act 33 of 1940, section 3, for "and (c)".
 3. Vide Andhra Pradesh Act 4 of 1999, section 5.
 4. Vide Bihar Act 6 of 1991, section 3 (w.e.f. 8-8-1991).
 5. Vide Act 11 of 1960, section 87; Gujarat A.L.O., 1960 (w.e.f. 1-7-1961).
 6. Vide Bombay Acts 14 of 1939, section 4; 14 of 1947, read with 35 of 1958, section 2 (w.e.f. 28-4-1958) and 6 of 1960, section 43 (w.e.f. 1-1-1961).
 7. Vide Maharashtra Act 20 of 1971, section 58 (w.e.f. 15-6-1972).
 8. Vide Pondicherry Act 5 of 1999 (w.e.f. 4-5-1999).
 9. Vide Uttar Pradesh Act 19 of 1981, section 8 (w.r.e.f. 1-8-1981).
 10. Vide Uttar Pradesh Act 27 of 1994, section 3.
 11. Vide Orissa (Act No. 8 of 2002) dated 24.05.2002.

12. Substituted by Registration (Puducherry Amendment) Act, 1998.
13. Substituted by Registration (Tamil Nadu Amendment) Act, 2012 (Act 29 of 2012).
14. Added by Registration (Tamil Nadu Amendment) Act, 2012 (Act 29 of 2012).
15. Inserted by the Registration (Tamil Nadu Amendment) Act, 1997.

Section 29 - Place for registering other documents

(1) Every document¹[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 the²[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 the Sub-Registrar under the²[State Government] at which all the persons claiming under the decree or order desire the copy to be registered.

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

2. Substituted 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 AMENDMENTS

²[Andhra Pradesh:

Figure "(1)", and sub-section (2), omitted.

³[Bihar:

Section 30(2) be deleted.

⁴[Gujarat:

In section 30--

(1) in sub-section (1), the brackets and figure "(1)" shall be deleted;

(2) sub-section (2) shall be deleted.]

⁵[Haryana:

In section 30, omit sub-section (2).

⁶[Madhya Pradesh:

Sub-section (2) of section 30 shall be omitted.

⁷[Orissa:

In section 30, omitted sub-section (2).

⁸[Rajasthan:

The brackets and figure "(1)" and sub-section (2) be omitted.

⁹[Uttar Pradesh:

In section 30, sub-section (2) shall be omitted.

¹⁰¹¹¹²[West Bengal:

(1) In section 30, sub-section (2) shall be omitted.

(2) After section 30, the following section shall be inserted, namely:--

"30A. Registration by Registrar of Assurances, Calcutta.--Notwithstanding anything contained elsewhere in the Act, the Registrar of Assurance, Calcutta, may receive and register any document referred to in section 28 without regard to the situation in any part of West Bengal of the property to which the document relates."

(3) After section 30A, the following section shall be inserted, namely:--

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

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

(b) a reconveyance executed by a Government, a statutory body or a local authority in favour of employee of such Government, statutory body or local authority on repayment of the advances taken by such employee for house-building purposes."]

¹⁶[In Section 30

Omitted.]

[Haryana

¹³[In Section 30

Omitted.]

¹⁴[In Section 30

Omitted.]

[Karnataka

¹⁵[In Section 30

The brackets and figure "(1)" and 'sub-section (2)' shall be omitted.]]]

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1. Sub-section (2) omitted by Act 48 of 2001, section 4 (w.e.f. 24-9-2001).
 2. Vide Andhra Pradesh Act 13 of 1996, section 2 (w.e.f. 15-6-1996).
 3. Vide Bihar Act 6 of 1991, section 4 (w.e.f. 8-8-1991).
 4. Vide Gujarat Act 18 of 1990, section 2.
 5. Vide Haryana Act 4 of 1997, section 2 (w.e.f. 12-3-1997).
 6. Vide Madhya Pradesh Act 1 of 1993, section 2 (w.e.f. 15-7-1993).
 7. Vide Orissa Act 19 of 1991, section 2.
 8. Vide Rajasthan Act 18 of 1989, section 4 (w.e.f. 18-9-1989).
 9. Vide Uttar Pradesh Act 27 of 1994, section 4.
 10. Vide West Bengal Act 17 of 1996, section 3.
 11. Vide West Bengal Act 22 of 1997, section 3.
 12. Vide West Bengal Act 15 of 1998, section 3 (w.e.f. 1-4-1998).
 13. Omitted by Registration (Haryana Amendment) Act, 1996.
 14. Omitted by Registration (Haryana Amendment) Act, 1997.
 15. Omitted by Registration (Karnataka Amendment) Act, 1987.
 16. Omitted by Registration (West Bengal Amendment) Act, 1996 (Act 27 of 1996).

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.

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 a person, or

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

[STATE AMENDMENT

2[Bihar:

After section 32, the following new section shall be inserted, namely:--

"32A. Giving of duplicate copies of documents presented for registration--

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

(2) The duplicate copy shall--

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

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

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

(d) be separately bound and permanently kept in such manner as may be prescribed by rules under section 69."]

⁵[After Section 32 the following new sections shall be inserted; namely:--

"32A. Giving of duplicate copies of documents presented for registration--

(1) Notwithstanding anything contained in this Act; in such areas as may be notified by the State Government, every documents or any translation of documents referred to in section 19 presented for Registration shall be accompanied by such number of duplicate copies thereof as my be prescribed by rules under section 69.

(2) The Duplicate copy shall.--

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

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

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

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

3[Uttar Pradesh:

After section 32, the following section shall be inserted, namely:--

"32A. Giving of true photostat copies of documents prescribed for registration.--

Notwithstanding anything contained in this Act, in such areas as may be notified by the State Government, every document or any translation of documents referred to in section 19 presented for registration shall be accompanied by such number of true photostat copies thereof, as may be prescribed by rules under section 69.

(2) The photostat copy shall,--

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

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

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

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

(3) 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 "along with the Photostat copy thereof" shall be inserted;

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

"(c) subject to the provisions contained in section 62, every photostat copy shall, without unnecessary delay be verified from the document admitted to registration and be placed in the proper book for being copied in the book appropriate for the document admitted for registration accordingly to the order of its admission;"

(b) in section 60, in sub-section (1), for the words "together with the number and page of the book in which the document has been copied" the words "together with a reference to the serial number of the Photostat copy and number of the book in which it is place" shall be substituted;

(c) in section 69, after clause (hh), the following clauses shall be inserted:--

"(hh1) regulating the number and manner in which photostat copies of documents and of translation under section 19 shall be prepared and the books in which they shall be placed for record;

(hh2) regulating the form of declaration and the manner of keeping the records under sub-section (2) of section 32A".

Section 32B

4[In its application to the State of Uttar Pradesh, after S. 32A,insert the following new section, 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, type-written 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."

¶[Maharashtra -

In section 32 of the principal Act, after the word and figures " and 89, " the words " or when the document is presented by electronic means, " shall be inserted.]

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

2. Vide Bihar Ordinance 7 of 1997, section 2 (w.e.f. 11-8-1997).

3. Vide Uttar Pradesh Act 29 of 1989, section 2 (w.e.f. 11-5-1989).

4. Vide Uttar Pradesh Act 27 of 1994, section 5.

5. Inserted by Registration (Bihar Amendment) Act, 1998.

6. Inserted by Registration (Maharashtra Amendment) Act, 2010.

Section 32A - Compulsory affixing of photograph, etc.**¹[32A. Compulsory affixing of photograph, etc.**

Every person presenting any document at the proper registration office under section 32 shall affix his passport size photograph and 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 AMENDMENTS**[Uttarakhand**

In Section 32-A

²[(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)-

³[(i) for the words "photostat copy" the words "true copy" shall be substituted;

⁴[(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."

²[(3) Sub-section (3) shall be omitted.]

⁴[After Section 32-A

Section 32-B of the Principal Act shall be repealed.]

[Uttar Pradesh

⁵[In Section 32-A

The following section shall be inserted, namely-

"32-A. Giving of true ^{*}[**] copies of documents presented for registration

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

(2) The ^{*}[**] copy shall,-

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

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

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

^{*}[**]

⁷[In its application to the State of Uttar Pradesh Section 32-A shall be omitted.]

[Bihar

⁶[In its application to the State of Bihar, after Section 32, insert the following new section, namely,-

"32-A. Giving of duplicate copies of documents presented for registration.-

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

(2) The duplicate copy shall,-

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

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

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

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

1. Inserted by Act 48 of 2001, section 5 (w.e.f. 24-9-2001).

2. Omitted by Indian Registration (Uttarakhand Amendment) Act, 2011.

3. Substituted by Indian Registration (Uttarakhand Amendment) Act, 2011.

4. Inserted by Indian Registration (Uttarakhand Amendment) Act, 2011.

5. Inserted by Registration (Uttar Pradesh Amendment) Act, 1989 (Act 29 of 1989).

*. Uttar Pradesh Act 29 of 1989, Section - 2 (w.e.f. 11.05.1989) * and as amended by Uttar Pradesh Act 36 of 2001, Section 7 (w.e.f. 20-05-2002).

6. Inserted by Bihar Ordinance 7 of 1998, Section 2 (w.e.f. 30.04.1998).

7. Omitted by Uttar Pradesh Act 36 of 2001, section 8 (w.e.f. 20.05.2002).

Section 33 - Power-of-attorney recognizable 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 1 [India], a power-of-attorney executed before and authenticated by a Notary Public, or any Court, Judge, Magistrate, 3 [Indian] Consul or Vice-Consul, or representative 4 [***] 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.

5 [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. Substituted by Act 3 of 1951, section 3 and Schedule, for "the States" (w.e.f. 1-4-1951).

2. Substituted by Act 3 of 1951, section 3 and Schedule, for "resides in any other part of the States" (w.e.f. 1-4-1951).

3. Substituted by the A.O. 1950, for "British".

4. The words "of His Majesty or" omitted by the A.O. 1950.

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

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 authorized as aforesaid, appear before the registering officer within the time allowed for presentation under sections 23, 24, 25 and 26:

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

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

(3) The registering officer shall thereupon--

- (a) enquire whether or not such document was executed by the persons by whom it purports to have been executed;
- (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 AMENDMENTS

[Tamil Nadu

¹[After Section 34

After section 34-A of the principal Act, the following section shall be inserted, namely:--

"34-B. Procedure for Registration of document of Power of Attorney relating to immovable property.--

Subject to the provisions of this Act, no document of Power of Attorney relating to immovable property shall be registered, unless passport size photographs and finger prints of the principal, the agent and of the identifying witnesses are affixed to the document and the agent has also signed such document.]

³[In section 34 of the principal Act,--

(1) in sub-section (1), after the expression "persons executing such document", the expression "and in the case of document for sale of property, the persons claiming under that document" shall be inserted;

(2) in sub-section (3), in clause (b), after the expression "executed the document", the expression "or they are claiming under the document" shall be inserted.]

³[After section 34 of the principal Act, the following section shall be inserted, namely:-

-

"34-A. Person claiming under document for sale of property also to sign document.--

Subject to the provisions of this Act, no document for sale of property shall be registered under this Act, unless the person claiming under the document has also signed such document.]

²[Maharashtra -

In section 34 of the principal Act,--

(a) in sub-section (1), after the existing proviso, the following proviso shall be added, namely :--

" Provided further that, when such document is presented by electronic means, the personal appearance shall not be required. ";

(b) in sub-section (3), after clause (c), the following proviso shall be added, namely :--

" Provided that, when such document is presented by electronic means, the enquiry shall be done as per the rules made in this behalf. ";

(c) in sub-section (4), for the words " proviso to " the words " first proviso to " shall be substituted.]

Madhya Pradesh

⁴[In its application to the State of Madhya Pradesh, in Section 34,-

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

(a) for the figures and word "41, 43, 45, 69, 75, 77, 88, and 89", substitute the figures, letters and word "41, 43, 45, 69, 75, 77, 88, 89-A and 89-B";

(b) in existing proviso, for full stop, the colon shall be substituted and thereafter the following proviso shall be inserted, namely:-

"Provided further that, when such document is presented in electronic form, personal appearance shall not be required.";

(ii) in sub-Section (3), in Cl. (c), for full stop, the colon shall be substituted and thereafter the following proviso shall be inserted, namely:-

Provided that, when such document is presented in electronic form, the enquiry shall be made in such manner as may be prescribed."

(iii) in sub-section (4), for the words, bracket and figure "proviso to sub-section (1)", substitute the words, bracket and figure "first proviso to sub-section (1)".]

1. Inserted by Registration (Tamil Nadu Amendment) Act, 2012 (Act 29 of 2012).

2. Inserted & Substituted by Registration (Maharashtra Amendment) Act, 2010.

3. Inserted by the Registration (Tamil Nadu Amendment) Act, 2000.

4. Substituted by Madhya Pradesh Act 4 of 2010, Section 6 (w.e.f. 14.01.2010).

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.]

STATES AMENDMENTS

⁴[Maharashtra -

In section 35 of the principal Act,--

(a) in sub-section (1), in clause (a), after the words " appear personally " the words " or through electronic means, as the case may be, " shall be inserted;

(b) to sub-section (2), the following proviso shall be added, namely:--

"Provided that, when such document is presented by electronic means, the procedure laid down by the rules made in this behalf shall be followed for the examination of person.]

Madhya Pradesh-

⁵[In its application to the State of Madhya Pradesh, in Section 35, in Sub section (2), for full stop, the colon shall be substituted and thereafter the following proviso shall be inserted, namely:-

"Provided that when the document is presented in electronic form the procedure laid down by rules prescribed in this behalf shall be followed."]

1. Added by Act 13 of 1926, section 2.

2. Substituted by the A.O. 1950, for "Provincial Government".

3. Substituted by the A.O. 1939, for "Local Official Gazette".

4. Inserted by Maharashtra Act 10 of 2012, Section 7 (w.e.f. 01.04.2013).

5. Inserted by Madhya Pradesh Act 4 of 2010, section 7 (w.e.f. 14.01.2010).

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 authorized agent, as in the summons may be mentioned, and at a time named therein.

STATE AMENDMENTS

²[Gujarat:

Same as that of Maharashtra.

³[Maharashtra:

In section 36, for the words "may, in his discretion" the words "in his discretion, may, upon receipt of the prescribed fee, issue or may" were substituted; and after the word "issue" a comma was inserted.

1. Substituted by the A.O. 1950, for "Provincial Government".

2. Vide Act 11 of 1960, section 87; Gujarat A.L.O., 1960.

3. Vide Bombay Act 5 of 1929, section 6 (w.e.f. 22-5-1929) read with Bombay Act 35 of 1958, section 2 (w.e.f. 24-4-1958).

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.

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.

Section 42 - Deposit of wills

Any testator may, either personally or by duly authorized agent, deposit with any Registrar his will in a sealed cover super scribed 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 authorized agent, to the Registrar who holds it in deposit, and such Registrar, if satisfied that the applicant is actually the testator or his agent, shall deliver the cover accordingly.

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 AMENDMENTS

¹[Goa:

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 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.

²[Karnataka:

Amendments to section 45 are the same as in Kerala.

⁷[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 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.]

³[Kerala:

In section 45,--

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

(ii) in sub-section (2), for the words "copy has been made", substitute the words "true copy has been filed".]

⁸[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 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 word "true copy has been filed" shall be substituted.]

⁴[Orissa:

Amendments to section 45 are the same as in Kerala.

⁵[Pondicherry:

Section 52(5) of the Act as amended in Pondicherry gives powers to the State Government to specify classes of documents with reference to which certain other sections shall have modified application, section 45 is one of them:

"In section 45, in sub-section (1), for the words "cause the contents thereof to be copied into his Book No. 3", words "cause a true copy thereof to be made and filed in his Book No. 3", shall be substituted; and in sub-section (2) for the words "copy has been made", words "true copy has been filed" shall be substituted.

¶[Tripura:

Amendments to section 45 are the same as in Kerala.

[Tamil Nadu and West Bengal:

For modification of section 45, see Schedule to Act as inserted by Tamil Nadu Act 21 of 1966 and West Bengal Act 17 of 1978.

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1. Vide Goa Act 24 of 1985, section 3 (w.e.f. 5-12-1985).
 2. Vide Karnataka Act 55 of 1976, section 4 (w.e.f. 24-10-1976).
 3. Vide Kerala Act 7 of 1963, section 5 (w.e.f. 22-2-1968).
 4. Vide Orissa Act 14 of 1989, section 4 (w.e.f. 19-9-1989).
 5. Vide Pondicherry Act 17 of 1970, Schedule Item (1) (w.e.f. 1-11-1970).
 6. Vide Tripura Act 7 of 1982, section 4 (w.e.f. 1-1-1983).
 7. Inserted by Registration (Karnataka Amendment) Act, 1976.
 8. Substituted by Indian Registration (Kerala Amendment) Act 1968.

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, or of section 81 of the Probate and Administration Act, 1881, or the power of any Court by order to compel the production of any will.

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

STATE AMENDMENTS

¶[Goa:

In 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;

(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.

²[Karnataka:

Amendments to section 46 are the same as in Kerala.

⁷[In 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 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.]

³[Kerala

In section 46, in sub-section (2),--

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

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

⁸[In 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;

(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.]

⁴[Orissa:

Amendments to section 46 are the same as in Kerala.

⁵[Pondicherry:

With reference to documents specified by rules made under sub-section (3) of section 52 as obtaining in Kerala, section 46 shall stand modified as follows:--

In sub-section (2) of section 46, for the words "unless the will has been already copied" and the words "cause the will to be copied into his Book No. 3", words "unless the true copy of the will has already been filed" and "cause a true copy to be made and filed in his Book No. 3" shall respectively be substituted.

6[Tripura:

Amendments are the same as in Kerala, except that for the word "filed", the word "pasted" has been used.

Tamil Nadu and West Bengal:

For modification of section 46, see Schedule as inserted by Tamil Nadu Act 21 of 1966 and West Bengal Act 17 of 1978.

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1. Vide Goa Act 24 of 1985, section 4 (w.e.f. 5-12-1985).
 2. Vide Karnataka Act 55 of 1976, section 5 (w.e.f. 24-10-1976).
 3. Vide Kerala Act 7 of 1968, section 6 (w.e.f. 22-2-1968).
 4. Vide Orissa Act 14 of 1989, section 5 (w.e.f. 19-9-1989).
 5. Vide Pondicherry Act 17 of 1970, Schedule Item 2 (w.e.f. 1-11-1970).
 6. Vide Tripura Act 7 of 1982, section 5 (w.e.f. 1-1-1983).
 7. Substituted by Registration (Karnataka Amendment) Act, 1976.
 8. Substituted by Indian Registration (Kerala Amendment) Act 1968.

Section 47 - Time from which registered document operates

A registered document shall operate from the time 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 order 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.]

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1. Added by Act 21 of 1929, section 10.

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

No document required by section 17¹[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 (3 of 1877)^{2,3}[***] or as evidence of any collateral transaction not required to be effected by registered instrument.]

STATE AMENDMENT

⁴Uttar Pradesh:

In section 49,--

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

(ii) substitute clause (b) as under:

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

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

(iv) in the proviso, omit the words "as evidence of a contract in a suit for specific performance under Chapter II of the Specific Relief Act, 1877, or".

1. Added by Act 21 of 1929, section 10.

2. Now see the Specific Relief Act, 1963 (47 of 1963).

3. Certain words omitted by Act 48 of 2001, section 6 (w.e.f. 24-9-2001).

4. Vide Uttar Pradesh Act 57 of 1976, section 34 (w.e.f. 1-1-1977).

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 1971), or the Indian Registration Act, 1877 (3 of 1977), or this Act.

[STATE AMENDMENTS

¹[**Andhra Pradesh:**

In section 50, in sub-section (1), for the expression "clauses (a), (b), (c) and (d) of section 17", the expression "clauses (a), (b), (c), (d), (e), (f) and (g) of section 17" shall be substituted.

²[**Andhra Pradesh:**

For Explanation to section 50, substitute the following, namely:--

"Explanation.--"Unregistered" means not registered according to any law in force before the 9th day of January, 1969 or this Act."

³[**Uttar Pradesh:**

In section 50,--

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

(ii) in sub-section (2), after the words and figures "proviso to sub-section (1) of section 17", insert the words and figures "as the proviso stood before its omission by the Uttar Pradesh Civil Laws (Reforms and Amendment) Act, 1976".]

[**Tamil Nadu**

⁴[In Section 50

In sub-section (1), for the expression "clauses (a), (b), (c) and (d) of section 17", the expression "clauses (a), (b), (c), (d), (f), (g), (h) and (i) of section 17" shall be substituted.]

1. Vide Andhra Pradesh Act 4 of 1999, section 6 (w.e.f. 1-4-1999).
2. Vide Pondicherry Act 17 of 1970, section 3 (w.e.f. 1-11-1970).
3. Vide Uttar Pradesh Act 19 of 1981, section 9 (w.r.e.f. 1-8-1981).
4. Substituted by Registration (Tamil Nadu Amendment) Act, 2012 (Act 29 of 2012).

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 AMENDMENTS

¹[Andhra Pradesh:

In section 51, in sub-section (1), for the words "The following books", the words "The following books and the information storage devices as specified in sub-section (1) of section 16" shall be substituted.

²[Bihar:

To section 51 the following new sub-section shall be added, namely:--

"(5) (a) If, in the opinion of the Registrar, any of the books mentioned in sub-section (1) is in danger of being destroyed or becoming illegible wholly or partially, the Registrar may, by a written order, direct such book or such

portion thereof as he thinks fit to be recopied and authenticated in such manner as may be prescribed under section 69, and the copy so prepared and authenticated shall, for the purposes of this Act, and of the Indian Evidence Act, 1872, be deemed to have taken the place of, and to be, the original book or portion, and all references in this Act to the original book or portion shall be deemed to be references to the book or portion prepared and authenticated as aforesaid.

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

³[Goa:

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 39 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.

⁴[Gujarat:

Same as those of Maharashtra.

⁵[Karnataka:

Amendments to section 51(2) and (3) are the same as in Kerala. Insert sub-section (5) as under:

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

¹⁴[In Section 51

(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."

¹⁵[In Section 51

The following sub-section shall be inserted, namely:-

"(5) If, any of the books mentioned in sub-section (1) is destroyed or in the opinion of the Registrar is in danger of being destroyed, or becoming illegible wholly or partially, the Registrar may by a written order, direct such book or such portion thereof as he thinks fit, to be reconstructed or recopied, as the case may be, and authenticated in

such manner as may be prescribed under section 69, and the copy prepared and authenticated under such direction shall for the purpose of this Act, be deemed to have taken the place of and to be the original book or portion and all references in this Act, to the original book or portion shall be deemed to be references to the book or portion so prepared and authenticated."]

⁶[Kerala:

In section 51,--

(i) for sub-section (2), substitute the following:--

"(2) In Book 1 shall be filed--

(i) true copies of all documents; and

(ii) all memoranda,

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

(iii) in sub-section (3), for the words "entered all documents", substitute the words "filed true copies of all documents".]

¹⁶[In Section 51

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

"(2) In Book I shall be filled-

(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.]

⁷[⁸⁹[Maharashtra:

In section 51,--

(i) in sub-section (2), after the figures "89", the words and figures "sub-sections (2) and (4)" were inserted.

(ii) after sub-section (4), **add** the following new sub-section, namely:--

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

[Note.--Section 8 of the Bombay Act 25 of 1938 runs as follows:

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

(iii) in sub-section (2), for the words "18 and 89, sub-sections (2) and (4)", substitute the words "and 18 and section 89 except sub-sections (1) and (3) thereof".

¹⁰[Orissa:

In its application to the State of Orissa, in section 51,--

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

"(2) In Book 1 shall be filed--

(i) true copies of all documents, and

(ii) all memoranda,

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

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

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

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

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

¹¹**[Pondicherry:**

With reference to the documents specified in the rules made under section 52(3) as obtaining in Pondicherry, section 51 shall stand modified as follows:--

Modifications are the same as in Kerala (i) and (ii).

¹²**[Tripura:**

In section 51,--

(i) substitute sub-section (2) as under--

"(2) In Book 1 shall be:

(i) pasted true copies of all documents, and

(ii) filed all memoranda,

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

(ii) in sub-section (3) for the word "entered", substitute the words "pasted true copies of".

¹³[Uttar Pradesh:

After sub-section (4) of section 51, insert sub-section (5) as under--

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

Tamil Nadu and West Bengal:

For modification in section 51, see Schedule as inserted by Tamil Nadu Act 21 of 1966 and West Bengal Act 17 of 1978.

TAMIL NADU:

¹⁹[In section 51 of the principal Act, in sub-section (1),--

(1) for the expression "The following books", the expression "The following books and the information storage devices" shall be substituted;

(2) The following shall be added at the end, namely:--

"C--In the office of the Registering Officer notified by the State Government under sub-section (1) of section 70-B--

Information storage devices as specified in sub-section (2-A) of section 16.]

[Puducherry

¹⁷[In Section 51

The words "The following books", the words "The following books and the information storage devices as specified in sub-section (1) of the section 16" shall be substituted.]

[Uttarakhand

¹⁸[In 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.]

1. Vide Andhra Pradesh Act 16 of 1999, section 4 (w.e.f. 31-12-1998).

2. Vide Bihar Act 14 of 1947, section 2 (w.e.f. 21-4-1947).

3. Vide Goa Act 24 of 1985, section 5 (w.e.f. 5-12-1985).

4. Vide Act 11 of 1960, section 87 and Gujarat A.L.O. 1960.

5. Vide Karnataka Act 41 of 1984, section 2 (w.e.f. 7-11-1986); Karnataka Act 55 of 1976, section 6 (w.e.f. 24-10-1976).

6. Vide Kerala Act 7 of 1968, section 7 (w.e.f. 22-2-1968).

7. Vide Bombay Act 5 of 1929, section 7 (w.e.f. 22-5-1929) read with Act 35 of 1958, section 2 (w.e.f. 28-4-1958).

8. Vide Bombay Act 24 of 1938, section 3 (w.e.f. 8-2-1939) read with Act 35 of 1958, section 2 (w.e.f. 28-4-1958).
9. Vide Maharashtra Act 20 of 1971, section 58(c) (w.e.f. 15-6-1972).
10. Vide Orissa Act 14 of 1989, section 6 (w.e.f. 19-9-1989).
11. Vide Pondicherry Act 17 of 1970, section 3 (w.e.f. 1-11-1970).
12. Vide Tripura Act 7 of 1982, section 6 (w.e.f. 1-1-1983).
13. Vide Uttar Pradesh Act 19 of 1981, section 10 (w.r.e.f. 1-8-1981).
14. Sub-section (2), (3) shall be Substituted and sub-section (5) shall be Inserted by Registration (Karnataka Amendment) Act, 1976.
15. Inserted by Registration (Karnataka Amendment) Act, 1984.
16. Substituted by Indian Registration (Kerala Amendment) Act 1968.
17. Substituted by Registration (Puducherry Amendment) Act, 2004.
18. Substituted by Indian Registration (Uttarakhand Amendment) Act, 2011.
19. Inserted by the Registration (Tamil Nadu Second Amendment) Act, 2000.

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 AMENDMENTS

²[Bihar:

[In section 52,--

(i) in clause (a), after the words "every such documents" the words "along with duplicate copy thereof" shall be inserted.

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

"(c) subject to the provisions contained in section 62, every duplicate copy shall, without unnecessary delay, be verified from the document admitted for

registration and be placed in proper book for being bound separately in the appropriate book for the document admitted to registration or according to the order of admission."]

¹⁵[In Section 52

(i) in clause (a), after the words "every such documents" the words "along with duplicate copy thereof" shall be inserted;

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

"(c) subject to the provisions contained in section 62 every duplicate copy shall, without Unnecessary delay be verified from the document admitted to registration and be placed in proper book for being bound separately in the appropriate book for the document admitted to registration according to the order of admission."]

³[Delhi:

Same as in Punjab.

⁴[Goa:

Section 52(1)(c) be substituted as under:

"(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.

⁵[Himachal Pradesh:

Same as in Punjab

¹⁶[In section 52

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 un-necessary delay, be pasted in the book appropriated therefor according to the order of admission of the document."]

⁶[Karnataka:

Amendments to section 52 are the same as in Kerala.

¹⁷[In Section 52

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".]

⁷[Kerala:

For clause (c) of sub-section (1), substitute the following namely:--

"(c) subject to provisions contained in section 62, where a document is admitted to registration, a true copy thereof shall, without unnecessary delay, be filed in the appropriate book according to the order of its admission."]

¹⁸[In Section 52

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."]

Maharashtra and Gujarat:

For modification of section 52(1)(c), see sub-section (3) of section 70D in Part XIA inserted in the main Act by the Indian Registration (Bombay Amendment) Act, 1930 (17 of 1930) (w.e.f. 4-9-1930) and Act 11 of 1960, section 87.

⁸[Orissa:

Amendments are same as in Kerala.

⁹[Pondicherry:

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

(i) in clause (a), word "and" shall be added at the end; and

(ii) the word "and" at the end of clause (b) and clause (c) shall be omitted.

(b) After sub-section (1), insert the following sub-sections, namely:--

"(1A) Subject to the provisions contained in section 62, where any document, not being of the class specified in the rules made under sub-section (3), is admitted to registration, it shall, without unnecessary delay, be copied in the appropriate book according to the order of its admission.

(1B) Subject to the provisions contained in section 62 and the rules made under sub-sections (3) and (4) and under section 89A, where any document of the class specified in the rules made under sub-section (3) is admitted to registration a true copy thereof shall, without unnecessary delay, be filed in the appropriate book according to the order of its admission."

(c) After sub-section (2), add the following sub-sections, namely:--

"(3) The State Government may, from time to time, specify by rules the classes of documents in respect of which true copies shall be filed in the appropriate book under sub-section (1B).

(4) The true copy referred to in sub-section (1B) shall be neatly handwritten, printed, typewritten, lithographed or otherwise prepared in accordance with such rules as may be made in this behalf, and where such copy is handwritten, it shall be prepared by a scribe who shall be licensed for this purpose by the State Government on payment of such fees as may be prescribed.

(5) The provisions of this Act shall, in their application to the classes of documents specified in the rules under sub-section (3), have effect, subject to the modifications set out in the Schedule."

¹⁰[Punjab, Haryana and Chandigarh:

For clause (c) of sub-section (1) of section 52, substitute the following, 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."]

²⁰[In Section 52

The following 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 therefor according to the order of admission of the document.".]

¹¹[Rajasthan:

In section 52(1) substitute clause (c) as under:

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

¹²[Tamil Nadu:

Same as in Pondicherry.

¹³[Tripura:

In section 52(1), clause (c) be substituted as under:

"(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."

Uttar Pradesh:

In section 52(1)(c) an Explanation was inserted by Uttar Pradesh Act 14 of 1971, section 3 (w.e.f. 25-5-1971). The Explanation is now omitted by Uttar Pradesh Act 19 of 1981, section 11 (w.r.e.f. 1-8-1981).

²¹[In Section 52

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."]

¹⁴[**West Bengal:**

In section 52(1),--

- (i) in clause (a) add the word "and" at the end,
- (ii) omit the word "and" in clause (b), and omit clause (c),
- (iii) after sub-section (1), insert as under--

"(1A) Subject to the provisions contained in section 62, where any document, not being of the class specified in the rules made under sub-section (3), is admitted to registration, it shall, without unnecessary delay, be copied in the appropriate book according to the order of its admission.

(1B) Subject to the provisions contained in section 62 and in the rules made under sub-sections (3) and (4) and under section 89A, where any document of the class specified in the rules made under sub-section (3) is admitted to registration, a true copy thereof shall, without unnecessary delay, be filed in the appropriate book according to the order of its admission."

- (iv) after sub-section (2), add as under:--

"(3) The State Government may, from time to time, specify by rules the classes of documents, in respect of which true copies shall be filed in the appropriate book under sub-section (1B).

(4) The true copy referred to in sub-section (1B), shall be neatly handwritten, printed, typewritten, lithographed or otherwise prepared in accordance with such rules as may be made in this behalf.

(5) The provisions of this Act shall, in their application to the classes of documents specified in the rules made under sub-section (3), have effect subject to the modifications set out in the Schedule."]

[Uttarakhand

¹⁹[In 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.]

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1. Inserted by Act 48 of 2001, section 7 (w.e.f. 24-9-2001).
 2. Vide Bihar Ordinance 7 of 1997, section 3 (w.e.f. 11-8-1997).
 3. Vide G.S.R. 465 of 1965, Gazette of India, 1965, Pt. II, section 3(i), p. 499 (w.e.f. 1-11-1966).
 4. Vide Goa Act 24 of 1985, section 6 (w.e.f. 5-12-1985).
 5. Vide Himachal Pradesh Act 2 of 1969, section 5 (w.e.f. 1-4-1969).
 6. Vide Karnataka Act 55 of 1976, section 7 (w.e.f. 24-10-1976).
 7. Vide Kerala Act 7 of 1968, section 8 (w.e.f. 22-2-1968).
 8. Vide Orissa Act 14 of 1989, section 7 (w.e.f. 19-9-1989).
 9. Vide Pondicherry Act 17 of 1970, section 4 (w.e.f. 1-11-1970).
 10. Vide Punjab Act 19 of 1961, section 4 (w.e.f. 4-5-1961): Act 31 of 1966, section 89 (w.e.f. 1-11-1966).
 11. Vide Rajasthan Act 11 of 1982, section 5 (w.e.f. 16-7-1982).
 12. Vide Tamil Nadu Act 21 of 1966, section 2 (w.e.f. 1-4-1967).
 13. Vide Tripura Act 7 of 1982, section 7 (w.e.f. 1-1-1983).
 14. Vide West Bengal Act 17 of 1978, section 3 (w.e.f. 1-1-1983).
 15. clause (a) shall be Inserted and clause (c) shall be Substituted by Registration (Bihar Amendment) Act, 1998.
 16. Substituted by Indian Registration (Himachal Pradesh Amendment) Act, 1968.
 17. Substituted by Registration (Karnataka Amendment) Act, 1976.

18. Substituted by Indian Registration (Kerala Amendment) Act 1968.

19. Sub-section (1) shall be Substituted and Sub-section (2) shall be Omitted by Indian Registration (Uttarakhand Amendment) Act, 2011.

20. Substituted by Indian Registration (Punjab Amendment) Act, 1961 (punjab).

21. Inserted by Registration (Uttar Pradesh Amendment) Act, 1970 (Act 14 of 1971).

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.

[STATE AMENDMENTS

Maharashtra and Gujarat:

For modification of section 53, see sub-section (3) of section 70D in Part XIA inserted in the main Act by the Indian Registration (Bombay Amendment) Act, 1930 (17 of 1930) (w.e.f. 4-9-1930) and Act 11 of 1960, section 87.

Uttar Pradesh -

²[In its application to the State of Uttar Pradesh, in Section 53, insert the following proviso, namely,-

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

[Uttarakhand

¹[In Section 53

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."]

1. Inserted by Indian Registration (Uttarakhand Amendment) Act, 2011.

2. Inserted by Uttar Pradesh Act 36 of 2001, section 11 (w.e.f. 20.05.2002).

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 AMENDMENTS

¹[Bihar:

Section 54 shall be renumbered as sub-section (1) of section 54 and after the said subsection, as so renumbered, the following sub-section shall be added:--

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

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

²[Goa:

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

³[Gujarat:

Same as that of Maharashtra.

⁴[Karnataka:

In section 54, for the words "copied or filed a memorandum of" substitute the word "filed a true copy or the memorandum of".

¹⁰[In Section 54

The the words "copied or filed a memorandum of", the words " filed a true copy of the memorandum of " shall be substituted.]

⁵[Kerala:

In section 54, for the words "copied or filed a memorandum of", substitute the words "filed a true copy or memorandum of".]

¹¹[In Section 54

The the words "copied, or filed a memorandum of, the words "filed a true copy or memorandum or shall be substituted.]

⁶[Maharashtra:

In section 54, after the word "books" where it occurs for the second time, insert the words "and there shall also be prepared current indexes of the contents of the copies filed under sub-sections (1) and (3) of section 89".

⁷[Orissa:

Amendments are same as in West Bengal.

⁸[Pondicherry:

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

For the words "copied or filed" words "filed a true copy of, or" shall stand substituted.

⁹[Tripura:

In section 54, for the words "copied, or filed a memorandum", substitute the words "pasted a true copy or filed a memorandum of".

Tamil Nadu and West Bengal:

For modification to sections 54 and 55, see Schedule as inserted by Tamil Nadu Act 21 of 1966 and West Bengal Act 17 of 1978.

[Uttarakhand

¹²[In 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."]

1. Vide Bihar Act 24 of 1952, section 2 (w.e.f. 22-10-1952).

2. Vide Goa Act 24 of 1985, section 7 (w.e.f. 5-12-1985).

3. Act 11 of 1960, section 87 and Gujarat A.L.O., 1960.

4. Vide Karnataka Act 55 of 1976, section 8 (w.e.f. 24-10-1976).

5. Vide Kerala Act 7 of 1968, section 9 (w.e.f. 22-2-1968).
6. Vide Bombay Act 5 of 1929, section 8 (w.e.f. 22-5-1929) read with Act 35 of 1958 (w.e.f. 24-4-1958).
7. Vide Orissa Act 14 of 1989, section 8.
8. Vide Pondicherry Act 17 of 1970, Schedule, Item 4 (w.e.f. 1-11-1970).
9. Vide Tripura Act 7 of 1982, section 8 (w.e.f. 1-1-1983).
10. Substituted by Registration (Karnataka Amendment) Act, 1976.
11. Substituted by Indian Registration (Kerala Amendment) Act 1968.
12. Substituted by Indian Registration (Uttarakhand Amendment) Act, 2011.

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

¹[Goa:

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

²[Gujarat:

Same as in Maharashtra.

³**[Karnataka:**

Amendments to section 55 are the same as in Kerala.

¹¹[In Section 55

(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.]

⁴**[Kerala:**

In section 55,--

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

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

(iii) in sub-section (5), for the words "document entered", substitute the words "document of which a true copy is filed".]

¹²[In Section 55

(a) in sub-section (2), for the words "document entered or memorandum, is 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;

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

⁵**[Maharashtra:**

In section 55,--

(a) for sub-section (1), the following was substituted, namely:--

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

(b) after sub-section (2), the following sub-section was inserted, namely:--

"(2A) Index No. IA shall contain the names including the father's name, or, in the case of persons usually described by their mother's name, the mother's

name, and the places of residence of all persons executing, and of all persons claiming under, the documents of which copies are filed under sub-section (1) or (3) of section 89.";

(c) after sub-section (3), the following sub-section was inserted, namely:--

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

(d) after the words "and additions" wherever they occur, the words "including the father's name, or in the case of persons usually described by their mother's name, the mother's name and the places of residence" were substituted.

⁶[Orissa:

In its application to the State of Orissa, in section 55,--

- (i) sub-section (2), for the words "document entered or memorandum filed", substitute "document of which a true copy or a memorandum is filed";
- (ii) in sub-section (4), for the words "authority entered", substitute "authority of which a true copy is filed"; and
- (iii) in sub-section (5), for the words "document entered", substitute "document of which a true copy is filed".

⁷[Pondicherry:

With reference to documents specified in the Rules made under section 52(3) as obtaining in Pondicherry, section 55 shall stand modified as under:--

- (i) in sub-section (2), for the words "every document entered or memorandum filed", words "every document of which a true copy or a memorandum is filed" shall stand substituted;
- (ii) in sub-section (4), for the words "every will and authority entered in Book No. 3", words "every will and authority of which a true copy is filed in Book No. 3" shall stand substituted;
- (iii) in sub-section (5), for the words "documents entered", words "document of which a true copy is filed" shall stand substituted.

⁸[Tripura:

In section 55,--

- (i) in sub-section (2), for the word "entered" substitute the words "of which a true copy is pasted";
- (ii) 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";
- (iii) in sub-section (5), for the word "entered" substitute the words "of which a true copy is pasted".

⁹[West Bengal:

Same as in Pondicherry.

Section 55A

¹⁰[West Bengal:

For section 55A, which was inserted by the Indian Registration (West Bengal Amendment) Act, 1950 (29 of 1950), section 3, substitute the following, namely:--

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

¹⁴[After Section 55

The following new section shall be Inserted , namely:—

"55A. Photographic copies of books and indexes to be as good as original books and indexes in certain cases.—

Notwithstanding anything contained in any other law for the time being in force, copies made by photography of any of the books mentioned in sub-section (1) of section 51, and of any of the indexes mentioned in section 55, relating to documents registered on or before the 14th day of August, 1947 in registration offices situate in districts or sub-districts which as a result of the award of the Boundary Commission appointed under section 3 of the Indian Independence Act, 1947 have fallen partly within West Bengal and partly within East Bengal, shall for the purposes of this Act be deemed to have taken the place of and to be the original books and indexes from which such copies were made and all references in this Act to books and indexes shall be construed as including references to such copies.".]

¹⁵[After Section 55

The following section shall be Substituted namely :—

"55A. Copies of books and indexes to be as good as original books and indexes in certain cases.—

Notwithstanding anything contained in any other law for the time being in force, copies of any of the books mentioned in sub-section (1) of section 51, and of any of the indexes mentioned in section 55, relating to documents registered on or before the 14th day of August, 1947 in registration offices situate in districts or sub-districts which as a result of the award of the Boundary Commission appointed under section 3 of the Indian

Independence Act, 1947 have fallen partly within West Bengal and partly within East Bengal, shall, on being authenticated in such manner as may be prescribed by the Inspector-General, be deemed for the purposes of this Act to have taken the place of, and to be, the original books and indexes from which such copies were made and all references in this Act to books and indexes shall be construed as including references to such copies.".]

[Uttarakhand

¹³[In Section 55

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."]

Uttar Pradesh-

¹⁶[In its application to the State of Uttar Pradesh, in Section 55, after sub-section (6), insert the following sub-section, namely,-

"(7) Where Book is in electronic form, the indexes made under this section shall also be stored in electronic form in the manner prescribed by rules under section 69".]

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1. Vide Goa Act 24 of 1985, section 8 (w.e.f. 5-12-1985).
 2. Vide Act 11 of 1960, section 87 and Gujarat A.L.O., 1960.
 3. Vide Karnataka Act 55 of 1976, section 9 (w.e.f. 24-10-1976).
 4. Vide Kerala Act 7 of 1968, section 10 (w.e.f. 22-2-1968).
 5. Vide Bombay Acts 5 of 1929, section 9 (w.e.f. 22-5-1929) read with 35 of 1958, section 2 (w.e.f. 24-4-1958).
 6. Vide Orissa Act 14 of 1989, section 9 (w.e.f. 19-9-1989).
 7. Vide Pondicherry Act 17 of 1970, Schedule , Item 5.
 8. Vide Tripura Act 7 of 1982, section 9 (w.e.f. 1-1-1983).
 9. Vide West Bengal Act 17 of 1978, section 7 and Schedule .
 10. Vide West Bengal Act 31 of 1951, section 2 (w.e.f. 2-11-1951).
 11. Substituted by Registration (Karnataka Amendment) Act, 1976.
 12. Substituted by Indian Registration (Kerala Amendment) Act 1968.
 13. Inserted by Indian Registration (Uttarakhand Amendment) Act, 2011.
 14. Inserted by Indian Registration (West Bengal Amendment) Act, 1950 (Act 29 of 1950).
 15. Substituted by Indian Registration (West Bengal Amendment) Act, 1951 (Act 31 of 1951).
 16. Inserted by Uttar Pradesh Act 36 of 2001, Section 13 (w.e.f. 20.05.2002).

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

[Repealed by the Indian Registration (Amendment) Act, 1929 (15 of 1929), section 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 time 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 AMENDMENTS**¹[Gujarat:**

Same as in Maharashtra.

²[Maharashtra:

In sub-section (1), after the words and figure "Book No. 1", the following words and figures were inserted, namely: "and, so long as they are preserved, the copies filed under subsections (1) and (3) of section 89 and the indexes relating to such copies."

Uttar Pradesh -

⁴[In its application to the State of Uttar Pradesh, in Section 57, sub section (1), for the words "to Book No. 1," substitute "to Book No.1 other than those in electronic form,"]

[Uttarakhand

³[In 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."]

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1. Vide Act 11 of 1960, section 87 and Gujarat A.L.O., 1960.
 2. Vide Bombay Acts 5 of 1929, section 10 (w.e.f. 22-5-1929) read with 35 of 1958 (w.e.f. 24-4-1958).
 3. Substituted by Indian Registration (Uttarakhand Amendment) Act, 2011.
 4. Substituted by the Uttar Pradesh Act 36 of 2001, section 14 (w.e.f. 20.05.2002).

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 AMENDMENTS

[Uttarakhand

¹[In 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.]

TAMIL NADU:

²[In section 58 of the principal Act,--

(1) in sub-section (1), after item (a), the following item shall be inserted, namely:--

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

(2) in sub-section (2), after the expression "execution of a document", the expression "and in the case of a document for sale of property, any person admitting the execution of such document, or any person admitting the claim under that document" shall be inserted.]

Uttar Pradesh-

³[In its application to the State of Uttar Pradesh, in Section 58, sub section (1), for the words "admitted to registration ", substitute "admitted to registration and true copy thereof".]

1. Substituted by Indian Registration (Uttarakhand Amendment) Act, 2011.

2. Inserted by the Registration (Tamil Nadu Amendment) Act, 2000.

3. Substituted by the Uttar Pradesh Act 36 of 2001, Section 15 (w.e.f. 20.05.2002).

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 endorsement, referred to in section 59 have occurred as therein mentioned.

[STATE AMENDMENTS

¹[Bihar:

In sub-section (1), for the words "together with the number and page of the book in which the document has been copied" the words "together with reference to the serial number of the duplicate copy and the number of the book in which it is placed" shall be substituted.]

¹⁵[In Section 60

(i) in clause (a), after the words "every such documents" the words "along with duplicate copy thereof" shall be inserted;

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

"(c) subject to the provisions contained in section 62 every duplicate copy shall, without Unnecessary delay be verified from the document admitted to registration and be placed in proper book for being bound separately in the appropriate book for the document admitted to registration according to the order of admission."]

²[Goa:

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

³[Karrtataka:

Amendments to section 60 are the same as in Kerala.

⁹[In Section 60

The words "the document has been copied", the words " a true copy of the document has been filed" shall be substituted.]

⁴[Kerala:

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.]

¹⁰[In Section 60

The words "the true copy of the document has been filed" shall be substituted.]

Maharashtra and Gujarat:

For modification of section 60(1), see sub-section (3) of section 70D in Part XIA inserted in the main Act by the Indian Registration (Bombay Amendment) Act, 1930 (17 of 1930) (w.e.f. 4-9-1930) and Act 11 of 1960, section 87 (w.e.f. 1-5-1960).

⁵[Orissa:

Amendments to section 60 are the same as in Kerala.

⁶[Pondicherry:

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

For the words "the document has been copied", the words "true copy of the document has been filed", shall be substituted.

⁷[Tripura

In section 60, for the words "the document has been copied", substitute the words "the true copy of the document has been pasted".

West Bengal

For modifications to sections 60 and 61, see Schedule as inserted by Tamil Nadu Act 21 of 1966 and West Bengal Act 17 of 1978.

[Tamil Nadu

For modifications to sections 60 and 61, see Schedule as inserted by Tamil Nadu Act 21 of 1966 and West Bengal Act 17 of 1978.

¹²[In Section 60

In sub-section (1), for the expression "a certificate containing the word 'registered' ", the expression "a certificate containing the expression 'registered and duly stamped as per the Indian Stamp Act, 1899 (Central Act II of 1899)'" shall be substituted.]

Uttar Pradesh -

¹³[In its application to the State of Uttar Pradesh, in Section 60, sub-section (1), for the words "thereon a certificate containing the word ' registered ' together with the number and page of the book in which the document has been copied ", substitute "thereon and on the true copies thereof, a certificate containing the word ' registered ', together with a reference to the number and page of the appropriate Book in which the document or its true copy is to be scanned or kept".]

[Uttarakhand

¹¹[In 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.".]

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1. Vide Bihar Ordinance 7 of 1997, section 4 (w.e.f. 11-8-1997).
 2. Vide Goa Act 24 of 1985, section 9 (w.e.f. 5-12-1985).
 3. Vide Karnataka Act 55 of 1976, section 10 (w.e.f. 24-10-1976).
 4. Vide Kerala Act 7 of 1968, section 11 (w.e.f. 22-2-1968).
 5. Vide Orissa Act 14 of 1989, section 10 (w.e.f. 19-9-1989).
 6. Vide Pondicherry Act 17 of 1970, Schedule, Item (6) (w.e.f. 1-11-1970).
 7. Vide Tripura Act 7 of 1982, section 10 (w.e.f. 1-1-1983).
 8. clause (a) shall be Inserted and clause (c) shall be Substituted by Registration (Bihar Amendment) Act, 1998.
 9. Substituted by Registration (Karnataka Amendment) Act, 1976.
 10. Substituted by Indian Registration (Kerala Amendment) Act 1968.
 11. Substituted by Indian Registration (Uttarakhand Amendment) Act, 2011.
 12. Substituted by Indian Stamp and the Registration (Tamil Nadu Amendment) Act, 2006 (Act 13 of 2008).
 13. Substituted by the Uttar Pradesh Act 36 of 2001, Section 16 (w.e.f. 20.05.2002.)

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 AMENDMENTS

¹[**Andhra Pradesh:**

In section 61, after sub-section (1), add the following:--

"Provided that the copying of the items referred to above may be done by using electronic devices like scanner."

²[Goa:

Section 61(1) be substituted, as under:

"(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 plan (if any) mentioned in section 21 shall also be filed alongwith the true copy of the document."

³⁴[Karnataka

Amendments to section 61 are the same as in Kerala.

¹¹[In Section 61

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."

In section 61, in sub-section (2), after the words "returned" the words "in the manner prescribed by rules" shall be inserted.]

¹²[In Section 61

The word "returned", the words "in the manner prescribed by rules" shall be inserted.]

⁵[Kerala:

For sub-section (1) of section 61 substitute the following:--

"(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 plan (if any) mentioned in section 21 shall also be filed alongwith the true copy of the document."

Maharashtra and Gujarat:

For omission of sub-section (1) of section 61, see sub-section (3) of section 70D in Part XIA inserted in the main Act by the Indian Registration (Bombay Amendment) Act, 1930 (17 of 1930) (w.e.f. 4-9-1930) and Act 11 of 1960, section 87 (w.e.f. 1-5-1960).

⁶[Orissa:

Same as in Kerala.

⁷[Pondicherry:

In relation to documents specified in the Rules framed under section 52(3) as obtaining in Pondicherry, section 61 shall stand modified as follows:--

For the words "copied into the margin of the register book" in sub-section (1) the words "copied in the true copy of the document filed under sub-section (1B) of section 52" shall be substituted.

Tamil Nadu:

⁸[Same as in West Bengal.

¹⁵[In section 61 of the principal Act, in sub-section (1), the following proviso shall be added, namely:--

"Provided that in the office of the Registering Officer notified by the State Government under sub-section (1) of section 70-B, the copying of the items referred to above may be done using electronic devices like scanner.]

⁹[Tripura:

In section 61(1), omit the words "the margin of".

¹⁰[West Bengal:

In section 61, in sub-section (1), omit the words "the margin of".]

[Puducherry

¹³[In Section 61

After sub-section (1), the following proviso shall be added, namely:

provided that the copying of the items referred to above may be done using electronic devices like scanner.]

Uttar Pradesh

¹⁶[In its application to the State of Uttar Pradesh, for Section 61, substitute the following section, namely,-

"61. Document, endorsements and certificate to be scanned and document returned.-

(1) Subject to the provisions of section 62, after the provisions of sections 52, 58, 59 and 60 are compiled with, every document admitted to registration 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 (Uttar Pradesh Amendment) Act, 2001 and not copied in the Book appropriate therefor, shall be deemed to be a true copy presented under section 32-A and shall be dealt with in accordance with the provisions of this section;

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

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

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

[Uttarakhand

¹⁴[In 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."]

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1. Vide Andhra Pradesh Act 16 of 1999, section 5 (w.e.f. 31-12-1998).
 2. Vide Goa Act 24 of 1985, section 10 (w.e.f. 8-12-1985).
 3. Vide Karnataka Act 55 of 1976, section 11 (w.e.f. 24-10-1976).
 4. Vide Karnataka Act 41 of 1984, section 3 (w.e.f. 7-11-1986).
 5. Vide Kerala Act 7 of 1968, section 12 (w.e.f. 22-2-1968).
 6. Vide Orissa Act 14 of 1989, section 11 (w.e.f. 19-9-1989).
 7. Vide Pondicherry Act 17 of 1970, Schedule Item 7 (w.e.f. 1-11-1970).
 8. Vide Tamil Nadu Act 21 of 1966, section 6 and Schedule.
 9. Vide Tripura Act 7 of 1982, section 11 (w.e.f. 1-1-1983).
 10. Vide West Bengal Act 7 of 1989, section 11 (w.e.f. 1-1-1983).
 11. Substituted by Registration (Karnataka Amendment) Act, 1976.
 12. Inserted by Registration (Karnataka Amendment) Act, 1984.
 13. Added by Registration (Puducherry Amendment) Act, 2004.
 14. Substituted by Indian Registration (Uttarakhand Amendment) Act, 2011.
 15. Inserted by the Registration (Tamil Nadu Second Amendment) Act, 2000.
 16. Substituted by the Uttar Pradesh Act 36 of 2001, Section 17 (w.e.f. 20-05-2002).

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 AMENDMENTS

¹[Delhi:

Same as in Punjab.

²[Goa:

Section 62(1) be substituted as under:

"(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."

³[Himachal Pradesh:

For sub-section (1) of section 62 substitute the following:--

"(1) When a document is presented for registration under section 19, a copy of the translation shall be pasted in the register of document of the nature of the original, and the second copy of the translation, together with the copy referred to in section 19, shall be filed in the registration office."

⁴[Karnataka:

Amendment to section 62(1) is the same as in Kerala.

¹²[In 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."]

⁵[Kerala:

For sub-section (1) of section 62, substitute the following:--

"(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."]

¹³[In 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."]

Maharashtra and Gujarat:

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

⁶[Orissa:

For sub-section (1) of section 62, substitute the following:--

"(1) When a document is presented for registration under section 19, the translation together with the true of the document shall be filed in the appropriate book."

⁷[Pondicherry:

In its application to classes of documents specified in the Rules made under section 52(3), the section shall have effect subject to the following modification.

Sub-section (1) is the same as in Kerala.

⁸[Punjab, Haryana and Chandigarh:

For sub-section (1) of section 62 substitute the following:--

"(1) When a document is presented for registration under section 19, a copy of the translation shall be pasted in the register of document of the nature of the original, and the second copy of the translation, together with the copy referred to in section 19, shall be filed in the registration office."

¹⁵[In Section 62

The following shall be substituted, namely :-

"(1) When a document is presented for registration under Section 19, a copy of the / 90 Indian] Registration (Punjab Amendment) Act, 1961, Section 6translation shall be pasted in the register of documents of the nature of the original, and the second copy of the translation, together with the copy referred to in Section 19, shall be filed in the registration office.".]

⁹[Rajasthan:

Substitute section 62(1) as under:

"(1) When a document is presented for registration under section 19, a copy of the translation shall be pasted in the register of documents of the nature of the original, and the second copy of the translation together with the copy referred to in section 19, shall be filed in the registration office."

¹⁰[Tripura:

Substitute section 62(1) as under:

"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."

¹¹[**Tamil Nadu:**

For sub-section (1) of section 62, substitute the following:--

"(1) When a document is presented for registration under section 19, the translation together with the true of the document shall be filed in the appropriate book."]

Uttar Pradesh:

To section 62(1), an Explanation was added by Uttar Pradesh Act 14 of 1971. The Explanation has now been omitted by Uttar Pradesh Act 19 of 1981, section 12 (w.r.e.f. 1-8-1981).

¹⁶[In Section 62

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 translation in that register."]

¹⁷[In its application to the State of Uttar Pradesh, to sub-section (1) of section 62,-

(a) an Explanation was added by Uttar Pradesh Act 14 of 1971. The Explanation has now been omitted by Uttar Pradesh Act 19 of 1981, Section 12 (w.r.e.f. 01.08.1981).

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

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

When a document is presented for registration under section 19, the original document shall be dealt with in accordance with the provisions of sections 52, 58, 59, 60 and 61 and the translation shall also be scanned alongwith the original document and its printout kept alongwith the printout of the original document, and if Book is not in electronic form or the scanning is not possible on the same day, the true copy of the translation shall be kept 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.]

[**Uttarakhand**

¹⁴[In 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.".]

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1. See G.S.R. 465, Gazette of India, Pt. II, section 3(i), p. 499 (w.e.f. 1-4-1965).
 2. Vide Goa Act 24 of 1985, section 11 (w.e.f. 5-12-1985).
 3. Vide Himachal Pradesh Act 2 of 1969, section 6 (w.e.f. 1-4-1969).
 4. Vide Karnataka Act 55 of 1976, section 12 (w.e.f. 24-10-1976).
 5. Vide Kerala Act 7 of 1966, section 13 (w.e.f. 22-2-1968).
 6. Vide Orissa Act 14 of 1989, section 12 (w.e.f. 19-9-1989).
 7. Vide Pondicherry Act 17 of 1970, Schedule, Item 7, (w.e.f. 1-11-1970).
 8. Vide Punjab Act 19 of 1961, section 5 (w.e.f. 4-5-1961); Act 31 of 1966, section 88.
 9. Vide Rajasthan Act 11 of 1982, section 6 (w.e.f. 16-7-1982).
 10. Vide Tripura Act 7 of 1982, section 12 (w.e.f. 1-1-1983).
 11. Vide Tamil Nadu Act 21 of 1966, section 6 and Schedule.
 12. Substituted by Registration (Karnataka Amendment) Act, 1976.
 13. Substituted by Indian Registration (Kerala Amendment) Act 1968.
 14. Substituted by Indian Registration (Uttarakhand Amendment) Act, 2011.
 15. Substituted by Indian Registration (Punjab Amendment) Act, 1961 (punjab).
 16. Inserted by Registration (Uttar Pradesh Amendment) Act, 1970 (Act 14 of 1971).
 17. Inserted by Uttar Pradesh Act 36 of 2001, Section 18 (w.e.f. 20.05.2002).

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.

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 AMENDMENTS

[Uttarakhand

¹[In 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."]

Uttar Pradesh

³[In its application to the State of Uttar Pradesh, in Section 64, for the words "sub-Register shall file the memorandum in his Book No. 1", substitute "sub-Register shall take similar action on this memorandum, as known (sic taken) on a document admitted to registration under sub-section (1) of section 61".]

[Tamil Nadu

²[After Section 64

The following section shall be inserted, namely:--

"64-A. Procedure where instrument of Power of Attorney presented in office of Sub-Registrar relates to immovable property not situate in sub-district.--

Every Sub-Registrar on registering an instrument of Power of Attorney including instrument of revocation or cancellation of such Power of Attorney

relating to immovable property not situate in his own sub-district, shall make a copy and send the same together with a copy of the map or plan (if any) mentioned in section 21, to every other Sub-Registrar in whose sub-district the whole or any part of such property is situate and such Sub-Registrar shall file the same in his Book No. 1:

Provided that where such instrument relates to immovable property in several districts, shall forward the same to the Sub-Registrars concerned, under intimation to the Registrar of every district in which any part of such property is situate.".]

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1. Substituted by Indian Registration (Uttarakhand Amendment) Act, 2011.
 2. Substituted by Registration (Tamil Nadu Amendment) Act, 2012 (Act 29 of 2012).
 3. Substituted by the Uttar Pradesh Act 36 of 2001, Section 19 (w.e.f. 20.05.2002).

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 AMENDMENTS

Uttar pradesh

²[In its application to the State of Uttar Pradesh, in Section 65, sub-Section (2),-

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

(b) for the words "file it in his Book No.1", substitute "take a similar action on it as taken by the Register under the sub-section".]

[Uttarakhand

¹[In 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.".]

1. Substituted by Indian Registration (Uttarakhand Amendment) Act, 2011.

2. Substitute by the Uttar Pradesh Act 36 of 2001, Section 20 (w.e.f. 20.05.2002).

Section 66 - Procedure after registration of documents relating to land

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

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

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

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

[STATE AMENDMENTS

Uttar Pradesh

²[In its application to the State of Uttar Pradesh, in Section 67,-

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

(b) in sub-Section (4), for the words "file it in his Book No.1", substitute "take a similar action on it as taken on a copy received under sub-section (3)"]

[Uttarakhand

¹[In 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)."

1. Substituted by Indian Registration (Uttarakhand Amendment) Act, 2011.

2. Substituted by the Uttar Pradesh Act 36 of 2001, Section 21 (w.e.f. 20.05.2002).

Section 67 - [Omitted]

¹[***]

[STATE AMENDMENTS]

²Andhra Pradesh:

Section 67 shall stand omitted.

³Gujarat:

Section 67 shall be deleted.

⁴Haryana:

Section 67 be omitted.

⁵Rajasthan:

Section 67 be omitted.

⁶Uttar Pradesh:

Section 67 shall be omitted.

[Haryana

⁷[In Section 67

section 67, shall be Omitted.]

⁸[In Section 67

section 67, shall be Omitted.]

[Karnataka

⁹[In Section 67

section 67, shall be Omitted.]

[Puducherry

¹⁰[In Section 67

section 67, shall be Omitted.]]

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1. Section 67 omitted by Act 48 of 2001, section 8 (w.e.f. 24-9-2001).
 2. Vide Andhra Pradesh Act 13 of 1966, section 2 (w.e.f. 15-6-1966).
 3. Vide Gujarat Act 18 of 1990, section 3 (w.e.f. 19-11-1990).
 4. Vide Haryana Act 4 of 1997, section 3 (w.e.f. 12-3-1997).
 5. Vide Rajasthan Act 18 of 1989, section 5 (w.e.f. 18-9-1989).
 6. Vide Uttar Pradesh Act 27 of 1994, section 6.
 7. Omitted by Registration (Haryana Amendment) Act, 1996.
 8. Omitted by Registration (Haryana Amendment) Act, 1997.
 9. Omitted by Registration (Karnataka Amendment) Act, 1987.
 10. Omitted by Registration (Puducherry Amendment) Act, 1998.

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.

STATE AMENDMENTS

Sections 68A and 68B

¹[Bihar:

After section 68 insert as under:

"68A. Prohibition of unlicensed person.--

(1) No person who is not licensed as provided under section 68B, shall engage himself in the profession of document-writer and document drawn-up and signed by a person who does not hold a licence shall not be accepted for registration by the registering officers:

Provided that no advocate, pleader or Mukhtar shall be required to have a licence under section 68B.

(2) Nothing in this section shall prohibit an executant of document to draw up a document to be presented for registration or to do any other act for himself for which a licensed document-writer could have been otherwise engaged.

(3) Nothing in this section shall apply to document executed out of India or out of the State of Bihar or to a will or to document scribed by document-writer holding licence for one sub-district or one district and presented for registration in another sub-district or another district as the case may be, or to documents executed by or on behalf of the Government or local authorities or other corporate bodies.

68B. Grant of licence to document-writers.--

(1) The Registrar of district or any other officer authorised by him in this behalf may grant a licence, to be valid in one sub-district or one district in the prescribed form to document-writer or apprentice to document-writer on an application made in this behalf, on such term and conditions as may be prescribed by the Inspector-General of Registration in this behalf after conducting a written test as may be prescribed.

(2) A licence may be granted to any person who has been in the profession of the document-writer for at least ten years prior to the date of the Registration (Bihar Amendment) Ordinance, 1991 came into force, without requiring him to appear in the written test referred to in sub-section (1), if the Registrar of a district or any other officer authorised by him in this behalf is satisfied that he is otherwise fit to take the profession of a document-writer.

(3) A licence granted under sub-sections (1) and (2) shall, remain valid till the 31st day of December of the year in which the same was issued and shall be subject to renewal before the expiry of its period of validity on such terms and conditions, as may be prescribed.

(4) (a) The licence granted under sub-sections (1) and (2) may at any time, be suspended or cancelled on the breach of conditions prescribed or for such other reason to be recorded in writing by the Registrar of district or the officer authorised by him, after the document writer has been given sufficient opportunity to show cause against the proposed suspension or cancellation of the licence and after the same has been duly considered.

(b) An appeal shall lie before the Inspector-General of Registration against any order passed under this section.

Explanation.--For the purpose of sections 68A and 68B,--

(i) "Document-writer" means and includes one who is engaged in the profession of preparing documents, namely, doing the work of conveyancing, including investigation of titles, preparation of draft deeds and engrossing and transcribing the deed, including copies, if any, for registration, or marking searches and inspection under the Act, and

(ii) "Apprentice" means one who assists a document-writer in the preparation of document and transcribes them (including copies, any) to be present for registration."

1. Vide Bihar Act 6 of 1991, section 5 (w.e.f. 8-8-1991).

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 ¹[State Government] for approval, and, after they have been approved, they shall be published in the ⁵[Official Gazette], and on publication shall have effect as if enacted in this Act.

[STATE AMENDMENTS

⁶[Andhra Pradesh:

In section 69, after clause (b) of sub-section (1), insert the following clause (bb), namely:--

"(bb) providing for the grant of licences to document writers, the revocation of such licences, the terms and conditions subject to which and the authority by whom such licences shall be granted, the exemption of any class of document writers from the licensing provisions and the conditions subject to which such exemption shall be granted and generally for all purposes connected with the writing of documents to be presented for registration."]

⁷[⁸[⁹[¹⁰ [Bihar:

In section 69,--

(i) to clause (g) of sub-section (1) add the following words: "and the manner of recopying such books or portions thereof".

(ii) after clause (h) of sub-section (1) insert the following new clause: "(hh) regulating the manner of recopying indexes on portions thereof."

(iii) after clause (b), insert the following new clause, namely:--

"(bb) providing for the grant of licences to document-writers and apprentices to document-writer, the suspension and cancellation of such licences, the terms and conditions under which such licences may be granted and generally for all other purposes connected with the writing of documents to be presented for registration."

(iv) after clause (hh) of sub-section (1), insert the following clause, namely,--

"(i) (hh1) regulating the number and manner in which the true duplicate typed or handwritten copies of documents and translation of documents under section 19 shall be prepared and the books in which they shall be placed on record;

(ii) (hh2) regulating the form of declaration and the manners of keeping the records under sub-section (2) of section 32A."]

³¹[In Section 69

After clause (b) of sub-section (1) 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."

³²[After Section 69

the following clauses shall be inserted, namely:--

"(i) (hh-1) regulating the number and manner in which the true duplicate typed, handwritten copies of documents and translation of documents under section 19 shall be prepared and the books in which they shall be placed on record,

(ii) (hh-2) regulating the form of declaration and the manners of keeping the records under, sub-section (2) of section 32A."]

¹¹[**Delhi:**

Same as in Punjab.]

¹²[**Gujarat:**

Same as in Maharashtra.]

¹³[**Himachal Pradesh:**

Same as in Bihar (iii).

³³[In section 69

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 the documents to be presented for registration."

¹⁴¹⁵[**Karnataka:**

In section 69(1),--

(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;"

In section (1) of section 69 after clause (j), the following shall be inserted, namely:--

"(k) providing for the manner of return of documents under sub-section (2) of section 61".

³⁴[In Section 69

(i) in clause (g), after the word and figures "section 51", the words " and the manner of recopying such books or portions thereof" shall be inserted;

(ii) after clause (i), the following clause shall be inserted, namely:-

"(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 offices, for the purpose of writing documents may be granted licences and prescribing the fees to be paid for such licences;"

³⁵[In Section 69

The following shall be inserted, namely:-

"(k) providing for the manner of return of documents under sub-section (2) of section 61".]

¹⁶[Kerala:

In section 69 after clause (b) of sub-section (1) insert the following clause:--

"(bb) providing for grant of licences to document writers, the revocation of such licences, the terms and conditions subject to which and the authority by whom such licence shall be granted and generally for all purposes connected with the writing of documents to be presented for registration."

Note.--Clause (bb) inserted in sub-section (1) of section 69 by the Indian Registration (Travancore-Cochin Amendment) Act, 1952 (T.C. Act 25 of 1952) is omitted.]

³⁶[In Section 69

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."

¹⁷[Madhya Pradesh:

MAHAKOSHAL.--In its application to the Mahakoshal region of the State of Madhya Pradesh, in section 69 after clause (j) of sub-section (1) the following clause (k), shall be inserted:

"(k) prescribing the manner in which and the terms subject to which persons who write documents for presentation to a registering officer may be granted licences and the fees to be paid for such licences."

¹⁸¹⁹²⁰[Maharashtra:

In section 69--

(i) to clause (g) of sub-section (1) add the following, namely: "and the manner of recopying such books or portions thereof."

(ii) after clause (gg) of sub-section (1) insert the following clause:

"(ggg) regulating the procedure for transmitting documents for being photographed and the serial numbering binding and preservation of the photographic prints and negatives, the manner of fixing the signature and seal of the Photo-Registrar at the end of a length of film, and the procedure generally in the Government Photo-Registry."

(iii) after clause (h) of sub-section (1) after the figures I and 'II' insert the figures "IA" and "IIA" respectively.

VIDARBHA.--Note: As all the above amendments extend to and are in force in the whole State of Maharashtra including its Vidarbha region, clause (k) inserted in sub-section (1) of section 69 by M.P. Act 8 of 1955 is, so far as it applied to be Vidarbha region, repealed by Bombay Act 35 of 1958, section 3 (w.e.f. 24-4-1958).

²¹[Manipur:

In section 69, after clause (b) insert as under:

"(bb) providing for the grant of licences to document writers, the revocation of such licences, the terms and conditions subject to which and the authority by whom such licences shall be granted, and generally for all purposes connected with the writing of documents to be presented for registration including the rates of fees to be charged by the licensed deed writers for writing out deeds, petitions etc."

²²[Orissa:

In section 69(1), after clause (b), insert as under:

"(bb) providing for the grant of licences to document writers, the revocation of such licences, the terms and conditions subject to which and the authority by whom such licences shall be granted, the exemption of any class of document writers from the licensing provisions and the conditions subject to which such exemption shall be granted and generally for all purposes connected with the writing of documents to be presented for registration."

²³[Pondicherry:

In section 69(1), after clause (b), insert as under:

"(bb) providing for the grant and renewal of licences to document writers, the revocation of such licences, the terms and conditions subject to which and the authority by which such licences shall be granted or renewed or revoked, the penalties for breaches of the terms and conditions of such licence, the scale of fees to be charged by document writers, the exemption of any class of document writers from the licensing provisions, the conditions subject to which such exemption may be granted, and generally for all purposes connected with the writing of documents to be presented for registration."

²⁴[Punjab, Haryana and Chandigarh:

In sub-section (1) of section 69, after clause (b), insert the following clause, namely:--

"(bb) declaring what persons shall be permitted to act as document writers in the offices of registering officers, regulating the issue of licences to such persons, the conduct of business by them, the scale of fees to be charged by them and determining the authority by whom breaches of such rules shall be investigated and the penalties which may be imposed."]

³⁸[In Section 69

The following clause shall be inserted, namely:-

"(bb) declaring what persons shall be permitted to act as document writers in the offices of registering officers, relating the issue of licences to such persons, the conduct of business by them, the scale of fees to be charged by them and determining the authority by which breaches of such rules shall be investigated and the penalties which may be imposed."]

²⁵[Rajasthan:

Same as that of Kerala above.

²⁶[In its application to the State of Rajasthan, in Section 69,-

(i) after Cl. (b) of sub-Section (1), insert the following clause, namely,-

(bb) providing for grant of licences to document-writers, the revocation of such licences, the terms and conditions subject to which and authority by whom such licence shall be granted and generally for all purposes connected with the writing of documents to be presented for registration."

(ii) after clause (d) insert as under--

"(dd) providing for recovery of deficit registration fee;

(ddd) providing for refund of registration fee paid in excess;"

²⁷[After sub-section (2), following be added:--

"(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."

²⁸[**Tripura:**

In section 69(1), after clause (b) insert as under:

"(bb) providing for the grant and renewal of licences to document writers, the revocation of licences granted to such writers and generally for all purposes connected with the writing of the documents and with the writing of the true copies of the documents to be presented for registration."

²⁹^{[30}[**Uttar Pradesh:**

In its application to the State of Uttar Pradesh, in Section 69(1),-

(i) after clause (h), insert the following new clauses, 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;"

Clause (hh) as inserted by Uttar Pradesh Act 14 of 1971, substituted by Uttar Pradesh Act 19 of 1981, section 13 (w.r.e.f. 1-8-1981).

(ii) after clause (d) insert as under--

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

(ddd) providing for recovery of deficiency in registration fees."]

³⁹[In Section 69

After clause (h), the following clauses shall be inserted, namely:

"(hh) regulating the manner in which copies and translations to be delivered under sections 18-A and 19 shall be prepared and in which they shall be declared to be true and faithful copies or 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."]

⁴¹[In its application to the State of Uttar Pradesh, after 69, insert the following section, namely,-

69-A. Power of Inspector-General to prescribe standard formats.-

Notwithstanding anything contained in any other provisions of this Act, the Inspector-General of Registration shall, with the prior approval of the State Government, prepare and circulate standard formats of various kinds of documents for the guidance of the general public, which may be used with or without modifications.

Explanation.-Use of a standard format prepared and circulated under this section shall not be a prelude to omit the descriptions of the property required under section 21 and 22."]

[Uttarakhand

³⁷[In Section 69

(1) 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."]

⁴⁰[Maharashtra -

In section 69 of the principal Act, in sub-section (1), after clause (j), the following clause shall be added, namely:--

" (k) regulating the procedure for presentation of document, appearance for admission, endorsements, manner of fixing signature and seal, mode of payment of registration fees and other fees and such other process, when the document is presented by electronic means.]

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1. Substituted by the A.O. 1950, for "Provincial Government".
 2. Certain words rep. by Act 5 of 1917, section 6 and Schedule.
 3. Inserted by Act 48 of 2001, section 9 (w.e.f. 24-9-2001).
 4. Inserted by Act 39 of 1948, section 4.
 5. Substituted by the A.O. 1937, for "Local Official Gazette".
 6. Vide Andhra Pradesh Act 5 of 1960, section 2 (w.e.f. 16-12-1960).
 7. Vide Bihar Act 14 of 1947, section 3 (w.e.f. 21-4-1947).
 8. Vide Bihar Act 24 of 1952, section 3 (w.e.f. 22-10-1952).
 9. Vide Bihar Act 6 of 1991, section 6 (w.e.f. 8-8-1991).
 10. Vide Bihar ordinance 7 of 1997, section 5 (w.e.f. 11-8-1997).
 11. See G.S.R. 465 of 1955, Gazette of India, 1965, Pt. II, section 3(i), p. 499.
 12. Vide Act 11 of 1960, section 87 and Gujarat A.L.O., 1960.
 13. Vide Himachal Pradesh Act 2 of 1969, section 7 (w.e.f. 1-4-1969).
 14. Vide Karnataka Act 55 of 1976, section 13 (w.e.f. 23-10-1976).
 15. Vide Karnataka Act 41 of 1984, section 4 (w.e.f. 7-11-1986).

16. Vide Kerala Act 2 of 1959, section 3 (w.e.f. 1-6-1960).
17. Vide Madhya Pradesh Act 8 of 1955, section 2 (w.e.f. 18-4-1955).
18. Vide Bombay Act 24 of 1938, section 4 (w.e.f. 8-2-1939) read with Act 35 of 1958, section 2 (w.e.f. 24-4-1958).
19. Vide Bombay Act 35 of 1958, section 6 (w.e.f. 24-4-1958).
20. Vide Bombay Act 5 of 1929, section 11 (w.e.f. 25-5-1929) read with Act 35 of 1958, section 2 (w.e.f. 24-4-1958).
21. Vide Manipur Act 5 of 1975, section 2.
22. Vide Orissa Act 11 of 1976, section 2 (w.e.f. 13-4-1976).
23. Vide Pondicherry Regulation 2 of 1977, section 2 (w.e.f. 1-4-1977).
24. Vide Punjab Act 19 of 1961, section 6 (w.e.f. 4-5-1961); Act 31 of 1966, section 88 (w.e.f. 1-11-1966).
25. Vide Rajasthan Act 18 of 1953, section 2 (w.e.f. 10-10-1953) read with Act 27 of 1957, section 3.
26. Vide Rajasthan Act 11 of 1982, section 7 (w.e.f. 16-6-1982).
27. Vide Rajasthan Act 18 of 1989, section 6 (w.e.f. 18-9-1989).
28. Vide Tripura Act 7 of 1982, section 13 (w.e.f. 1-1-1983).
29. Vide Uttar Pradesh Act 14 of 1971, section 5 (w.e.f. 25-5-1971).
30. Vide Uttar Pradesh Act 48 of 1975, section 3 (w.e.f. 1-11-1975).
31. Added by Indian Medical Degrees (Bihar Amendment) Act, 1949.
32. Inserted by Registration (Bihar Amendment) Act, 1998.
33. Substituted by Indian Registration (Himachal Pradesh Amendment) Act, 1968.
34. Inserted by Registration (Karnataka Amendment) Act, 1976.
35. Inserted by Registration (Karnataka Amendment) Act, 1984.
36. Inserted by Indian Registration (Kerala Amendment) Act 1958.
37. Inserted by Indian Registration (Uttarakhand Amendment) Act, 2011.
38. Inserted by Indian Registration (Punjab Amendment) Act, 1961 (punjab).
39. Inserted by Registration (Uttar Pradesh Amendment) Act, 1970 (Act 14 of 1971).
40. Inserted by Registration (Maharashtra Amendment) Act, 2010.
41. Inserted by Uttar Pradesh Act 36 of 2001, Section 23 (w.e.f. 20.05.2002).

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.

[STATE AMENDMENTS

¹[Andhra Pradesh:

In its application to the State of Andhra Pradesh, after Part XI, insert the following Part XIA, namely,--

"PART IXA

REGISTRATION OF DOCUMENTS BY MEANS OF ELECTRONIC DEVICES

70A. Application of this part.--

This part shall apply to the areas only in respect of which a notification is issued by the Government of Andhra Pradesh under section 70B.

70B. Documents scanned by electronic devices in areas notified by the Government.--

(1) The Government of Andhra Pradesh may, by notification, in the Official Gazette, direct that in any office as may be specified therein, the process of registration of any category or categories of documents may be completed and copying done with the help of the electronic devices like computers, scanners and the compact disks on copies preserved on such devices and retrieved when required.

(2) Notwithstanding anything in this Act or any other law for the time being in force, a copy of any document registered and scanned using the electronic devices and certified or attested by the registering officer in charge of the office shall also be received in evidence of any transaction as is described in the said document.

70C. Saving.--Nothing in this Part shall apply,--

(i) to any document which in the opinion of registering officer is not in a condition fit to be processed by means of electronic devices;

(ii) in the case of **unforeseen** eventuality like break down of the computerised system of registration:

Provided that the registering officer shall record the reasons in writing therefore--

Provided further that the registering officer shall ensure that the data and images of the documents registered during the period of non-application of this Part, due to a break down of the computerised system, are duly incorporated into the

computer system, after the same is restored, in the manner prescribed by the Inspector General of Registration."

²[Gujarat:

Same as that of Maharashtra.

TAMIL NADU:

³[After PART-XI of the principal Act, the following PART shall be inserted, namely:--

"PART XI-A

REGISTRATION OF DOCUMENTS BY MEANS OF ELECTRONIC DEVICES.

70-A. Application of this Part

This Part shall apply to the areas only in respect of which a notification is issued by the State Government under sub-section (1) of section 70-B.

70-B. Documents scanned by electronic devices in areas notified by the State Government

(1) The State Government may, by notification, in the Tamil Nadu Government Gazette, direct that in any office as may be specified therein, the process of registration of any category or categories of documents may be completed and copying done with the help of the electronic devices like computers, scanners and compact disks and copies preserved on such devices and retrieved when required.

(2) Notwithstanding anything contained in this Act, or any other law for the time being in force, a copy of any document registered and scanned using the electronic devices and certified or attested by the Registering Officer in-charge of the office shall also be received in evidence of any transaction as is described in the said document.

70-C. Saving

Nothing in this Part shall apply,--

- (i) to any document which in the opinion of Registering Officer is not in a condition fit to be processed by means of electronic devices;
- (ii) in the case of unforeseen eventuality like breakdown of the computerised system of registration:

Provided that the Registering Officer shall record the reasons in writing therefor:

Provided further that the Registering Officer shall ensure that the data and images of the documents registered due to a breakdown of the computerised system, are duly incorporated into the computer system, after the same is restored, in the manner prescribed by the Inspector-General.]

³[Karnataka:

Following part and sections be inserted:--

"PART IXA

PHOTOCOPYING OF DOCUMENTS

70A. Application of this Part.--

This Part shall apply only to the areas in respect of which a notification is issued by the State Government under section 70:

Provided that nothing in this Part shall apply to the registration of any document executed before its application to such area.

70B. Definition.--

In this Part, "photocopy" means a copy prepared on such paper and by means of such photocopying process or machine as may be prescribed by rules and "photocopied" and "photocopying" shall be construed accordingly.

70C. Documents may be photocopied in the areas notified by the State Government.--

(1) The State Government may, by notification, direct that in any district or sub-district specified in the notification, copies of documents admitted to registration under this Act shall be made by photocopying.

(2) On the issue of such notification, it shall be passed in a conspicuous place at the registration offices affected by the notification.

70D. Application of Act to areas notified under section 70C.--

In any district or sub-district in respect of which notification has been issued under section 70C, the provisions of this Act shall, for the purpose of this Part be subject to the following modifications, namely:--

(1) (a) Every document admitted to registration under section 35 or section 41 shall be carefully marked with an identification stamp and the serial number of the document on every page;

(b) The registering officer shall then cause, each side of each page of such document together with all stamped endorsements, seals, signatures, thumb-impressions and certificates appearing thereon to be photocopied without subtraction or alteration. He may for this purpose cut or untie without breaking any seal, the thread or ribbon where the pages of the document are sewn together in order to separate the pages of the documents, and as soon as the document has been photocopied he shall rebind the document as before and if he has cut the thread or ribbon shall seal it over the joint with his seal;

(c) The registering officer shall then affix his signature and seal in token of the exact correspondence of such photocopy to the original document, as admitted for registration;

(d) The registering officer shall cause a copy so prepared to be filed, in accordance with the provisions of this Act and such rules as may be prescribed;

(e) The true copy of the map or plan if any, mentioned in section 21 may also be filed along with the photocopy of the document or filed separately, in such manner as the Inspector General may direct.

(2) All the words and expressions used in the Act with reference to the making of copies or documents by hand or the entering or filing of documents or memorandum in books provided under section 16, shall so far, as may be necessary, be construed as referring to the making of such copies by means of photocopying or the entering or filing of documents or memoranda in books made up of copies prepared by photocopying.

(3) Where this Part applies, the sections mentioned below shall be deemed to be modified as follows:--

(a) in section 19, the words "and also by true copy" shall be omitted;

(b) in section 20, sub-section (2) shall be omitted;

(c) in section 45,--

(i) in sub-section (1), for the words, letter and figure "cause the contents thereof to be copied into his book No. 3", the words, letter and figure "cause a photocopy of the contents thereof to be made and filed in his book No. 3" shall be substituted;

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

(d) in sub-section (2) of section 46,--

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

(ii) for the words, letter and figure "cause the will to be copied into his Book No. 3", the words, letter and figure "cause a photocopy of the will to be made and filed in his Book No. 3" shall be substituted;

(e) in section 51,--

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

"(2) In Book No. 1 shall be filed--

(i) photocopies of all documents; and

(ii) all memoranda,

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

(ii) in sub-section (3), for the words "entered all documents" the words "filed photocopies of all documents" shall be substituted;

(f) 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, every document admitted to registration shall, without unnecessary delay, be photocopied and filed in the appropriate book according to the order of its admission.";

(b) in the marginal heading and in section 53, for the word "entries" where it occur, the word "photocopies" respectively shall be substituted;

(h) in section 54, for the words "copied, or filed a memorandum of" the words "filed a photocopy or a memorandum of" shall be substituted,

(i) in section 55,--

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

(ii) in sub-section (4), the words "authority entered", the words "authority of which a photocopy is filed" shall be substituted;

(iii) in sub-section (5), for the words "document entered", the words "documents of which a photocopy is filed" shall be substituted;

(j) in section 60, in sub-section (1), for the words "document has been copied", the words "photocopy of the document has been filed" shall be substituted;

(k) in section 61, sub-section (1) shall be omitted;

(l) in section 62, for sub-section (1), the following shall be substituted, namely:--

"(1) When a document is presented for registration under section 19, the translation together with the photocopy of the document shall be filed in the appropriate book.";

(m) in section 81,--

(i) in the marginal heading, for the words "copying, translating, or registering documents", the words "copying,

photocopying, translating, registering or filing photocopies of documents" shall be substituted;

(ii) for the words "copying, translating or registering of any document", the words "copying, photocopying, translating registers or files a copy of such document" shall be substituted;

(iii) for the words "copies, translates or registers such documents", the words "copies, photocopies, translates, registers or files a copy of such document" shall be substituted,

(n) after section 89 following section shall be inserted, namely:--

"89 A. Power to make rules for filing of photocopies of document.--

(1) The State Government may make rules for all purposes connected with the preparation or filing of photocopies of documents, in the appropriate books under this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for--

(a) the manner in which photocopies of documents shall be prepared; and

(b) the manner of filing of such copies.

(3) All rules made under this section shall be published in the Official Gazette, and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(4) Every rule made under this section shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is so laid or the session immediately following both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

(5) Nothing in this Part shall apply to any document which is prepared on a printed or lithographed form or which in the opinion of the registering officer, is not in a fit condition to be photocopied.

(6) Notwithstanding anything contained in this Part, in the case of document containing a map, plan or trade mark label, if the party presenting the document so desires, the registering officer may accept three copies of such map, plan or trade mark label and where such true copies are accepted, the map, plan or trade mark label shall not be photocopied and such copies thereof shall be filed in the appropriate file book."]

Karnataka:

⁵[After Part XI

The following Part and section shall be inserted, namely:-

"PART XIA

Photocopying of Documents

70A. Application of this part.-

This part shall apply only to the areas in respect of which a notification is issued by the State Government under section 70C:

Provided that nothing in this Part shall apply to the registration of any document executed before its application to such area.

70B. Definition.-

In this Part, "photocopy" means a copy prepared on such paper and by means of such photocopying process or machine as may be prescribed by rules and "photocopied" and "photocopying" shall be construed accordingly.

70C. Documents may be photocopied in the areas notified by the State Government.-

(1) The State Government may, by notification, direct that in any district or sub-district specified in the notification, copies of documents admitted to registration under this Act shall be made by photocopying.

(2) On the issue of such notification, it shall be pasted in a conspicuous place at the Registration offices affected by the notification.

70D. Application of Act to areas notified under section 70C.-

In any district or sub-district in respect of which notification has been issued under section 70C, the provisions of this Act shall, for the purpose of this Part, be subject to the following modifications, namely:-

(1) (a) Every document admitted to registration under section 35 or section 41 shall be carefully marked with an identification stamp and the serial number of the document on every page.

(b) The Registering officer shall then cause, each side of each page of such document together with all stamps, endorsements, seals, signatures, thumb-impressions and certificates appearing thereon to be photocopied without subtraction or alteration. He may for this purpose cut or untie without breaking any seal, the thread or ribbon where with the pages of the document are sewn together, in order to separate the pages of the documents, and as soon as the document has been photocopied, he shall rebind the document as before and if he has cut the thread or ribbon, shall seal it over the joint with his seal;

(c) The Registering officer shall then affix his signature and seal in token of the exact correspondence of such photocopy to the original document, as admitted for registration;

(d) The Registering officer shall cause a copy so prepared to be filed, in accordance with the provisions of this Act and such rules as may be prescribed;

(e) The true copy of the map or plan if any, mentioned in section 21 may also be filed along with the photocopy of the document or filed separately, in such manner as the Inspector General may direct.

(2) All the words and expressions used in the Act with reference to the making of copies or documents by hand or the entering or filing of documents or memorandum in books provided under section 16, shall so far as may be necessary, be construed as referring to the making of such copies by means of photocopying or the entering or filing of documents or memoranda in books made up of copies prepared by photocopying.

(3) Where this Part applies, the sections mentioned below shall be deemed to be modified as follows:-

(a) in section 19, the words "and also by true copy" shall be omitted;

(b) in section 20, sub-section (2) shall be omitted;

(c) in section 45,-

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

(ii) in sub-section (2), for the words "copy has been made", the words "photocopy has been filed" shall be substituted;

(d) in sub-section (2) of section 46,-

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

(ii) for the words, letter and figure "cause the will to be copied into his Book No. 3", the words, letter and figure "cause a photocopy of the will to be made and filed in his Book No. 3" shall be substituted;

(e) in section 51,-

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

"(2) In Book No. 1 shall be filed,-

(i) photocopies of all documents; and

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

(ii) in sub-section (3), for the words "entered all documents" the words "filed photocopies of all documents" shall be substituted;

(f) 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, every document admitted to registration shall, without unnecessary delay, be

photocopied and filed in the appropriate book according to the order of its admission".;

(g) in the marginal heading and in section 53, for the words "entries" where it occurs, the words "photocopies" respectively shall be substituted;

(h) in section 54, for the words "copied, or filed a memorandum of", the words "filed a photocopy or a memorandum of" shall be substituted;

(i) in section 55,-

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

(ii) in sub-section (4), the words "authority entered", the words "authority of which a photocopy is filed" shall be substituted;

(iii) in sub-section (5), for the words "document entered", the words "documents of which a photocopy is filed" shall be substituted;

(j) in section 60, in sub-section (1), for the words "document has been copied", the words "photocopy of the document has been filed" shall be substituted;

(k) in section 61, sub-section (1) shall be omitted;

(l) in section 62, for sub-section (1), the following shall be substituted, namely:-

"(1) when a document is presented for registration under section 19, the translation together with the photocopy of the document shall be filed in the appropriate book",

(m) in section 81,-

(i) in the marginal heading, for the words "copying, translating, or registering documents", the words "copying, photocopying, translating, registering or filing photocopies of documents " shall be substituted;

(ii) for the words "copying, translating, or registering of any document", the words "copying, photocopying, translating, registers or files a copy of such documents " shall be substituted;

(iii) for the words "copies, translates, or registers such documents", the words "copies, photocopies, translates, registers or files a copy of such document" shall be substituted;

(n) after section 89, following section shall be inserted, namely:-

"89A. Power to make rules for filing of photocopies of document.-

(1) The State Government may make rules for all purposes connected with the preparation or filing of photocopies 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 photo copies of documents shall be prepared; and

(b) the manner of filing of such copies.

(3) All rules made under this section shall be published in the official Gazette, and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(4) Every rule made under this section shall be laid as soon as may be after it is made before 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 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".

(4) Nothing in this part shall apply to any document which is prepared on a printed or lithographed form or which in the opinion of the Registering Officer, is not in a fit condition to be photocopied.

(5) Notwithstanding anything contained in this part, in the case of document containing a map, plan or trade mark label, if the party presenting the document so desires, the registering officer may accept three copies of such map, plan or trade mark label and where such true copies are accepted, the map, plan or trade mark label shall not be photocopied

and such copies thereof shall be filed in the appropriate file book.]

Karnataka:

¶[After Part XI

The following Part and sections shall be substituted, namely:-

"PART XIA

REGISTRATION OF DOCUMENTS BY MEANS OF ELECTRONIC OR OTHER DEVICES

70A. Application of this part.-

This part shall apply only to the areas in respect of which a notification is issued by the State Government under section 70C.

70B. Definition.-

In this part, "Process of Registration of documents by means of electronic or other devices" shall mean and include scanning and preservation of documents with the help of computers, scanners, compact disks, printers, microfilming and any other device used for the purpose of storage and retrieval when required.

70C. Process of registration of documents by means of electronic or other device in the areas notified by the State Government.-

(1) The State Government may by notification direct that to any District or Sub-District specified in this behalf process of registration by means of electronic or other device shall be applicable and the documents admitted for Registration under this Act may be scanned or Micro-filmed and their images stored and preserved with the help of electronic or any other device.

(2) On the issue of such notification, it shall be pasted in a conspicuous place at each registration offices affected by the notification.

70D. Application of Act to areas notified under section 70C .-

In any District or Sub-Districts in respect of which notification has been issued under section 70C, the following provisions of the principal Act shall, for the purpose of this part be subject to the following modifications, namely:-

(a) in clause (2) of section 2, the words "and the information, storage devices like floppy disk, hard disk or compact disk

etc., Micro-film or any other media-shall be inserted at the end;

(b) in section 16, for sub-section (1), the following shall be substituted, namely:-

" (1) The State Government shall provide for the office of Registering Officer the books and the information, or image processing and storage devices like Micro-filming unit or Computer and scanners along with the software prescribed by the Inspector General from time to time necessary for the purpose of this Act."

(c) in section 51, in sub-section (1), for the words " The following books" the words, figures and brackets The following books and the information or storage devices as specified in sub-section (1) of section 16" shall be substituted.

(d) in clause (c) of sub-section (1) of section 52 after the words "book appropriate there for" the word "or stored in the electronic or other storage device" shall be inserted.

(e) in section 54, after the word "copied" the words "or stored in the electronic or other storage device" shall be inserted.

(f) in sub-section (1) of section 60, after the word "copied" the words " or where the document is stored in an electronic or other device the certificate shall contain the word" Registered" with Document No, Year, Book No and Date" shall be inserted.

(g) in section 61,-

(i) in the heading after the word "copied" the word "or stored in the electronic or other storage device" shall be inserted.

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

"Provided that, where the process of registration is done by using electronic or other devices, such endorsements and certificate shall also be stored with it along with the copy of the map or plan.

Provided further that, the Registering Officer shall after the storage for preservation of the document shall also endorse thereon on the original, the reference to the serial No. of the

file, pages and compact disk or any other storage device, as the case may be, where such document is preserved."

(h) after clause (k) of sub-section (1) of section 69, the following shall be inserted, namely:-

"(l) regulating the process of registration referred to in sub-section (1) of section 70C by using electronic or other devices like Micro-filming unit, computers, scanners, floppies, hard disks, compact disks and printers including storage, retrieval and preservation and also the manner in which documents are indexed and certified copies, encumbrance certificates issued."

(i) in section 89, in sub-sections (1), (2), (3) and (4) the following shall be inserted at the end, namely:-

" or shall get the same scanned, stored and preserved on the electronic or other device, as the case may be."

70E. Evidentiary value of copy of certain documents registered through the process of registration by means of electronic or other devices or by other methods.-

Notwithstanding anything contained in this Act or any other law for the time being in force, a copy of any document registered through the process of registration by means of electronic or other devices or by any other method and certified or attested by the Registering Officer in charge of the office shall also be received in evidence of any transaction as is described in the said document.

70F. Saving.-

Nothing in this part shall apply,-

(1) to any document which in the opinion of the Registering Officer is not in a condition fit to be processed by means of electronic or other devices;

(2) in the case of unforeseen eventuality like break-down of the electronic or other devices of registration:

Provided that the Registering Officer shall record in writing the reasons therefor.

Provided further that the Registering Officer shall ensure that the data and images of the documents registered during the period of non-application of this part due to a break-

down of electronic or other device are duly incorporated into the system, after the same is re-stored in the manner specified in the rules by the Inspector General of Registration.

70G. Powers of the State Government under this Chapter.-

Where for any reason, the State Government is satisfied that, the process of Registration by means of electronic or other device is not possible in respect of all documents in any office to which this chapter applies, may direct by notification published in the official Gazette to copy such documents in the books kept in the office and in accordance with the rules made for this purpose."]

Karnataka:

⁷[After Part XI

The following Part and sections shall be substituted, namely:-

“PART XIA

REGISTRATION OF DOCUMENTS BY MEANS OF ELECTRONIC OR OTHER DEVICES

70A. Application of this part.-

This part shall apply only to the areas in respect of which a notification is issued by the State Government under section 70C.

70B. Definition.-

In this part, “Process of Registration of documents by means of electronic or other devices” shall mean and include scanning and preservation of documents with the help of computers, scanners, compact disks, printers, micro-filming and any other device used for the purpose of storage and retrieval when required.

70C. Process of registration of documents by means of electronic or other device in the areas notified by the State Government.-

(1) The State Government may by notification direct that to any District or Sub-District specified in this behalf process of registration by means of electronic or other device shall be applicable and the documents admitted for Registration under this Act may be scanned or Micro-filmed and their images stored and preserved with the help of electronic or any other device.

(2) On the issue of such notification, it shall be pasted in a conspicuous place at each registration offices affected by the notification.

70D. Application of Act to areas notified under section 70C .-

In any District or Sub-Districts in respect of which notification has been issued under section 70C, the following provisions of the principal Act shall, for the purpose of this part be subject to the following modifications, namely:-

(a) in clause (2) of section 2, the words “and the information, storage devices like floppy disk, hard disk or compact disk etc., Micro-film or any other media” shall be inserted at the end;

(b) in section 16, for sub-section (1), the following shall be substituted, namely:-

“ (1) The State Government shall provide for the office of Registering Officer the books and the information, or image processing and storage devices like Micro-filming unit or Computer and scanners along with the software prescribed by the Inspector General from time to time necessary for the purpose of this Act.”.

(c) in section 51, in sub-section (1), for the words “ The following books” the words, figures and brackets “The following books and the information or storage devices as specified in sub-section (1) of section 16” shall be substituted.

(d) in clause (c) of sub-section (1) of section 52 after the words “book appropriate therefor” the word “or stored in the electronic or other storage device” shall be inserted.

(e) in section 54, after the word “copied” the words “or stored in the electronic or other storage device” shall be inserted.

(f) in sub-section (1) of section 60, after the word “copied” the words “or where the document is stored in an electronic or other device the certificate shall contain the word “ Registered” with Document No, Year, Book No. and Date” shall be inserted.

(g) in section 61,-

(i) in the heading after the word “copied” the word “or stored in the electronic or other storage device” shall be inserted.

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

“Provided that, where the process of registration is done by using electronic or other devices, such endorsements and certificate shall also be stored with it along with the copy of the map or plan:

Provided further that, the Registering Officer shall after the storage for preservation of the document shall also endorse thereon on the original, the reference to the serial No. of the file, pages and compact disk or any other storage device, as the case may be, where such document is preserved.”.

(h) after clause (k) of sub-section (1) of section 69, the following shall be inserted, namely:-

“(l) regulating the process of registration referred to in sub-section (1) of section 70C by using electronic or other devices like Micro-filming unit, computers, scanners, floppies, hard disks, compact disks and printers including storage, retrieval and preservation and also the manner in which documents are indexed and certified copies, encumbrance certificates issued.”.

(i) in section 89, in sub-sections (1), (2), (3) and (4) the following shall be inserted at the end, namely:-

“ or shall get the same scanned, stored and preserved on the electronic or other device, as the case may be.”.

70E. Evidentiary value of copy of certain documents registered through the process of registration by means of electronic or other devices or by other methods.-

Notwithstanding anything contained in this Act or any other law for the time being in force, a copy of any document registered through the process of registration by means of electronic or other devices or by any other method and certified or attested by the Registering Officer in charge of the office shall also be received in evidence of any transaction as is described in the said document.

70F. Saving.-

Nothing in this part shall apply,-

(1) to any document which in the opinion of the Registering Officer is not in a condition fit to be processed by means of electronic or other devices;

(2) in the case of unforeseen eventuality like break-down of the electronic or other devices of registration:

Provided that the Registering Officer shall record in writing the reasons therefor:

Provided further that the Registering Officer shall ensure that the data and images of the documents registered during the period of non-application of this part due to a break-down of electronic or other device are duly incorporated into the system, after the same is re-stored in the manner specified in the rules by the Inspector General of Registration.

70G. Powers of the State Government under this Chapter.-

Where for any reason, the State Government is satisfied that, the process of Registration by means of electronic or other device is not possible in respect of all documents in any office to which this chapter applies, may direct by notification published in the official Gazette to copy such documents in the books kept in the office and in accordance with the rules made for this purpose.”.]]]

⁴[Maharashtra:

After Part XI of the main Act insert the following Part XIA, namely:--

"PART XIA

OF THE COPYING OF DOCUMENTS BY MEANS OF PHOTOGRAPHY

70A. Application of this Part.--

This Part shall apply to the areas only in respect of which a notification is issued by the Provincial Government under section 70C.

70B. Definitions.--In this Part--

(1) "Government Photo Registry" means the office where documents are photographed under the provisions of this Part.

(2) "Manager, Government Photo Registry" means the person in charge of the Government Photo Registry.

(3) "Photo Registrar" means any person appointed by the Provincial Government to perform the duties of Photo Registrar under this Part.

70C. Documents may be photographed in areas notified by State Government.--

(1) The State Government may, by notification in the Official Gazette, direct that in any district or sub-district specified in the notification copies of documents admitted to registration under this Act shall be made by means of photography.

(2) On the issue of such notification it shall be translated into the vernacular of the district and shall be posted in a conspicuous place at the registration offices affected by the notification.

70D. Application of Act to areas notified under section 70C.--

In any district or sub-district in respect of which a notification has been issued under section 70C the provisions of this Act shall, for the purposes of this Part, be subject to the following modifications, namely:--

(1) (a) Every document admitted to registration under section 35 or section 41 shall be carefully marked with an identification stamp and the serial number of the document on every page.

(b) It shall then be transmitted by the registering officer to the Manager, Government Photo Registry who shall cause, each side of each page of such document together with all stamps, endorsements, seals, signatures, thumb-impressions and land certificates appearing thereon to be photographed without subtraction or alteration. He may for this purpose cut or untie, without breaking any seals, the thread or ribbon where with the pages of the document are sewn together in order to separate the pages of the document and as soon as the document has been photographed he shall rebind the document as before and if he has cut the thread or ribbon shall seal it over the joint with his seal:

Provided that before transmission of the document to the Manager, Government Photo Registry the party presenting the document may require the registering officer to have it copied by hand under section 52 on payment of an additional copying fee.

(c) There shall then be prepared and preserved the negative and at least one photographic print and to each such negative and print the Photo Registrar shall fix his signature and seal in token of the exact correspondence of the copy of the original document, as admitted for registration:

Provided that when more than one such negative is recorded on one length of film and the Photo Registrar has affixed his signature and seal at the end of such length of film certifying in the manner prescribed by rules made in this behalf the exact correspondence of all copies on such length of film with the original documents, the Photo Registrar shall be deemed to have affixed his signature and seal to each such negative on such length of film:

Provided further that in case of documents containing plans or maps the negatives of such plans and maps may be prepared on paper instead of on films and where the negatives are so prepared, the Photo Registrar shall fix his signature and seal separately to each such negative and print of such plan or map in token of the exact correspondence of the copy to the original map or plan contained in the document as admitted for registration.

(d) One set of such prints arranged in the order of their serial numbers shall be made up into books and sewn or bound together. To each such book the Registrar or Sub-Registrar shall prefix a certificate of the serial numbers it contains, and the books shall then be preserved in the records of the Sub-Registrar. The negatives shall be preserved in such suitable place as the Inspector-General may prescribe:

Provided that prints of plans or maps contained in documents may either be bound with the prints of such documents or filed separately in such manner as the Inspector-General may direct.

(2) All words and expressions used in the Act with reference to the making of copies of documents by hand or the entering or filing of documents or memorandum in book provided under section 16 shall, so far as may be necessary, be construed as referring to the making of such copies by means of photography or the entering or filing of documents or memoranda in books made up of copies prepared by means of photography.

(3) Where this Part applies the sections mentioned below shall be deemed to be modified as follows:

(a) in section 19 the words "and also by a true copy" shall be omitted;

- (aa) sub-section (2) of section 20 shall be omitted;
- (b) sub-section (4) of section 21 shall be omitted;
- (c) the words "according to the order of its admission" occurring in clause (c) of sub-section (1) of section 52 shall be omitted;
- (d) section 53 shall be omitted;
- (e) in sub-section (1) of section 60 the words "and page" shall be omitted;
- (f) sub-section (1) of section 61 shall be omitted;
- (g) in sub-section (1) of section 62,--
 - (i) for the words "transcribed" the word 'copied' shall be substituted; and
 - (ii) for the Words and figures "copy referred to in section 19", the words "photograph of the original" shall be substituted.

70F. Savings.--

(1) Nothing in this Part shall apply to any document which is prepared on a printed or lithographed form or which in the opinion of the registering officer is not in a fit condition to be photographed.

(2) Notwithstanding anything contained in this Part, in the case of any document containing a map, plan or trade mark label, if the party presenting the document so desires, the registering officer may accept true copies of such map, plan or trade mark label and where such true copies are accepted, the map, plan or trade mark label shall not be photographed and such copies thereof shall be filed in the appropriate book."]

[Puducherry

⁸[In Part XI

The following Part-XI-A shall be inserted, namely:-

"PART--XI-A

Registration of documents by means of electronic devices

70.A. Application of this part.--

This part shall apply to the areas in respect of which a notification is issued by the Government of Puducherry under section 70-B.

70-B. Documents scanned by electronic devices in areas notified by the Government.-

(1) The State Government may, by notification, in the official gazette, direct that in any office as may be specified therein, the process of registration of any category or categories of documents may be completed and copying done with the help of the electronic devices like computers, scanners and the compact disks and copies preserved on such devices and retrieved when required.

(2) Notwithstanding anything contained in this Act or any other law for the time being in force, a copy of any document registered and scanned using the electronic devices and certified or attested by the registering officer in charge of the office shall also be received in evidence of any transaction as is described in the said document.

70-C. Saving.-Nothing in this part shall apply,--

(i) to any document which in the opinion of registering officer is not in a condition fit to be processed by means of electronic devices;

(ii) in the case of unforeseen eventuality like breakdown of the computerised system of registration:

Provided that the registering officer shall record the reasons in writing therefor:

Provided further that the registering officer shall ensure that the data and images of the document registered during the period of non-application of this part due to a breakdown of the computerised system, are duly incorporated into the computer system, after the same is restored, in the manner prescribed by the Inspector-General of Registration.]

1. Vide Andhra Pradesh Act 16 of 1999, section 6 (w.e.f. 31-12-1998).

2. Vide Act 11 of 1960, section 87 and Gujarat A.L.O., 1960.

3. Vide Karnataka Act 41 of 1984, section 5 (w.e.f. 7-11-1986).
4. Vide Bombay Acts 17 of 1930 section 3 (w.e.f. 4-9-1930), 18 of 1933, 24 of 1938 read with 35 of 1958, section 2 (w.e.f. 24-4-1958).
5. Inserted by Registration (Karnataka Amendment) Act, 1984.
6. Substituted by Registration (Karnataka Amendment) Act, 2000.
7. Substituted by Registration (Karnataka Act 32 of 2001 Amendment) Act, 2001.
- * Section 5 has been repealed by Registration (Karnataka Amendment) Act, 2000 (Karnataka Act 32 of 2001)
8. Inserted by Registration (Puducherry Amendment) Act, 2004.
9. Inserted by the Registration (Tamil Nadu Second Amendment) Act, 2000.

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 AMENDMENTS

[Kerala

¹[In Section 71

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."]]]

1. Inserted by Registration (Kerala Amendment) Act, 2012.

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 authorized as aforesaid, may, within thirty days after the making of the order of refusal, apply to the Registrar to whom such Sub-Registrar is subordinate in order to establish his right to have the document registered.

(2) Such application shall be in writing and shall be accompanied by a copy of the reasons recorded under section 71, and the statements in the application shall be verified by the applicant in manner required by law for the verification of plaints.

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 a decree 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.

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 AMENDMENTS

³[Kerala:

Renumber section 78 as sub-section (1) thereof and after it insert the following as sub-section (2), 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 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."

¹²[In Section 78

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 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."

⁴[Pondicherry:

Section 78 be renumbered as sub-section (1), insert sub-section (2) as under--

"(2) The State Government, if it is of opinion that there are reasonable grounds for doing so, may, by order published in the Official Gazette, remit in the whole or any part of the Union territory of Pondicherry, any fee or fees payable in respect of any matter or matters enumerated in clauses (a) to (i) of sub-section (1), either generally or for any particular class or classes of cases and in respect of persons generally or of any particular class or classes of persons."

⁵[Rajasthan:

Section 78 be renumbered as sub-section (1), insert sub-section (2), as under--

"(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 subsection (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."

⁶[West Bengal:

Renumber section 78 as sub-section (1) thereof and after it, insert the following subsection, namely:--

"(2) The State Government, if it is of opinion that there are reasonable grounds for doing so, may, by order published in the Official Gazette, remit in the whole or any part of West Bengal any fee or fees in respect of any matter or matters enumerated in clauses (a) to (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."

¹⁴[In Section 78

The Principal Act, shall be renumbered as sub-section (1) of section 78 and to the said section as so renumbered, the following sub-section shall be added, namely:—

"(2) The State Government, if it is of opinion that there are reasonable grounds for doing so, may, by order published in the Official Gazette, remit in the whole or any part of West Bengal any fee or fees in respect of any matter or matters enumerated in clauses (a) to (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.".]

Section 78A

⁷[Goa:

After section 78, insert as under--

"78A. Power to reduce or remit fees.--If the Government of Goa, Daman and Diu is satisfied that it is necessary in the public interest so to do, it may, by notification in the Official Gazette, reduce or remit, whether prospectively or retrospectively, in the whole or any part of the territory, any fee or fees payable in respect of any of the matters enumerated in clauses (a) to (i) of section 78, either generally or for any particular class or classes of cases and in respect of persons generally or any particular class or classes of persons."

⁸[Tamil Nadu:

In its application to the State of Tamil Nadu, after section 78, added the following new section, namely,--

"78A.Power to reduce or remit fees.--The State Government may, if in their opinion it is necessary in the public interest so to do, by order published in the Tamil Nadu Government Gazette, reduce or remit, whether prospectively or retrospectively, the fees payable in respect of any of the matters enumerated in clauses (a) to (i) of section 78, either generally or for any particular class of cases and in respect of any person or class of persons."

⁹[Uttar Pradesh:

After section 78, insert as under--

"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."

¹⁵[In its application to the State of Uttar Pradesh, after Section 78-A, insert the following new section, namely,-

"78-B. Payment of registration fees in the form of adhesive labels and allowance thereof.-

(1) The fee for the registration of a document may be charged in the form of adhesive labels for which the Inspector-General of Registration may, with the prior approval of the State Government, make rules to regulate supply and sale thereof, the persons by whom alone such sale is to be conducted and the duties and remuneration of and the fees chargeable from such persons.

(2) The District Register may, on an application of a person, make allowance for the spoiled, misused or unused adhesive labels purchased for the registration of a document in accordance with the rules made by the Inspector-General of Registration with the prior approval of the State Government".]

¹⁰[Orissa:

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.]

[Assam

¹¹[After Section 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."]

[Uttarakhand

¹³[After Section 78

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 in accordance with the rules made by the Inspector-General of Registration with the prior approval of the State Government."]]

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1. The words "Subject to the control of the "Governor-General in Council" omitted by Act 38 of 1920, section 2. and Schedule I.
 2. Substituted by the A.O. 1950, for "Provincial Government".
 3. Vide Kerala Act 7 of 1968, section 14 (w.e.f. 22-2-1968).
 4. Vide Regulation 2 of 1977, section 3 (w.e.f. 1-4-1977).
 5. Vide Rajasthan Act 16 of 1976, section 4 (w.e.f. 13-2-1976).
 6. Vide West Bengal Act 8 of 1956, section 3 (27-1-1956).
 7. Vide Goa Act 14 of 1985, section 2 (27-6-1985).
 8. Vide Tamil Nadu Act 1 of 1998, section 2 (w.e.f. 2-3-1998).
 9. Vide Uttar Pradesh Act 48 of 1975, section 4 (w.e.f. 1-11-1975).
 10. Vide Orissa (Act No. 8 of 2002) dated 24.05.2002.
 11. Inserted by Registration (Assam Amendment) Act, 2013.
 12. Inserted by Indian Registration (Kerala Amendment) Act 1968.
 13. Inserted by Indian Registration (Uttarakhand Amendment) Act, 2011.
 14. Added by Indian Registration (West Bengal Amendment) Act, 1955 (Act 06 of 1956).
 15. Inserted by Uttar Pradesh Act 36 of 2001, Section 24 (w.e.f. 20.05.2002).

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 AMENDMENTS

¹[Andhra Pradesh:

After section 80 of the principal Act, the following section shall be inserted, namely:--

"80A. Recovery of deficit registration fees.--

(1) Notwithstanding anything contained in section 80, if after the registration of document, it is found that the fee payable under this Act in relation to that document has not been paid or has been insufficiently paid, such fee or the deficit in the fee paid, as the case may be, may, on a certificate of the registering officer be recovered from the person who represented such document for registration under section 32, as an arrear of a land revenue:

Provided that no such certificate shall be granted unless due inquiry is made and such person is given an opportunity of being heard:

Provided further that no such enquiry shall be commenced after the expiry of such period, after the date of the registration of the document, as may be prescribed.

(2) The certificate of the registering officer under sub-section (1) shall, subject to appeal under sub-section (3), be final and shall not be called in question in any Court or before any authority.

(3) Any person aggrieved by a certificate of the registering officer under sub-section (1) may appeal to the Registrar if it is a certificate of the Sub-Registrar, or to the Inspector-General of Registration if it is a certificate of the Registrar. All such appeals shall be preferred within such time and shall be heard and disposed of in such manner, as may be prescribed.

(4) The Government or the Inspector-General of Registration and Stamps may write off the irrecoverable arrears of deficit registration fee subject to such conditions as may be prescribed."

²[Gujarat:

After section 80, insert as under:

"80A. Recovery of deficit amount or registration fee as arrear of land revenue and provision for refund.--

(1) If, on inspection or otherwise, it is found that the fee payable under this Act in relation to any document which is registered has not been paid or has been insufficiently paid, such fee may (after failure to pay the same on demand within the period specified therein), on a certificate of the Inspector General of Registration, be recovered from the person who presented such document for registration under section 32 as an arrear of land revenue. The certificate of the Inspector General of Registration shall be final and shall not be called in question in any court or before any authority:

Provided that no such certificate shall be granted unless due inquiry is made and such person is given an opportunity of being heard.

(2) Where the Inspector General of Registration finds that the amount of fee in excess of that which is legally chargeable, has been charged and paid under the provisions of this Act, he may upon an application in writing or otherwise refund the excess."

³[Haryana:

After section 80, insert as under:

"80A. Deficit amounts of fees payable and their recovery.--

(1) If the value of the property or the considerations, 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."

²[After Section 80

The following new section shall be inserted, namely:-

"80-A. 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 47-A of the Indian Stamp Act, 1889, 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."]

⁴[Himachal Pradesh:

After section 80, insert as under:

"80A. Recovery of registration fees as arrears of land revenue and provision for refund.--

(1) If on inspection, or otherwise, it is found that the fee payable under this Act in relation to any document which is registered has not been paid or has been insufficiently paid, such fee may, after failure to pay the same on demand within a specified period, on a certificate of the registering authority concerned, be recovered from the person who presented such document for registration under section 32 as an arrear of land revenue.

(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."

⁵[Karnataka:

After section 80, insert as under:

"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."

¹⁹[After Section 80A

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".]

²⁰[After Part XIII

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".]

²¹[After Section 80

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".]

⁶[Madhya Pradesh:

After section 80 the following section shall be inserted, namely:--

"80A. Recovery of deficient registration fees as arrears of land revenue.--If on inspection or otherwise, it is found that the fees payable under this Act in relation to any document which is registered has been insufficiently paid, the deficient amount of fee shall after failure to pay the same on demand within the prescribed period, be recoverable from the person who presented such document, as arrears of land revenue."

⁷[Maharashtra:

After section 80, insert the following, namely:--

"80A. Recovery of fees and provision for refund.--

(1) If on inspection or otherwise, it is found that any fee payable under this Act has not been paid or has been paid insufficiently, such fee may (after failure to pay the same on demand within the period specified therein), on a certificate of the Inspector-General of Registration, be recovered as an arrear of land revenue from the person from whom such demand is made. The certificate of the Inspector-General shall be final and shall not be called in question in any court or before any authority:

Provided that no such certificate shall be granted unless due inquiry is made and such person is given an opportunity of being heard.

(2) Where the Inspector-General of Registration finds the amount of fee in excess of that which is legally chargeable has been charged and paid under the provisions of this Act, he may, upon an application in writing or otherwise, refund the excess."

⁸[Orissa:

After section 80, insert as under:

"80A. Recovery of deficient registration fees as arrears of land revenue.--If on inspection or otherwise, it is found that the fee payable under this Act in relation to any document which is registered has been insufficiently paid, the deficient fee shall, after failure to pay the same on demand within the prescribed period, be recoverable from the person who presented such document as arrears of land revenue."

¹⁷[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.]

⁹[Punjab:

After section 80, insert as under:

"80A. Duty of Collector in proceedings under section 47A of the Indian Stamp Act, 1899.--

(1) If during any proceedings under section 47A of the Indian Stamp Act, 1899, the Collector finds that the fee paid for registration of document under this Act is in deficit, he shall while determining the duty, by an order, also determine the deficient amount of fee and shall send a copy of the order so made to the concerned registering officer for the recovery of the amount of

fee found so deficient from the person liable to pay the deficient amount of duty under the said section 47A in respect of such a document:

Provided that no order determining the deficient amount of fee shall be made after the expiry of a period of three years from the date of registration of the document.

(2) An order of the Collector under sub-section (1) shall be deemed to be an order made by him under section 47A of the Indian Stamp Act, 1899.

(3) Any amount recoverable under this section, may be recovered as arrears of land revenue.

80B. Recovery of deficient amount of fee as arrears of land revenue.--

(1) Where on inspection or otherwise, it is found that the fee payable under this Act in relation to any registered document has not been paid or has been insufficiently paid such fee or the deficient fee, as the case may be, if not paid to the concerned registering officer on demand within the prescribed period, may, on a certificate of the Inspector-General of Registration or of the Registrar of a district, be recovered as arrear of land revenue from the person who presented such a document for registration in terms of the provisions of section 32:

Provided that,--

(i) no demand of fee as aforesaid shall be made after the expiry of a period of three years from the date of registration of the document, and

(ii) the certificate shall be issued after due enquiry and the person concerned having been given an opportunity of being heard.

(2) The certificate issued under sub-section (1), shall be final and shall not be called into question in any court or before any authority.

80C. Refund of excess fee.--

Where the Inspector General of Registration finds that the amount of fee charged and paid is in excess to that which is legally chargeable and payable under this Act, he may, upon an application in writing or otherwise, refund the excess amount of fee so charged and paid."

¹⁰[Rajasthan:

After section 80, insert as under:

"80A. Duty of Collector in proceedings under sections 47A and 47C of the Indian Stamp Act, 1899.--

(1) Where during the course of proceedings, if any, under section 47A or section 47C of the Indian Stamp Act, 1899, the Collector is satisfied that the fee for registration paid under this Act in respect of a document or instrument is in deficit, he shall determine, in the course of such proceedings, the deficient amount of fee and recover the same from the person liable to pay the deficient amount of stamp duty under the said section.

(2) The amount recoverable under this section shall be recovered as arrears of land revenue.

80B. Recovery of deficient registration fee as arrears of land revenue.--

If on inspection or otherwise, it is found that the fee payable under this Act in relation to any document which is registered has not been paid or has been insufficiently paid, such fee may (after failure to pay the same on demand within the prescribed period) on a certificate of Inspector-General of Registration or any other officer appointed under section 8, be recovered from the person liable to pay the stamp duty as arrears of land revenue. Such certificate shall be final and shall not be called in question in any court or before any authority:

Provided that no such certificate shall be granted unless due enquiry is made and such person has been given an opportunity of being heard."

¹¹[Tamil Nadu:

After section 80, insert as under:

"80A. Recovery of deficit registration fee.--

(1) Notwithstanding anything contained in section 80, if, after the registration of a document, it is found that the fee payable under this Act in relation to that document has not been paid or has been insufficiently paid, such fee or the deficit, as the case may be, may, on the certificate of the registering officer, be recovered from the person who presented such document for registration under section 32, as an arrear of land revenue:

Provided that no such certificate shall be granted unless due inquiry is made and such person is given an opportunity of being heard:

Provided further that no such inquiry shall be commenced after the expiry of such period, after the date of registration of the document, as may be prescribed.

(2) The certificate of the registering officer under sub-section (1) shall, subject only to appeal under sub-section (3), be final and shall not be called in question in any court or before any authority.

(3) Any person aggrieved by a certificate of the registering officer under subsection (1), may appeal to the Registrar if it is a certificate of the sub-Registrar or to the Inspector-General of Registration if it is a certificate of the Registrar. All such appeals shall be preferred within such time, and shall be heard and disposed of in such manner, as may be prescribed."]

¹⁴[After Part XIII, insert as under:

"PART XIII A

OF TOUTS

"80B. Powers to frame and publish lists of touts.--

(1) Every Registrar of a district as regards his own office and the offices subordinate thereto and every Sub-Divisional Magistrate as regards the registration offices within his own jurisdiction may frame and publish lists of persons proved to his satisfaction or to the satisfaction of any Sub-Registrar as provided in section 80C, 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 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.

80C. Inquiry by a 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 of 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 80B, 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 80B:

Provided that such authority shall hear such person who before his name has been so included, appears before him and desires to be heard.

80D. Display of lists of touts in registration offices.--

A copy of every such list shall be conspicuously displayed in every registration office to which the same relates.

80E. 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.

80F. 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 80E 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.

80G. Arrest and trial of touts.--

(1) Any registering officer may, by an order in writing, direct any person named in the order to arrest any such tout found within the precincts of the registration office. Such tout may be arrested accordingly and shall be forthwith produced before the registering officer.

(2) If the tout admits his offence the provisions of section 345 of the Code of Criminal Procedure, 1973 (2 of 1974) shall be applicable, so far as may be, to his detention, trial and punishment.

(3) If the tout does not admit his offence the provisions of section 346 of the Code shall be similarly applicable to his detention, trial and punishment.

(4) A registering officer shall be deemed to be a Civil Court for the purposes of sections 345 and 346 of the said Code."

²²[After Part XIII

The following Part shall be inserted, namely:--

**"PART XIII-A.
OF TOUTS.**

80-B. Powers to frame and publish lists of touts.--

(1) Every Registrar of a district as regards his own office and the offices subordinate thereto and every Sub-divisional Magistrate as regards the registration offices within his own jurisdiction may frame and publish lists of persons proved to his satisfaction or to the satisfaction of any Sub-Registrar as provided in section 80-C, by evidence of general repute or otherwise, habitually to act as touts, and may from time to time; alter and amend such lists.

(2) No person's name shall be included in any such list until he shall have had an opportunity of showing cause against such inclusion.

(3) Where the name of any person is included in a list framed and published by a Sub-divisional Magistrate under this section, such person may, within thirty days of the publication of the list in which his name first appears, apply in writing to the Registrar of the district for the removal of his name from such list and the orders of the Registrar, passed after such inquiry (if any) as he considers necessary on such application shall be final.

80-C. Inquiry by a 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 80-B, shall report to the authority who has made the request whether the person has been proved to the satisfaction of the Sub-Registrar to be a tout; and that authority may include the name of any person who has been so proved to be a tout in the list of touts framed and published by him under sub-section (1) of section 80-B:

Provided that such authority shall hear such person who, before his name has been so included, appears before him and desires so be heard.

80-D. Display of lists of touts in registration offices.--

A copy of every such list shall be conspicuously displayed in every registration office to which the same relates.

80-E. Exclusion of touts from precincts of registration offices.--

A registering officer may, by general or special order, exclude from the precincts of his registration office any person whose name is included in any such list.

80-F. Presumption as to touts found within precincts of registration offices.--

Every person who having been excluded from the precincts of a registration office under section 80-E is found within the precincts of any registration office without written permission from the registering officer shall be deemed to be acting as a tout for the purposes of section 82-A:

Provided that this section shall not apply where such person is a party to a document intended for registration at such office or has been directed to appear by any process of the registering officer.

80-G. Arrest and trial of touts.--

(1) Any registering officer may, by an order in writing direct any person named in the order to arrest any such tout found within the precincts of the registration office. Such tout may be arrested accordingly and shall be for with produced before the registering officer.

(2) If the tout admits his offence the provisions of section 345 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), shall be applicable, so far as may be, to his detention, trial and punishment.

(3) If the tout does not admit his offence the provisions of section 346 of the said Code shall be similarly applicable to his detention, trial and punishment.

(4) A registering officer shall be deemed to be a Civil Court for the purposes of sections 345 and 346 of the said Code.".]

²³[After Section 80

The following section shall be inserted, namely:--

"80-A. Recovery of deficit registration fee.--

(1) Notwithstanding anything contained in section 80, if, after the registration of a document, it is found that the fee payable under this Act in relation to that document has not been paid or has been insufficiently paid, such fee or the deficit, as the case may be, may, on a certificate of the registering officer, be; recovered from the person who presented such document for registration under section 32, as an arrear of land revenue:

Provided that no such certificate shall be granted unless due inquiry is made and such person is given an opportunity of being heard:

Provided further that no such inquiry shall be commenced after the expiry of such period, after the date of the registration of the document, as may be prescribed.

(2) The certificate of the registering officer under sub-section (1) shall, subject only to appeal under sub-section (3), be final and shall not be called in question in any court or before any authority.

(3) Any person aggrieved by a certificate of the registering officer under sub-section (1), may appeal to the Registrar if it is a certificate of the Sub-Registrar or to the Inspector-General of Registration if it is a certificate of the Registrar. All such appeals shall be preferred within such time, and shall be heard and disposed of in such manner, as may be prescribed.".]

¹²[Uttar Pradesh:

After section 80, insert as under:

"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."

¹³[Karnataka:

After Part XIII, insert as under:

**"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."

¹⁵[West Bengal:

After Part XIII of the main Act, insert the following Parts XIII A and XIII B, namely:--

**"PART XIII A
OF TOUTS**

80A. Powers to frame and publish lists of tous.--

(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 tous, 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 tous.--

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 XIII B
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."

¹⁶[In its application to the State of West Bengal, after Part XIII B, insert the following Part XIII C, namely,--

PART XIII C
OF ACQUISITION OF IMMOVABLE PROPERTY IN CERTAIN CASES OF TRANSFER

80H. Immovable property in respect of which proceedings for acquisition may be taken.--

(1) Where the State Government, on receipt of any report from the registering officer or otherwise, has reason to believe that any immovable property has been transferred by a person to another person for an apparent consideration which is less than the fair market value of the property and that the consideration for such as agreed to between the parties has been truly stated in the instrument of transfer, the State Government may acquire the property after initiating proceedings in accordance with the provisions of the land Acquisition Act, 1894 (1 of 1894).

(2) Every registering officer shall report to the State government in the Judicial Department any case of transfer as aforesaid as soon as it comes to his notice.

Explanation.--Words and expressions used herein and not defined but defined in Chapter XXA of the Income-tax Act, 1961 (43 of 1961), shall have the meanings respectively assigned to them in that Act.".]

²⁴[After Section 80

For section 80G of the principal Act, the following section shall be substituted:-

80G. Power to 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 providing for grant of licences to deed-writers, the revocation of such licences, the terms and conditions subject to which and the authority by which such licences shall be granted and generally for all purposes connected with the writing of documents to be presented for registration.

(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.".]

²⁵[After Section 80

After Part XIIIIB, the following Part shall be inserted:--

"PART XIIIIBB OF COPY-WRITERS

80GG. Power to Inspector-General to make rules relating to copywriters.

(1) The Inspector-General shall have power from time to time to make rules consistent with this Act, with prospective or retrospective effect, providing for the grant of licences to copy-writers, the revocation of such licences, the terms and conditions subject to which and the authority by which such licences shall be granted, and generally for all purposes connected with the copying of documents for registration.

(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.".]]]

1. Vide Andhra Pradesh Act 4 of 1999, section 7 (w.e.f. 1-4-1999).

2. Vide Gujarat Act 18 of 1990, section 4 (w.e.f. 19-11-1990).

3. Vide Haryana Act 36 of 1973, section 2 (w.r.e.f. 1-11-1966).

4. Vide Himachal Pradesh Act 1 of 1982, section 2 (w.e.f. 15-1-1982).

5. Vide Karnataka Act 19 of 1980, section 2 (w.r.e.f. 1-4-1972).

6. Vide Madhya Pradesh Act 4 of 1999, section 3 (w.e.f. 15-10-1999).
7. Vide Maharashtra Act 35 of 1966, section 2 (w.e.f. 9-11-1966) and Maharashtra Act 49 of 1975, section 2 (w.e.f. 2-10-1975).
8. Vide Orissa Act 19 of 1991, section 3 (w.e.f. 17-9-1991).
9. Vide Punjab Act 18 of 1994, section 3 (w.e.f. 18-7-1994).
10. Vide Rajasthan Act 11 of 1982, section 8 (w.e.f. 16-7-1982).
11. Vide Tamil Nadu Act 31 of 1982, section 2 (w.e.f. 5-9-1983).
12. Vide Uttar Pradesh Act 48 of 1975, section 5 (w.e.f. 1-11-1975).
13. Vide Karnataka Act 55 of 1976, section 14 (w.e.f. 23-10-1976).
14. Vide Tamil Nadu Act 38 of 1987, section 3 (w.e.f. 1-1-1988).
15. Vide Bengal Act 5 of 1942, section 9 (w.e.f. 1-11-1943).
16. Vide West Bengal Act 23 of 1984, section 3 (w.e.f. 15-9-1984).
17. Vide Kerala (Act No. 21 of 1998).
18. Inserted by Registration (Haryana Amendment) Act, 1973.
19. Inserted by Public Registration (Karnataka Amendment) Act, 1975.
20. Inserted by Registration (Karnataka Amendment) Act, 1976.
21. Inserted by Registration (Karnataka Amendment) Act, 1980.
22. Inserted by Indian Stamp and the Registration (Tamil Nadu Amendment) Act, 1987 (Act 38 of 1987).
23. Inserted by Registration (Tamil Nadu Amendment) Act, 1982 (Act 31 of 1982).
24. Substituted by Registration (West Bengal Amendment) Act, 1981 (Act 43 of 1981).
25. Inserted by Registration (West Bengal Amendment) Act, 1986 (Act 26 of 1986).

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 AMENDMENTS

[Goa:

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.

²[Karnataka:

In section 81,--

- (i) in the marginal heading for the words "or registering", substitute the words "registering or filing",
- (ii) for the words "or registering of any document", substitute the words "registering or filing a true copy of any document".
- (iii) for the words "or registers such document", substitute the words "registers or files a copy of such document."

⁹[In Section 81

- (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.]

³[Kerala:

In section 81,--

- (a) for the words "or registering of any document", substitute the words "registering, or filing a true copy of, such document";
- (b) for the words "or registers such document", substitute the words "registers, or files a true copy of, such document".

⁴[Orissa:

Same as in Kerala.

⁵[Pondicherry:

In section 81,--

- (i) in the marginal heading for the words "or registering", substitute the words "or registering or filing";
- (ii) in the body of the section, for the words "or registering of any document", substitute the words "registering or filing a true copy, of any document"; and

(iii) for the words "or registers such document", substitute the words "registers, or files a copy of, such document".

⁶[Tamil Nadu:

Same as in Pondicherry above.

⁷[Tripura:

Substitute section 81 as under:

"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."

⁸[West Bengal:

In section 81,--

(i) in the marginal note, for the words "or registering", substitute the words "registering or filing",

(ii) for the words "or registering of any document", substitute the words "registering or filing a true copy, of any document", and

(iii) for the words "or registers such documents", substitute the words "registers or files a copy of such document".

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1. Vide Goa Act 24 of 1985, section 12 (w.e.f. 5-12-1985).
 2. Vide Karnataka Act 55 of 1976, section 15 (w.e.f. 24-10-1976).
 3. Vide Kerala Act 7 of 1968, section 15 (w.e.f. 22-2-1968).
 4. Vide Orissa Act 14 of 1989, section 13 (w.e.f. 19-9-1989).
 5. Vide Pondicherry Act 17 of 1970, section 5 (w.e.f. 18-7-1970).
 6. Vide Tamil Nadu Act 21 of 1966, section 3 (w.e.f. 1-4-1967).
 7. Vide Tripura Act 7 of 1982, section 14 (w.e.f. 1-1-1983).
 8. Vide West Bengal Act 17 of 1978, section 4 (w.e.f. 1-1-1983).

9. Inserted by Registration (Karnataka Amendment) Act, 1976.

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 AMENDMENTS

¹[Goa:

In 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.

²[Karnataka:

Amendment to section 82(b) is the same as in Kerala.

¹³[In Section 82

The words and figures "under section 19 or section 21", the words "under this Act or the rules made thereunder" shall be substituted.]

¹⁴[After Section 82

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"]

³**[Kerala:**

In clause (b) of section 82, for the words "section 19 or section 21", substitute the words "this Act or the rules made thereunder".

⁴**[Orissa:**

Same as in Kerala.

⁵**[Pondicherry:**

Same as in Kerala.

⁶**[Tamil Nadu:**

Same as in Kerala.

¹⁶**[After Section 82**

The following section shall be inserted, namely:--

"82-A. Penalty.--

Whoever acts as a tout whilst his name is included in a list of touts framed and published under this Act shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees or with both."]

⁷**[Tripura:**

Substitute section 82(b) as under:

"(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".

Uttar Pradesh:

In section 82, clause (b) was substituted as under:

"(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"-- Uttar Pradesh Act 14 of 1971, section 6 (w.e.f. 25-5-1971). This clause has now been substituted by Uttar Pradesh Act 19 of 1981, section 14 (w.r.e.f. 1-8-1981) and the substituted clause is the same as original clause (b).

¹⁵**[In Section 82**

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".]

⁸[West Bengal:

Same as in Kerala.

Section 82A

¹²[After section 82, insert the following new section, namely:--

"82A. Penalty.--

Whoever acts as a tout whilst his name is included in a list of touts framed and published under this Act shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both."

⁹[Karnataka:

After section 82, insert as under:

"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."

¹⁰[Madhya Pradesh:

Mahakoshal.--In its application to Mahakoshal region of the State of Madhya Pradesh, after section 82, the following section shall be inserted, namely:--

"82A. Penalty for writing documents without licence.--

(1) On and from such date as the State Government may, by notification, appoint in this behalf, no person shall write a document for another person for presentation to a registering officer except under a licence granted in accordance with the rules made under this Act:

Provided that nothing in this sub-section shall apply where the writer of such document is an authorised agent of the executant or a pleader engaged by the executant for drawing up the document or the registered clerk of such pleader.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to two hundred rupees."

¹⁷[In its application to the State of Madhya Pradesh, after Section 82-A, insert the following new section, namely:-

"82-B. Punishment for failure to file notice under Section 89-B.-

Any person who fails to file a notice under section 89-B before the Registering Officer within the period specified in that section shall be punished with imprisonment for a term which shall not be less than one year but which may extend upto three years and shall also be liable to fine."]

Maharashtra:

Vidarbha.-- Section 82A inserted by the Madhya Pradesh Act 8 of 1955 is repealed in its application to the Vidarbha region of the State of Maharashtra by Bombay Act 35 of 1958, section 3 (w.e.f. 24-4-1958).

¹¹[Tamil Nadu:

After section 82, insert as under:

"82A. Penalty.--

Whoever acts as a tout whilst his name is included in a list of touts framed and published under this Act shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees or with both."

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1. Vide Goa Act 24 of 1985, section 13 (w.e.f. 5-12-1985).
 2. Vide Karnataka Act 55 of 1976, section 16 (w.e.f. 23-10-1976).
 3. Vide Kerala Act 7 of 1968, section 16 (w.e.f. 22-2-1968).
 4. Vide Orissa Act 14 of 1989, section 13 (w.e.f. 19-9-1989).
 5. Vide Pondicherry Act 17 of 1970, section 6 (w.e.f. 1-11-1970).
 6. Vide Tamil Nadu Act 21 of 1966, section 4 (w.e.f. 1-4-1967).
 7. Vide Tripura Act 7 of 1982, section 15 (w.e.f. 1-1-1983).
 8. Vide West Bengal Act 17 of 1978, section 5 (w.e.f. 1-1-1983).
 9. Vide Karnataka Act 55 of 1976, section 17 (w.e.f. 23-10-1976).

10. Vide Madhya Pradesh Act 8 of 1955, section 2 (w.e.f. 18-4-1955).
11. Vide Tamil Nadu Act 38 of 1987, section 3 (w.e.f. 1-1-1988).
12. Vide Bengal Act 5 of 1942, section 10 (w.e.f. 1-11-1943).
13. Substituted by Registration (Karnataka Amendment) Act, 1976.
14. Inserted by Registration (Karnataka Amendment) Act, 1976.
15. Substituted by Registration (Uttar Pradesh Amendment) Act, 1970 (Act 14 of 1971).
16. Inserted by Indian Stamp and the Registration (Tamil Nadu Amendment) Act, 1987 (Act 38 of 1987).
17. Inserted by Madhya Pradesh, Act 4 of 2010, Section 10 (w.e.f. 14.01.2010).

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 AMENDMENTS

²[Goa, Daman and Diu:

In section 83, for sub-section (1), substitute the following:--

"(1) No prosecution for any offence under this Act shall be commenced save by or with the permission of the Inspector-General or any officer empowered in this behalf by the Government."

[Tamil Nadu:

³[In section 83, in sub-section (2)

The word "Offences", the words, figures and letter "Save as provided in section 80G, offences" shall be substituted.]

⁶[In Section 83

In sub-section (2), for the word "Offences", the words, figures and letter "Save as provided in section 80-G offences" shall be substituted.]

[West Bengal:

⁴[In sub-section (2)

The word "Offences", substitute the words, figure and letter "Save as provided in section 80F, offences".]

[Kerala

⁵[After Section 83

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.".]])

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

2. Vide Goa Act 2 of 1968, section 3.

3. Vide Tamil Nadu Act 38 of 1987, section 3 (w.e.f. 1-1-1988).

4. Vide Bengal Act 5 of 1942, section 11 (w.e.f. 1-11-1943).
5. Inserted by Registration (Kerala Amendment) Act, 2012.
6. Substituted by Indian Stamp and the Registration (Tamil Nadu Amendment) Act, 1987 (Act 38 of 1987).

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.

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 AMENDMENTS

[Orissa

¹[After Section 87

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".]

1. Vide Orissa Act 7 of 1964, section 2 (w.e.f. 4-5-1964).

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

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

(1) Notwithstanding anything contained in this Act, it shall not be necessary for,--

(a) any officer of Government, or

(b) any Administrator-General, Official Trustee or Official Assignee, or

(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 subsection (1) for information respecting the same and, on being satisfied of the execution thereof, shall register the instrument.]

1. Substituted by Act 39 of 1948, section 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 of that order, to the registering officer within the local limits of whose jurisdiction the whole or any part of the property so

mortgaged is situate, and such registering officer shall file the copy or copies as the case may be, in his Book No. 1.

(4) Every Revenue Officer granting a certificate of 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 immovable property comprised in the certificate is situate, and such officer shall file the copy in his Book No. 1.

[STATE AMENDMENTS

¹[Andhra Pradesh:

In its application to the State of Andhra Pradesh,-

(1) For sub-Section (5) of Section 89, substitute the following sub-section, namely,-

"(5) An officer empowered to grant a certificate of sale of immovable property under the Andhra Pradesh Co-operative Societies Act, 1964 or the rules made thereunder shall send a copy of such certificate to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in such certificate is situate; and such registering officer shall file the copy in his Book No. 1.

(6) Every Tribunal issuing a certificate under sub-section (6) of section 38 or subsection (2) of section 38E of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950, declaring the protected tenant to be the purchaser or owner, as the case may be, of the land, and every Tahsildar issuing certificate sanctioning the exchange under sub-section (2) of section 39 or under section 50B of the Act aforesaid declaring the validity of any alienation or other transfer of agricultural land shall send a copy of such certificate to the registering officer within the local limits of whose jurisdiction the whole or any part of the agricultural land comprised in such certificate is situate; and such registering officer shall file the copy in his Book No. 1."

³⁹[(2) In Section 89, after the words "shall file the copy in his Book No. 1", wherever they occur, "or get scanned".]

²[Gujarat:

Same as those of Maharashtra.

³[Kerala:

In section 89,--

(a) omit sub-sections (1) and (3);

(b) after sub-section (4) add the following sub-sections:--

"(5) Every court passing--

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

(b) an order for attachment of immovable property or for the release of any immovable property from attachment,

shall send a copy of such decree or other together with a memorandum describing the property, as far as may be practicable, in the manner required by section 21, to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in such decree or order is situate, and such officer shall file the copy of memorandum in his Book No. 1.

(6) Every officer issuing a written demand before the attachment of the immovable property of a defaulter under the Revenue Recovery Act for the time being in force shall--

(a) send a copy of such written demand together with a memorandum describing the property, as far as may be practicable, in the manner required by section 21; and

(b) where such written demand is withdrawn or attachment of property is lifted or the property is sold and sale is confirmed, send a memorandum indicating that fact and describing that property, as far as may be practicable, in the manner required by section 21,

to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property to which the written demand relates is situate and such registering officer shall file copy of the written demand and the memorandum in his Book No. 1."]

¹⁷[After section 89, insert the following section:--

"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."

Note.--For Indian Registration (Filing of True Copies) Rules, 1967, see Kerala Gazette, dated 30th December, 1967 Extra, (w.e.f. 8-1-1968).

⁴[⁵Madhya Pradesh:

Mahakoshal.--In its application to the Mahakoshal region of the State of Madhya Pradesh, in section 89,--

(i) after sub-section (4), insert the following sub-section, namely:--

"(5) Every sale officer granting a certificate of sale under section 20 of the Madhya Pradesh Co-operative Land Mortgage Banks Act, 1937 (1 of 1937), or under clause (c) of section 85 of M.P. Co-operative Societies Act, 1960, or the rules made thereunder shall send a copy of such certificate to the registering office within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in such certificate is situate, and such registering officer shall file the copy in his Book No. 1."

(ii) after sub-section (5) insert the following, namely:--

"(6) Every consolidation officer passing an order under sub-section (1) of section 22 of the Central Provinces Consolidation of Holdings

Act, 1928, shall send a copy of such order to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property referred to in such order is situate and such registering officer shall file the copy in his Book No. 1."]

²⁷[In Section 89

The following sub-section shall be substituted, namely:--

"(5) Every officer granting a certificate of sale of immovable property under section 20 of the Madhya Pradesh Co-operative Land Mortgage Banks Act, 1937 (I of 1937) or under clause (c) of section 85 of the Madhya Pradesh Co-operative Societies Act, 1960 (17 of 1961) or the rules made thereunder, shall send a copy of such certificate to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in such certificate is situate, and such registering officer shall file the copy in his Book No. 1".]

⁶[⁷[⁸[**Maharashtra:**

In section 89,--

(i) in sub-sections (1) and (3), for the words and figure "Book No. 1", substitute the word "office".

(ii) after sub-section (4), insert the following sub-sections, namely:--

"(5) Every consolidation officer passing an order,--

(i) under sub-section (1) of section 29 or sub-section (2) of section 29A of the Bombay Prevention Fragmentation and Consolidation of Holdings Act, 1947, or

(ii) under sub-section (1) of section 203 of the Madhya Pradesh Land Revenue Code, 1954, or

(iii) under sub-section (1) of section 31 of the Hyderabad Prevention of Fragmentation and Consolidation of Holdings Act, 1956,

shall send a copy of such order to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property referred to in such order is situate, and such registering officer shall file the copy in his Book No. 1.

(6) Every sale officer granting a certificate of sale under section 20 of the Central Provinces and Berar Co-operative Land Mortgage Banks Act, 1937, shall send a copy of such certificate to the registering

officer within the local limit of whose jurisdiction the whole or any part of the immovable property comprised in such certificate is situate and such registering officer shall file the copy in his Book No. 1."

Vidarbha.--As the above amendments have now been extended to and shall remain in force in the Vidarbha region of the State of Maharashtra, sub-sections (5) and (6), inserted in section 89 by C.P. and Berar Acts 1 of 1937 and 59 of 1949 and in force immediately before 24-4-1958, have been repealed from that date by Bombay Act 35 of 1958, section 7(1).

(iii) (a) after sub-section (6), add the following new sub-section, namely:--

"(7) The registering officer to whom a memorandum under sub-section (7) of section 18, sub-sections (1A) and (4) of section 22, section 22C and section 28A of the Bombay Public Trusts Act, 1950, or a copy of entry under section 23 of that Act is sent shall file the same in his Book No. 1.";

(b) in the marginal note, after the word "instruments" insert the words "and of certain memoranda".

¹⁰[Orissa:

After sub-section (4) of section 89, insert the following sub-section, namely:--

"(5) A copy of every certificate of sale granted under section 20 of the Orissa Co-operative Land Mortgage Banks Act, 1938, shall be sent to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in such certificate is situate and such registering officer shall file the copy in his Book No. 1."]

¹⁸[After section 89, insert the following section:--

"89A. 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 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 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; 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 47A of the Indian Stamp Act, 1899, and shall be final subject to the decision in appeal, if any, under sub-section (3) of the said section."

25[In Section 89-A of the principal Act, in Sub-section (1)

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.]

Section 89B

²³[In its application to the State of Orissa, after section 89A, insert the following new section, namely,--

"89B. Power of State government to make Rules.--

(1) The State Government may, by notification in the Official Gazette, make rules for all purposes connected with the filing of true copies of documents in the appropriate books under this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such Rules may provide for,--

(a) the furnishing of true copies of documents by the person presenting the documents for registration;

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

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

²⁸[After Section 89

The following new section shall be inserted, namely :

"89'A. Duty of Collector in proceedings under Section 47.--

A of the Indian Stamp Act, 1899-(1) It shall be the duty of the Collector, if he is satisfied during the proceedings, if any, under Section 47-A of the Indian Stamp Act, 1899 that the fees for registration paid under this Act in respect of a document is in deficit to determine in the course of such proceedings the deficient amount of fee 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.]

¹¹[Rajasthan:

After section 89(4), insert as under:

"(5) Every bank granting a loan to an agriculturist for agricultural purposes shall send within such time and in such manner as may be prescribed, a copy of any instrument whereby immovable property is mortgaged for the purpose of securing repayment of loan, to the registering officer within the local limits of whose jurisdiction the whole or any part of the property so mortgaged is situate and such registering officer shall file the copy in his Book No. 1.

Explanations.--For the purposes of sub-section (5),--

(a) the expression "every bank" shall mean--

(i) a banking company as defined in the Banking Regulation Act, 1949;

(ii) the State Bank of India constituted under the 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 Undertakings) Act, 1970;

(v) a banking institution notified by the Central Government under section 51 of the Banking Regulation Act, 1949;

(vi) the Agricultural Refinance Corporation constituted under the Agricultural Refinance Corporation Act, 1963;

(vii) Agro-Industries Corporation;

(viii) Agricultural Finance Corporation Ltd., a company incorporated under the Companies Act, 1956; and

(ix) any other financial institution notified by the State Government in the Official Gazette as a bank for the purpose of this Act.

(b) the word "agriculturist" shall have the meaning assigned to it in sub-section (3) of section 5 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955).

¹²[¹³[¹⁴[**Tamil Nadu:**

After sub-section (4), insert the following sub-section, namely:--

"(5) Every officer granting, a certificate of sale of immovable property under the Madras Co-operative Land Mortgage Banks Act, 1934, or the rules made under the Madras Co-operative Societies Act, 1932, shall send a copy of such certificate to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in such certificate is situate, and such registering officer shall file the copy in his Book No. 1."

After sub-section (5), insert as under:

"(6) Every officer in charge of collection of the loans mentioned in subsection (1), or sub-section (3) shall send to the registering officer to whom a copy of the order under sub-section (1), or a copy of instrument or order under subsection (3) has been sent, an intimation of the discharge of such loans. Such intimation shall be in such form as may be prescribed and the registering officer shall file the intimation in his Book No. 1."

After sub-section (6), insert as under:

"(7) Every officer granting any deed or other document purporting to be or to evidence, the grant or assignment by the Government of land or of any interest in land, shall send a copy of such deed or other document to the registering officer within the local limits of whose jurisdiction the whole or any part of the land comprised in such deed or document is situate, and such registering officer shall file the copy in his Book No. 1."

²⁰[After section 89, insert the following, namely:--

"89A. Power, to make rules for filing copies of documents.--

(1) Same as in Kerala.

(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) Same as (a) in Kerala;

(c) Same as (b) in Kerala.

²¹2A. Every Court passing an order for effecting or raising an attachment of immovable property under the Code of Civil Procedure, 1908 (5 of 1908), shall send a copy of such order together with the memorandum giving the details of the property to the registering officer within the local limits of whose jurisdiction the whole or any part of the said immovable property is situate, and such registering officer shall file the copy of such order in his Book No. 1.

(3) Same as in Kerala.

(4) Every rule made under this section shall, as soon as possible, after it is made, be placed on the table of both the Houses of the State Legislature, and if, before the expiry of the session in which it is so placed or the next session, both the 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."

Note.--For Indian Registration (Filing of True Copies) Rules, 1967, see Fort St. Geo Gazette, 11-2-1967, Pt. V, Extra., p. 1.

²⁴[After section 89A, insert as under:

"89B. Power to make rules regulating the writing of documents.--The State Government may make rules providing for the grant of licences to document writers, the terms and conditions subject to which and the authority by whom such licences shall be granted, the circumstances under which such licences may be revoked, and generally for all purposes connected with the writing of documents to be presented for registration.

³¹[After Section 89

The following section shall be inserted, namely:--

"89-A. Power to make rules for filing of copies of documents.--

(1) The State Government may make rules for all purposes connected with the filing of true copies of documents in the appropriate books under this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for--

(a) the furnishing of true copies of documents by the person presenting the document for registration;

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

(c) the manner of filing of such copies.

(3) All rules made under this section shall be published in the Official Gazette and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(4) Every rule made under this section shall, as soon as possible, after it is made, be placed on the table of both Houses of the State Legislature, and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such 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.".]

³²[After Section 89

After section 89-A of the Registration Act, 1908 (Central Act XVI of 1908), the following section shall be inserted, namely:--

"89-B. Power to make rules regulating the writing of documents.--

The State Government may make rules providing for the grant of licences to document writers, the terms and conditions subject to which and the authority by whom such licences shall be granted, the circumstances under which such licences may be revoked, and generally for all purposes connected with the writing of documents to be presented for registration.]

³³[In Section 89

After sub-section (6), the following sub-section shall be added, namely:--

"(7) Every officer granting any deed or other document purporting to be or to evidence, the grant or assignment by the Government, of land or of any interest in land, shall send a copy of such deed or

other document to the registering officer within the local limits of whose jurisdiction the whole or any part of the land comprised in such deed or document is situate, and such registering officer shall file the copy in his Book No. 1.".]

³⁴[In Section 89

After sub-section (2), the following sub-section shall be inserted, namely:--

"(2-A) Every Court passing an order for effecting or raising an attachment of immovable property under the Code of Civil Procedure, 1908 (Central Act V of 1908), shall send a copy of such order together with the memorandum giving the details of the property to the registering officer within the local limits of whose jurisdiction the whole or any part of the said immovable property is situate, and such registering officer shall file the copy of such order in his Book No. 1.]

³⁶[After sub-section (5) of section 89 of the Registration Act, 1908 (Central Act XVI of 1908), the following sub-section shall be added, namely:--

"(6) Every officer in charge of collection of the loans mentioned in sub-section (1), or sub-section (3) shall send to the registering officer to whom a copy of the order under sub-section (1) or a copy of instrument or order under sub-section (3) has been sent, an intimation of the discharge of such loans. Such intimation shall be in such form as may be prescribed and the registering officer shall file the intimation in his Book No. 1.]

³⁷[In section 89 of the principal Act,--

(1) In the marginal heading, after the expression "and filed", the expression "or scanned" shall be inserted;

(2) After the expression "in his Book No. 1" wherever it occurs, the expression "or get it scanned" shall be inserted.]

Section 89A

¹⁵[Goa:

After section 89, insert as under:

"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 and pasting of such copies.

(3) All rules made under this section shall be published in the Official Gazette and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(4) Every rule made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

¹⁶[Karnataka:

After section 89, insert as under:

"89A. Power to make rules for filing of copies of documents.--(1) The State Government may make rules for all purposes connected with the preparation or filing of true copies of documents in the appropriate books under this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for--

- (a) the manner in which true copies of documents shall be prepared; and
- (b) the manner of filing of such copies.

(3) All rules made under this section shall be published in the Official Gazette, and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(4) Every rule made under this Act shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is so laid or the session immediately following both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(5) Nothing in this Part shall apply to any document which is prepared on a printed or lithographed form or which in the opinion of the registering officer, is not in a fit condition to be photocopied.

(6) Notwithstanding anything contained in this Part in the case of document containing a map, plan or trade mark label, if the party presenting the document so desires, the registering officer may accept three copies of such map, plan or trade mark label and where such true copies are accepted the map plan or trade mark label shall not be photocopied and such copies thereof shall be filed in the appropriate file book.]

²⁶[After Section 89

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 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 powers, 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 Act shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rules 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."]

¹⁹[**Pondicherry:**

After section 89, insert the following:--

(1)

(2) } Same as in Tamil Nadu.

(3)

(4) Every rule made under this section shall, as soon as possible after it is made, be laid before the Legislative Assembly, Pondicherry, while it is in session for a total period of 14 days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the sessions aforesaid, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

[Puducherry

²⁹[In Section 89

The words "shall file the copy in his Book No. 1", wherever they occur, the words "or get scanned " shall be added.]

²²**[West Bengal:**

In its application to the State of West Bengal after section 89, section 89A(1) and (2), as inserted, are the same as in Karnataka.]

[Uttarakhand

³⁰[In Section 89

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 in accordance with the rules made by the Inspector-General of Registration with the prior approval of the State Government."

Uttar Pradesh

³⁸[In its application to the State of Uttar Pradesh, in Section 89,-

(a) in sub section (1), (2) and (4), for the words "file the copy in his Book No. 1", substitute "take a similar action on it as taken on it as taken on a document admitted to registration under sub section (1) of section 61";

(b) in sub section (3) for the words "file the copy or copies, as the case may be, in his Book No. 1", substitute "take a similar action on it as taken on a document admitted to registration under sub section (1) of section 61";]

³⁵[Maharashtra -

After section 89 of the principal Act, the following sections shall be inserted, namely:--

" 89A. Copies of court decrees, attachment orders, etc., to be sent to Registering Officers and filed in registers.--

(1) Every Court passing,--

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

(b) an order for interim attachment or attachment of immovable property or for the release of any immovable property from such attachment,

shall, in accordance with the rules made in this behalf, send a copy of such decree or order together with a memorandum describing the property as far as may be practicable, in the manner required by section 21, to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in such decree or order is situate, and such officer shall file the copy of the memorandum in his Book No. 1 :

Provided that, where the immovable property is situate within the local limits of the jurisdiction of more than one registering officer, the procedure specified in clauses (a) and (b) of this sub-section shall be followed in respect of the property within the jurisdiction of each of such officers.

(2) Every officer issuing a certificate of sale or a written demand before the attachment of the immovable property of a defaulter under the provisions of any law relating to Revenue Recovery for the time being in force including the Revenue Recovery Act, 1890 (1 of 1890), shall,--

(a) send a copy of such certificate of sale or written demand together with a memorandum describing the property, as far as may be practicable, in the manner required by section 21;

(b) where such written demand is withdrawn or attachment of property is lifted or the property sold and sale is confirmed, send a memorandum indicating that fact and describing that property, as far as may be practicable, in the manner required by section 21, to the

registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property to which the written demand is situate, and such registering officer shall file a copy of the written demand and the memorandum in his Book No. 1 :

Provided that, where the immovable property is situate within the local limits of the jurisdiction of more than one registering officer, the procedure specified in clauses (a) and (b) of this subsection shall be followed in respect of the property within the jurisdiction of each of such officers.

89B. Notice to be sent to registering officers by mortgagor in case of mortgage by depositing title deeds and provisions for compensation in favour of subsequent transferee.--

(1) Every person who has mortgaged immovable property by way of a mortgage by depositing title deeds under clause (f) of section 58 of the Transfer of Property Act, 1882 (IV of 1882) shall, within thirty days from the date of the mortgage, file a notice of intimation of his having so mortgaged the property, giving details of his name and address, name and address of the mortgagee, date of mortgage, amount received under the mortgage, rate of interest payable, list of documents deposited, and description of the immovable property 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 property is situate, and the said officer shall file the same in his Book No. 1 :

Provided that, if the property so mortgaged falls within the jurisdiction of more than one registering officer, the procedure specified in this sub-section shall be followed in respect of the property within the jurisdiction of each of such officers.

(2) If, the person who has mortgaged the property as aforesaid fails to file a notice within thirty days as stated in sub-section (1) before the registering officer or officers, as the case may be, and enters into any transaction in relation to or affecting the immovable property which is the subject matter of the mortgage, with a third party; such a transaction shall be void and the third party shall be entitled to refund of any amount paid by him together with interest at twelve per cent. from the date of payment and also to compensation for any damages suffered by him, from the transferor.

(3) The amount recoverable by such transferee as specified in sub-section (2) shall be a charge on the interest of the mortgagor, in the mortgaged property :

Provided that, nothing in this section shall apply to the instruments of agreement relating to mortgage by deposit of title-deeds which are duly registered as per the provisions of this Act.

89C. Punishment for failure to file notice under section 89B.--

Any person who failed to file a notice under section 89B to the registering officer alongwith fees, within the period specified in that section, shall be punished with imprisonment for a term which shall not be less than one year but which may be for a term which may extend to three years and shall also be liable to fine.

89D. Power to make rules for filing of true copies of documents and notices referred in sections 89A and 89B.--

(1) The State Government may, by notification in the Official Gazette, make rules for all purposes connected with the filing of copies of documents referred to in section 89A or filing of notices referred to in section 89B, in the appropriate book under this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for,--

(a) the manner in which notices or true copies of documents shall be prepared; and

(b) the manner of filing of the notices or true copies.

(3) 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 rule or both Houses agree that the rule should not be made, and notify their decision to that effect in the Official Gazette, the rule shall, from the date of publication of such decision in the Official Gazette, 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 or omitted to be done under that rule.]

1. Vide Andhra Pradesh Act 38 of 1974, section 2 (w.e.f. 1-11-1974).

2. Vide Act 11 of 1960, section 87, Gujarat A.L.O. 1960.

3. Vide Kerala Act 7 of 1968, section 17 (w.e.f. 22-2-1968).
4. Vide Madhya Pradesh Act 42 of 1965, section 2 (w.e.f. 9-12-1965).
5. Vide C.P. and Berar Act 59 of 1949, section 2 (w.e.f. 23-12-1949).
7. Vide Bombay Act 5 of 1929, section 12 (w.e.f. 22-5-1929) read with Act 35 of 1958, section 2 (w.e.f. 24-4-1958).
8. Vide Bombay Act 35 of 1958, section 7 (w.e.f. 24-4-1958).
9. Vide Maharashtra Act 20 of 1971, section 58 (w.e.f. 15-6-1972).
10. Vide Orissa Act 3 of 1938, section 40 (w.e.f. 18-3-1940).
11. Vide Rajasthan Act 16 of 1976, section 5 (w.e.f. 13-2-1976).
12. Vide Tamil Nadu Act 3 of 1936, section 2 (w.e.f. 21-1-1936).
13. Vide Tamil Nadu Act 31 of 1974, section 2 (w.e.f. 1-10-1974).
14. Vide Tamil Nadu Act 31 of 1982, section 3 (w.e.f. 5-9-1983).
15. Vide Goa Act 24 of 1985, section 14 (w.e.f. 5-12-1985).
16. Vide Karnataka Act 41 of 1984, section 5 (w.e.f. 7-11-1986).
17. Vide Kerala Act 7 of 1968, section 18 (w.e.f. 22-2-1968).
18. Vide Orissa Act 17 of 1966, section 2 (w.e.f. 11-7-1966).
19. Vide Pondicherry Act 17 of 1970, section 7 (w.e.f. 1-11-1970).
20. Vide Tamil Nadu Act 21 of 1986, section 5 (w.e.f. 1-4-1967).
21. Inserted by Tamil Nadu Act 3 of 1987, section 2 (w.e.f. 1-4-1987).
22. Vide West Bengal Act 17 of 1978, section 6 (w.e.f. 1-1-1983).
23. Vide Orissa Act 14 of 1989, section 15 (w.e.f. 19-9-1989).
24. Vide Tamil Nadu Act 26 of 1981, section 2.
25. Vide Orissa (Act No. 8 of 2002) dated 24.05.2002.
26. Inserted by Registration (Karnataka Amendment) Act, 1976.
27. Substitution by Indian Registration (Madhya Pradesh Amendment) Act, 1965.
28. Inserted by Indian Registration (Orissa Amendment) Act, 1966.
29. Added by Registration (Puducherry Amendment) Act, 2004.

30. Inserted by Indian Registration (Uttarakhand Amendment) Act, 2011.
31. Inserted by Indian Registration (Madras Amendment) Act, 1966 (Act 21 of 1966).
32. Inserted by Registration (Tamil Nadu Amendment) Act, 1981 (Act 26 of 1981).
33. Added by Registration (Tamil Nadu Amendment) Act, 1982 (Act 31 of 1982).
34. Inserted by Registration (Tamil Nadu Amendment) Act, 1986 (Act 03 of 1987).
35. Inserted by Registration (Maharashtra Amendment) Act, 2010.
36. Inserted by the Registration (Tamil Nadu Amendment) Act, 1974.
37. Inserted by the Registration (Tamil Nadu Second Amendment) Act, 2000.
38. Substituted by Uttar Pradesh Act 36 of 2001, section 25 (w.e.f. 22.05.2002).
39. Inserted by Andhra Pradesh Act 16 of 1999, Section 7 (w.e.f. 31-12-1998).

Section 90 - Exemption of certain documents executed by or in favour of Government

(1) Nothing contained in this Act or in the Indian Registration Act, 1877 (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, or relinquishment of occupancy by occupants, or of alienated land by holders of such land.

(2) All such documents and maps shall, for the purposes of sections 48 and 49, be deemed to have been and to be registered in accordance with the provisions of this Act.

[STATE AMENDMENT

[Goa, Daman and Diu:

¹[In Section 90

The words "grants or assignments by Government of land or of any interest in land", the words "grants, assignments or leases by Government of immovable property or of any interest in immovable property" shall be substituted.]]]

1. Vide Goa, Daman and Diu Act 2 of 1968, section 4.

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 AMENDMENTS

Section 91A

5 Tripura:

After section 91, insert as under:

"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 passing such copies.

(3) Every rule made under this section shall be laid as soon as may be after it is made, before the Legislative Assembly of Tripura, while it is in session for a total period of not less than fourteen days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session in which it is so laid or the successive sessions as aforesaid the Legislative Assembly agrees in making any modification in the rule or the Legislative Assembly agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as

the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule".

-
1. Section 91 renumbered as sub-section (1) thereof by Act 20 of 1983, section 2 and Schedule.
 2. Substituted by the A.O. 1950, for "Provincial Government".
 3. Substituted by the A.O. 1950, for "State Government prescribes in this behalf."
 4. Inserted by Act 20 of 1983, section 2 and Schedule.
 5. Vide Tripura Act 7 of 1982, section 16 (w.e.f. 1-1-1983).

Section 92 - Burmese registration-rules confirmed (Repealed)

[Repealed by the Government of India (Adaptation of Indian Laws) Order, 1937.]

Section 93 - Repeals (Repealed)

[Repealed by the Repealing Act, 1938 (1 of 1938), section 2 and Schedule].

Schedule I - THE SCHEDULE

THE SCHEDULE

Repeal of enactments.--[Repealed by the Repealing Act, 1938 (1 of 1938), section 2 and Schedule]

[STATE AMENDMENTS

¹[Pondicherry:

After section 91, insert the following Schedule:--

"THE SCHEDULE

[See section 52(5)]

MODIFICATION OF CERTAIN PROVISIONS OF THE ACT

Same as in Tamil Nadu, items 2 to 9 (i.e. items 1 to 8 in Pondicherry) except item 8, which is item 7 in Pondicherry and runs as under:--

"(7) In sub-section (1) of section 61, for the words "copied into the margin of the register book", substitute the words "copied into the true copy of the document filed under sub-section (1B) of section 52."

²[Tamil Nadu:

After section 91, insert the following Schedule, namely:--

"THE SCHEDULE

[See section 52(5)]

1. In section 19 omit the words "and also by a true copy".
2. In section 45,--
 - (a) in sub-section (1), for the words etc. "cause the contents thereof to be copied into his Book No. 3", substitute the words, etc. "cause a true copy of the contents thereof to be made and filed in his Book No. 3"; and
 - (b) in sub-section (2) for the words "copy has been made", substitute the words "true copy has been filed".
3. In sub-section (2) of section 46,--
 - (a) for the words "unless the will has been already copied", substitute the words "unless a true copy of the will has already been filed"; and
 - (b) for the words etc. "cause the will to be copied into his Book No. 3", substitute the words "cause a true copy to be made and filed in his Book No. 3".
4. In section 51,--
 - (a) for sub-section (2), substitute the following sub-section, namely:--

"(2) In book I shall be filed--

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

registered under sections 17, 18 and 89, which relate to immovable property, and are not wills."; and
 - (b) in sub-section (3), for the words "entered all documents", substitute the words "filed true copies of all documents".
5. In section 54, for the words "copied or filed", substitute the words "filed a true copy of, or".
6. In section 55,--
 - (a) in sub-section (2), for the words "every" document entered or memorandum filed", substitute the words "every document of which a true copy or memorandum is filed";
 - (b) in sub-section (4), for the words etc. "every will and authority entered in Book No. 3", substitute the words, etc. "every will and authority of which a true copy is filed in Book No. 3"; and
 - (c) in sub-section (5), for the words "document entered", substitute the words "document of which a true copy is filed".
7. In sub-section (1) of section 60, for the words "the document has been copied", substitute the words the "true copy of the document has been filed".

8. In sub-section (1) of section 61, omit the words "margin of".

9. In section 62, for sub-section (1), substitute the following:--

"(1) When a document is presented for registration under section 19, the translation together with the true copy of the document be filed in the appropriate book."

³[West Bengal:

After section 91, insertion of Schedule is the same as in Tamil Nadu.

1. Vide Pondicherry Act 17 of 1970, section 8 (w.e.f. 1-11-1970).

2. Vide Tamil Nadu Act 21 of 1966, section 6 (w.e.f. 1-4-1967).

3. Vide West Bengal Act 17 of 1978, section 7 (w.e.f. 1-1-1983).

THE REGISTRATION AND OTHER RELATED LAWS (AMENDMENT) ACT, 2001

[Act, No. 48 OF 2001]

[24th September,2001]

PREAMBLE

An Act further to amend the Registration Act, 1908, the Transfer of Property Act, 1882 and the Indian Stamp Act, 1899.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows: --

CHAPTER I:

PRELIMINARY

1. Short title -

This Act may be called the Registration and Other Related Laws (Amendment) Act, 2001.

CHAPTER II:

AMENDMENT OF THE REGISTRATION ACT, 1908

2. Insertion of new section 16A -

In the Registration Act, 1908 (16 of 1908) (hereafter in this Chapter referred to as the Registration Act), after section 16, the following section shall be inserted, namely: --

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

(2) Notwithstanding anything contained in this Act or in any other law for the time being in force, a copy or extracts from the books kept under 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."

3. Amendment of section 17 -

In section 17 of the Registration Act, --

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

"(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 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."

(b) in sub-section (2), in clause (v), for the opening words "any document", the words, brackets, figure and letter "any document other than the documents specified in sub-section (1A) shall be substituted.

4. Amendment of section 30 -

In section 30 of the Registration Act, sub-section (2) shall be omitted.

5. Insertion of new section 32A -

After section 32 of the Registration Act, the following section shall be inserted, namely: --

"32A. Compulsory affixing of photograph, etc. -- Every person presenting any document at the proper registration office under section 32 shall affix his passport size photograph and 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."

6. Amendment of section 49 -

In section 49 of the Registration Act, in the proviso, 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)" shall be omitted.

7. Amendment of section 52 -

In section 52 of the Registration Act, in sub-section (1), in clause (a), after the words "and place of presentation", the words, figures and letter "the photographs and fingerprints affixed under section 32A" shall be inserted.

8. Omission of section 67 -

Section 67 of the Registration Act shall be omitted.

9. Amendment of section 69 -

In section 69 of the Registration Act, in sub-section (1), after clause (a), the following clause shall be inserted, namely: --

"(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;"

CHAPTER III :

AMENDMENT OF THE TRANSFER OF PROPERTY ACT, 1882

10. Amendment of section 53A of Act 4 of 1882 -

In section 53A of the Transfer of Property Act, 1882, the words "the contract, though required to be registered, has not been registered, or," shall be omitted.

CHAPTER IV :

AMENDMENT OF THE INDIAN STAMP ACT, 1899

11. Amendment of Schedule 1 of Act 2 of 1899 -

In Schedule I to the Indian Stamp Act, 1899, --

(a) under column heading "Description of Instrument", in article No. 23, in Exemption, the portion beginning with the words "Assignment of Copyright" and ending with the word and figure "section 5." shall be numbered as clause (a) thereof, and after clause (a) as so numbered, the following clause shall be inserted, namely:--

"(b) for the purpose of this article, the portion of duty paid in respect of a document falling under article No. 23A shall be excluded while computing the duty payable in respect of a corresponding document relating to the completion of the transaction in any Union territory under this article.";

(b) after article No. 23 and the entries relating thereto, the following article No. and the entries shall be inserted, namely:--

Description of Instrument	Proper Stamp-duty
"23A. CONVEYANCE IN THE NATURE OF PART PERFORMANCE-- Contracts for the transfer of immovable property in the nature of part performance in any Union territory under section 53A of the Transfer of Property Act, 1882 (4 of 1882).	Ninety per cent, of the duty as a Conveyance (No. 23)."

12. Saving -

Notwithstanding anything contained in sections 6 and 10, any--

(a) right of a transferor or any person claiming under him debarred under section 53A of the Transfer of Property Act, 1882 (4 of 1882) immediately before the commencement of this Act shall remain so debarred as if section 10 had not come into force in respect-of such right; and

(b) unregistered document relating to the right referred to in clause (a) may be received as evidence of part performance of a contract for the purposes of section 53A of the Transfer of Property Act, 1882 (4 of 1882) as if section 6 had not come into force in respect of such document.
