



सत्यमेव जयते

THE REGISTRATION MANUAL ASSAM

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PREFACE

In exercise of the passing of the adaptation of Laws Order, 1950, it has been considered advisable to revise the Registration Manual, published in 1914.

In the new Manual, Chapter - I contains the Indian Registration Act, XVI of 1908 as amended by the Decentraization Act, IV of 1914, Act, XV of 1917, the Devolution Act, XXXVIII of 1920 and the Adaptation of Laws Order 1950, Chapter-II Statutory Orders and Rules and Executive Orders of the Governor, Chapter-III, the revised Rules under Section-69 which have the force of Law, Chapter-IV, the revised table of fees and Chapter-V Executive Instructions and Orders advantage has been taken of the opportunity to add short notes leased on important High Copurt Rulings and Executive Instructions and these have been arranged in accordance with the Sections of the Act and the Rules to which they relate. A full index has been added so facilitaes reference.

The Manual may be cited as the Assam Registration Manual, 2007, it supersedes the Manual of 1953.

It is requested that any errors or omission may be brought to the notice of the Inspector General of Registration.

Date - 23.08.2007

Place - Guwahati

Syed I. Hussain, IAS
Inspector general of Registration, Assam,
Rupnagar : Guwahati - 32

PREFACE

In pursuance of the provisions of the Assam Registration Act, 1914, the Registrar of Assam has prepared this Register of Assam, which is published in 1914. It contains the names of all the registered land in Assam, as of the 1st day of January 1914. The names of the registered land are arranged in accordance with the provisions of the Assam Registration Act, 1914, and the names of the registered land are arranged in accordance with the provisions of the Assam Registration Act, 1914. A full index has been added to facilitate reference.

The Assam Registration Act, 1914, is a law made by the Assam Legislative Council, and it is a law made by the Assam Legislative Council, and it is a law made by the Assam Legislative Council.

It is requested that any error or omission may be brought to the notice of the Registrar General of Assam.

Date - 23.08.2007
Place - Dispur

Syed I. Hussain, IAS
Registrar General of Assam
Registrar, Dispur - 781 001

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PHYSICS DEPARTMENT

MEMORANDUM

To: The Director of the Laboratory of Atomic Physics

From: The Laboratory of Atomic Physics

Subject: Report on the results of the experiment on the measurement of the fine structure constant.

Reference is made to the report of the Committee on the Fine Structure Constant.

The results of the experiment are summarized in the following table.

The results are in good agreement with the theoretical predictions.

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The Indian Registration Act, 1908

(XVI of 1908)

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THE INDIAN REGISTRATION ACT

(No. XVI of 1908)

Passed by the Governor General of India in Council
(Received the assent of the Governor General on the
18th December 1908).

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

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

PART - I

Preliminary

Short title
extent and
commence-
ment

1.(1) This Act may be called the Indian Registration Act, 1908.

(2) It extends to the whole of India except Part B States and except such districts or tracts of country as the State Government may exclude from its operation*.

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

Notes - By notification under Section 1(2) of the Indian Registration Act, 1908 (XVI of 1908), the undermentioned areas have been excluded from the operation of the said Act with effect from the 8th July, 1911 :-

(1) The United District of Mikir and North Cachar Hills except so much of the Barpathar and Sarupathar mauzas as are included within the district.

(2) The Lushai Hills District.

(3) The Dibrugarh Frontier Tract.

(4) The Naga Hills District.

*As amended by the Devolution Act XXXVIII of 1920 and the Adaptation of Laws Order, 1950.

(5) The Garo Hills District with the exception of the civil station of Tura.

(6) The United Khasi-Jaintia Hills District with the exceptions of (1) any areas for the time being comprised within the Cantonment and Municipality of Shillong and (2) the Jowai Sub-Division with the exception of the Bhoi, Nongphyllut and Narpuh Circles.

(Vide Notification No. LRG.55/48/69, dated the 10th March 1962)

Definitions

2. 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 an *Indian, his caste (if any) and 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 means 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) "immovale 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 anythings which is atyatched to the earth but not standing timber, growing crops nor grass ;

Notes.-(i) See also definition of immovable property under section 3. Transfer of Property Act IV of 1882, and section 5 of the General Clauses Act, 1897 (X of 1897).

(ii) It has been held that by the term "timber" is meant property such as trees as are fit to be used in building and repairing houses.

(I.L.R., Volume - XXIV, Bombay Series, page 31). "

(iii) A simple agreement to grow indigo or other produce without any transfer of land, actual or contingent should be registered in Book IV, and the fee charged under Article F of the Table of fees. But the existence of any provision which involves even a contingent transfer of land as a penalty for non-fulfilment of the contract will bring the deed within the scope of documents relating to immovable property, and the deed should be registered in Book I.

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

Note : (i) See definition of lease under section 105 of the Transfer of Property Act IV of 1882.

(ii) An undertaking to cultivate or occupy means an accepted undertaking giving to the lessee a right or interest in the things let (I. L. R., 3 Bom 21).

"Signaturer" and "signed" include and apply to the affixing of a mark ;

(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 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 ;

(11) "States" means all the territories for the time being comprised within Part A States and Part C States :

Note : (i) Under English Law majority is attained at twenty one Years, and the same age has been fixed by section 3 of the Indian Majority Act. in the case of minors under the Court of Wards, or of whose person or property a guardian has been appointed by a Court of Justice. The same section prescribes that "every other person domiciled in the States shall be deemed to have attained his majority when he shall have completed his age of eighteen years and not before". Under Section 3 of the Indian Succession Act X of 1865, also, majority is reached at eighteen.

(ii) A person made the guardian of a minor by his father's Will is not one appointed by a Court of Justice within the meaning of section 3, Act IX of 1875, even although he applies for an obtains probate of the Will from the Court. In such a case the minor attains majority on his completing the age of 18 years. (Jogesh Chandra Chakrabarti versus Umatarra Debi, 2, C. L. R., 577).

(iii) The appointment of a guardian *ad litem* is sufficient to make the minor party subject to section 3, Act IX of 1875, so far as it relates to the property is suit. (Suttya Ghosal versus Suttyanand Ghosal, I L. R., Cal. 388).

PART II

Of the Registration Establishment

Inspector
General of
Registration

3. (1) The *State Government shall appoint an officer to be the Inspector General of Registration for the territories subject to such Government :

Provided that the *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 *State Government appoints in this behalf.

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

4. Omitted (a)

Districts and
Sub-district

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

*Inserted by the Adaptation of Laws Order, 1950.

(a) (Vide Adaptation Order, 1937).

(2) The districts and sub-districts formed under the section.

together with the limits thereof, and every alteration of such limits, shall be notified in the (b) official Gazette.

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

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

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

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

8.(1) The *State Government may also appoint Officers to be called Inspectors of Registration offices, and may prescribe the duties of such Officers.

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

9. Ommited.*

(b) The word "local" omitted by the Adaptation Order, 1937.

*Vide Adaptation of Laws-Order, 1937 and 1950.

*Vide Adaptation of Laws-Order, 1950.

*Vide Adaptation of Laws-Order, 1950.

*Vide Repealing and Amending Act. (X of 1927), Schedule II

Absence of Registrar or vacancy in his office

10.(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 *State Government fill up the vacancy.

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

Absence of Registrar on duty in his district.

11. 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.

Absence of Sub-Registrar or vacancy in his office

12. Whenever 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 the vacancy is filled up.

Note : -When a Sub-Registrar at headquarters is absent, or his office is temporarily vacant, if the Registrar is unable to appoint a suitable substitute, he may himself assume charge of the Sub-Registrar office pending the return of the Sub-Registrar, or the appointment of a successor ; and in such cases the extra or additional fee chargeable for registration by a Registrar under Section 30 (I) and the table of fees shall not be charged upon registrations effected during the absence of the Sub Registrar.

Report of certain appointments and suspension and removal and dismissal of officers.

13. All appointments made under Section 10, section 11 or Section 12 shall be reported to the *State Government by the Inspector General.

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

(3) Cancelled.

*Vide Adptation of Laws Order, 1950.

*Vide Adptation of Laws Order of 1937 and 1950.

Remuneration and establishment of registering officers.

14. (1) Cancelled.

(2) The *State Government may allow proper establishments for the several office under this Act.

Seals of Registering Officers

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

Note : -The seal of District Registrars and Deputy Registrar made under Section 12 of Act XVI of 1864 (an Act for Registration of assurances repealed Act XX of 1866) shall be deemed to be seals of Registrars and Sub-Registrars under this Act. The Seal shall always remain in personal custody of the registering officer.

16. (1) The *State Government shall provide for the office of every registering officer the books necessary for the purposes of the Act.

Register books and fire-proof boxes.

Note : -See also Section 51.

(2) The books so provided shall contain the forms from time to time prescribed by the Inspector General, with the sanction of the *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 *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.

16.-A. Keeping of books in Computer floppies and diskettes, etc.-

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

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

Note : -The safes in which sealed covers are disposed should be built into the wall of the registration office or, with the Collector's permission, of the treasury.

*Vide Adptation of Laws Order of 1937.

*Vide Adptation of Laws Order 1950.

*Vide Adptation of Laws Order 1950.

*Vide Adptation of Laws Order 1950.

PART III

Of the Registrable Documents

Documents
of which regi-
stration is
compulsory
XX of 1866
VII of 1871
III of 1873

17.(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 any term exceeding one year, or reserving a yearly rent ;
- (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 *State Government may, by order published in the *official Gazette, exempt from the operation of this sub-section any leases executed in any district, or part of a district, the terms granted by which do not exceed five years and the annual rents reserved by which do not exceed fifty rupees.

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

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

- (i) any composition-deed ; or
- (ii) any instrument relating to shares in a joint Stock Company, notwithstanding that the assets of such Company consist in whole or in part of immovable property ; or
- (iii) any debenture issued by any such Company and not creating, declaring, assigning, limiting or extinguishing any right, title or interest to or in immovable property except in so far as it entitle 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) any document 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 extinguishing any such right, title or interest ; or

- (vi) any decree or order of a Court* 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 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 Loans Act, 1871, or the Land Improvement Loans Act, 1883 ; or

XXVI of 1871.
XIX of 1883.

Note : (i) All instrument of gifts of immovable property of any value must be registered. (*Protona Kolita Versus Mothea Kolita*. II W. R. 334).

(ii) It has been held in the suit *Winterscale versus Gopal Chandra Seal* (3 B. L. R. O. C. 90) that a deed by which a defendant covenanted to pay a monthly sum "for the use and hire of machinery sheds and a bungalow". is one relating to immovable property. Documents of this class should therefore be registered in Book I.

(iii) The consideration mentioned in a deed of sale is to be taken as the value of the interest conveyed for registration purposes (*Rohini Debia versus Shib Chander Chatterjee*, 15 W.R. 558 *vesudev Moreshawar Vesudev Rama Babaji*, II Bom. H.C.A. C. 149).

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

XII of 1884.

(xi) any endroement 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.

(*Inserted by the Transfer of property (Amendment) supply Act. XXI of 1929)

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

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

Documents of which registration is optional.

18. 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) instrument 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 ;

(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.

Note : (i) - The necessity for registration must be determined by the value of the consideration stated in the deed and not by the actual market value of the property. [Rohinee Debia *versus* Shib Chander Chatarjee (15 W. R. 558).]

- (ii) It is no part of the duty of a registering officer to give decisions or advice as to whether the registration of a document is compulsory or optional, and they should refrain from doing so.

Documents in language not understood by registering officer.

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

Documents containing interlineations, blanks erasures or alterations.

20.(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, blanks 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.

Note : (i) Refusal by the executing party to initial an apparent alteration not materially affecting the instrument, unaccompanied by any suggestion that the alteration was improperly made after execution, does not render the document non-registerable. [In the matter of the petition of Venkatasami Naik (I.L.R. 4 Mad. 101)].

Description of property and maps or plans.

21.(1) No nontestamentary document relating to immovable property shall be accepted for registration unless it contains a description of such property sufficient to identify the same.

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

(3) Other houses and lands shall be described by their name, if any, and as being in the territorial division in which they are situate, and by their superficial contents, the roads and other properties on which the contents, 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.

Note : Where two instruments are contained in the same paper and relate to the same property, it is not a sufficient ground for refusing registration that in one of the documents the property is described only by reference to the other. (I.L.R. 4 Mad. 101).

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

22.(1) Where it is in the opinion of the *State Government, practicable to describe houses not being houses in towns, and lands by reference to the Government map or survey, the *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 documents to be registered if the description of the property to which it relates is sufficient to identify that property.

Notes : (i) When any question arises under the Registration Act as to the nature and effect of any instrument, or the sufficiency of any description contained in it, the Court must endevour to gather from the words used the intention of the parties and give effect to it, and not require as a condition of registration that the instrument must be drawn up in technical language. (I.L.R.4 Mad. 101)

(ii) If the description of the property in the instrument is sufficient to identify it, the fact that the description of the parcels therein does not specify the registration district or sub-district or division or village in which the property is situated or the former occupancy, is not alone sufficient to disentitle the instrument to registration. (4 Mad. H. C. 91).

PART IV**Of the time of presentation**

Time for
dresenting
documents.

23. Subject to the provisions contained in Sections 24, 25, and 26, no documents 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 be comes final.

*23A. 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 claming under such documents 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 had not been previously registred, and as if such presentation for re-registration was 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 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 :

[*Inserted by the Section 2 of the Indian Registration (Ammendment) Act of 1917].

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.

Documents
executed by
several per-
sons at diffe-
rent time

24. 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.

Notes.-(i) The registration of a document is not valid if it was presented for registration after the period allowed by sections 23 to 26 (Punjab L. R. 21 of 1900).

(ii) In calculating the periods under sections 23 to 26 the day on which the document was executed should be excluded, *vide* section 9(i) of Act X of 1897.

(iii) When a document has been presented under this section the executant must appear to admit execution within four months from the date of execution, and on his failure to do so, the Sub-Registrar must, immediately after the expiration of the four months, record a formal order of refusal to register, leaving it to the parties to appeal to the Registrar under section 72. Notwithstanding the executant's failure to appear, however, the Sub-Registrar should not record an order refusing registration if the person presenting the document has, before the expiration of four months from the date of execution, taken proceedings under section 36 to procure the appearance of the executant, but in that case he shall report the matter to the Registrar for orders at the end of the four months. Both in this case and in the case of an appeal under section 72, the Registrar shall not pass an order granting an extension of time or directing the Sub-Registrar to register the document, unless it is shown that the executant had not appeared owing to urgent necessity or unavoidable accident. In both cases, also, if he passes such an order, a fine must be imposed under section 34 and the document may be registered at any time within eight months from the date of execution, as such an order is equivalent to the grant of a delay of four months for appearance. If after this order the executant does not appear within the eight months allowed, the Sub-Registrar must record a formal refusal to register, immediately after the expiration of that period. No document presented under section 23 can, under any circumstances, be kept pending after eight months, as the presentation having been made within the ordinary time, only an additional four months can be granted for the appearance of the executant.

Provision
where delay
in presenta-
tion is un-
avoidable

25. (1) If, owing to urgent necessity or unavoidable accident, any document executed, or copy of a decree or order made, in the *States 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.

Notes - (i) Under the provisions of this section a document may be admitted to registration if presented within eight months of the date of execution and on payment of the prescribed penalty. If the executant fails to appear and admit execution within the eight months aforesaid, on special cause being shown, and on payment of a further penalty, an additional extension of four months may be allowed under section 34, for the appearance of the executant. The two extensions are quite distinct and are granted for different purposes and at different stages in the procedure of registration. No document presented under this section can remain pending for more than twelve months from the date of execution. The instructions given in the note to section 24 regarding extensions under section 34 apply *mutatis mutandis* to similar extensions granted in the case of documents presented under this section.

(ii) It is unnecessary for a Special Sub-Registrar to make a report to the Registrar under section 25 or 34 since he has been vested with the powers of a Registrar.

Documents
executed out
of the States

26. When a document purporting to have been executed by all or any of the parties out of the *States is not presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, the registering officer, if satisfied-

(a) that the instrument was so executed, and

(b) that it has been presented for registration within four months after its arrival in the *States,

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

Note.—The instructions regarding documents presented under section 24 given in the note to that section apply also to documents presented under section 26 with this exception only, that the first period of four months and the extended period of eight months are reckoned from the date of the arrival of such documents in the States and not from the date of their execution. These documents can, under no circumstances, remain pending beyond eight months from the date of their arrival in the States. In the case of a document executed by some of the parties in and by others out of the States the person presenting the document may proceed, at his option under section 24 or section 25 instead of section 26, and if he does so, the provisions of and the instructions in the notes to those sections shall apply.

Wills may be presented or deposited at any time.

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

PART V

Of the place of registration

Place for registering documents relating to land

28. Save as in this Part otherwise provided, every document mentioned in section 17, sub-section (1), clauses (a), (b), (c) and (d), and section 13, clauses (a), (b) and (c), 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.

Notes.—(i) The words “some portion of the property” are not to be read as meaning some substantial portion of the property. (*Hari Ram Versus Sheodayal Mal*, 1. L. R. II. All. 136, reversing the decision of the High Court in *Sheodayal Mal Versus Hari Ram*, 1. L. R. 7, All. 590). This ruling was confirmed on appeal to the Privy Council. (L. R. 16, T. A. 12).

(ii) Registering Officers must be on their guard against the fraudulent insertion of fictitious parcels of land in documents relating to property no part of which lies within the local jurisdiction of the office.

(iii) Where the property is situated partly in the States and partly in a Part B State, the document may be registered in the district of India other than Part B State in which part of the property lies. (1. L. R. 25: Born.. 350).

Place for
registering
other docu-
ments.

29. (1) Every document other than a document referred to in section 28, and a copy of a decree or order; may be presented for registration either in the office of the Sub-Registrar in whose sub-district the document was executed, or in the office of any other Sub-Registrar under the *State Government at which all the persons executing and claiming under the document desire the same to be registered.

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

Registration
by Registrars
in certain
cases.

30. Any Registrar may in his discretion receive and register any document which might be registered by any Sub-Registrar subordinate to him.

Registration
or accep-
tance for de-
posit at pri-
vate resi-
dence.

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

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

(*I'de Adaptation of Laws Order, 1950).

[t*andLahore district* omitted by Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.]

19 PART VI

Or presenting documents for registration

Persons to
present docu-
ments for
registration.

32. Except in the cases mentioned in section 31 and section 89, every document to be registered under this Act, whether such registration be compulsory or optional, shall be presented at the proper registration office-

- (a) by some person executing or claiming under the same, or, in the case of a copy of a decree or order, claiming under the decree or order, or
- (b) by the representative or assign of such person, or
- (c) by the agent of such person, representative or assign duly authorized by power-of-attorney executed and authenticated in manner hereinafter mentioned.

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

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

Powers-of-
attorney
recognisable
for purposes
of section 32.

33. (1) For the purposes of section 32, the following powers-of-attorney shall alone be recognised, namely :-

- (a) if the principal at the time of executing the power-of-attorney resides in any part of the *States 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 resides in any other part of "the *States, a power of-attorney executed before and authenticated by any Magistrate;
- (c) If the principal at the time aforesaid does not reside in the *States, a power-of-attorney executed before and authenticated by a Notary Public, or any Court, Judge, Magistrate, * Indian Consul or Vice Consul, or representative * of the Government of India :

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.

Notes.—(i) For power to appoint Notaries Public, see the Negotiable Instruments Act, 1881 (XXVI of 1881), s. 138.

(ii) The following persons are exempt by law, vide sections 132 and 133 (1) and (3) of the Civil Procedure Code reproduced below :-

“132. (1) Women who, according to the customs and manners of the country, ought not to be compelled to appear in public shall be exempt from personal appearance in Court.

(2) Nothing herein contained shall be deemed to exempt such women from arrest in execution of civil process in any case in which the arrest of women is not prohibited by this Code.

133. (1) The State Government may, by notification in the official Gazette, exempt from personal appearance in Court any person whose rank, in the opinion of such Government, entitle him to the privilege of exemption.

* * * * *

(3) Where any person so exempted claims the privilege of such exemption and it is consequently necessary to examine him by commission, he shall pay the costs of that commission, unless the party requiring his evidence pays such cost.”

(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.

No/e.-Clause (c) of this section provides that powers executed out of the States shall be "executed before and authenticated by a Notary Public, etc."

Powers which are authenticated by Notaries upon the affidavit of third parties, in the absence of the principals, should not therefore be recognised for purposes of registration by a registering officer.

Enquiry
before regi-
stration by
registering
officer.

34. (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.

Notes.-(i) See notes to sections 24 to 26. All pending documents in respect of which extensions of time have been granted under this section must be refused registration after eight months from the date of execution if presented under section 23, after twelve months if presented under section 25 and after eight months from the date of arrival in India if presented under section 26.

(ii) In order to establish the identity of persons appearing before him, the registering officer shall require the best testimony procurable. The testimony of persons known to himself, or of persons in a public position such as zamindars, Court officials, pleaders, etc ; is better than that of unknown and obscure persons.

Registering officers should be very cautious in accepting the testimony and statements of so-called Mukhtears, who are not enrolled as such, when appearing before them for purpose of identifying persons.

It is not sufficient for the registering officer to record the statement of any witness the parties may chose to produce. He must satisfy himself that the witness is really acquainted with the person or persons whom he is produced to identify. The identifier may be asked to state the name of the person to be identified, and also whether he is really the person that he professes himself to be.

(iii) When a document is presented for registration by a person claiming to be the representative or agent of the person who executed (signed) the said document, the registering officer is required under sub-section (c) to satisfy himself of the right of the person presenting the document to appear as such representative or agent. When a document has been executed by the guardian of a minor or by an attorney on behalf of the principal, in the former case if the guardian, and in the latter if the attorney himself appears, the registering officer is not required to satisfy himself of their right to do so, because they appear as executants.

(iv) A Sub-Registrar acting under this section is not a Court within the meaning of section 195 of the Code of Criminal Procedure (I. L. R. 11, Mad.3).

Procedure on admission and denial of execution, respectively

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

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

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

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

(3) (a) If any person by whom the document purports to be executed deny 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 :

* Provided further that the State Government, may by notification in the 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.

Notes —(i) If the executant admits execution but objects to registration the deed must be registered. (*Magon Malle v. Dolla Gazee*, 19 W. R. 198).

(ii) A registering officer has no power to refuse registration of a deed on the ground that the full consideration therein mentioned has not been paid. His duty is, when the parties appear in person before him, simply to ascertain whether the deed has been executed by the persons by whom it purports to have been executed. (In the matter of *Brindaban Chandra Shaw and Novdeep Chandra Shaw*, I.B.L.R.O.47).

* The portion was inserted by the Indian Registration (Amendment Act XIII of 1926.

(iii) The object of section 35, which directs the registering officer to refuse to register a document if the person by whom it purports to be executed appears to be a minor, is that if the registration authorities refuse to register on the ground, the question of minority may at once be brought into a Civil case and determined; (*Chunee Mall Johury v. Brojonath Roy Chaudhury*, I. L. R. 8, Cal. 967) : When making such an order a registering officer should record that the person "appears to be a minor".

(iv) Refusal to admit execution of a document and wilful refusal or neglect to attend and admit execution are tantamount to denial of execution. (*Kissen Roura Dakna v. Chunee Lal Dutta*, I. L. R. 5, Cal. 445).

(v) Notwithstanding that a document has been duly presented and the endorsement prescribed by rule 37 recorded thereon, such document shall not be registered if

(a) the executant denies execution thereof ;

N.B.-It has been held by the High Court of Calcutta (*Debendra Nath Sanyal versus Chandra Kishor Munai* decided in 1894 by Norris and Banerjee, J.J.) that "execution" means voluntary execution. If, therefore, a person, while admitting execution of a document, alleges that he was forced to execute it against his will, registration should be refused ;

(b) the executant fails to appear and admit execution thereof ;

(c) the person by whom such document purports to have been executed be dead and his representative or assign denies execution thereof ;

(d) the person purporting to have executed such document appears to be a minor, an idiot or a lunatic ;

(e) the registering officer be not satisfied of the identity of the person appearing before him alleging that he executed such document ;

(f) the registering officer be not satisfied as to the truth of the allegation that the person who executed the document is dead ;

(g) the person who purports to be a representative or assign of deceased executant has failed to prove his status;

(h) or if a power-of-attorney produced by an agent who appears to admit execution of such document does not comply with the provisions of section 33, or is otherwise defective:

Provided that a document executed by several persons shall not be refused registration merely by reason of one or more of the executants denying execution or appearing to be minors, idiots or lunatics or being dead ; but shall be registered in respect of any of the other parties, who admit execution, save as otherwise provided in rule 70.

PART VII

Of enforcing the appearance of executants and witnesses

Procedure on where appearance of executant or witness is desired.

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

Officer or Court to issue and cause service of summons.

37. The officer or Court, upon receipt of the person'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.

Persons exempt from appearance at registration office.

38. (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

(Vide Adaptation of Laws Order, 1950).

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

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

Note.-As to persons exempted by law, see note to section 33.

Law as to
summonses
commissions
and wit-
nesses.

39. 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.

Note.-A Commissioner may examine witnesses in the same manner as a registering officer, and persons refusing to give testimony to a Commissioner, on being required to do so, are subject to the penalties and punishment to which they would be liable for the same offence if committed in a registration office.

PART VIII

Of presenting wills and authorities to adopt

Persons
entitled to
present wills
and autho-
rities to
adopt.

40. (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.

Registration
of wills and
authorities
to adopt.

41. (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.

Note.-A Sub-Registrar acting under this section is a Court within the meaning of section 195 of the Code of Criminal Procedure. (in the matter of Venkata Chala Pillai, I. L. R. 10. Mad. 154).

PART IX

Of the deposit of wills

Deposit of wills.

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

Note.-Section 259 of the Indian Succession Act runs as follows :

“Every District Judge or District Delegate shall file and preserve all original wills of which probate or letters of administration with the will annexed may be granted by him among the records of his Court until some public registry for wills is established and the State Government shall make regulation for the preservation and inspection of the wills so filed as aforesaid”.

Procedure on deposit of wills.

43. (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.

Withdrawal of sealed cover deposited under section 42.

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

Proceedings on death of depositor.

45. (i) If on the death of a testator who has deposited a sealed cover under section 42, application is 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.

(ii) When such copy has been made, the Registrar shall redeposit the original will.

Saving of certain enactments and powers of court. X of 1865.

46. (i) Nothing hereinbefore contained shall effect 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.

(ii) 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.

PART X

Of the effects of registration and non-registration

Time from which registered documents operate.

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

Registered documents relating to property when to take effect against oral agreements.

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

[Inserted by the transfer of property (amendment) Supply Act (XXI) of 1929

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

Effects of non registration of documents required to be registered

49. No document required by section 17 (or by 1 any provision of the Transfer of Property Act, 1882) to be registered shall :-

(a) effect 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. *Provided that an unregistered document affecting immovable property and required by this Act or the Transfer of Property Act, 1882, to be registered may be received as evidence of a contract in a suit for specific performance under Chapter II of the Specific Relief Act, 1877, or as evidence of part performance of a contract for the purposes of section 53A of the Transfer of Property Act, 1882, or as evidence of any collateral transaction not required to be effected by registered instrument.

[Inserted by the transfer of property (Amendment) Supply Act (XXI of 1929)]

Certain registered documents relating to land to take effect against unregistered documents.

50. (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), 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.

XX of 1866

Explanation :— In cases where Act No. XVI of 1864) or the Indian Registration Act, 1806, 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, VIII of 1871, or the Indian Registration Act, 1877, or this Act.

VIII of 1871

III of 1877

PART XI

Of the duties and powers of registering officers

(A) *As to the Register Books and indexes*

Register-
books to be
kept in the
several
offices.

51. (1) The following books shall be kept in the several offices hereinafter made, namely ;

A -In all registratirm 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 Registrar-

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 l).as been amalgamated with the office of a Sub-Registrar. ..

Notes. - A Registrar or a Special Sub-Registrar hearing an appeal under section 73 when refusing to register or to direct the registration of a document should, like a Suo-Registrar, record his reason for refusal in Book N 0.21. Every Registrar should therefore maintain a Book No.2 distinct from that used by the Special Sub-Registrar for recording orders of refusal in respect of documents relating to property situated in the Sadr sub.district presented at the Sadr Office.

Duties of registering officers when document is presented.

52. (1) (a) The day, hour and place of presentation 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 therefor 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.

Note.-Documents appertaining to Book 1 should not be given precedence of documents in Book 3 or 4, or *vice versa*, nor should short documents be copied before long documents previously presented, but all documents must be copied in rotation in the order in which they have been serially numbered in column 1 of the Free Book, irrespective of their length or of the Book to which they appertain. There will be no difficulty whatever in observing this rule, provided that a sufficient number of volumes of each Register Book are simultaneously in use.

Entries to be numbered consecutively.

53. 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.

Current indexes and entries therein.

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 occupied, or filed a memorandum of the document to which it relates.

Indexes to be made by registering officers and their contents.

55. (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 documents entered or memorandum filed in Book No. I.

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

(4) Index No. III shall contain the names and additions of all persons executing every will and authority entered in Book No.3 and of the executors and persons respectively appointed 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.

Note.-Until further orders it has been decided that duplicate indexes will be prepared and sent to Sadr.

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

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

56. *Cancelled.

Registering officers to allow inspection of certain books & indexes and to give certified copies of entries.

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

(2) Subject to the same provisions, copies of entries in Book No.3 and in the Index relating thereto shall be given to 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 Office and shall be admissible for the purpose of proving the contents of the original documents.

(B) As to the procedure on admitting 10 Registration.

Particulars to be endorsed on documents admitted to registration.

58. (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.

Vote.- The omission of a person admitting execution either on his own behalf or on that of a deceased person to endorse his signature on the document does not invalidate the registration of the document.

(Man Bhario Naunidh, 1. L. R. 4. All. 40).

59. The Registering Officer shall affix the date and his signature to all endorsements made under Sections 52 and 58, relating to the same document and made in his presence on the same day.

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

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

Endorsements to be dated and signed by registering officer.

Certificate of registration.

Endorsements and certificate to be copied and document returned.

61. (1) The endorsements and certificate referred to and mentioned in Sections 59 and 60 shall there-upon 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.

Procedure on presenting document in language unknown to registering officer.

62. (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.

Power to administer oaths and record of substance of statements.

63., (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 there recorded were made by the persons and under the circumstances therein stated.

(C) Special- duties of Sub-Registrar

Procedure where document relates to land in several sub-districts.

64. Every Sub-Registrar 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.

Procedure where document relates to land in several district.

65. (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 for: ward a memorandum of the document to each of the Sub-Registrars subordinate to him within whose sub-district any part of such property is situate : and every Sub-Registrar receiving such memorandum shall file it in his Book No.1.

(D) Special Dutise of Registrar

Procedure after registration of documents relating land.

66. (1) On registering any non-testamentary document relating to immovable property, the Registrar shall forward a memorandum of snch 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-Registrar subordinate to him within whose sub-district any part of the property is situatc.

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

Procedure
after registration under
section 39,
Sub-section
(2)

67. On any document being registered under Section 30, sub-section (2), a copy of such document and of the endorsements and certificate thereon shall be forwarded to every Registrar within whose district any part of the property to which the instrument relates is situate, and the Registrar receiving such copy shall follow the procedure prescribed for him in Section 66, sub-section (1).

*(E) Of the Controlling Powers of Registrars and
Inspectors General.*

Power of
Registrar to
superintend
and control
Sub-Registrars.

68. (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.

Power of
Inspector
General to
superintend
registration
office and
make rules.

69. (1) The Inspector General shall exercise general superintendence over all the registration offices in the territories under the * State Government, and shall have power from time to time to make rules consistent with this Act :-

- (a) providing for the safe custody of book, papers and documents;
- (b) declaring what languages 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 ;

*Vide Adaptation of Laws, Order, 1950.

† "and also..... kept" omitted by Section 6 of the Destruction of Records Act (V of 1917).

- (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 ;
- (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 *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.

Power of Inspector General to remit fines.

70. The Inspector General may also in exercise of his discretion, remit wholly or, in part the difference between any fine levied under Section 25 or Section 34, and the amount of the proper registration fee.

PART XII

Of Refusal to Register

Reasons or refusal to register to be recorded.

71. (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 reasons so recorded.

2. No Registering Officer shall except for registration a document so endorsed, unless and until, under the provisions hereinafter contained, the document is directed to be registered.

*Vide Adaptation of Laws, Order, 1950.

Appeal to Registrar from orders of Sub-Registrar refusing registration on ground other than denial of execution.

72. (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.

Note.-In an appeal under Section 72 against an order refusing registration for simple non-appearance, the Registrar or Special Sub-Registrar can only enquire into the fact of nonappearance within the prescribed time. He cannot take evidence of the fact of execution as he can in an application under Section 73.

Application to Registrar where Sub-Registrar refuses to register on ground of denial of execution.

73. (1) When a Sub-Registrar has refused to register a document on the ground that any person by whom it purports to be executed, or his representative or assign, denies its execution, any person claiming under such document, or his representative, assign or agent authorised as aforesaid, may, within thirty days after the making of the order of refusal, apply to the Registrar to whom such Sub-Registrar is subordinate in order to establish his right to have the document registered

(2) Such application shall be in writing and shall be accompanied by a copy of the reasons recorded under Section 71, and the statements in the application shall be verified by the applicant in manner required by law for the verification of plaints.

Notes.-See note (iv) to Section 35.

Procedure of Registrar on such application.

74. 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.

Order by Registrar to register and procedure thereon.

75. (1) If the Registrar finds that the document has been executed and that the said requirements have been complied with, he shall order the document to be registered.

(2) If the document is duly presented for registration within thirty days after the making of such order, the Registering Officer shall obey the same and thereupon shall, so far as may be practicable, follow the procedure prescribed in Sections 58, 59 and 60.

(3) Such registration shall take effect as if the document had been registered when it was first duly presented for registration.

(4) The Registrar may, for the purpose of any enquiry under Section 74, summon and enforce the attendance of witnesses, and compel them to give evidence as if he were a Civil Court, and he may also direct by whom the whole or any part of the costs of any such enquiry shall be paid, and such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure, 1908 (V of 1908).

Order of refusal by Registrar.

76. (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.

Suit in case of order of refusal by Registrar.

77. (1) Where the Registrar refuses to order the document to be registered, under Section 72 or Section 76, any person claiming under such document, or his representative, assign or agent, may, within thirty days after the making of the order or refusal, institute in the Civil Court, within the local limits of whose original jurisdiction is situate the office in which the document is sought to be registered, a suit for a decree directing the document to be registered in such office if it be duly presented for registration within thirty days after the passing of such decree.

(2) The provisions contained in sub-sections (2) and (3) of Section 75 shall, *mutatis mutandis* apply to all documents presented for registration in accordance with any such decree, and, notwithstanding anything contained in this Act, the document shall be receivable in evidence in such suit.

Notes.-(i) The expression "making: of an order" in this section means not merely recording the order of refusal in writing, but communicating it to the party concerned so as to bind him by it. Hence a suit brought under the provisions of this section for a decree directing a document to be -registered may be filed within thirty days of the date on which the order of refusal was communicated to the party concerned (I. L. R. 28. Bombay 8). Registering Officers are, therefore, directed to communicate to the parties concerned orders of refusal, and to make a note in Book 2 of the fact that this has been done, adding the date on which the order was so communicated.

(ii) A petition from a person who does not appear on the face of the document to be a person claiming under it cannot be entertained under this section (I. L. R. 1, All. 318).

PART XIII

Of the fee for registration, searches and copies

Fees to be
fixed by State
Government.

78. †The *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 *State Government necessary to effect the purposes of this Act.

Publication
of fees.

79. 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.

Fees payable
on presenta-
tion.

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

†The words "Subject to..... Council" omitted by the Devolution Act (XXXVIII of 1920).

*Vide the Adaptation of Laws Order, 1950,

PART XIV

Of penalties

Penalty for incorrectly endorsing, copying, translating or registering documents with intent to injure.

81. Every registering officer appointed under this Act (XIV of 1860) 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 to any person, shall be punishable with imprisonment for a term which may extend to seven years or with fine, or with both.

Penalty for making false statements, delivering false copies or translations, false personation and abetment.

82. Whoever-

- (a) intentionally makes any false statement, whether on oath or not, and whether it has been recorded or not, before any officer acting in execution of this Act, in any proceeding or inquiry under this Act.; or
- (b) intentionally delivers to a registering officer, in any proceeding under section 19 or section 21, a false copy or translation of a document, or a false copy of a map or plan; or
- (c) falsely personates another, and in such assumed character presents any document, or makes any admission or statement, or causes any summons or commission to be issued, or does any other act in any proceeding or enquiry under this Act; or
- (d) abets anything made punishable by this Act; shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

Notes :-(i) It is not necessary that sanction should be given before instituting a suit under this section. (Gopi Nath v. Kuldip Singh, I. L. R. II, Cal. 566).

(ii) An enquiry made by the clerk of a registry office with a view to ascertain whether the person *who* brings a receipt to take back a document, which could not be returned in the first instance, is the person in whose possession the receipt ought to be, is an enquiry within the meaning of section 80 of the Registration Act (VIII of 1871), which corresponds with this section (in *re*: the petition of Ban wary Poddar, 23 W. R. Cr. 55).

(iii) When the date of a document which would otherwise not have been presented for registration within the prescribed time, has been "altered for the purpose of securing its registration, an offence under clause (b) of this section has not been committed since there is nothing to *show* that the alteration was made "dishonestly" or "fraudulently" within the meaning of clause 2, section 464 of the Indian Penal Code. A person *who* makes such an alteration should therefore be prosecuted for fabricating false evidence under section 192 of the Indian Penal Code (I. L. R. 6, Cal. 482).

Registering officer may commence prosecutions.

83. (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, 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.

Note. - "For a prosecution under section 82 no sanction or permission is necessary. The Sub-Registrar must make a formal complaint under section 195 of the Criminal Procedure Code, but it is not required to appear in person before the Criminal Court in order to institute the prosecution, since he is a public servant and as such has authority to apply in writing for a prosecution in such cases.

When a prosecution has been instituted by a Sub-Registrar, he should report his action to the Registrar of the district.

No prosecution for an offence under the Indian Penal Code should be instituted without the permission of the Registrar of the district.

Registering officers to be deemed public servants.

84. (1) Every registering officer appointed under this Act (XLV of 1860) shall be deemed to be a public servant within the meaning of the Indian Penal Code.

(Their words "the Branch Inspector General of Sindh" omitted by Adaptation Order of 1937.

(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, the words "judicial proceeding" shall be deemed to include any proceeding under this Act.

Note.-As a Sub-Registrar is not a court, no sanction is necessary from him to instituting a prosecution for forgery. (Queen Empress v. Sub be, I. L. R. 11, Mad. 3; Queen Empress v. Tulja, I. L. R. 12, Bom. 36).

PART XV Miscellaneous

Destruction of unclaimed documents.

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

Registering officer not liable for think bonafide done or refused in his official capacity

86. 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.

Nothing so done invalidated by defect in appointment or procedure.

87. 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.

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

88. (1) Notwithstanding anything herein contained, it shall not be necessary for any officer of Government, or for the Administrator-General of *West Bengal, Madras or Bombay, or for any Official Trustee, or Official Assignee, or for the Sheriff, Receiver or Registrar of a High Court, to appear in person or by agent at any registration-office in any proceeding connected with the registration of any instrument executed by him in his official capacity, or to sign as provided in section 58.

(2) Where any instrument is so executed, the Registering officer to whom such instrument is presented for registration may, if he thinks fit, refer to any Secretary to Government or to such officer of Government, Administrator-General, Official Trustee, Official Assignee, Sheriff, Receiver or Registrar, as the case may be, for information respecting the same and, on being satisfied of the execution thereof, shall register the instrument.

Copies of certain orders, certificates and instruments to be sent to Registering officers and filed.

89. (1) Every officer granting a loan under the Land Improvement Loans Act, 1883 (XIX of 1883) shall send a copy of his order to the registering officer within the local limits of whose jurisdiction the whole or any part of the land to be improved or 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, (V of 1908) shall send a copy of such certificate to the registering officer within the local limits of whose jurisdiction the whole or any part of the 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 (XII of 1884) shall send a copy of any instrument whereby immovable property is mortgaged for the purpose of securing the repayment of the loan, and, if any such property is mortgaged for the same purpose in the order granting the loan, a copy also 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 property comprised in the certificate is situate, and such officer shall file the copy in his Book No.1.

Exemptions From Act

Exemption of certain documents executed by, or in favour of Government.

90.(1) Nothing contained in this Act or in the Indian Registration Act, 1877 (III of 1877) or in any Indian Registration Act, 1871 (VIII 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 of settlement of land revenue, and which form part of the records of such settlement; or

- (b) documents and maps issued, received or authenticated by any officer engaged on behalf of Government in making or revising the survey of any land, and which form part of the record of such survey; or
- (c) documents which, under any law for the time being in force, are filed periodically in any revenue office by patwaris or other officer charged with the preparation of village-records; or
- (d) "sanads, in am 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 (Bom. V of 1879) of 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 4-9, be deemed to have been and to be registered in accordance with the provisions of this Act.

Inspection
and copies
of such
documents.

91. Subject to such rules and the previous payment of such fees as the *State Government 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.

Burmese
registration
rules confir-
med.
III of 1877.

92. Cancelled †.

REPEALS

Repeals.

93. (1) The enactments mentioned in the schedule are repealed to the extent specified in the fourth column thereof.

(2) Nothing herein contained shall be deemed to affect any provision of any enactment in force in any part of the *States and not hereby expressly repealed.

(*Vide the Adaptation of Laws Order, 1950).

(†Vide Adaptation Order, 1937).

THE SCHEDULE
Repeal of Enactments
(See Section 93)

Year	No.	Short title	Extent of repeal
1877	III	The Indian Registration Act, 1877	The whole
1879	XII	The Registration and Limitation Acts Amendment, Act, 1879.	So much as is unrepealed.
1883	XIX	The Land Improvement Loans Act, 1883.	So much of section 12 as is unrepealed.
1886	VII	The Indian Registration Act, 1886	The whole
1883	VII	The Civil Procedure Code Amendment Act, 1888.	So much as is unrepealed.
1891	XII	The Amending Act, 1891	In the second Schedule the entries relating to Act III of 1877.
1899	XVII	The Indian Registration Amendment Act, 1899.	The whole

CHAPTER II

ORDERS OF THE GOVERNOR

PART I

Statutory Orders

Registration district.

1. Every officer in executive charge of a district, whether permanent or acting, shall be the Registrar of the district for the purposes of section 6 of the Indian Registration Act, 1908 (Act XVI of 1908), and every executive district now existing, or that may hereafter be formed and to which the said Act has been extended, shall be deemed to be a registration district for the purposes of section 5 of that Act.

Registration sub-district.

2. The sub-districts now existing or that may here after be formed by notification in the official Gazette shall be deemed to be sub-districts for the purposes of section 5 of the Indian Registration Act, 1908 (Act of XVI of 1908).

Special Sub-Registrars, Ex-officio Sub-Registrars and whole-time Sub-Registrars at head quarters vested with the powers of a District Registrar.

3. All Special Sub-Registrars, *ex-officio* Sub-Registrars and other whole-time Sub-Registrars at the headquarters of districts whose office is amalgamated with the office of the Registrar are authorised to exercise and perform the duties of the Registrar as below :-

Special Sub-Registrars.-All duties of Registrars except those under section 68.

Other whole-time Sub-Registrars.-All duties of Registrars except those under sections 68 and 72.

Ex-officio Sub-Registrars.-All duties of Registrars except those under section 68 and Part XII :

Provided that they are prohibited from dealing with applications and appeals against their own orders of refusal.

Report of temporary appointment.

4. All appointments made under sections 10, 11 and 12 shall be reported to the State Government half-yearly, in half-yearly returns, by the Inspector General.

Issue of summons.

5. The Governor is pleased to direct that the summons referred to in section 36 of the Indian Registration Act, 1908 (Act XVI of 1908), shall be issued by a revenue officer; provided that when a Sub-Registrar's office and a Munsif's court are located in the same place, and there is no Revenue Officer, there the summons shall be issued by the Munsif.

Exemption of the Postal Department from registration.

6. All leases executed for house in the occupation of the Indian Postal Department in the State of Assam, the terms granted by which do not exceed five years and the annul rents reserved by which do not exceed Rs.50 are exempt from the operation of clause 1 (d) of section 17 of the Indian Registration Act, 1908 (Act XVI of 1908), that is, from compulsory Registration.

D. C. DAS,

for Secy. to the Govt. of Assam,
L. S. G. Deptt.

CHAPTER II

PART I-A

1. **Statutory rules.**- In all areas in which a cadastral survey has been made, and a record of rights has been prepared under the authority of the Government, houses, not being houses in towns, and lands shall be described for the purposes of section 21 of the Indian Registration Act, 1908 (Act XVI of 1908), by reference to the detailed map of records prepared in the course of those operations.

Note. In areas in which a survey has been made and a record-of-rights prepared, Sub-Registrars should refuse registration of any document which does not contain the particulars prescribed in the above note.

2. **Maintenance and destruction of records.**-(1) No books or registers prescribed by the Indian Registration Act, 1908 (Act XVI of 1908), or by rules Made under that Act or prescribed by the Inspector General of Registration by Executive Order nor any other books or records used in Registration offices shall be destroyed without the previous sanction of the Inspector General of Registration.

(2) Subject to such sanction the following records in the offices of Registrars and Sub-Registrars may be destroyed after the expiration of the period of their retention as specified below, the said period being computed from the 1st January next following the date of record :-

Records to be preserve for 50 years

1. Registers of Powers of Attorney.
2. Indexes to the Registers of Powers of Attorney.
3. Register of Thumb Impressions.

Records to be preserved for 35 years

1. Acquittance Roll.
2. Appeal cases against suspension, degradation and dismissal of officers.
3. Appointment cases.
4. Detailed statement of Permanent Establishment.

Records to be preserved for 12 years

1. Advance for building purposes.
2. Advance to subscribers from General Provident Fund.
3. Annual Reports of districts.
4. Book No.2, prescribed by the Indian Registration Act, 1908 (Act XVI of 1908).
5. Cash Book.

6. Contingent Register:
7. Dismissal cases.
8. Fee Book-Registration.
9. Inspection Reports.
10. Record Keeper's Issue Register.
11. Register of letters received.
12. Register of letters despatched.
13. Register of appeals under section 72.
14. Register of application under section 73.
15. Pension cases.
16. Note Books.

Records to be preserved for 3 years

1. Chalan Books.
2. Defect Register prescribed for Registration offices.
3. Diaries of Sub-Registrars.
4. Receipts under section 52.
5. Receipts for copies and memoranda despatched.
6. Register of attendance.
7. Register of applications for search and copy.
8. Register of copies and memoranda despatched to other offices.
9. Register of copies and memoranda and sale certificates received.
10. Register of documents pending admission to Registration.
11. Register of documents impounded.
12. Register of processes under sections 36 and 75.
13. Register of Refunds.
14. Register of visits and commission.
15. Register of applications under sections 25 and 34.
16. Register of documents delivered through the post.
17. Register of miscellaneous application.

Records to be preserved for 2 years

(Miscellaneous records)

1. Bill Books.
2. Book binding cases.
3. Account matters of routine nature.
4. Acknowledgment of receipt of papers, etc.
5. Accounts of service postage stamps.
6. Act, supply of
7. All correspondence whether in English or Vernacular which is of an ordinary character.
8. Applications for search and copy.
9. Applications for Commission.
10. Applications for Sub-Registrarship.
11. Applications for Special Sub-Registrarship.

12. Applications for Clerkship or any other appointments.
13. Applications for Extra temporary establishment.
14. Certified copies of documents applied for under section 57, but not claimed by the parties.
15. Contingent expenditure cases.
16. Copies, supply of
17. Death report of officers.
18. Establishment cases-Extra.
19. Establishment cases-Temporary.
20. Forms-Supply of
21. Honorary Magistrates appointment of Sub-Registrar :
22. Indents for forms of stationery.
23. Leave cases.
24. List-of refunds to be written off.
25. Maps-correspondence relating the supply of
26. Miscellaneous cases-unimportant.
27. Newspapers-correspondence relating to supply of
28. Peon Book.
29. Prosecution cases.
30. Punch-supply of
31. Receipts (Miscellaneous).
32. Receipts for fees paid for search, inspection and copies.
33. Refund cases.
34. Register of casual leave.
35. Register of extra Establishment bills.
36. Register of stationery account.
37. Register of receipts and issueB of printed forms, etc.
38. Remarks on returns.
39. Remarks on annual reports.
40. Reminders.
41. Returns and statements other than annual.
42. Rough draft state-mefits.
43. Rubber stamps-supply of-
44. Statement showing the results of prosecutions.
45. Travelling allowance bills.
46. Table of -Fees-supply of
47. Travelling allowance cases.
48. Transfer applications except those on which orders have been received.
49. Short Notes.
50. Salary bills.
51. Register of bills.

D. C. DAS,

for Secretary to the Government of Assam in
the Local Self-Government Department.

CHAPTER II
PART II
Executive Order
SPECIAL SUB-REGISTRARS

Rules for the appointment and promotion of Officers of the Registration Department.

1. (1) Special Sub-Registrars will ordinarily be recruited by selection from among the most competent of the Sub-Registrars, not necessarily from the higher grades, and no Sub-Registrar can claim to be appointed as Special Sub-Registrar on the ground of seniority or otherwise,

(2) Each Registrar shall, one month after the publication of these rules, submit to the Inspector General the name of the Sub-Registrar in his district whom he considers best qualified for appointment as Special Sub-Registrar and the Inspector General shall enter the name of the Sub-Registrar so selected in a register to be opened in his office which will be styled "Register of officers selected for appointment as Special Sub-Register,"

(3) It shall be competent for the Registrar, from time to time, to request that the name of another Sub-Registrar may be substituted for that of the officer originally nominated from his district, if he is of opinion that the latter is inferior in capacity to the new nominee, or that he has forfeited his claim to a nomination through neglect of duty or otherwise, and the Inspector General shall correct his register accordingly unless he has strong reasons for disagreeing with the Registrar, when he shall report the case for the orders of the State Government.

(4) The Inspector General shall have the right to enter in the register prescribed in Rule (2) the name of any Sub-Registrar whom he considers fit for appointment as Special Sub-Registrar, even though he has not been selected by the Registrar.

(5) Appointments to fill permanent vacancies in the office of Special Sub-Registrar will ordinarily be made by State Government on the report of the Inspector General, by selection from among the Sub-Registrars whose names have been registered as aforesaid.

Note :- The Governor of Assam is pleased to re designate to the post of "Special Sub-Registrar" as "Deputy Registrar" vide govt. Notification No. REGN. 13/68/4-A, dt. 27th June, 1968.

(6) The State Government reserve to themselves the right to order the entry in the register, of the name of any Sub-Registrar who has not been selected by the Registrar or Inspector General, or of any other person whose appointment as Special Sub-Registrar they consider desirable on public grounds.

(7) When the nominee of a District Registrar has received a permanent appointment as Special Sub-Registrar, the Registrar concerned will submit a fresh nomination to the Inspector General.

(8) Leave and other temporary vacancies in the office of a Special Sub-Registrar will be filled by one of the Sub-Registrars entered in the register of selected candidates prescribed in Rule (2).

(9) The Inspector General should as far as possible, himself inspect the office of the Sub-Registrars whose names have been entered in the Register of selected candidates, and he is empowered to remove from the said Register the name of any candidate whom, after inspecting his office, he considers unfit for the post of Special Sub-Registrar.

SUB-REGISTRARS

Rules for the appointment of Sub-Registrars

2. (1) All appointments against permanent post in the grade of Sub-Registrars will ordinarily be made on probation in the first instance.

(2) A candidate, including a person who is already in Government service, for appointment, must-

- (a) be a citizen of India and a native of or domiciled in Assam as required under rule 307 of the Assam Executive Manual :

Provided that this rule shall not apply in the case of a candidate in whose favour a declaration of eligibility has been issued by the Governor;

Provided further that consistently with the maintenance of efficiency in administration there shall subject to revision from time to time, be a general reservation of 5 per cent of the vacancies for members of Scheduled Castes, 10 per cent of the vacancies for members of the Scheduled Tribes of Plains areas and 12 per cent for members of the Scheduled Tribes belonging to the hills.

If in anyone year candidates of the Scheduled Castes and Tribes fail to be recruited to the service, the deficiency shall be made good in the recruitment for the service in the following year: provided further that the reservation on account of the deficiency shall not be carried forward for more than one year.

- (b) be not under 21 or over 25 years of age on the 1st January of the year in which the recruitment is made.

Provided that the maximum age limit may be raised as follows for candidates belonging to any of the following categories-

- (i) Scheduled Castes and Scheduled Tribes... 3 years.
- (ii) Political Sufferers... 5 years.
- (iii) War Service personnel-by the actual number of years of approved War Service subject to the maximum of 5 years.
- (c) have obtained a degree from a recognised University.
- (d) furnish a certificate of good moral character from the head of the Institution in which he studied or from the head of the Government Department concerned as the case may be, and before appointment furnish a certificate of good health, signed by the Civil Surgeon of his district.

(3) Each year the Public Service Commission shall make arrangements for the selection of candidates for appointment during the next twelve months. For this purpose, the Commission shall invite applications through an advertisement to be published in the *Assam Gazette* and such other papers as they consider fit, make arrangements for the conduct of an examination and interview of such candidates whom they consider most suitable on the result of the examination.

(4) The Commission shall forward to the Inspector General of Registration as well as to the Government a list of candidates arranged in order of preference and recommendation shall be made by the Inspector General of Registration from the list so submitted for orders of Government. In so recommending, instructions issued from time to time by Government regarding claims of Scheduled Castes and Scheduled Tribes should be borne in mind.

(5) On receipt of the Inspector General of Registration recommendation, Government shall cause the Inspector General of Police to verify the character and antecedents of the candidates concerned and on receipt of the same shall consider the fitness or otherwise of the candidate for appointment.

(6) Probationary Sub-Registrars will be posted to fill leave and other temporary vacancies and when not so employed will be posted to the headquarters of districts where they will work in the Sadar Sub-Registry office.

(7) All officers will draw salary on the scale of pay of Rs.3760-90-4480-120-4960-EB-120-5200-175-6600-250-8100-275-9400/- per mensem and shall be on probation for two years. A probationary Sub-Registrar, who proves fit for employment will ordinarily be confirmed in his appointment on passing the Departmental Examination or completing two years' service, whichever is later; provided that if he had no reasonable opportunity for passing the Departmental Examination before completing two years' service and passes the examination as the first opportunity thereafter, his confirmation if he is found fit for employment, shall date from the completion of his second year's service.

(8) The Public Service Commission will arrange to hold the Departmental Examination twice a year. This examination shall consist of the following subjects :-

(a) The Registration Act and the Rules thereunder and all circulars and circular letters issued by the Inspector General of Registration.

(b) The Stamp Act and the Rules thereunder.

(c) The Court Fees Act and the Rules thereunder so far as the Act and Rules affect the procedure in the Registration offices.

(d) Orders IV and V, Schedule I of the Civil procedure Code, 1908.

There will be one examination paper of twelve questions. The maximum marks allotted will be 100, and examinees will be required to obtain 60 marks to pass.

(e) Vernacular by the higher standard in one of the principal languages of the State, not being the officers mother tongue. This examination will be of the same standard as laid down in the Rules for the Departmental Examination. Marks allotted will be 80 and examinees will be required to obtain 40 marks to pass.

(9) Officers failing to pass the examination within three years of their appointment, will be removed from the service unless the State Government for special reasons extend the period within which they may be allowed to pass.

(10) No Sub-Registrar shall cross an efficiency bar without the sanction of the Inspector General who may also censure or withhold increments of any Sub-Registrar in accordance with the instruction of Government issued in this regard from time to time. The Inspector General of Registration may make transfer and posting of Sub-Registrars.

(11) The powers of appointment, dismissal and suspension of Sub-Registrars rest with Government

Extra-departmental duties which may be entrusted to officers

3. Provided that it does not interfere with the due performance of their regular duties, the services of Sub-Registrars may occasionally be utilised to obtain or verify information regarding the condition of the people, cattle, crops, water-supply, trade, manufactures the prevalence of disease and other similar matters; to hold local enquiries in criminal cases; to inspect schools, pounds and ferries; to report on the means and character of persons regarding whom such information is required; to inspect panchayats' accounts and chaukidari assessment lists and on other similar work. They must not, however, be called upon to undertake any duty which will require them to go more than five miles from their offices, and must on no account be given any periodical or recurring duties without the consent of the Inspector General :

Provided that in exceptional circumstances and emergent cases, the Deputy Commissioner may employ Sub-Registrars outside the five miles limit submitting a report to the Inspector General of Registration for approval.

With the previous consent of the Inspector General, a Sub-Registrar may be appointed to be a member of a Local Committee, he may be appointed to supervise the monthly payment of chaukkidars, to be President of a Chaukidari Union, to send weekly returns of the rainfall, to sell stamps where there is no regular stamp vendor, and to perform other similiar duties, provided that no Sub-Registrar shall be appointed to perform any duties of a recurring nature except in the town or village in which his office is situated.

Service of
Sub-
Registrar
under the
commis-
sion
system.

4. Sub-Registrars under the commission system are not entitled to continue in the service of the State Government after they have attained the age of 55, without special permission. The Inspector General is authorised to grant extensions of service of such officers up to the age of 60, unless, owing to failing health or any other cause, the work of the officer in question is unsatisfactory. In the case of officers above the age of 55, extensions are ordinarily given for only one year at a time, Extensions of service beyond the age of 60 are not allowed, except under the orders of the State Government. Inspector General has the power to declare any officer between the age of 55 and 60 unfit for further service and direct him to retire.

Leave of
Sub-
Registrar
under the
commis-
sion
system.

5. Sub-Registrars under the commission system are not subject to the ordinary Leave Rules. It is a condition of their appointment that they should reside in the headquarters of their jurisdiction. Leave should therefore, be seldom required, and should be given only in cases of urgent necessity. All leave and extension of leave (except casual leave) must receive the sanction of the Inspector General.

6. Leave of Special Sub-Registrars will be granted and notified in the Official Gazette by the State Government.

Note (i) Applications for leave from Special Sub-Registrars and Sub-Registrars must be submitted so as to reach the Inspector General at least six weeks before the leave is required, those of Special Sub-Registrars being forwarded through the Comptroller. Applications for leave on account of ill-health should be accompanied by a certificate from or countersigned by, the Civil Surgeon of the district. Extension of leave will only be granted on special grounds. Application for extension of leave must be submitted in sufficient time to admit of orders of the Inspector General thereon being communicated to the officer concerned before the leave already granted to him has expired and an officer whose application for an extension is received after the expiry of his leave and who fails to rejoin his appointment in anticipation of the extension asked for being given may be treated as being absent without leave.

(ii) The rules relating to the grant of casual leave will be found in Government Circular No.AAM/8/51/13, dated 9th February, 1951.

(iii) No Sub-Registrar shall absent himself from his station without leave. Sub-Registrars absenting themselves without leave are liable to be removed from their appointments. If they desire to leave their headquarters on gazetted holidays, they should obtain the previous permission of the Registrars.

Professional allowances to Sub-Registrars under the commission system appearing as witnesses.

7. Sub-Registrars paid by commission are not treated as Government servants in regard to allowances for appearing as witnesses before a Court, but they are entitled to the same allowance as professional witnesses. the professional allowance payable to such a Registrar is Rs.3 (three) per diem.

Notes.- "Subsidiary Rule 276.- The following provisions apply to a Government servant who is summoned to give evidence -

(a) in criminal case, a case before a court-martial, a civil case to which Government is a party or a departmental inquiry held by a properly constituted authority in the State, or

(b) before a court in a Part B State or in foreign territory ;

Provided that the facts as to which he is to give evidence have come to his knowledge in the discharge of his public duties : -

(i) He may draw travelling allowance as for a journey on tour attaching to his bill a certificate of attendance given by the court or other authority which summoned him.

(ii) When he draws such travelling allowance, he may not accept any payment of his expenses from the court or authority. Any fees which may be deposited in the court for the travelling and subsistence allowance of the witness must be credited to Government.

- (iii) If the court on which he gives evidence is situated, within ten miles of his headquarters and no travelling allowance is therefore admissible for the journey, he may, if he be not in receipt of permanent travelling allowance, accept such payment of actual travelling expenses as the court may make.

Note 1.- A Government servant summoned to give evidence while on leave is entitled to the concession described in this rule.

Note 2.- The rule does not apply to departmental enquiries. A Government servant summoned, even when on leave, to give evidence in a departmental enquiry, is entitled to travelling allowance, as if no duty. A Government servant summoned while under suspension is also entitled, save in an enquiry in to his own case.

Subsidiary Rule 277.- A Government servant summoned to give evidence in circumstances other than those described in Subsidiary Rule 276 is not entitled by reason of his position as a Government servant, to any payment other than those admissible by the rules of the Court. If the Court pays him any sum as subsistence allowances or compensation, apart from payment for travelling expenses, he must credit that sum to Government before drawing full pay for the day or days of absence".

Temporary
appoint-
ments.

8. (a) Temporary appointment shall be made where possible, from among Sub-Registrars (including relieving or attached officers and probationers), Assistant Commissioners, Extra Assistant Commissioners and Sub-Deputy Collectors.

(b) Where, it is not possible or practicable to make appointments from among officers of the type indicated in clause (a), suitable outsiders may be appointed and a simultaneous report made to the Inspector General for obtaining Government sanction to such appointments.

Note.- At the time of appointing outsiders, the District Registrars may follow, as far as practicable, the qualifications and tests prescribed for appointment to the cadre of Sub-Registrars.

Scale of
Establish-
ments in
mufasil Sub-
Registry
officers.

9. The strength of the clerical establishments of Sub-Registry officers shall ordinarily be regulated according to the following scale :-

One Office Assistant - When the annual number of registrations does not exceed 1,500.

Two Office Assistants - When the annual number of registrations exceed 1,500 but does not exceed 3,000.

Three Office Assistants - When the annual number of registrations does not exceed 3,000 but does not exceed 6,000.

Four Office Assistants - When the annual number of registrations does not exceed 6,000.

The Inspector General is authorised to sanction the increase or decrease of establishments in Sub-Registry offices according to the above scale.

Employment of extra temporary establishment.

10. (1) When presentations at any office are unusually heavy and the Registrar is satisfied that the permanent has worked up to the prescribed standard but is unable to complete documents without undue delay, he is empowered to sanction the employment of such temporary establishment as may be necessary to clear off arrears and to keep the copying work of the office up-to-date. The extra writers so entertained will be paid at the rate fixed by Government from time to time. They must work up to at least the minimum standard prescribed in the case of the copyists of the permanent staff and should ordinarily exceed it, and if the work of an extra writer in any one day falls short of the minimum, a proportionate deduction should be made from his pay for that day.

(2) At mufassil officers where it is impossible to obtain the sanction of the District Registrar to the entertainment of temporary establishment without undue delay, Sub-Registrars are authorised to employ in their offices extra writers in anticipation of the sanction of the Registrar.

(3) Sub-Registrars are warned that they should only entertain extra establishment when they are satisfied that every endeavour has been made by the permanent establishment to complete documents promptly. The services of the extra writers must be dispensed with as soon as the pressure of work is over.

(4) Inspecting officers are required to examine the work of the permanent and temporary establishments of Sub-Registry offices and to satisfy themselves that extra writers have not been employed otherwise than in accordance with this instruction, and Sub-Registrars are warned that they will be held personally responsible of the payment of any extra hands employed in contravention of these orders.

(5) Registering officers are responsible for ensuring that the rules for the entertainment of extra writers are strictly observed, and that the work done by the permanent and temporary establishments is correctly entered in the attendance register. At the close of the day they should check the copying and comparing work of each member of the staff as shown in the attendance register with the register books.

Special attention should be paid by all Inspecting officers to the entertainment of extra establishment. A certain number of entries in the attendance register showing the number of pages copied and compared should be tested with the register books, and the proportion of entries so tested by Special Sub-Registrar should not be less than those for one full month in the case of each member of the establishment.

(6) A statement in Form No.36 of Schedule LIII showing details of the work done by the permanent and temporary establishments of all Sub-Registry offices and of the work in arrears shall be submitted immediately at the end of each month by Special Sub-Registrars and Sub-Registrars to the Registrars. After satisfying himself of the correctness of the statements, the registrar will forward them, duly countersigned, to the Inspector General for orders of payment. If the statements for mufassil offices are blank, the fact should be reported by the Sub-Registrar by letter.

Charge of office when Registrar is absent from headquarters.

11. When a Registrar is absent from headquarters he should ordinarily appoint to perform the duties of Registrar during his absence the officer whom he has in his capacity as Collector placed in charge of the Collector's office.

Charge of office when *ex-officio* Sub Registrar proceeds on tour.

12. When an *ex-officio* Sub-Registrar at the headquarters of a district proceeds on tour, the Registrar shall appoint a gazetted officer to hold charge of his office, or request the District Judge to allow a Munsif to do so. In similar cases occurring at sub-divisions, the Sub-divisional Officer shall take charge of the office himself or place a gazetted officer or a Sub-Deputy Collector in charge, or report the case for the orders of the Registrar with a view to the sanction of the District Judge being obtained to charge being made over temporarily to a Munsif.

Inspection.

13. The Registrar is required to inspect annually all offices in the Sadar Sub-division, including the Sadar office, but in the case of offices situated in sub-divisions other than the Sadar, one inspection by the Registrar every two years will be sufficient. Special Sub-Registrar should inspect each office in the district annually and *ex-officio* Sub-Registrars at headquarters should inspect their own office at least half yearly. Subdivisional Officers are required to inspect annually the offices situated within their charges.

Special Sub-Registrars are required to compare the Treasury Chans or Postal Money order acknowledgements with the Fee Book, Cash Book and Rough Drafts from the date on which such comparison was last made up to the date of inspection, and to record under the entry in the Cash Book a certificate that this has been done, specifying the date between which the accounts have been so audited.

Note. - Sub-divisional Officers and Special and *ex-officio* Sub-Registrars should fill up the printed form of inspection report and add any further remarks which may be necessary. Registrars are not required to use the form except at the annual inspection of the Sadar office, when the printed form should be used.

The Registrar will forward a copy of his report to the Sub-Registrars concerned, and another copy to the Inspector General, to whom he will also forward a copy of any explanation submitted by the Sub-Registrar, together with his own remarks thereon. Inspecting Officers subordinate to the Registrar will send a copy of their report to the Registrar who will forward a copy for information and guidance, or for explanation, where explanation is necessary, to the Sub-Registrar concerned. The Registrar will likewise send a copy of the report together with his remarks to the Inspector General to whom he will also forward a copy of the explanation, if any, submitted by the Sub-Registrar. A copy of the remarks made by the Inspector General (or such portion as may be applicable) should always be forwarded to the officers concerned. There should be no delay in the submission of these reports as they lose much their value unless promptly dealt with.

It is desirable that inspecting officer should occasionally inspect offices without previous notices.

Inspecting officers should satisfy themselves that the bills of rural offices have been recouped and rents paid, that the pay of temporary establishments is not in the arrears, and that the office furniture is in good order.

14. (1) Registrars shall compile in respect of each Sub-Registry office in their district a list of respectable deed or petition-writers who may be allowed access to the compound of the Registration office for the purpose of writing documents, etc.

(2) The number of deed-writers shall be fixed with reference to the needs of the office and shall be licenced by the Registrars.

(3) Licenced deed-writers shall be allowed to sit in the office precincts and to enter the Registration office.

(4) Registrars shall draw up a scale of fees to be charged by licensed deed-writers for writing deeds, petitions applications, etc., and for making searches, and a table of the fees prescribed shall be exhibited in a conspicuous place outside the Registration office. Any deed-writer who charges fees in excess of those sanctioned by the Registrar shall be liable to the cancellation of his licence.

(5) Unlicensed deed-writers or touts shall not be allowed to enter the premises of the Registration office or the office compound (a) except for the purpose of transacting business in connection with the registration of their private documents, or the making of searches or the application for certified copies relating thereto, or (b) unless they hold a power-of-attorney granted, or a receipt under Section 52 of the Registration Act, duly endorsed in their favour by the presentant of a document or other person desirous of making a search or obtaining a copy.

(6) The list prescribed in order 14(1) above should be hung up in a conspicuous place both at the office and in the compound near the entrance and a warning added at the foot -

"Any person whose name is not included in this list who enters the Sub-Registry office or the compound of the office (a) except for the purpose of transacting business in connection with the registration of his private documents or the making of searches,

or the application for certified copies relating thereto, or (b) unless he holds a power-of-attorney granted, or a receipt under Section 52 of the Registration Act, duly endorsed in his favour by the presentant of a document or other person desirous of making a search or obtaining a copy, will render himself liable to a prosecution for criminal trespass under Section 447, Indian Penal Code, and for disobedience of a lawful order under Section 188, Indian Penal Code."

(7) The Registrar is empowered to cancel the license of any deed-writer who is guilty of the disobedience of a lawful order or of any other impropriety.

Note. - If an unlicensed deed-writer, tout or other person of the same description enters a Registrars' office or compound in contravention of the aforesaid Government order, he is guilty of a criminal trespass and disobedience of a lawful order, and the Sub-Registrar should send a full report of the facts of the case to the District Magistrate (or if the office be situated in a subdivision, to the Sub-divisional Magistrate) and ask for the prosecution of the offender under Section 447 and 188, Indian Penal Code.

Though a Sub-Registrar is not a "Court" the performance of his duties in connection with the registration of documents is under the law, a judicial proceeding, so, should a tout or any one else intentionally offer any insult or cause any interruption to a registering officer (who is undoubtedly a public servant) when he is registering documents, the man may be prosecuted under Section 228, Indian Penal Code. When such a thing occurs the registering officers' duty is to submit a report to the District Magistrate or to the Subdivisional Officer, as the case may be, for necessary action.

Payment of
process fees
under
Section 36
of the Act.

15. Process fees payable will be as laid down by Hon'ble the High Court under Section 20 of the Indian Court Fees Act, 1870 (Act VII of 1870).

Remunera-
tion to
witness

16. The same rates as are payable in Civil Courts may be paid to witnesses summoned to appear before a Registering Officer.

CHAPTER III

RULES FRAMED UNDER SECTION 69 OF ACT XVI
OF 1908

Languages

Language deemed to be in use.

1. The following languages shall be deemed to be those commonly used in the districts, named, viz :-

In the districts of Cachar, Goalpara, Kamrup, Darrang Nowgong, Sibsagar and Lakhimpur - English Bengali, Assamese and Hindi.

In the Khasi-Jaintia Hills district - English, Bengali, Assamese, Khasi and Hindi.

In Tura - English, Assamese, Bengali, Hindi and Garo.

Translations of copies to be forwarded in certain cases.

2. When a copy of a Bengali, Assamese, Khasi Garo or Hindi document is forwarded under Section 65 to the Registrar of another district of this another State, or of a Presidency, it shall be accompanied by information in English respecting the names and additions of all persons executing and claiming under it, and a description of the property situated in the said Registrar's district sufficient for its identification.

Endorsement of translation of authentication of powers-of attorney in certain cases.

3. A power-of-attorney intended for use in another district, State or in a Presidency, if authenticated in Bengali, Assamese, Khasi, Garo or Hindi by an officer unacquainted with English, may, if the parties desire it, be forwarded by him to the Registrar for the endorsement thereon of an English translation of the authentication.

Translation of authentication of Power-of-attorney when in language unknown to registering officer.

4. A power-of attorney authenticatated in a language unknown to a Registering Officer to whom it is presented may, if the parties so desire it, be submitted by him to the Registrar or to the Inspector General of Registration, who will procure an English translation of the authentication.

Maps and Plans

Territorial divisions.

5. The territorial divisions for the purpose of Section 21(3) shall be registration districts and sub-districts and thanas ; also parganas where they are known, and mauza, and collectorate districts if different from registration districts.

Note - (a) A registering Officer having jurisdiction to accept a document affecting immovable property for registration at the time its presentation to him shall complete its registration notwithstanding the fact that the village in which the immovable property affected is situated has been transferred from his jurisdiction subsequent to the presentation of the document but before the completion of its registration ; but a memorandum shall be sent, without levy of any fee, to the office to the jurisdiction of which the village has been transferred, for the purpose of filling it in that office.

When, however, after refusal to register, by a registering Officer, the village in question is transferred whilst the document is on appeal before a Registrar, or in a suit before a Civil Court, to the jurisdiction of another Sub-Registrar, the document, if the registrar or the Court orders that it shall be registered, shall be presented for registration to the Registering Officer to whose sub-district the village has been transferred.

(b) Where the property comprised in a document is situate partly in the Indian Union and partly outside or in a foreign country, such document may be registered in a district or sub-district in the Indian Union where a portion of the property is situate. In such a case the certificate of Registration should show that the registration has been effected only as regards that portion of the property which lies within the Indian Union.

Copies of maps or plans to be attached..

6. Copies of maps plans forming part of or attached to, a document shall be attested by the signatures of the persons executing the document or their agents and the original map or plan contained in or attached to, the document and copies thereof under Section 21(4) shall at the time of registration be signed and sealed by the Registering Officer.

Procedure regarding copies of maps or plans on re-registration.

7. When a document containing a map or plan is presented for re-registration under the proviso to Section 23, it shall not be necessary for the parties to deposit fresh copies of the map or plan under Section 21(4), but the Registering Officer shall certify against the copy in the Register Book that the map or plan attached to the document is the same as that which was attached to it on its first presentation.

Visit and Commissions

**Issue of
Commissions**

8. A commission shall ordinarily be issued by a Registering Officer to a salaried member of his establishment or to a Sub-Registrar or a probationer if attached to his office and the order shall be briefly endorsed on the document in words to the following effect :-

"A commission is hereby issued under Section 33 (or 38) of the Indian Registration Act, 1908, to (name and designation of the officer) for the purpose of inquiring and reporting whether this power (or document) has been executed by *A.B.*, son of *G.D.*, of by whom it purports to have been executed".

Notes. - (a) Commission can be issued only under Section 33 and 38 of the Act. In cases falling under the second clause of Section 31, the Registering Officer must himself attend at the residence of the person desiring to present a document or deposit a will even though the residence be situated outside his sub-district as he does not authorise the issue of a commission for such purposes. It is desirable that Sub-Registrars should themselves pay the visit, as far as possible, in every case under Section 33 or 38.

(b) When a document is received at a private residence under Section 31, the forms of endorsements prescribed in Rules 37 and 39 should be used.

**Procedure
when person
to be
examined
resides in
another sub-
district.**

9. If the person to be examined under Section 33 or 38 be not resident within the sub-district of the Registering Officer, the said officer shall, if the two sub-districts be situated within the same district, issue a commission direct to the Sub-Registrar of the sub-district in which such person resides, but if the residence of the person to be examined be in another district, the commission shall be directed to the Registrar of the district in which such person resides, and the said Registrar may redirect it to the Sub-Registrar having jurisdiction. A Sub-Registrar to whom a commission has been directed or re-directed under this rule may, if he cannot personally execute the commission re-direct it to an officer of his establishment. The sum deposited as travelling allowance shall be remitted at the cost of the applicant to the Registering Officer to whom the commission is addressed, but the commission fee shall be credited in the office at which the deed was presented.

10. When commission has been executed, the Commissioner shall return the document to the office from which it was issued, with a report, which shall be endorsed upon the document in the following terms :- "Having visited the residence of *A.B.* son of *C.D.* at I have this day examined the said *A.B.* who has been identified to my satisfaction by *E.F.* son of *G.H.* etc. resident of by case by profession, and the said *A.B.* admitted (or denied) the execution of this power (or document).

Full signature of executant.

Ditto of Witnesses

Ditto of Commissioner.

The Registering Officer, on receipt of the report, shall record the following endorsement - "From the above report I am (or am not) satisfied that this power (or document) has been executed by the above *A.B.* and I accordingly (in the case of a power) authenticate it under Section 33 of Act, XVI of 1908, and record it as No..... for or (in the case of a document) admit or refuse to admit it to registration.

Sd./- Sub-Registrar".

Note. - (i) It is competent to a registering Officer to examine the Commissioner personally in his office, touching any of the circumstances connected with the discharge of his commission specially with reference to the voluntary nature of the admission or denial of execution.

(ii) All applications for visits under Section 31, 33 and 38 shall be filed in a separate file. The date of receipt shall be noted by the Registering Officer on every such application. When there is delay in attendance or when the application for visit is withdrawn by the parties the reason for such delay or withdrawal shall be noted in the application.

(iii) When a commission issued by another Registering Officer is received, the receiving officer shall enter it in his register of visit and commission in red ink but without any serial number.

(iv) Attendance at private residence shall be made out of office hours or on holidays, so as not to interfere with the regular office works. Except in very urgent cases or when persons seriously ill have to be examined, a Registering Officer may postpone the attendance till a holiday when such attendance involves a journey to a distant village. When compliance with a requisition for a private attendance cannot be made without interfering with the regular business of the officer, a commission shall wherever practicable and unobjectionable be issued.

Prescribed fee and travelling allowance to be deposited with application for visits or for issue of Commissions.

11. All applications for visits under Sections 31, 33 or 38 or for the issue of commission under Section 33 or 38 shall be accompanied by the amount of the fees chargeable as well as the amount of the travelling allowance claimable by the Registering Officer or Commissioner. No visit shall be paid or commission issued until the said fees and travelling allowance have been paid by the applicant.

Note.-(i) An application for acceptance at a private residence of any document or power for registration or authentication for the deposit of a will for safe custody may be made by any person on behalf of the executant, the principal or the testator, as the case may be, and he shall deposit the necessary fees as well as the travelling allowance in the office.

(ii) An application for the examination of the principal under Section 33 or an executant under Section 38 may be made by the agent or the claimant or one of the executants as the case may be and he shall deposit the necessary fees as well as the travelling allowance in the office.

(iii) When the Registering Officer cannot *pay* the visit himself he may issue a commission.

Fees, etc., to be levied when two or more persons are to be examined.

12. A separate commission fee shall be charged upon every signature which requires attestation, provided that where two or more persons who execute the same document reside together, only one commission fee shall be charged so far as those persons are concerned. Travelling allowance shall be charged only for the actual distance travelled.

Persons meeting the registering officer at the same place to be deemed to reside together

13. If the parties to a document or documents relating to the same transaction meet the Registering Officer at the place fixed for his visit they may be considered to reside together for the purpose of rule 12, provided they are persons entitled to exemption under Section 33 or 38 or who have shown special cause under Section 31.

Calculation of distances for purpose of travelling allowance.

14. The distance for which travelling allowance is charged shall be calculated by the Sub-Registrar himself by reference to a map or to the table of distances prepared by the Collector, and the making of this calculation, shall on no account be left to a clerk.

In offices in which such a table is already in existence, it should be revised so as to include all villages and mauzas shown in the latest jurisdiction list. Where no table is already in existence a table should be prepared by the Registering Officer who will get it countersigned by the District Registrar.

Note.-Save under exceptional - circumstances, travelling allowance can be drawn by one person only for making a visit or executings commission under Sections 31, 33 and 38. Registering Officers making a visit, under these sections should not, therefore, be accompanied by a clerk.

Powers of attorney

Forms of authentication.

15. (1) When the principal appears at the registration office to execute the power the form of authentication of the power shall be as follows:

“Executed in my presence on the.....day of..... 19 by.....son ofby caste.....by profession.....

who is personally known to me (or w hose identity was proved by the testimony ofson of

of.....by caste.....by profession.....) and I, accordingly authenticate it under Section 33 of Act XVI of 1908 and record it as No

.....for 19

Full signature of principal

Seal and signature of

Ditto of identifier.

Registering Officer and date”.

Notes-(i) When the principal is exempted from appearance the executed power-of-attorney should be presented by the agent before the Registering Officer for his inspection along with the application for a visit or commission so that not only may he be able to endorse the commission on the power itself but he may also judge on a perusal of its contents that the power-of-attorney actually requires authentication for the Purpose of Section 32 or Section 34 of the Registration Act.

(ii) When an executed power-of-attorney is presented by the attorney with an application for examination of the principal by commission the endorsement of presentation shall be recorded on the power with necessary alterations in wordings.

(iii) If a visit is not paid the Registering Officer shall issue a commission in the form mentioned in Rule 8.

(iv) The Commissioner after examining the principal shall report in the form mentioned in Rule 10.

(v) The Registering Officer, below the report of the Commissioner, shall make the endorsement prescribed in Rule 10.

(2) If the Registering Officer, pays the visit and examines the principal himself the form of authentication of the power-of-attorney shall be as follows:

“Having visited and examined at his (or her) residence the principal.....son (or daughter) of.....of..... by caste.....by profession..... who is personally known to me (or whose identity was proved by the evidence of..... son of.....of..... by caste.....by profession.....) I am satisfied that this power-of-attorney has been voluntarily executed by him (or her) and I accordingly authenticate it under Section 33 of Act XVI of 1908 and record it as No..... for 19.....”

Full signature of principal and witnesses.

Seal, signature and date of Registering Officer.”

Note.-There may, however, be cases in which a person exempted from appearance under proviso to sub-section (1) of Section 33 may apply to the Registering Officer for a visit to accept a power-of-attorney at his private residence and such person may execute the power in the presence of the Registering Officer when the visit is paid. The law as laid down in Section 33 of the Registration Act does not explicitly contemplate such a case, but at the same time it does not rule it out. Moreover when a Registering Officer is entitled by law to satisfy himself as to the voluntary nature of the execution of an already executed power-of-attorney and on such satisfaction to authenticate

it, it follows that he may authenticate the power when it is actually executed in his presence when he pays the visit. For there can obviously be no better proof of execution than in a case like this and Registering Officer will exercise a wise discretion in accepting applications for visit in such exceptional cases. Of course in such a case no commission can be issued under the rules. The endorsement in such cases shall be like the one when the power-of-attorney is executed in the office with necessary modification.

(3) When the Sub-Registrar himself does not examine the executant, he shall, below the report of the Commissioner, make the endorsement prescribed in Rule 10.

Register of powers-of-attorney.

16. A Register of powers-of-attorney shall be maintained in every registration office. The register will be maintained in the following way :

- (a) the full additions of principals, attorneys and identifying witnesses as given in the power shall invariably be entered;
- (b) the note required by Rule 17 shall be copied into the register in each case;
- (c) the abstracts of special powers-of-attorney should contain such particulars of the deeds to be executed or registered as are mentioned in the power;
- (d) the date of authentication of each power-of-attorney shall be entered in the register;
- (e) each entry in the register shall be signed by the Sub-Registrar;
- (f) if there be any provision revoking previous powers, it shall be noted;
- (g) the abstracts of general power shall contain a detailed summary of the different authorities conferred by them;
- (h) the stamp duty paid should be noted in red ink above the abstract of each power in the register.

16A. One general index register shall be maintained in which the names of all principals and attorneys shall be entered and which shall be added to or corrected at the end of each year.

Interlineations, blanks, etc.

17. (a) All interlineations, blanks, erasures, additions or alterations in powers-of-attorney authenticated under Section 33 shall, at the time of authentication, be detailed in a footnote signed by the Sub-Registrar. When there are no interlineations, etc., the fact should be noted in the same way.

(b) Abstracts or all "powers-of-attorney shall be prepared without unnecessary delay and signed by the Registering Officer. Below the abstract there shall be a copy of the footnote of corrections referred to in the above rule.

(c) In the case of a duplicate or a triplicate of a power-of-attorney presented for authentication, it shall not be necessary to abstract the power more than once in the register of powers-of-attorney. So far as the duplicate or triplicate copy is concerned only the number together with the value of the stamp shall be noted in the appropriate places, a note being at the same time made in the column for abstract to the effect that it is a duplicate, triplicate or other copy of power No.....abstracted at page

(d) For the purpose of Sections 32 (c) and 35(1) (b) of the Indian Registration Act,- 1908, all powers-ofattorney duly authenticated, must as a rule be presented in original along with the documents before Registering Officers for examination. But under clause (d), Section 4 of the powers-of-attorney, Act 1882 (Act VII of 1882) a certified copy of a power-of-attorney, the execution of which has been verified by affidavit, statutory declaration or other sufficient evidence; the original having been deposited in the High Court under clause (a) of. that section, shall without further proof be sufficient evidence of the contents of the instrument creating the power and of the deposit thereof in the High Court. When therefore a copy of the power so certified is presented before a Registering Officer for the purpose of registration of a document it should be accepted, provided it appears from the certified copy that the original power was duly authenticated in the manner laid down in Section 33 of the Registration Act. If the original. was not authenticated the Registering Officer shall refuse to accept the copy of the power for the purpose of registrati on.

Power-of-at-
torney must
expressly or
by implica-
tion autho-
rise an
agent to act.

18. A power-of-attorney shall not be recognised as authorising an agent to act on behalf of a principa a. under the Indian Registration Act, unless it contains an express or implied authority in this behalf.

Procedure in case of power not containing or implying authority to appear in registration office.

19. Powers which do not contain or imply an authority to appear in a Registration Officer shall not be authenticated under Section 33 nor entered in the register of powers-of-attorney. A power conferring authority to register may, if the executant so desires, be registered as well as authenticated, and in that case the two operations shall be treated as separate and the usual fee levied in respect of both. The fact that a power entered in the Register of powers-of-attorney confers authority to register should be explicitly stated in the abstract column of the said register.

The presentant of a power-of-attorney which is presented for attestation or of an attested power-of-attorney produced by him as agent with or in connection with a document presented for registration shall if the power-of-attorney is written or authenticated or both written and authenticated in a language not commonly used in the district be required to file a translation in English of the power of-attorney or the endorsement or authentication or of the power-of-attorney with its authentication as the case may be, such translation being certified to be a true translation and attested by the presentant.

Every description of a power-of-attorney may be registered like any other document; but it will not be recognised when produced in connection with the registration of a document executed by or in favour of a principal, unless it is authenticated under Section 33.

A Sub-Registrar may attest a power of attorney executed by a person residing within his jurisdiction. A Registrar may attest a power-of-attorney executed by a person residing in any part of his district; so also a special Sub-Registrar in his delegated power as Registrar may attest such a power.

A power-of-attorney authorising the agent to execute and register a document shall not be authenticated but may be registered if so desired by the parties.

Notes.-(i) Powers-of-attorney may, if so desired, be registered but no power is valid for registration purpose unless it has been authenticated.

(ii) Every power-of-attorney to be attested must under Section 33(i)(a) of the Act, be executed before a Registering Officer. The only exception to this rule is a power-of-attorney executed by a person exempted under the proviso to that section from attendance at a registration office for the execution of the power.

(iii) A power-of-attorney executed before presentation will also hold good by re-execution in the presence of the Registering Officer.

Endorsement on special power-of-attorney used in registration office.

20. Whenever a special power-of-attorney is used in a registration office for the purposes of Section 32, an endorsement shall be made upon it in the following form, and it shall be returned forthwith :-

Presented this day

Date

(Seal)

(Sd.)

A. B.

Registrar (or Sub-Registrar,) of.....

Endorsement not necessary in case of general powers-of-attorney used in registration offices.

21. In the case of general powers-of-attorney used for the purposes of Section 32, the endorsement prescribed in the preceding rule is not required. Such powers shall be returned after inspection to the parties by whom they were presented.

Revocation of power.

21A. A principal desiring revoke an authenticated power should, if it is available, produce it before the Registering Officer with an application in order to get it cancelled. The Registering Officer should then enter in red ink the words "power revoked, *see* page of the file of revocation of powers" above the original entry in the register of power-of-attorney authenticated and also on the power itself, if it is presented with the application. The date and signature of the Registering Officer should invariably be given in each case.

The Registering Officer shall then issue notices of revocation at the cost of the principal to all the Registering Officers of his district and to any other Registering Officer whom the principal names. Each Registering Officer shall place in a file all applications for or notices of revocation of powers-of-attorney whether authenticated in his office or in any other office. The date of receipt and the signature of the Registering Officer shall be written across the notices, and a copy of the notice or application shall be exhibited on the notice board of the office. The Registering Officer should keep a list of revoked powers before him for ready reference so as to make sure whether any such powers-of-attorney has become inoperative or not.

Thumb impressions of executants of powers-of-attorney.

22. The Provisions of Rule 47, regarding thumb impression shall be applicable to executants of powers-of-attorney.

Power-of-attorney to contain full additions of parties.

23. powers-of-attorney presented at registration offices shall contain the full additions of the parties or a description of the said parties sufficient to ensure their identification. Registering Officers shall return powers-of-attorney deficient in these particulars to the parties for the supply of the omissions.

Fee to be charged on power-of-attorney when more signatories than one.

24. (a) Only one fee is chargeable for the authentication of a power-of-attorney, notwithstanding the number of signatories there may be thereto, provided that all the signatories appear at the registration office at the same time; if they appear at separate times, a separate fee shall be charged in respect of each appearance. If two or more of the executants of a power be unable to attend at the registration office, a separate commission fee shall be levied under Rule 12 from each such executant, provided that they do not reside together within the meaning of Rule 13.

(b) In the case of a power-of-attorney purporting to be executed by more than one principal who appear before the Registering Officer at different times and in respect of whom a separate attestation fee is levied under article "P" of Table of Fees is levied for the authentication of such a power-of-attorney, as many numbers should be assigned to it as there are principals who appear before and are examined by the Registering Officer at different times. It shall not be necessary to abstract the power more than once in the register of powers-of-attorney. A note shall be appended against the original abstract that the same power has been authenticated again and a new number assigned to it.

(c) The duplicate or the triplicate of a power of-attorney presented for authentication shall be treated as a separate power and a separate attestation fee levied thereon, but it shall not be necessary to abstract the power more than once in the register of powers-of-attorney. So far as the duplicate or triplicate copies are concerned, only their number, together with the value of the Stamps, shall be noted in appropriate places, a note being at the same time made in the column for abstract to the effect that it is a duplicate, triplicate or other copy of power No..... abstracted in page.....

Note - There is no objection to the combination of several powers in one instrument, provided sufficient stamp-duty is paid.

The stamp-duty paid should be noted in red ink above the abstract of each power in the register. If an authority to register be included in any document, the said document must bear the additional stamp duty chargeable on a power-of-attorney and must be authenticated as well as registered. A special power-of-attorney conferring the Power to execute a document as well as to register it requires a stamp under Article 48 (c) of Schedule of Act II of 1899, as amended.

Wills, etc.

Wills received through post office to be returned and custody of wills

25. A will received through the Post Office shall be returned to the testator, through the same medium, without the postage being prepaid in order to provide for the safer custody of wills, Registrars should refuse to accept a will for deposit, unless the outer cover be of wax-cloth or other damp-resisting material. When a sealed cover containing a will is presented under Section 42 for deposit or an application is made for the withdrawal of a sealed cover under Section 44, by an agent of the testator, the agent should be duly authorised.

Matters to be explained to depositors of wills

26. The Registrar shall explain to all depositors of wills that no steps will be taken by the State Government to ascertain when a testator dies, or to communicate with the beneficiaries after his death.

Provisions relating to entries in Book V.

27. Every entry made in Register Book V under the provisions of Section 43 shall be signed in full and dated by the Registrar, and the endorsement recorded on the sealed cover under that section shall be copied into the register.

The following endorsement shall be recorded on a sealed cover containing a will presented for deposit :-

“Presented for deposit at.....
 a.m. / p.m. on the.....day of
19.....at the.....Registry
 offices (or elsw here) by.....son of
of.....by caste
by profession.....
 testator (or agent for
 testator under a power-of-attorney No.....
 who is personally known to me or has been identified to my
 satisfaction by.....son of
resident of.....

This cover has been sealed in.....
places the inscription of the sealed bejng.....
.....

Date.....

Registrar".

Withdrawal
of sealed
cover.

28. When a sealed cover is withdrawn under Section 44 the fact shall be noted in Register Book V and the entry shall be signed by the person by whom the withdrawal is made, as well as by the Registrar. The person withdrawing the sealed cover shall at the same time return the receipt granted to him under Section 52 at the time of deposit.

Opening of
sealed cover.

29. When a sealed cover is opened under Section 45, the fact shall be noted in Register Book V and the entry signed by the Registrar. If a cover is opened by order of a Civil Court, this fact shall be mentioned in the entry.

(a) When a sealed cover containing a will is opened unner Section 45 of the Act, the following endorsement shall be made on the will in addition to the note in Register Book V.

“Having satisfied myself that the testator is dead, the sealed cover containing this will is opened this.....
the.....day of..... 19 ,on the
application and in the presence of (name and addition).

Signature of applicant.

Seal

Date

Signature of Registrar.”

““

(b) When a sealed cover .containing a will is opened under an order of a Court. ...the following endorsement should be recorded on the will thus :

“Cover No. for the year opened
on.....pursuant to the order of the
.....Court conveyed in its order No.....
dated

Registrar.“

The will, With the above endorsement, will then be copied in Book III under Section 46 of the Act and the fact shall be noted in Register Book V; and the following endorsement shall be noted on the will itself :

“Copied in Book III as No
of 19..... Volume page.....”

After the Registrar has signed the true copy of the will in Book III, the will together with its cover, shall be forwarded to the Court concerned with the following endorsement recorded on the will itself :-

“Forwarded to the.....Court
pursuant to the order of the Court No.....
dated.....”

All the endorsements made on the will should be sealed, signed and dated by the Registrar. Every page of the will shall likewise be signed and sealed by the Registrar. The columns of the Registrar Book V should be carefully filled up by the Registering Officer in each case.

Examination
of sealed covers.

30. Sealed covers deposited with a Registrar under Section 42, shall be examined monthly, and their condition noted in District Return No.5. If there be no sealed cover in custody, the fact must be similarly noted in the return.

Receipts for
sealed covers.

31. Receipts shall be granted for sealed covers “presented for deposit.

Endorsement
in case of
wills or authorities to
adopt presented after
death of testator or donor.

32. In the case of a will or authority to adopt admitted to registration after the death of the testator or donor, in addition to the endorsement prescribed by Rule 37, the following endorsement shall be made thereon :-

From the evidence of.....son of
.....I am satisfied-
.....(1) that this will (or authority) was executed
by.....son of.....
.....of.....the testator
(or donor);

(2) that the said testator (or donor) is dead ; and

(3) that.....son of.....
.....of..... the

presentant is entitled to present it under Section 40, Act XVI of 1908 3 and I accordingly admit it to registration under Section 41 of the said Act.

Notes.-(i) Care should be taken not to register in Book III any document which does not come under the definition of a will (that is, a codicil and every writing making voluntary posthumous disposition of property), or of an authority to adopt (that is, a written authority from a husband to a wife to adopt a son after his death). Deeds of gift must not be mistaken for wills, nor agreements to adopt or authorities to adopt. A document which merely declares the fact of a son having been adopted, or of a son having been given for adoption, is not an authority to adopt and should not be entered in this book unless it contains testamentary dispositions which bring it within the above definition of "will".

(ii) The procedure prescribed by Section 35 is not applicable in the case of wills presented for registration after the death of the testator. In such cases wills presented by any of the persons claiming under them will be registered on the requirements of Section 11 (2) being complied with.

32A. Wills registered or refused registration in a Sub-Registry office which remain unclaimed for a period exceeding two years, shall be forwarded to the Registrar's office for safe custody, a note to that effect being entered against the original entry in the fee-book. All documents so transferred shall be entered in a Register to be maintained by the Special or Sadar Sub-Registrar with the following headings :-

Register for wills transferred to Sadar office from Mufassil Sub-Registry offices

Document No. with year	From which office received	Date of receipt	How disposed of	Initial of the Special Sub-Registrar or Sadar Sub-Registrar	Remarks
(1)	(2)	(3)	(4)	(5)	(6)

Documents
not duly
stamped.

33. When a document not duly stamped is presented, the registering officer shall at once impound it under section 33 of the Indian Stamp Act, 1899 (Act II of 1899). Before forwarding an impounded document to the Collector, the registering officer shall record thereon the endorsement prescribed in rule 37 and if possible that under rule 39 and realised the fee payable. The document shall not be copied or certified as registered until it is returned to him with the Collector's certificate that the proper or deficit stamp duty has been paid but will be treated as a pending document. If the document is liable under the Indian Stamp Act to ad valorem duty and the value or consideration is not stated in money or is only partly so stated, the provisions of sections 26 and 27 of the Indian Stamp Act, 1899 (Act II of 1899) should be explained to the person who presented it and he should be informed that he may, if he desires to do so, withdraw and complete the document by the edition of the required particulars under the signature or initial of the executants. If he declines to do so, the document shall be forwarded to the Collector with a report. If a document chargeable with duty under the Court Fees Act, 1870 (Act VII of 1870) is found by the registering officer to be insufficiently stamped, it shall be returned to the presentant in order that the deficit stamp duty may be made good.

In forwarding an impounded document the reasons for impounding the same should be noted in the forwarding letter to the Collector. The registering officer should state in the covering letter the number of sheets making up the document and the unattested erasures or alterations, if any. Such document shall, on returned from the collector be closely examined by the registering officer to make sure that the document received has not in any way been interfered with.

When the deficit stamp duty on an impounded document cannot be realised, the registration thereof shall be refused under section 35 of the Indian Stamp Act, 1899 (Act II of 1899).

Stamp duty on renewed mortgages.

33A. When a document is presented creating a new interest in satisfaction of an old one wherein the mortgager states that the old mortgage debt aggregated a specified amount and the mortgagee remitted a specified portion thereof, by a separate stamped release and the present deed is drawn up for the remainder, the stamped duty should be levied on the remainder only if the stamped release is produced, otherwise the stamp duty should be levied on the entire amount of the old debt.

Procedure when stamped release is produced.

33B. When such a stamped release is produced for getting relief of stamp duty the Sub-Registrar will note on the back of it, "Produced in connection with the registration of deed No (as in the Fee Book)" and initial and date the note with his designation and put his seal on it and then return it to the producer.

Attestation of interlineations, Etc.

4. When the executant of a document appears personally he shall be required to attest all interlineations, additions, blanks erasures or alterations. When such executant appears by agent, etc., the attestation of such agent, etc., shall be accepted, unless the interlineations, etc., are of an important character. A registering officer shall also be at liberty, on due cause being shown, to accept the attestation of an agent, etc., even in the case of important interlineations, etc.

Notes-(i) It is desirable to have all the blanks, erasures, interlineations and alterations described in a memorandum of foot note and attested with the signatures of the persons executing the document.

(ii) It is desirable that every page of a document should be attested by the signatures or initials of the executing parties and

that the scribe should also sign his name with addition at the foot of the last page; but this is not obligatory.

(iii) When a person who cannot write, signs his name by means of a mark or by touching the pen, name should be recorded at length and the writer of the name shall also sign his own name in attestation that the mark was affixed or the pen touched in his presence.

(iv) All executants who cannot read or write should have their documents explained to them by the writer or witness thereof who should certify on the deed as follows :-

“Explained to.....by me.

Sd.....writer or witness.”

Absence; of such certificate disentitle a document for registration.

(v) Whenever a document is presented for registration with portions written in different ink, pen or hand, the registering officer should advise the presentant to note the fact at the foot of the document and to sign it. If the presentant refuses to do it, the registering officer shall make a note of it in the copy in the register book on the margin reserved for notes under section 20 of the Indian Registration Act.

Form of
Stamp certi-
ficate.

35. If the requirements of the law have been complied with, the following certificate shall be entered on the face of the deed :-

“Admissible under Act XVI of 1908. Correctly stamped (or exempted from stamp duty) under the Indian Stamp Act, 1899 (Act II of 1899) Schedule

(Signature and designation of
registering officer and date.)

In the case of a will the certificate shall run “Not liable to duty under the Indian Stamp Act, 1899 (Act II of 1899).”

Notes.-(i) On the presentation of a document for registration, the registering officer must satisfy himself:

- (a) that it has been presented at the proper office (sections 28, 29 and 30) ;
- (b) that it bears the proper stamp or is exempted from or does not require stamp duty;
- (c) that it is in the usual language of the district or is accompanied by a translation and a true copy (section 19) ;
- (d) that in the case of any interlineations, blanks, erasures, the provisions of section 20 have been complied with;
- (e) that if the document is non-testamentary and relates to immovable property the description is sufficient (section 21) ;

- (f) that if the document is non-testamentary and contains a map or plan, it is accompanied by the prescribed numbers of true copies of the map or plan (section 21);
- (g) that if the document is not a will, it has been presented within proper time (sections 23 to 26);
- (h) that it has been presented by a person authorised to do so;
- (i) that the date of execution has been stated in the document.

Authorities to adopt are not exempted from the provisions of section 23, though they are classed with wills for other purposes.

When a document is presented under sub-section (1) of section 25 to a Sub-Registrar along with the application referred to in the sub-section (2) of section 25, the Sub-Registrar shall, if it is otherwise admissible for Registration, forward them to the registrar with any remark which he may wish to make in favour or against the acceptance of the deed and shall immediately make an entry in the pending register and grant a receipt on plain paper with his seal and signature, stating the nature of the document, name of the parties and number of sheets in the document, which receipt the party must return before he can have a receipt under section 52. If the Registrar returns the document directing registration the Sub-Registrar shall realise the fine under Article 0 of the Table of Fees and deal with the document in the same manner as other documents presented within the time allowed for registration.

- (ii) The persons who may present a document for registration are the following.
 - (a) In the case of a will, the testator, and after his death any person claiming under it as executor or legatee.
 - (b) In the case of an authority to adopt, the donor, and after his death the donee or the adopted son.
 - (c) In the case of a copy, of a decree or order, any person claiming under the decree or order.
 - (d) In any other case, any person executing or claiming under the document.
 - (e) The representative or assign of any of the persons mentioned in (c) and (d).
 - (f) The agent duly authorised under a power-of-attorney of any of the persons mentioned in (c) and (d).

(iii) If the presentant be the representative of a deceased person, the fact of the latter's death must be established before the status of the representative is enquired into. If a document having been executed by the principal be presented by a representative or assign, the latter must satisfy the registering officer of his status. If it be presented by an agent he must produce a duly authenticated power-of-attorney. But care must be taken to distinguish between deeds executed by agents in pursuance of powers in that behalf conferred upon them by their principal, and deeds executed by principals presented for registration by agents empowered in that behalf. In the case of an agent who is the actual executant of an instrument, it is not the duty of a registering officer to satisfy himself as to the power of such agent to execute such instrument. His duty is confined to ascertaining whether the person purporting to have executed the document has in fact done so or not. The officials exempted from personal appearance under section 38 may present a document for registration through post or through messenger. A minor claiming under a document can present a document for registration but minor executants are not so empowered.

(iv) In the case of a document executed by a pardanashin lady, the registering officer should be careful to obtain in admission of execution from the executant's own lips. The lady should be seen and identified by some person acquainted with her appearance and the name and the relationship of such person should be noted in the endorsement. The terms of the document should be explained to her and, if, while admitting execution, she objects to any of the terms, such objection should also be noted.

(v) It is the duty of the registering officer himself to decide as to the admissibility of a document under the Act and rules. Objections to registration should not therefore be filed, but should be returned with an endorsement to the effect that the objector should take such legal steps as he may think fit.

Fees realised to be entered on document and in fee book.

36. After endorsing the certificate prescribed by the preceding rule, the registering officer shall receive the fee and the fine, if any, payable under section 25 and shall enter the amount so received on the document below the said certificate and shall at the same time make the requisite entry in the fee book.

36A. But if a stamped release is produced in accordance with rules 33A and 33B, the following additional endorsement should also be recorded on the document :-

"Stamp duty is sufficient as a separate deed dated is produced for the release of Rs..... which has been marked on its back Produce in connection with the registration of deed No..... (of this document)' along with initial; designation and date".

Form of presentation endorsement

37. The endorsement under section 52 shall be to the following effect :-

“Presented for registration atA. M. (or P. M.) on the.....day of.....19.....atSub-Registry office (or elsewhere) by A. B.the executant or claimant (or attorney for C. D. under a power (No.....for 19.....) and authenticated by the Sub-Registrar of.....).

Signature of presentant.

Signature of Sub-Registrar.”

In case of documents executed by “Government Officers” or certain public functionaries who are exempt from personal appearance under section 88 of Act XVI of 1908 and sent by messenger the endorsement will thus:

“Presented for registration, etc., by..... (name) and designation of officer through..... (name of the messenger) as per his letter No..... dated the.....”

Signature of messenger.

(Signature of the registering officer).

In a case where any such document is sent by post, with a letter, the endorsement under section 52 (1)(a) should be made thus :-

“Forwarded for registration, etc., etc., by..... (name and designation of the officer) as per his letter No.....dated the.....”

(Signature of the registering officer).

Fees to be entered in receipt.

38. The amount of the fee paid shall be entered in the receipt given under section 52.

Note.- When a document has been accepted for registration the next step is the examination of the executant or his representative, assign or authorised agent when he appears before the registering officer. When the executant of a document is dead his representative or assign should under section 35 (1)(c) of the Act, appear personally before the registering officer to admit execution. When there are more than one representatives, all of them should appear. Where a representative is a minor his guardian should appear on his behalf.

Forms of endorsement of admission of execution.

39. The endorsement under section 58 shall be to the following effect :-

“Execution is admitted by A. B., son of C. D. of.....thana.....district..... by caste.....by profession.....”

Sd./- A. B.

“Identified by E. F. son of G. H. of.....thana.....district..... by Caste.....by profession.....”

Sd./- E. F.

Date.....

Sd./- I. J.

Registering Officer.

When the execution of a document or power is admitted before a Commissioner at the executant's private residence, the endorsements recorded shall be those prescribed in rule 10.

When the identifier is not personally known to the registering officer or is not a co-villager of the executant, the words "after due enquiry" should be added before the word "identified"

When the document has been presented by the executant himself, it is unnecessary to repeat in the second endorsement all the particulars regarding him recorded in the first endorsement but the endorsement may be recorded thus:

“Execution is admitted by the above A. B., who is identified by E. F., son of G. R., of
 thanaby caste,
 by profession.....”

When execution is admitted by an agent, the following words shall be added :-

"Agent for K. L., under a power-of-attorney (No.....
for 19.....) authenticated by the Sub-
 Registrar of.....”.

When the executant or his agent is personally known to the Registering officer, the words "personally known to me" should be substituted for the identification clause.

When execution is admitted by the representative of a deceased person, the following words shall be added :-

"Representative of K. L., whose death and the representative's right to appear in such capacity have been proved to my satisfaction”.

When the payment of any money or receipt of consideration is acknowledged, the following clause should be added :-

“The receipt of Rupees.....as
 consideration (or in part payment of the consideration) is admitted by the above A.B.”

Procedure regarding endorsement in case of application under proviso to section 34.

40. Before a Sub-Registrar forwards an application under the proviso to section 34, he shall, if the executant be present at the Sub-Registry office, record the endorsement of execution and realised the fines prescribed in the Table of Fees. But if the executant be not present on the date of presentation, the application will be forwarded to the Registrar without such endorsement having been recorded on the document to which such application relates.

When an agent appears to present a document or to admit its execution the explanation required by section 25 for delay in presentation or by section 34 for delay in appearance may be obtained from him on behalf of the principal.

Form of endorsement in case of documents executed by Courts or Officers of Government.

41. The form of endorsement to be recorded in place of the second endorsement in the case of documents executed by Courts or Government servants who are exempt from personal appearance in registration office under section 88, shall be as follows :-

"Execution by.....who is exempt from personal appearance in this office under section 88, Act XVI of 1908, is "on reference to him; proved by his Sealed and Signature". The word "on reference to him" should be omitted when a reference is unnecessary or has not been made.

Form of endorsement on document registered under orders of Registrar or Court.

42. The form of endorsement on documents, the registration of which is ordered by the Registrar or a Civil Court shall be as follows :

"Registered under section 75 (or section 77). Act XVI of 1908 by order of the Registrar (or the Munsif, Sub-Judge or Judge) of.....dated in case No..... of 19....."

When a decree or order is registered the endorsement under section 58 shall be thus :-

"Admitted to registration".

Sd. / Registering Officer.

But in the first endorsement the number and Schedule of the Indian Court Fees Act should be quoted instead of those of the Indian Stamp Act.

Endorsement when money paid in presence of Sub-Registrar.

43. When any payment of money is made in the presence of the registering officer, an endorsement to that effect should be recorded instead of the corresponding endorsement prescribed by Rule 39.

Use of stamps for formal portion of endorsement.

44. Registering officers are permitted to use stamp for the formal portions of the stamp certificate and endorsement prescribed by these rules.

Note.-(1) Endorsement stamps may be obtained from the Controller of Stationery on indents countersigned by the Inspector General, and can only be supplied to Sub-Registrars paid by commission on their personally defraying cost, Sub-Registrars drawing fixed salaries and *Ex-officio* Sub-Registrars will be supplied with such stamps free of cost.

(2) A person who is able to write shall be required to sign an endorsement irrespective of any mark he may affix.

A person who at the time of execution of a document was able to sign but, owing to some special causes, is no longer able to do so, may be allowed to affix his mark, but a statement explaining the inability shall be taken, and a note entered in the endorsement. Similarly person who at the time of execution was unable to sign but it is able to do so at the time of registration shall write his name instead of any mark he might have made at the time of execution and an explanatory note may be entered in the endorsement.

Mode of recording endorsement.

45. All endorsement shall be recorded by the registering officer with his own hand. When stamps are used, the blanks in the stamp certificate and endorsement shall be filled in by the registering officer, and the word "execution is admitted" in the second endorsement and "registered" in the final endorsement shall also be in his hand-writing:

Provided that in the case of *Ex-officio* SubRegistrars, Special Sub-Registrars, and Sadar SubRegistrars of amalgamated District, officers without any limit as the number of registrations and of other Sub-Registrars, the number of registrations in whose offices exceeds, 4,000 a year the presentation and completion endorsements prescribed by rules 37 and 57 may be written by office Assistant with the exception of the word "Registered" in the latter endorsement.

Note.-A registering officer must invariably sign his name with his own hand. The use of a stamp in lieu of signature is forbidden in any proceedings under the Indian Registration Act. This implies not only to endorsements and final orders under the Act, but also to receipts, returns, statements, copies under sections 65 to 67 or attested copies granted to parties. It is only in franking covers and in signing advices and reminders that the use of a stamp is permissible.

Use of stamp
for copying
endorsement
in Register
Books.

46. Stamps may also be used in copying the endorsements *into the Register Books, provided that the impression can be conveniently contained in the margin of the said books.*

Thumb
impression

47. When the executant of the document is not personally known to the registering officer, and in all cases when the executant is unable to sign his name, he shall be required to make a rolled impression of his left thumb along side of the signature or mark which he is required to append to the endorsement recorded under rule 39. If the executant has lost his thumb, and impression of the right thumb should be taken, a note of the fact being recorded in the margin. He shall also make a similar impression of his thumb in a register to be maintained for this purpose and shall sign his name in the said register, in which also the number of the document, the book in which it is registered, and the date on which the thumb impression is made shall be entered. In the case of a paradanashin lady, no exemption can be allowed; she shall be required to affix the impression of her thumb either before the registering officer, or in the presence of the person who identifies her. If an executant refuses to affix the impression of his thumb required by this rule, the document of which he is executant shall be registered but the registering officer shall make a note of such refusal on the said document.

If a person whose impression is taken bears personal marks of identity such as natural deformities or other permanent peculiarities which can be noted without enquiry and the registering officer consider it desirable to keep a record of them as additional mark of identity, a brief note shall be made by him below party's signature or name in the thumb impression register.

If an executant be suffering from small-pox, leprosy or other contagious disease, or if he has lost both thumbs and all other fingers the fact shall be noted in the register prescribed under this rule in the place to which the impression of his thumb would otherwise have been affixed.

When several documents executed by the same person are admitted to registration, a separate thumb impression need not be taken in the register of thumb impression in respect of each document. Each impression in the register of thumb impressions shall be initialled by the registering officer as well as by the officer taking the impression or in the case of *Pardanashin* ladies by their identifiers.

The provisions of this rule shall apply *mutatis mutandis* to the identifiers of executants.

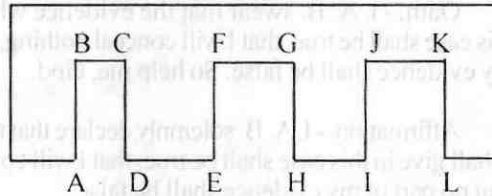
Note.-Registering officers should attend personally to the duty of taking the thumb impressions of executants. Such impressions should be taken in the printed register (Form No. 59) prescribed for this purpose and on one side of the paper only. The serial number of the thumb impression in the register should be entered against the impression on the back of the deed. A separate registers of thumb impressions should be kept for use when executing commissions.

(ii) Thumb impression taken in registration offices should always be "rolled impression" and with a view to having such impressions taken properly, the following instructions should be observed :-

(a) To take a "rolled" impression, the thumb is placed upon a tin slab over which thin film of printers ink has been spread, the plane of the nail being at right angles to the plane of the slab, and the thumb is then turned over until the bulb surface which originally faced to the left, now faces to the right, of the plane of the nail being again at right angles to the slab. By this means the ridge surface of the thumb between the boundaries of the nail is linked, and by pressing it lightly upon paper in the same way that it was pressed upon inked slab, a clear rolled impression of the thumb surface is obtained. Care must be taken not to press the thumb too heavily on the ink slab or subsequently too heavily on the paper, otherwise a blurred impression results. To obtain clear impressions, the following details must receive attention:

The tin slab in use must be free from dust, hairs, or other foreign matter. It should be freshly cleaned for use each day all trace of the ink previously used being removed. A very small quantity of ink should be applied, and this should be worked up into the thinnest possible film: unless the film is thin, impression will be blurred.

(b) "Rolled" impression as usually taken, have an untidy appearance



owing to the jagged edges on three sides of the impression. To obviate this use is made of a

stencil plate of paper. A piece of foolscap of other paper, about 2 inches wide and 7 inches long, is taken, and three rectangular spaces ABCD, EFGH, IJKL are cut of it (marginal figure) these rectangles being of varying dimensions so as to be applicable to thumbs of different sizes. Care should be taken that the aperture is sufficiently wide to include the full outline of the pattern.

(c) The aperture in the stencil plate, which is appropriate to the particular thumb, the impression of which is required is placed over the space upon which the impression is to be recorded and the thumb surface is then placed on the edge of the rectangle aperture, the plane of the nail being at right angles to the plane of the rectangle. The thumb is then rolled over as above explained until the plane of the nail is again at right angle. The stencil plate receives the jagged impression of the ridges which adjoin the nail boundaries. When the stencil plate is removed, a symmetrically shaped impression of the thumb surface is left on the paper containing all the peculiarities of the pattern needed for its differentiation. It may be noted that no portion of the surface of the second joint of the thumb should be inked or if inadvertently inked, should be impression on the paper.

(iii) Should an impression taken in the Register of the thumb impressions be imperfect, a second impression should be taken in the ruled space next below, and it should bear the same number as that of the original impression.

Procedure on
administra-
tion oath.

48. When a registering officer administers an oath, he shall record the evidence of the witness examined, in a book to be maintained for the purpose and a note of the fact that such an examination has been made shall be endorsed on the deed itself. An oath should only be administered when the registering officer doubts the truth of any verbal statement made to him. An oath or affirmation administered by a registering officer under the provision of Section 63, shall be administered according to the form of oath or affirmation

prescribed by the Hon'ble High Court of Judicature in Assam in the following manner :-

Oath. - I, A. B. swear that the evidence which I shall give in this case shall be true, that I will conceal nothing, and that no part of my evidence shall be false. So help me, God.

Affirmation. - I, A. B. solemnly declare that the evidence which I shall give in this case shall be true, that I will conceal nothing, and that no part of my evidence shall be false.

Note. - Christian witnesses to whom oaths are administered are to be sworn upon the New Testament. In other cases oaths are to be administered upon such symbols or accompanied by such act, as may be usual, or as witnesser may acknowledge to be binding on his conscience.

Mode of recording statements under section 63.

49. Statements under section 63 shall be recorded by the registering officer with his own hand at the time they are made.

Fees payable on documents executed by several executants at different times.

50. When a document presented for registration has been executed by some only of the parties thereto, the remaining executants may attend, execute the document and admit execution, without the payment of any further fee, so long as the certificate of registration under section 60 has not been endorsed thereon ; but if the registration of the document has been completed, is must be presented a fresh for registration and a second fee shall be payable.

Document to be copied in the Register Book on the admission of execution.

51. When all the persons executing a document or their representatives, assigns or agents have appeared and admitted the execution thereof, the document shall be copied into the appropriate Register Book.

Security of documents

52. Registering officers are required to scrutinize all documents carefully in order to insure that they are copied into the proper Register Books.

Procedure when document copied into wrong Register Books.

53. In the event of a document being inadvertently copied into a wrong book, the registration thereof shall stand, but the Register may direct that the document with the endorsements and certificate thereon shall be copied into the appropriate book, without further charge. The same procedure may be adopted in cases in which Register Books have been lost or destroyed or in which owing to fraud or other causes, documents have been registered without having been copied into the books.

In the circumstances a fresh final certificate under section 60 in the following form shall be given on the left hand margin of the book in which the document is re-copied and if possible on the document below the former certificate :-

"Registered again under the order of the Registrar of
 No..... dated 20 as document
 No. in book No..... Volume
 Page"

Seal. Registering Officer.

A cross reference in such a case shall also be made on the right hand margin of the original entry of registration in the wrong book in respect of the copy in the appropriate register.

If the error in copying is discovered after the document has been returned after registration, the same procedure shall be followed, a note being made in the margin of the copy in the wrong book, of the volume and page of the appropriate book into which the contents are recopied.

In both these cases fresh entries must be made in the appropriate indexes, without cancelling the original entries made in those indexes.

When a document relating to immovable property is registered through inadvertance in contravention of Section 28, the registering officer shall instruct the executant of the deed and claimant thereunder to obtain a direction under section 68 for its registration from the Registrar of the District in whose jurisdiction the proper office is situated.

When such direction is received, the registering officer concerned shall register the document without levy of any fee, and shall refer to the order of the Registrar in the endorsement of presentation.

The registering officer in whose office the document was originally registered shall follow the procedure prescribed by Sections 64 to 66 and shall forward to the proper officer free of charge a copy or a memorandum of the document, as the case may be. The receiving officer shall file the copy or memorandum in his file book No. 1.

Registration
of two or
more copies
of same
documents.

54. When two or more copies of the same document are admitted to registration at the same time, each copy shall be separately numbered in the fee book and the register books. It shall not be necessary to copy the documents more than once in the Register Books but all the endorsements shall be written upon each copy. So far as the duplicate, triplicate or other copies are concerned, only the endorsements (including the stamp vendor's endorsement) and the kaifiyat, if any, on them shall be copied. A note shall at the same time, be made in the central portion, reserved for the copy of a document in the book showing the number, volume and page of the register in which the original has been copied.

Notes. (i) The translation and copies of documents required by Sections 19 and 62 shall be made on cartridge paper. Such translation and copies shall be kept in separate files, a reference being made to the said files on the right hand margin of the page on which the translation is copied in the book.

(ii) In the case of a document the registration of which is in the first instance, wholly refused by a Registering Officer and registration is subsequently ordered by the Registrar under section 72 or 75 or by a Civil Court under section 77, as the case may be, the fee for the registration so ordered shall be realised again and the document shall be entered in the fee book under a new serial number.

In the case of a document the registration of which is in the first instance wholly refused by a registering officer and registration is subsequently ordered by the Registrar under section 72 or 75, or by a Civil Court under section 77, as the case may be, no fresh fee is to be realised for the registration so ordered, but the document shall be entered in the fee book under a new serial number and recopied into the register book. Previous endorsements already made on the document shall be copied in the body of the copy in the order in which they appear on the original document.

In both the cases the endorsements prescribed for presentation under section 52 shall be written with the word "Representation" in place of "Presented" and the endorsement under section 58 shall be the same as the one used in respect of document admitted to registration after an appeal or inquiry.

Ink. 55. Black ink supplied from the Stationery office shall be employed for all endorsements and signatures.

Procedure when space on documents insufficient for endorsements. 56. When it is not possible to record the prescribed endorsements upon the document itself, owing to the want of sufficient space therefor, a separate quarter sheet of machine-made medium paper, which will be supplied gratis by State Government, shall be attached to the document and the endorsements recorded thereon a note that such action has been taken being at the same time made on the document itself and signed by the registering officer. Every piece of paper so added must bear the seal of the registering officer and be signed and dated by him.

Form of final endorsement. 57. When a document has been copied and compared the registering officer shall make in the following form the endorsement required by Section 60 :-

"Registered in Book Volume
page being No..... for 20"
The of 20

Sd/- A. B.,
Sub-Registrar.

Provision as to writing, etc., with which documents must comply. 58. All documents presented for registration shall be legibly written in ink, typed, lithographed or printed on paper, vellum or vegetable parchment and shall contain a blank space of not less than one side of a half sheet of foolscap or shall be attached to a covering slip containing a blank space of the aforesaid size. A blank space of not less than three inches shall be left above the written portion for recording the certificate of admissibility.

All documents presented for registration shall contain the names and additions of every person executing and claiming under it.

Receipt to be sealed and entry of fees paid subsequently.

59. The receipt given under section 52 shall be sealed with the Sub-Registrar's seal and any fees paid subsequently shall be entered in the counterfoil receipt and in the original receipt on presentation and the latter shall be then pasted to its counterfoil.

Notes. - (i) When the registration of a document is completed it shall be returned to the presentant or to such other person (if any) as the presentant has nominated under section 61. in writing, in that behalf on the receipt granted under section 52. But before returning the document the registering officer or office assistant mentioned in rule 142 shall examine the signature on the back of the receipt and see that it tallies with that on the document itself and that the written authority enjoined by Section 61 subsection (2) is in proper order. If the presentant can write, the whole authority shall ordinarily be written by him. If he is illiterate the whole authority shall usually be written by the person who signed the name of the presentant.

(ii) In case where the presentant of a document dies without endorsing on behalf of any person the receipt granted under clause (6) of section 52(1) of the Registration Act, the document may be returned to the legal representatives of the deceased, on production of the receipt if the Registering Officer is satisfied that there is no suspicion of fraud.

(iii) If the presentant has nominated another person to take back the document after registration and such nominee is dead and his representative claims the document, the document shall not be returned to him without the written consent of the presentant.

Lost of receipts.

60. Every application alleging the loss of a receipt and requesting the return of a document shall be in writing, and shall be presented by the person to whom the original receipt was granted. On receipt of such application, the registering officer, after satisfying himself as to the identity of the applicant shall, if the document has not been registered, issue a duplicate receipt, or if the registration of such document has been completed, shall return the said document to such applicant. In such cases the registering officer

shall have pasted to the counterfoil receipt a piece of plain paper with the following certificate endorsed thereon :-

Certified that the loss of the original receipt has been proved before me, that the presentant has been duly identified, and that the document has been returned as per signature of the recipient on the reverse.

Dated.

Sub-Registrar".

The thumb impression of every such applicant shall be taken in a separate volume of the register of thumb impressions, which shall be maintained specially for the purposes of this rule.

In all such cases the usual fee for search shall be levied and the fee so realised shall be entered in the duplicate receipt or in the certificate attached to the counterfoil, as well as in the fee book and register of searches.

If the applicant fails to establish his identity, as the presentant of the document, to the satisfaction of the registering officer, the said officer shall reject his application for the return of the document or the issue of duplicate receipt.

Note. - The obligation of a registering officer to return a document presented to him for registration to the presentant, is subordinate to his obligation to give effect to any injunction of a Civil Court as to its disposal.

Delivery of documents through the medium of the post.

61. (a) If the presentant of a document desires that, after registration thereof has been completed, it should be delivered to him or to some other person through the medium of the post he shall return to the Sub-Registrar the receipt granted under section 52, with the following endorsement on the back either in English or the Vernacular :

The Sub-Registrar of is requested to post this document, on completion of registration, to of village post office district for which purpose on envelope bearing annas in postage stamps to cover the cost of postage, and postal registration, is deposited herewith.

Dated

Presentant".

(b) The receipt so endorsed shall be accompanied by a large registration envelope (or, if the document is of so bulky a nature that a large envelope is necessary, by a stout cover of the requisite size) on which the applicant has inscribed the address to which the document is to be despatched. The address must be the same as that endorsed on the receipt.

(c) The envelope must bear postage labels sufficient to cover the cost of transmission, plus one anna in prepayment of the acknowledgement of the addressee, and if, in the case of bulky documents, a cover other than a large registration envelope is used, postage labels to the value of four annas must in addition be affixed to defray the cost of postal registration.

(d) On the presentation of a receipt endorsed as detailed in sub-clause (a) above, the registering officer shall cause the said receipt to be pasted to its counterfoil, shall issue a fresh receipt to the presentant, and shall retain the envelope in his possession, under lock and key, until the document has been copied.

(e) As soon as the document has been copied the registering officer shall enclose it in its proper envelope, and shall cause the envelope to be sealed in his presence and despatched by post. The number and date of the postal receipt shall be endorsed on the back of the receipt. Column 12 of the fee book will then be filled up and a note made in column of remarks to the effect that the document has been returned by post.

(f) The postal receipt and the addressee's acknowledgement shall be pasted to the counterfoil of the receipt.

(g) Documents to be returned by post must be scrutinized more carefully even than usual, in order to insure that the extra copying; (R) fees, if any, have been correctly estimated and that all other fees payable have been realised. Should it subsequently transpire that the full fees have not been realised, the document should be returned to the addressee by value-payable registered post for the amount of deficit fee and extra postal charge a memorandum being enclosed with the document explaining the cause for

the extra demand. Documents cannot be despatched by value payable post to post offices at which money orders are not payable. Sub-Registrars should maintain a list of such offices situated within their subdistricts. In the case of documents on which the full fees have not been realised and which are to be addressed to such offices the Sub-Registrars shall communicate with the presentants and request them to pay the deficit fees, on receipt of which the document shall be despatched by registered post.

(h) A register of documents delivered through the medium of the post shall be maintained in Form No. 128. Columns 1 to 5 shall be filled up on the date of the presentation of the receipt endorsed as detailed in sub-clause (a), columns 6 and 7 on the date of completion of registration, columns 8 and 9 on the date of despatch of the document and columns 10 and 11 on the date of the receipt of the acknowledgment and of the deficit fees (if any) respectively.

(i) Documents returned from the dead letter officer undelivered shall be entered again in columns 14 and 8-II of the fee book under their original numbers in red ink and the fact of their return noted against the entries relating to the delivery of such documents in the fee book and in the register of documents delivered through the medium of the post.

Registration.

62. When a document is re-registered it will be treated in all respects as an entirely new document and must be recopied in its altered form in the proper register and the full fees levied.

Note. - Re-registration may be effected in the following circumstances :-

- (a) When a deed is altered by consent of the parties after registration in order to correct an error of description and in furtherance of their original intention Such alteration in effect make the document a new one, different from that already registered, and if it be a document falling under section 17, re-registration becomes obligatory. (Another mode of correcting a misdescription in a registered document is to draw up a supplementary document, reciting the error in the former one and the correction now intended to be made and to register this document also).

- (b) When a document purports to have been executed by several persons, but at the time of first registration had in fact been executed by some of those persons only, if after registration the other parties thereto also execute the deed, it must be registered afresh, but in that case limitation will run under the proviso to section 23, not from *the* date of the document, but from the date of each execution.

Procedure on registration of documents four months after execution.

63. When a document is presented or the execution of a document is admitted more than four months after the execution thereof, the Registrar may either register the document himself in which case the extra fee prescribed by the Table of Fees for registration by a Registrar as well as the penalty for delay shall be levied, or he may direct its registration on payment of the said penalty by any Sub-Registrar in whose office it could have been registered if presented without four months. In such cases the date on which the application was made to the Registrar, shall be regarded as the date of presentation.

Refusal of Registration

Documents presented at the wrong office.

64. If a document has not been presented at the at the proper office, it shall at once be returned to the presentat with the endorsement "Returned for presentation at the proper office". In this case no entry need be made in Book II, but, a note should be made in the Sub-Registrar's diary of the names of the parties the nature of the document and the reason for its having been returned.

Registering officer to give advice regarding stamp duty before formal presentation.

65. If the executant of a document who is in doubt as to the correct stamp duty, consults a registering officer on the subject before formal presentation, the required information may be given to him and the document shall not be impounded. It may at the same time be explained to such a person that if he wishes to obtain an authoritative opinion, he must apply to the Collector under the Indian Stamp Act. An insufficiently stamped document formally presented must be impounded and forwarded to the Collector.

Endorsement on refusal of registration.

66. If the provision of section 19, 20, 21, 23, 25, 32 or 40 have not been complied with, the deed must be returned at once to the presenting party, with the following endorsements:

following endorsements :-

"Registration refused"

an entry being made at the same time in Book II.

Note.-Registration cannot be refused on the ground that the consideration or object of document is immoral or otherwise un-lawful. Every case in which a document presented for registration purports to transfer a female child to a prostitute or to a person of the prostitute caste, or to impose an illegal cess or other unlawful condition on any person, should be reported by the Sub-Registrar to the District or Subdivisional Officer as the case may be so that, if the circumstances are suspicious, the Magistrate may make enquiries, and, if necessary, take further action.

Procedure when proper fee not paid.

67. If the presenting party declines to pay the proper fee, the document will be returned without any endorsement, and an entry to this effect made in the Sub-Registrar's diary; such document will not be entered in the fee book :

Provided that order under this and the preceding rule may be deferred, at the request of the parties, in order to enable them to comply with the requirements of the law. But in such cases an order of refusal shall be passed if the requirements of the law have not been fulfilled within the time allowed for presentation under section 23, 24, 25 or 26 as the case may be.

Documents in which Sub-Registrar is personally interested.

68. A Sub-Registrar is not- authorised by law to refuse to register a document because he is directly or indirectly interested in the transaction to which it relates, but he should recommend the parties to present such a document at some other office. If the document relates to movable property only, such other office may be the office of any Sub-Registrar under the Government of Assam. If the document relates to immovable property such other office shall be the office of the Registrar of the district. The latter office shall register such document, without charging the usual extra fee. If the parties, after having been advised as aforesaid; insists on the Sub-Registrar registering such document, he shall do so and report the fact to the Registrar to whom he is subordinate.

Conduct tantamount to denial of execution.

69. If an executant, on being asked by a registering officer whether he has executed a document, wilfully refrains from replying to the questions put to him or declines to state whether he has executed such document or not or if after a summons to compel the appearance of a executant at a Sub-Registry office

for the purpose of admitting execution of a document has been duly served upon the said executant thereof, he refuses or wilfully neglects to attend at such office for the purpose aforesaid, he shall be deemed to have denied execution of such document, and the registering officer shall thereupon record an order of refusal under section 35.

Documents
executed by
deaf and
dumb per-
sons.

69. (a) A document executed by a deaf and dumb person can be registered if he can, by some means or other, express his intention to admit execution. In such case the registering officer should record a short note in the endorsement of execution of the circumstances which help him to arrive at his conclusion. If on the other hand, the registering officer be not satisfied as to the ability of the executant to understand the question put to him, he shall refuse to register the deed under section 35(3) of the Indian Registration Act.

Procedure
when of
several
executants
some admit
and other
deny execu-
tion.

70. The following procedure shall be adopted when of several executants of a document some admit and others deny execution thereof:

- (a) When all the executants appear before the registering officer, such document shall be registered in respect of those of the executants who admit execution, and registration shall be refused in respect of those who deny execution thereof, or who appear to be minors, idiots or lunatics :-
- (b) When some of the executants appear and admit execution, and the others fail to appear, notwithstanding that process to procure their appearance, has been duly served upon them, the document shall be registered in respect of those of the executants who have admitted execution and refused registration in respect of the executants who have failed to appear.
- (c) When some of the executants appear and admit execution but no steps are taken by the presentant, to procure the attendance of the other executants, registration shall be refused in respect of all the executants.

- (d) When the executants of document appear at different times, the admission or denial of each executant should be recorded on the document but the order of registration or refusal shall not be passed: until all the executants have appeared and admitted or denied execution, as the case may be, and unless the maximum time allowed for appearance by the Act has expired.

Procedure when of the heirs of a deceased executant some admit and some deny execution.

71. If some of the heirs of a deceased executant admit execution and the others do not appear, or, having appeared, do not admit execution of a document, registration thereof shall be refused.

Procedure when receipt of consideration denied.

72. If the person who admits execution of a document denies the receipt of the consideration recited therein, in whole or in part, registration shall not be refused because of such denial, but a note thereof, shall be added to the endorsement required by section 58.

Modification of forms of endorsement when of several executants some admit and some deny execution.

73. When a document has been executed by several persons and registration has been refused with regard to some of them, the words "in respect of A" should be added after the word "refused" in the endorsement prescribed by rule 66, and the names of the persons in respect of whom registration has been refused shall be recited in the order of refusal and shall be recorded in Book II.

Mode of recording evidence in enquiries under section 74.

74. In enquiries under section 74, Registrars and officers empowered under section 7 shall record the evidence of the witnesses examined by them, in the manner provided in rule 13, Order XVIII, Schedule I of the Code of Civil Procedure,

Note -When such enquiries are held by the Registrar of the district, he must himself record the evidence of such witnesses, and not delegate the duty to another officer.

Mode of recording reasons of refusal.

75. The reason for refusal must be recorded by the registering officer with his own hand in Book II and the particulars should be fully and clearly stated in each case. When one of several executants declines to comply with the requirements of the law, his name should be given and when the registering officer is doubtful as to the identity of the Person admitting execution, the grounds of his suspicion should be stated.

Order of refusal to be communicated to parties.

76. The order of refusal or directing registration should be communicated to the party concerned without loss of time. The order when made should be delivered to the party, if present in the office and should be sent by registered post in other cases. In the former case acknowledgment should be taken and in the latter case the details of the postal receipt entered in the refusal register or the record of the appeal or inquiry as the case may be, with the addition of the date on which the order was communicated.

Copies of a Sub-Registrar's reasons for refusal should be given to the executants or claimants of documents, free of cost, but other persons applying for such copies are required to pay the usual fees for copies as prescribed in the Table of Fees.

Note.- Copies of the Sub-Registrar's reasons for refusal should be given without payment according to section 71(1) of the Indian Registration Act but when a second copy is applied for, requisite fees under Articles H and I should be charged. Except for free copies, stamp duty shall be levied under Article 24 of the Schedule I of the Stamp Act, as amended.

Calculation of period allowed for appeal

77. The time required for obtaining a copy of the reasons for refusal should not be excluded in computing the period of thirty days within which a person may apply to the Registrar, under sections 72 and 73 of the Registration Act, to establish his right to have a document registered.

Calculation of period of limitation.

78. Where there are several executants and denial of execution is made on different dates, the period of limitation for applications under section 73 should be calculated from the date of each order of refusal.

Register Books

Mode of making copies

79. Every copy made in the Register Books shall be an exact counterpart of the original and shall be carefully compared with it; all interlineations, blanks, erasures, or alterations which appear in the original shall be reproduced in the copy entered in the register. The serial number of each thumb impression (if any) in the register of thumb impressions, shall be entered below the copy of the endorsements in lieu of the impression itself.

Notes. - (i) The practice of rubbing out incorrect words and figures with the fingers or of scratching them out with a knife, or erasing them in any other way is strictly prohibited. Corrections must always be made with the pen. One word or figure must not be altered into another, but the pen must be drawn through the erroneous entry, and the correct word or figure clearly entered either, close to that struck out, or opposite to it in the right hand margin. All corrections and interlineation must be attested by the registering officer's initials, which must be made, not on the top of the erroneous word or figure, but in a blank space close to the correction.

(ii) The hand-writing in the register book must be legible, neat and compact, and each page must ordinarily contain 300 words. It is essential that copies should be accurate, and if inspecting officers find an appreciable number of errors, the office assistant in fault should be punished.

(iii) Interlineations, blanks and alterations in a document must be noted by the registering officer as required by sub-section (2) of section 20, even though they may have been incorporated in a duly attested note or kaifiyat on the document itself. An erasure in a document which it is necessary to note shall be indicated in the register book by a mark and a corresponding marginal note.

Comparison of copies.

80. The register copy of every document shall be compared with the original, and the original, if possible, read by some person other than the copyists, and the copyist, the reader and the comparer shall append their signatures to the copy in the book.

Note.-Sub-Registrars are required frequently to check the copying, comparing and indexing work of the office Assistants and muharrirs under them, and to enter in the diary the number of document in respect of which such checks have been applied.

Authentication of copies.

81. The registering officer shall authenticate by his initials all corrections in the copy, and all notes which may be necessary under section 20. He shall also affix his initials to each page and shall certify with his full signature each copy to be a true one and shall date such certificate with his own hand. This must be done daily.

Duties of copyist, reader and comparer.

82. The copyist above his signature, shall enter the word "copied" and the comparer and reader shall similarly enter the words "compared" and "read" respectively.

Each copy shall be signed in full by the copyist, reader, comparer and Sub-Registrar, and the date on which each signature is attached shall invariably be entered below such signature. The copyist, reader and comparer of endorsements are required to enter their signatures and the date in the left hand margin; and the copyist, reader and comparer of the deed itself are required to sign their names in the body of the register between the two margins.

Remedy of defects in Register Books of previous years.

83. When defects are discovered in Register Books for previous years, as regards the authentication of the copies of documents recorded therein and the attestation of mistakes and interlineations, steps should at once be taken to rectify the irregularities and supply the omissions. If the defects are discovered during the incumbency of a Sub- Registrar, other than a SubRegistrar during whose incumbency the books were written, the registering officer in-charge at the time of the discovery of the defects shall remedy them as far as possible, adding a note at the beginning of the book to the following effect :-

"The then registering officer having omitted to add his signature on pageof this book, the undersigned has this day supplied the omission".

Date

Sub-Registrar.

Interlineations and corrections to be made in red ink.

84. All interlineations and corrections in the Register Books shall be made in red ink when the writing is in black ink, and in black ink when the writing is in red ink.

Margins in Register Books.

85. The Register Book shall have two margins. On the left margin shall be copied the value of the stamp, the certificate of admissibility and all the endorsements recorded by the registering officer; in the centre shall be copied the deed itself and the right hand margin shall be left vacant for notes under section 20. All the above entries shall be made in black ink.

Note.-When a Court forwards a copy of its decree cancelling a registered instrument under section 39, Specific Relief Act (Act I of 1877) the registering officer shall note on the margin of the copy in the book in which it has been registered the fact of the cancellation of the instrument.

Mode of copying stamp vendors certificate.

86. The Stamp vendor's endorsement of each document shall be copied in red ink into the register in the centre of the page below the copy of the document itself.

Register Books.

87. Several volumes of Register Books I and IV may be in use simultaneously, when the documents registered are so numerous as to make this course necessary. Register Books II, III and V shall be continued from year to year until they are full and in small offices where the number of documents registered is inconsiderable, the same volumes of Registered Books I and IV may also be used for two or more years.

Notes.-(i) In copying documents in register books page marks of the original are to be noted therein in red ink to indicate where the 1st, 2nd or any other page of a document ends and the next page begins.

(ii) A document should ordinarily be copied and completed in the same volume in which it is begun, except in the case of an unusually lengthy document which covers more than one full volume and is completed in another. In that case a cross reference should be made thus;

(a) On the last page of the earlier volume- "Continued to page 1 of volume....."

(b) On the first page of latter volume- "Continued from page.....of volume....."

(iii) When a document engrossed on two or more stamps the entry regarding the value of stamp shall show the number of stamps and their respective value.

(iv) If a document contains a signature in a language not understood by the registering officer or any of his staff, the registering officer shall ascertain from the party in which character it has been signed and shall make a note of it on the document below the signature. When the document is copied in the register book, the signature should be transcribed in English or in a language commonly used in the district and a note appended below it in brackets, thus :-

"signed in the original in.....language",

(V) Copying Office Assistants shall before commencing their work for the day, ensure that all entries relating to the previous day have been signed by the registering officer and that interlineations, erasures, etc., have been duly noted and attested: any omission being immediately brought to the notice of the registering officer.

Before putting his signature in the copy of a document in a register book, the registering officer shall make sure that the copy has been signed by the copyist, the compiler and the reader as required by rule 82.

(vi) When a copy of a document extends over more than one leaf of the register book, the serial number of the document and the year to which it relates should be noted on every page on the right hand margin of the register book so that the number of the document may be traced in the event of any leaf being torn or misplaced.

(vii) Tabular statement wherever found in a document should be copied in that form instead of in extended order which may destroy the sense of the document.

(viii) Signature of executants, witnesses and the writer of a document shall be copied in the register books as many times as they appear on the document in extended order within brackets.

(ix) When an instrument is executed in the form of an endorsement written across or at the foot or back of any previously registered document, e. g., an assignment of a lease, a transfer of an interest, a receipt or discharge acknowledgment, consideration money or any payment secured by a registered instrument, such endorsement shall when presented for registration be numbered and registered as a separate instrument and a note in the following form shall be entered in the register.

“Written across (or at foot or back of) document No.....
of 19.....book No.....
 volume.....page.....of.....office”.

Certificates
 in Register
 Books.

88. When a book or register is opened, the pages therein shall be counted and a certificate showing the number shall be entered at the top of the first page by the Sub-Registrar in the form ‘This book contains.....pages consecutively numbered’. When a register book is closed, a certificate to that effect shall be appended at the end of the written portion and a certificate showing the number of pages written upon, the number of copies of documents, maps or plans to

contained in each, together with the page in which such maps or plans have been pasted shall be entered in the first page.

Notes.-(a) The certificate of closure should be endorsed directly a book has been closed. Three certificates are required in each book, namely, (1) a certificate showing the number of pages contained in the book, to be entered at the top of the first page before the book is brought into use, (2) a certificate showing the number of pages written upon, the number of copies of documents, maps or plans to be entered at the top of the first page above the portion written upon and (3) a certificate to the effect that the book has been closed, to be added at the last page at the bottom of the portion written upon. These certificates shall not be written on the fly leaves of the register.

(b) The above three certificates should be entered in all registers of thumb impressions also and certificates 1 and 3 should be appended to the fee book and the cash book.

Supplementary documents remedying errors.

89. When, owing to an omission or error in any document which has been registered, a supplementary document rectifying such mistake or omission is presented for registration, a note of such rectification shall be made in the margin of the register into which the original document has been copied.

Document to be sealed and signed by registering officers on every page.

90. When a document occupies more than one sheet of paper, the seal and signature of the registering officer and the date shall be attached to every sheet at the time of presentation.

Registration of considerable number of documents in same form presented by same person.

91. Any person having occasion to procure the registration of any considerable number of instruments of in the same form, such as leases, agreements or bonds, shall be allowed to deposit in any registration office any number, not less than 50, of printed or lithographed forms of such documents: provided that these forms must be printed or lithographed lengthways on machine made paper of medium size. Blank spaces must be left in the body and at the foot of the instrument to fill in names, sums of money, areas, boundaries and any other particulars. A margin of one inch in width must be reserved for binding purposes. The forms must contain a blank space of not less than one side of half a sheet of the paper, and the endorsements shall be copied on the said space.

Forms to be bound into volumes.

92. Before use, the forms mentioned in the foregoing rule must be bound into volumes and paged in the Registration office, and a certificate of the number of pages contained in the volume shall be entered on the first page thereof. There shall be one volume for each depositor, and his name shall be noted on the cover thereof. The volume shall be numbered and, treated in all other respects as a volume of Book I or Book IV as the case may be.

Procedure to be followed in copying documents into such forms.

93. On the presentation of a document being an exact duplicate of any form deposited under the foregoing rules and being executed by, or in favour of, any of the depositors, it shall be copied into the volume appropriated to that depositor's form; that is to say, the blank spaces in one of the forms deposited shall be filled in so as to render the said form an exact copy of the deed presented.

93-A. The leases of Post Office buildings and all documents executed by or in favour of Co-operative Societies may be accepted for registration when presented in duplicate. The registering officer shall cause the manuscript entries in the original document to be reproduced in their proper places in the duplicate copy and return the original document duly registered retaining the duplicate copy for record in his office. With the previous sanction of the Inspector General of Registration a special volume of Register Book I or Book IV in the form of a file book with numbered butts may be opened in any office for the registration of such documents. After it has been so filed, the registering officer shall snail authenticate the copy by his signature with date, and shall also affix to it the seal of his office. He shall write his signature and affix the seal in such a manner that the signature and impression of his seal shall appear partly upon the butt and partly on the sheet pasted thereto. When a copy consists of more than one sheet, each sheet shall be pasted to a separate butt and the registering officer shall endorse on it the number of the sheet and the number of the document of which it forms part and shall affix his signature with date and the seal of his office to such endorsement in the manner laid down above. When a document is registered under this rule a note of its registration in the file book shall be entered in the register book in which it otherwise would have been registered thus :-

No..... filed in file book, volume.....

Priority of registration to be given to such documents.

94. As an exception to the general rules priority may be given to the registration of documents presented under the preceding four rules. Endeavour should be made to return such documents to the presentants before they leave the office.

Note. — Where in a printed special volume used under the above rules, the description of the property cannot be compressed within the space intended for the purpose, it shall be continued on the succeeding pages of the printed volume, the unutilised printed matter being scored out over the initial of the registering officer.

Copies, Memoranda and Sale Certificates

Files of copies, memoranda and sale certificates.

95. In addition to the bound volumes of Register Book 1, every Sub-Registrar shall maintain two files, in one of which he shall file the memoranda of registered documents which have been received under sections 64, 65 and 66, and in the other the copies of the sale certificates received by him from Civil Courts, and of instruments and orders under the Agriculturists Loans Act, 1884, or sales under the law for the time being in force relating to land revenue received from Collectors. Registrars shall keep three separate files one for memoranda and one for copies under sections 65, 66 and 67 and one for sales certificates and copies of instruments, orders and certificates received from Civil Courts and Collectors as above. These papers shall be bound into volumes of convenient size at the end of the year. They shall be numbered consecutively but in a series distinct from that of original registrations in Register Book 1.

Notes.-(i) On receipt of a copy or memorandum from another registration office, the registering officer will note on it the date of receipt over his initials and cause it to be numbered and paged; it shall then be indexed and finally filed, the word "Filed" being written by the registering officer himself.

(ii) Civil Courts have been directed by the High Court to insert in all sale certificates as accurate a description of the Property sold, as the nature of each case will admit of, together with sufficient particulars for their identification. "The addition" (as defined in section 2 of the Registration Act) of the auction purchaser and the name of each registry office within the jurisdiction of which any part of the property is situated should also be entered by such Courts in every case. Copies of sale certificates should be written on machine made medium paper. Sub-Registrar should bring to the notice of inspecting officers omissions on the part of Civil Courts to send copies of certificates regularly or to comply with the above instructions.

(iii) Where there is a joint office, copies of sale certificates should be forwarded to the parent office only.

(iv) Copies shall be made on paper of the same size and description as that of the bound Register Books. Memoranda shall be drawn up in Form No.52.

Despatch of memoranda.

96. When a copy of a document is sent to the Registrar of another district under sub-section (1) of section 65, sub-section (2) of section 66 or section 67 of the Indian Registration Act, no memorandum required for any Sub-Registry office of that district need be sent along with the copy. The Registrar receiving the copy shall cause the required number of memoranda to be prepared in his own office and forward them to the Sub-Registrars subordinate to him; but no memorandum need make mention of any property other than that which is situated in the sub-district to which the memorandum is to be sent.

Note.-Postage on transmission of copies and memoranda is not to be levied from the parties. The charge is covered by the consolidated fee under the Table- of Fees and is defrayed by State Government as a contingent charge.

Exception as regards despatch of memoranda.

97. Sections 64 to 67 of the Indian Registration Act deal only with documents of a non-testamentary character. When, therefore, a will affects immovable property situate in districts or sub-districts, other than that where the will is registered, no copy or memorandum of such will is to be sent to the registering officers of those districts or sub-districts.

Date of despatch of copies and memoranda to be entered in Register Books.

98. The date on which copies and memoranda are despatched, shall be entered in the right hand margin of the Register Book into which the document has been copied and the entry shall be intialled by the Sub-Registrar.

Notes.- (i) If the registering officer is unable to despatch copies of documents on the day of admission to registration, a short note in Form No.20 shall be sent on that day.

(ii) In preparing memoranda the following instructions should be observed :-

Column 1 should contain only the general designation of the document as, for instance "conveyance," "patta", etc; the date of presentation and a copy of the endorsement of registration.

Column 2 explains itself.

Column 3 should contain a general description of the property referred to in the document, e. g., a zamindari, a patni, darpatni, or sepatni, taluk; an indigo factory, howla, osat-hawla, nim-osat-hawla, etc., together with its situation, the extent of the interest affected, and any short name by which the property is generally known. The tauzi number and survey number should also be entered where possible. In the case of property situated in the towns the name of the street, and the number of the house should be noted.

Column 4 explains itself.

(iii) When a document is registered in duplicate or triplicate memorandum or copy shall be forwarded under sections 64 to 67 in respect of the duplicate or triplicate, but the number of copies registered with the original shall be noted in red ink in the last column of the memorandum prepared from the original.

Receipt to accompany copies and memoranda.

99. When a memorandum or copy under sections 64-67 is transmitted from one office to another, it shall be accompanied by a receipt in the prescribed printed form which shall at once be signed and returned by the receiving officer. If delay occurs in the return of the receipt, the despatching officer should send a reminder to the office to which it has been despatched, making a note of the fact in the column of remarks of the register of copies and memoranda. All such receipts, when returned, shall be kept in a separate file.

copies and translation under sections 19 and 63.

100. The copies and translations of documents required to be filed under sections 19 and 62 shall be made upon machine-made medium paper, which may be sold to the public for this purpose at half an anna per sheet. These papers shall be kept in a separate file, a reference to which should be entered in righthand margin of the page of the Register Book into which the translation has been copied. The file shall be bound from time to time when it contains a sufficient number of copies and translations to form a volume. The usual endorsement and the certificate under section 60, recorded on the original documents returned to the presentant shall be entered on the left margin of the Register Book into which the translation is copied.

Notes.-(i) The contents of a register book shall be indexed as soon as a document has been copied therein and the preparation of original indexes shall on no account, be allowed to fall into arrears. Copies, memoranda, sale certificates, etc. shall be indexed, if possible, on the date of their receipt and shall not be filed before they are indexed.

(ii) If a document be completed in the year following that in which it was admitted to registration, it shall be indexed the index register of the year of admission.

Indexes

Index 101. The personal Index No.1 shall contain the following headings :-

- (1) Name of person.
- (2) Addition.
- (3) Interest in the transaction, *e. g.*, "purchaser", "mortgagee", "decree-holder", etc.
- (4) Where registered.
- (5) Serial, Number.
- (6) Volume.
- (7) Page.

Note.-The following are the terms to be used in column 3 of Index I :-

For leases-"lessor" and "lessee": for pattas "executant", "lessor", "claimant", "lessee".

For kabuliyats-"executant", "lessee", "claimant", "lessor", the nature of the document being distinguished, if necessary, by the affixes P and K. The prefixes P (perpetual), I (indefinite) and T (terms) should also be used.

For sales-"Vendor" and "Vendee".

For mortgages- "mortgagor" and "mortgagee", and if usufructuary, prefix-
L

For Awards-"Arbitrator" and "party to the Award".

For gifts-"Donor" and "Donee".

For Settlements-"Donor" or "Donee of settlement".

For deeds of partition-"partitioner" only.

For assignments-"Assignor" and "Assignee".

For decree and sale certificates-"decree-holder", "Judgment-debtor" and "auction-purchaser".

In the case of representatives or guardians-"Repreaentatives of" or "guardian of", "lessor" or "donor", etc: shall be used.

Index 102. The Local Index No. II shall contain the following headings :-

- (1) Name of property,- mauza or village or in town of street, number of tal uk or patta and other particulars required by section 21, Act XVI of 1908, also the extent of the property affected.
- (2) Name of pargana -or thana, or, in the Assam Valley, of mauza.
- (3) Sub-District in which the property is situated.
- (4) Nature of the transaction, *e. g.*, "sale of land", "decrees for possession of house", etc.
- (5) Where registered.
- (6) Serial Number.
- (7) Volume.
- (8) Page.

Notes.-If each parcel of immovable property does not bear a distinctive name. the name of the mauza shall be entered in column 1 of Index No. II and such further description added as may be necessary.

Examples :-

- (a) Rampur, Tauzi No.521, 2 annas. Revenue paying or Revenue Free.
Govindpore, 30 bighas in 2 plots within specified boun. daries. Occupancy right, or intermediate tenure.
- (b) When the plot numbers of a cadastral survey have been entered in a document, they should be entered in Column (1) of Index No.II.
- (c) In posting entries relating to copies and memoranda of documents, the name of office in which the copy or memorandum is filed will be entered in the column "where registered". The name of the office where the original deeds have been registered should also be entered within brackets.

- (d) In the case of copies of sale certificates, instruments or orders received under Section 89, the name of the office in which they are filed should be entered in the column headed "where registered", together with the name of the Court forwarding them, within brackets.
- (e) In Column I of Index No. II, it should be specified whenever possible, whether the land concerned is an estate, a tenure or a holding and whether it is revenue or rent paying or rent revenue free. The exact right affected by the document registered, should as far as practicable also be mentioned in the same column.

Index III. 103. Index, No. III shall contain the following headings:-

- (1) Name of person.
- (2) Addition.
- (3) Interest in will or authority to adopt.
- (4) Where registered.
- (5) Serial Number.
- (6) Volume.
- (7) Page.

Note.:- The following terms are to be used in column 3 of Index No. III:

For wills-"testator", "testatrix"; "depositor", "executor", "executrix" in black ink; "claimant" and "legatee" in red ink (after the death of the testator).

Authorities to adopt-"Donor" and "Donee".

Index IV. 104. Index No. IV shall contain the same headings as Index No. I.

Note. - The following terms shall be used in column 3 of Index No. IV:-

For bonds - "obligor" and "obligee" (applies also to instalment bonds).
or sales-"Vendor" and "Vendee".

For receipts-"debtor" and "creditor".

For policies of insurance-"insurer", "insured" and "policy holder".

For bills of exchange and promissory notes-"drawer", "drawee" and "endorser".

For decree-"decree-holder", "Judgment-debtor".

For agreements for personal service-"master" and "servant",

For release-"releasor", "releasee".

In the case of representatives or guardians as in Index No. 1.

For deeds of surrender-"surrenderer", "surrenderee".

For deeds of dower (kabin)-"donor" and "donee".

For deeds of diverse-"divorcer" and "divorcee".

As regards all other deeds, the person executing the document should be indexed as "executant of" and the person claiming under them as "claimant under....." the description of the document being entered after the word "of" and "under".

Mode of
making en-
tries in
Indexes

105. All indexes shall be in English and the entries; therein made alphabetically, those under each letter being arranged in order of the first vowel of the name when it begins with a consonant, and of the second vowel when it begins with a vowel.

Spelling to
be adopted
in indexes.

106. In indexing documents which have been drawn up or executed in English, the spelling adopted in the original shall be followed. But in the case of documents written or executed in the Vernacular the spelling shall be regulated according to the instructions issued from time to time by the State Government, for the transliteration of names from the Vernacular. As regards the names of places, the spelling adopted in the Postal Village Directory (a copy of which is supplied to each office) should be followed.

Note.-In indexing all names beginning with the same letter should be entered in succession, a sufficient number of pages being as signed to each letter in the indexes of each year.

Index Words

107. In the case of Europeans, the surname shall be taken as the Index: word. All Indian names shall be indexed in order of the first letters as they stand in the deed except that appellations, such as Shaikh, Saiyid, etc., if appearing at the beginning of the name, shall be shown in the index at the end of the name. Indian names will be transliterated in the same form in which they are written in the document. Thus in Bengali either Benarji or Bandopadhyay may appear in the document and whichever of these forms is used will be indexed and transliterated.

108. When a document is executed on behalf of or in favour of Government the index entry shall be made under G "Government", the name of the officer executing the document being entered in the column headed, "Additions", if on behalf or in favour of the Court of Wards, under W. "Wards, Court of" and in the case of any other Court under C. If by or in favour of a District Board, Local Board, or Municipality, under B. or M. the name of the Chairman being entered in the column headed "Additions". The names of companies shall be entered as they stand, the article only being omitted, thus- The Land Mortgage Bank of India, Limited, should be indexed under L. The Ganges Steam Navigation Company, Limited, under G.

When a document is executed on behalf of the Administrator General, the Receiver, or the Official Trustee, the Index shall be under Administrator General, etc.

Indexing of documents executed by representative or guardian.

109. When a document is executed by the representative or guardian of a private individual, the name of the individual, as well as that of his representative or guardian, shall be indexed.

Entries in Index III.

110. The name of the depositor of a sealed cover shall be entered in Index III in black ink. The names and additions of persons claiming under a will or authority to adopt, which are not indexed until after the death of the testator or donor, should be entered in red ink.

Indexing of two or more executants or claimants or of property.

111. When there are two or more executants or claimants, their names shall be separately entered in Indexes I, III or IV. Similarly, when two or more properties are conveyed by a single document, they shall be separately entered in Index II. But no Sub-Registrar need enter in his Index II any property which does not lie within his own Sub-district: Provided that in the case of documents relating to property situated in a Sub-district other than the Sadar, which are registered by the Registrar under Section 30(1), the names of the persons and of the property should also be indexed in the Sadar office.

Notes.-(i) When there are three executants-A, B and C, there will be three entries, viz., A and two others, B and two others, and C and two others.

(ii) When a minor without a name is a party to a document, the name of its guardian shall be indexed and the fact that the minor has no name shall also be noted.

(iii) When a document is registered in duplicate, triplicate, etc., the indexing of the original document shall be made in extenso, but in the case of duplicate, triplicate and other copies, columns of index No. I, columns 1-5 of Index No. II and columns 3-4 of, Index No. IV need not be filled up, the word duplicate, triplicate &c. as the case may be, being written across them. The serial number I of each of the letter documents with the number of volume and of page in which each is copied should, however, be entered in every case below the entries for the original document.

(iv) When there are more than one executant and registration is refused in respect of anyone of them, the name of the person in respect of whom registration has been refused shall not be indexed.

Indexing of copies, memoranda and sale certificates.

112. Copies and memoranda of documents, sale ; certificates and copies of instruments, orders and certificates received from Collectors shall be indexed in the same way as original documents, but the entries relating to them shall be made in red ink. In Index I the names of the decree-holder, auction purchaser and judgment debtor shall be indexed in the case of sale certificate, and the names of the parties in the case of memoranda. In the case of copies the name of the property shall be indexed in Index II of the Sadar office, irrespective of the sub-district in which the property is situated.

Notes.-(i) When a document is re-registered the names only of the parties to which the re-registration relates shall be indexed

(ii) When a person executes a document both for himself and as representative of some other person, his name shall be entered twice in the Index, once as executant and again as the representative of the other person.

(iii) In the case of awards under the Land Acquisition Act, the name of the person or the body or the Department of Government (not simply Government) for whose benefit the land may be acquired shall be indexed as daimant.

(iv) In the case of receipt endorsed on a document as mortgage or bond, the name of the payer and of the payee mentioned in the receipt shall alone be indexed, the former as claimant and the latter as executant.

(v) All corrections in the indexes shall be initialled by the indexing office assistant at the time they are made.

(vi) After all the original and duplicate indexes have been prepared and checked: the pages should be numbered consecutively and the year to which the indexes relate should invariably be entered on the top of each page in the space provided for the purpose.

Binding and disposal of Indexes.

113. In all offices other than Sadar offices one copy of Indexes I, II, III and IV, shall be made into a bound volume for office use, and a duplicate copy of the Indexes I and II shall be submitted to the Registrar of the district at the close of the year, unless, owing to want of safe accommodation or any other cause, he directs its transmission at shorter intervals.

Binding of indexes by Registrar.

114. The Registrar on receiving Indexes I and II from Sub-Registrar shall bind those of each office separately.

Copies of Index III to be sent to Registrar.

115. A copy of the entries in his Index III shall be sent to the Registrar by each Sub-Registrar at the end of every calendar year.

RECORDS

Transfer of records to Sadar office

116. All Register Books (including the records specified in Rule 95), duplicate indexes and registers of powers-of-attorney shall be transferred from time to time from subordinate offices to that of the Registrar, which shall be the central office for the custody of the records of the district.

Preservation
of records
prior to Act
XVI of 1864.

117. The following records shall be permanently preserved in all Registrars' offices namely :-

- (1) Catalogues ;
- (2) Kagis' records under Regulation XXXIX of 1798 ;
- (3) Register books (except the register of refusals) and their indexes prescribed by, and translations and true copies, filed under the various Registration Acts (Acts XVI of 1861, XX of 1866, VIII of 1871, III of 1877 and XVI of 1908) ;
- (4) Register books of documents and their indexes kept prior to Act XVI of 1864 ;
- (5) Lists of records destroyed and reports of destruction of records;
- (6) File books of copies, memoranda and sale certificates ; and
- (7) Registers of wills transferred to the Sadar office from Mofussil Sub-Registry offices.

117. S-A. The following records shall be permanently reserved in other Registration offices namely :-

- (1) Catalogues ;
- (2) List of records destroyed ; and
- (3) Original indexes Nos. I and II under Acts XX of 1866, VIII of 1871, III of 1877 and XVI of 1908.

Records to be
maintained at
all registra-
tion offices.

118. In addition to Register Books I, II, III and IV and Indexes I, II, III and IV, the following records shall be maintained in all registration offices :-

- Register of Powers-of-Attorney.
- Register of Visits and Commissions.
- Index Register of Powers-of-Attorney.
- Fee Book.
- Cash Book.
- Catalogue.

Chalan Book.

File of receipts given under section 52 and returned on delivery of registered documents.

File of receipts for Copies and Memoranda.

File of daily notices exhibited.

Register of Thumb Impressions.

Register of applications for Search and Copy.

Register of Documents pending Registration.

Register of Impounded Documents.

Register of documents delivered through the medium of the Post.

Register of Copies and Memoranda despatched to other offices.

Register of Records removed from the Record Room.

Register of Apprentices.

Attendance Register.

Note Book for Memoranda by the Sub-Registrar.

Register of Contingent Expenditure.

Account Book of Service Labels.

Diary of Sub-Registrar.

Register of Applications under sections 25 and 34.

Register of Miscellaneous Applications.

Stock Book of Stationery and Printed Forms.

Register of letter received.

Register of letter despatched.

Register of Casual Leave.

Register of Bills.

Additional records to be maintained in Sadar offices.

119. The following additional records shall be kept in the offices of all Registrars :-

Register Book No. V.

Register of Appeals under section 72.

Register of Applications under section 73.

Bill Book.

Stock Book of furniture in all the offices in the district.

Register of Casual Leave granted to Sub-Registrars.

Comparison of records with catalogue by officer receiving charge.

120. On the occasion of a change in incumbency, the officer receiving charge shall compare the books, etc., with the catalogue and certify therein that he has found them correct.

Records to be transferred from subordinate to Sadar offices.

121. In January of each year the following records for the previous year shall be transferred from Sub-Registry offices to the district office :

Completed volumes of Register Book I (including the files of memoranda and sale certificates).

Completed volumes of Register Book IV and Index IV and of the Register of Thumb Impressions.

Copies and translations filed under section 19.

Note.-The cost of transmitting registers and other records from subordinate offices to the Sadar office, will be defrayed from the grant of the Sadar office under the head "Office expenses and miscellaneous" and the mode of conveyance should be the cheapest available consistent with safety.

122. Register Books II and III, Index III and the Register of Powers-of-attorney shall be transferred to the district office as soon as they have been filed.

Modification in case of offices without fire-proof record rooms.

123. In the case of Sub-Registry offices which are not provided with fire-proof accommodation for the custody of records, the volumes of the Register Books specified in rule 121 shall be forwarded to the Sadar office at the close of each quarter. The Registrar may, by a written order, extend the operation of this rule to any other office within his jurisdiction.

124. Cancelled.

125. Cancelled.

Classification and destruction of records of appeals under section 72 and applications under section 73

126. The High Court Rules for the classification and the destruction of records of Civil Courts shall be deemed to apply to the case of the records of appeals under section 72 and applications under section 73.

Stock Book of furniture.

127. The Stock Book of furniture shall be rewritten whenever necessary.

REPORTS OF DESTRUCTION OF RECORDS AND LIST OF PAPERS DESTROYED

Note of destruction of registered document.

128. When a registered document is destroyed under section 85, a note to that effect shall be made in the margin opposite the copy in the book in which it has been registered.

Method of dealing with unclaimed document.

129. All registering officers shall, early in January of each year, prepare lists of unclaimed documents and of records which have become liable to destruction under section 85 of the Act. A copy of the list of unclaimed documents should be hung up in the office with a notice that, unless the presentants appear within one month to claim such documents and pay the fines due thereon, they will be destroyed. Sub-Registrars should forward their lists to the Sadar office on or before the 31st January, in Form No. 73. The lists from subordinate offices shall be checked in the Sadar office and incorporated with the sadar office lists and the consolidated list for the district shall be forwarded to the Inspector General's office, on or before the 28th February. If among the documents liable to destruction, there be any executed by or in favour of the Government, the Sub-Registrar, before including them in the aforesaid list, shall enquire from the officers concerned whether they have any objection to the destruction of the documents and shall note in the list the result of such inquiry. As soon as sanction to the destruction of the documents and records have been received they shall be destroyed, provided that, in the case of the unclaimed documents, one month has elapsed since the posting of the notice to presentants. Sub-Regis-

trars should report the date of the destruction to the Sadar office, where the requisite entries in the registers will be made under rule 128.

Note.-(i) In submitting lists of destruction, a portion of a book shall not be proposed for destruction. The period of preservation shall be calculated with reference to the date of the last entry in a book.

(ii) In the case of an unclaimed, refused document destroyed after the lapse of two years, under Section 85, a note should be made of such destruction in Book No. II at the place where the order of refusal has been recorded.

Inspector
General's
sanction
necessary to
destruction
of unclaimed
documents.

130. No documents shall be destroyed at a Registration office without the previous sanction of the Inspector General; and before documents are destroyed, endeavours must be made to induce the presentants to take them back.

Enquiry
regarding
injury
records.

131. All cases of injury to records, from whatever cause, shall be made the subject of a special enquiry, and the result of such enquiry, together with the opinion of Registrar as to the degree of responsibility attaching to the officer-in-charge, the steps to be taken to repair the injury so far as may be possible, and the measures to be adopted to safeguard the records in future, shall be reported to the Inspector General.

Note.-The keys of record chests and almirahs should not be made over to office Assistants except when the registering officer is present in office. Should he for any reason be unable to attend office, the keys should not be entrusted to the office Assistants, but should be retained in his incustody.

Application for search or for copies

Grant of
copies of
miscellaneous
proceedings.

132. In addition to the copies referred to in section 57, copies of the miscellaneous proceedings between parties before registering officer may also be granted on payment of the requisite fee. This does not apply to correspondence and proceedings between officials, but only to proceedings before a registering officer to which any of the public are parties. Cases in which, the registering officer considers that it would be inadvisable to grant copies shall be referred to the Registrar for orders.

Subject to the restrictions laid down in sub-sections (2) and (3) of Section 57 of the Registration Act, copy of a document pending or refused registration or impounded may be granted to any person applying for it.

Note.-A document which has once been presented for registration, i. eo. for being publicly recorded should be treated as a public document for the purpose of granting copies.

Application
for search
or copy.

133. All applications for search or for copies must be in writing and must be made to the registering officer himself. On receipt of an application, the registering officer should initial and date it at once and endorse thereon "search allowed", "give copy" or some such brief order. All such applications should be preserved on a separate file, the date on which a search has been made or copy completed being noted therein. Applications made through Sub-Registrars for copies from registers deposited in the district office should be at once transmitted to the Registrar for compliance.

Note.-(i) No stamp is required on applications for searches or for copies.

(ii) Registering officers are responsible that their ministerial officers do not make their position a source of profit by supplying information to private persons indirectly and without the requisite search fees having been paid. Any ministerial officer found guilty of supplying information from the records of the office without the previous sanction of its head is liable to dismissal. Office Assistants should not have access to such Register Books as have been completed and closed, and these registers should invariably be kept under lock and key, except when especially given out by the registering officer for the purpose of searches, or for the preparation of copies.

(iii) When an application is made for search or for copy and when extra fees for urgent search are deposited the search should be completed within three days from the date of the application. If this cannot be done, reasons for the delay should be noted in the register of applications in the column of remarks. The fees for urgent search will be double the fees for ordinary search. Urgent search will receive priority over ordinary search.

(iv) All copies must be examined before delivery by an officer of the permanent establishment who will endorse or stamp them as follows :-

(i) Fee paid, 0 H

(i) Fee paid, 0 I

(ii) Copy prepared, signed, sealed and delivered to.....
as per order, dated.....19.....

(iii) True copy.

for Sub-Registrar.

Search for and copies of entries in register maintained prior to Act XVI of 1908.

134. Registrars shall permit search for and grant copies of entries in the registers maintained previous to the enactment of Act XVI of 1908, at the same rate of fees and to the same extent as in the case of registers under that Act.

Production of register books in Court.

135. If the production of a Register Book in any Court is required, it shall be produced by an officer of the Registration Establishment deputed for that purpose, who will be entitled to claim payment of his expenses like any other witness. If the records produced are re-retained by the Court, a receipt for the same should be granted to the officer producing them.

Note.- When ministerial officers of the Department are deputed to give evidence or to produce records before any Court, application for the payment of their travelling expenses should be made to the Registrar of the district.

Miscellaneous provisions relating to copies.

136. On payment of the fees prescribed in the Table of Fees, copies of registered documents, subject to the provisions of section 57, of entries departmentally prescribed, and of Registrar's proceedings in cases of appeals and applications, may be granted. Registering officers shall grant receipts in Form No.57 for fees deposited for search and copy the receipt should be returned by the applicant when the copy is delivered to him. Before complying with a requisition from a Court which involves a search or the preparation of a copy of any document, the registering officer shall forward to the Court a memorandum of the fees payable with a view to the amount being remitted to him by the Court.

Note.-Copies should be given on stamped paper. The amount of stamp duty in each case will be regulated by Article 24, Schedule I of the Indian Stamp Act, 1899, as in force in Assam.

Striking off of applications for search or copy.

137. An application for search shall be struck off, if search is not made within 30 days of the application, and after that period no refund of the search fee shall be allowed. Similarly, when the stamped paper for the copy is not deposited within 30 days of the application for the copy, no refund of fees shall be granted.

Copy of extracts from the register of powers-of-attorney.

138. Extracts from the register of powers-of-attorney may be granted, the stamp duty being regulated by Schedule I, Article 24 of the Indian Stamp Act of 1899 as in force in Assam. If immovable property is affected by a power-of-attorney, it should be treated under section 57 as a document registered in Book I and a copy of the abstract in the register of powers-of-attorney granted to any person

applying for it. Otherwise the abstract should be treated as an entry in Book IV for the purpose of granting copies. The registering officer alone is authorised to make the necessary search.

Note.-In the case of loss of the receipt granted for the deposit of fees for search and copy the registering officer shall proceed under rule 60.

Miscellaneous

Office hours
and holidays.

139. Every Sub-Registrar shall sit daily during the office hours prescribed for the Civil or Criminal Courts of the district, and every *ex-officio* Sub-Registrar shall sit daily during the hours which shall be approved in this behalf by the Registrar and made known to the public by a notice exhibited in some conspicuous place outside the office. The holidays to be observed in Registration offices shall be those which are gazetted by the State Government under section 2.5 of the Negotiable Instruments Act XXVI of 1881 and those specified in the section itself:

Note.-Registration officers should accept for registration all documents presented at least an hour before the time fixed for closing the office.

140. Omitted.

Remission of
fines under
section 70.

141. Applications for the remissions of fines under section 70 may be filed with the registering officer, but no such application shall be received until the fine has been paid. The application shall be forwarded to the Inspector General through the Registrar with any remarks which the registering officer may wish to make.

Note.-Fines under sections 25 and 34 shall not be levied on documents which are exempt from payment of registration fee.

Duties of
Sub-Regis-
trar.

142. Registering officers shall not permit their office Assistants to have any dealings whatever with the public, except in their presence. They shall themselves receive documents which are tendered for registration, and when they have been registered, shall personally return them to the person entitled to receive them.

However, in busy season, if the registering officer is unable to return the documents personally an office Assistant or muharrir of the permanent staff may be deputed, under written orders of the registering officer, to return documents but in that case, the office Assistant or muharrir should deliver documents in the presence of the registering officer.

143. Omitted.

CHAPTER - IV

GOVERNMENT OF ASSAM
REGISTRATION DEPARTMENT : DISPUR
GUWAHATI-781006.

ORDERS BY THE GOVERNOR

NOTIFICATION

Dated Dispur, the 7th December, 1989 .

No. REGN. 43/86/68.- In exercise of the power conferred under Section 78 of the Indian Registration Act, 1908 (Act XVI of 1908) and in supersession of all previous notifications on the subject, the Governor of Assam is pleased to amend the following table of Registration fees payable under the said Act with effect from 1st January, 1990.

In this article "Section" means Section of the Indian Registration Act, 1908.

1. Ordinary fees-

(A) The fees of the registration of the documents described below shall be regulated on an addvalorem scale and calculated according to the value of right, title and interest affected in the manner following that is to say :-

Details :-

- | | | |
|----|---|-----------------------------|
| 1. | Where the value does not exceed Rs. 500.00 | Rs. 10.00 |
| 2. | Where the value exceeds Rs. 500.00 but does not exceed Rs. 1000.00 | Rs. 15.00 |
| 3. | Where the value exceeds Rs. 1000.00 but does not exceed Rs. 10,000.00 | Rs. 20.00
(per thousand) |
| 4. | Where the value exceeds Rs. 10,000.00 but does not exceed Rs. 20,000.00 | Rs. 25.00
(per thousand) |

5.	Where the value exceeds Rs. 20,000.00 but does not exceed Rs. 30,000.00	Rs. 30.00 (per thousand)
6.	Where the value exceeds Rs. 30,000.00 but does not exceed Rs. 50,000.00	Rs. 35.00 (per thousand)
7.	Where the value exceeds Rs. 50,000.00 but does not exceed Rs. 75,000.00	Rs. 40.00 (per thousand)
8.	Where the value exceeds Rs. 75,000.00 but does not exceed Rs. 90,000.00	Rs. 45.00 (per thousand)
9.	Where the value exceeds Rs. 90,000.00 but does not exceed Rs. 1,50,000.00	Rs. 55.00 (per thousand)
10.	Where the value exceeds Rs. 1,50,000.00 but does not exceed Rs. 3,00,000.00	Rs. 65.00 (per thousand)
11.	Where the value exceeds Rs. 3,00,000.00 but does not exceed Rs. 5,00,000.00	Rs. 75.00 (per thousand)
12.	Where the value exceeds Rs. 5,00,000.00	Rs. 85.00 (per thousand)

Description of Documents

Conveyances and reconveyances, bills of sale, deeds of gift or dowers settlements, deeds of partition, leases, deeds of mortgage or instruments of further charge, bonds of all kinds including indemnity and security bonds, assignments of any interest secured by a bond or mortgage deed, policies of insurance Bills of exchange and promissory notes and generally all other documents, viz. as acknowledgement or ordinary receipts for money received, certificates of sale, award directing a partition, declaration of trust of the nature of settlement, deeds of exchange of property, transfer of lease for a consideration, assignment by a partner of his share and interest of his co-partner on dissolution of partnership for a consideration, etc. of the nature of those here in mentioned, provided :

1. That the cases where any consideration is expressed the consideration, in the case of periodical payments other than leases and annuities, the amount payable of one year in addition to any fine or premium or money advanced, in the case of bonds and mortgages, the amount to be secured and in the case of a deed or partition, the value of the separated share or shares on which stamp duty has been paid, shall be taken to be the value of the right, title or interest affected :

2. That in the case of a lease : The registration fees will be assessed on :

- (a) Where by such lease of rent fixed and no fine or premium is paid or delivered and no money advanced, if the lease is granted :-
- (i) for a period less than one year : The total sum payable under the lease ;
 - (ii) for a specified period of one year or more : The average annual rental ;
 - (iii) for an indefinite period : The average annual rental which would be payable for the first ten years if the lease continued so long ;
 - (iv) in perpetuity : One fifth of the whole amount of rent which would be payable in respect of the first fifty years of the lease.
- (b) Where such lease is granted for a fine or premium or for money advanced where no rent is reserved :-
- : The amount of such fine premium or money advanced ;

- (c) When such lease is granted for a fine or premium or money advanced in addition to rent reserved. : The aggregate amount of such fine, premium or advance in addition to the fee which would have been payable in such lease under sub-clause (a) of this articles, if no fine premium or advance had been paid or delivered.
3. That in the case of annuity bonds - : The Registration fees will be assessed on
- (a) Where the sum is payable for a definite period, so that the total amount to be paid can be previously ascertained, : Such total amount.
- (b) Where the sum is payable in perpetuity or for an indefinite time not terminable with any like in being at the date of such annuity bond. : The total amount which according to the terms of such annuity bond will or may be payable during the period of twenty years calculated from the date on which the first payment becomes due.
- (c) Where the sum is payable for an indefinite time terminable with any like in being at the date of such a annuity bond. : The maximum amount which will or may be payable as aforesaid during the period of twelve years calculated from the date on which the first payment becomes due.
- That the registration fees leviable upon a document purporating to give collateral or auxiliary or additional or substituted security or security by way of further assurance where the principal or primary : Rs. 50.00

mortgage is proved to the satisfaction of the registering officer to have been duly registered shall be the same as for the Principal or primary mortgage if the same does not exceed Rs. 1000 otherwise it shall be.

5. That if no consideration rent or other value be expressed in the document the amount payable shall be in every case. : Rs. 100.00

6. That if a lease given to any raiyat and the Kabuliyat or counterpart of such lease executed by such raiyat be brought for registration at the same time the fees chargeable in respect of the two documents shall not be greter than the fee which would have been charged upon the lease along.

Note :-

- (i) In the case an Agricultural lease when the kabuliyat under article A (6) is registrered without the payment of fees no fee under Article G (a), G (b) or Rate should be charged in respect of such kabuliyat. But if a visit has to be paid or a commission issued in respect of such kabuliyat, the fees prescribed under Article M or N should be levied and if the kabuliyat is unclaimed for more than one month from the date of compiction, the fee chargeable under article 5 should be realised.
- (ii) It is immaterial who actually pays the single fee due on account of the registration of a patta and Kabuliyat under Article A (6) but it will be charged half to the lessor and half to the lessee. It is the desire of the State Government that the provision of Article A (6) should be widely known throughout the country. Sub-Registrars are responsible for specially drawing the attention of raiyats and others to paragraph one of the broad sheet of Stamps duty on Agricultural leases.

(iii) A raiyat for the purpose of Article A(6) is an actual cultivator of the ground entitled to receive his lease should be primacie a raiyat lease in orther to entitle to the benefit of Article A(6).

7. The fee on any instrument comprising or relating to several district matters be the aggregate of the fees with which separate instruments each comprising or relating to the one of such matters, would be chargeable.

8. An instrument so farmed as to come within two or more descriptions of the documents enumerated shall, when the fees chargeable thereunder are different be charged with the highest of such fees.

Note :- Sepatate fees under Article A are not leviable on the value of the individual interest of the parties to a deed but are calculated on the total value of the interest affected by the document.

(b) The fee for the registration of a separate instrument acknowledging the receipt or payment of any sum of money, whether as consideration on account of any deed of sale or mortgage or as rent on account of any lease or other value expressed in any document, shall be calculated according the amount received, on the scale prescribed in the foregoing atricle, provided that, if any instrument referring to the same transaction has already been registered the fee shall not exceed.

(C) The fee to be paid :-	Rs. 10.00
(a) for the deposit of a sealed cover containing a will shall be	Rs. 30.00
(b) for opening of such cover in addition to the cost of copying the contents which shall be charged according to the scale laid down in this table for the granting of certified copies.	Rs. 30.00

(c) for the registration of a will or authority to adopt when presented open or revocation or cancellation of a will Rs. 30.00

(d) for the withdrawal of a sealed cover containing a will Rs. 30.00

Explanation -

When a will is forwarded to any Court under Section 46 of the Act, it shall be accompanied by a memorandum of the fee for opening the cover and of the charges for copying and it shall be the duty of the court to levy such fee and charges and remit them to the registrar.

(D) The fee for the registration of a certified copy of a decree or order of a court shall be Rs. 20.00

(E) The fee for the registration of an agreement for personal service shall be Rs. 15.00

(F) The fee for the registration (a) of a document whereby rent remuneration or hire is paid partly in money value of the portion payable in kind is not expressed and Rs. 15.00

(b) of any document of a description not mentioned above shall be Rs. 10.00

The following documents are also chargeable with registration fee under this Article, Viz. release, surrender of lease revocation of trust and Settlement deed of partner ship divorce divorce and agreement dissolution of partnership and deed of cancellation (other than cancellation of will) as follows :-

- | | | |
|----|------------------------------------|-----------|
| 1. | Release | Rs. 20.00 |
| 2. | Surrender of lease | Rs. 20.00 |
| 3. | Revocation of Trust and Settlement | Rs. 20.00 |
| 4. | Partnership Deed | |

(a) Where the capital expressed in the deed, then	Rs. 5.00 Per thousand or part there of
(b) Where the capital is not expressed in the deed, then	Rs. 500.00
5. Divorce and agreement	Rs. 20.00
6. Dissolution of partnership	
(a) Where the capital was upto Rs. 5000.00	Rs. 10.00
(b) Where the capital was exceeding Rs. 5000.00 but did not exceed Rs. 10,000.00	Rs. 20.00
(c) Where the capital was exceeding Rs. 10,000.00 but did not exceed Rs. 25,000.00	Rs. 30.00
(d) Where the capital was exceeding Rs. 25,000.00 but did not exceed Rs. 50,000.00	Rs. 40.00
(e) Where the capital was exceeding Rs. 50,000.00 or capital was not expressed in the original deed.	Rs. 50.00
7. Deed of cancellation	Rs. 20.00
(H) Fee payable for inspecting or searching the indexes and the registers, etc. shall be as follows :-	
(a) For the 1st year, for each entry of the name of persons or property contained in and in respect of each document, for which inspection of search of the index of a specified office is made.	Rs. 5.00
(b) For every additional year as aforesaid	Rs. 3.00

(c) For inspection of copy of each document in register book I (including files of copy memorandum and sale certificate) or indexes relating to Book I or for search of copy of each document in Registrar Book III or IV or search or inspection of any other book or Register for any particular year. Rs. 5.00

(b) When an applicant requires the inspection or search to be made within three days, he shall have to pay or double the fees prescribed in/Sub-Classes (a, d or c) as the case may be.

1. No fee for search or inspection of the indexes of any one office in respect of any number of documents relating to one or the same property shall exceed provided that :-

2. If any application for a copy of an entry or for inspection or search of an entry the nature of the document, the date of registration, the register and volume in which it is copied and its number in such volume are shown in the application by a person who is interested in an entry or document, no fee for search or inspection of the indices shall be levied. But in case where the particulars furnished by the applicant are incorrect and a search or inspection becomes necessary, the necessary fees should be levied.

3. No fee for search or inspection need be levied in respect of application for copies of entries in Book II, by the party concerned.

Every application for grant of a certified copy except at the time of the registration of a document or as provided in Sub-causes (2) and (3) above, should be accompanied by the fee necessary to trace the entry in the indexes at the above rates.

A call for information from any court or Revenue authority shall if it necessitates search in the registers, be accompanied by the necessary fee for search, but officer of Government shall be permitted to search or inspect for bonafide public purposes, the Register Books and Indexes without fee. On the occasion of the annual enquiries prescribed by Government regarding the securities of mauzadars and ministerial Officers, the usual fee must be paid when

the search is made by a clerk of the registration office, but no fee will be charged if the search is made by a clerk deputed by the officer making the enquiries.

When a Register Book is called for by a court the fee for search should be levied by the court from the party at whose instance the register is called for-

(I) For making or granting copies of reasons, entries or documents before or after registration, a fee shall be charged at the rate of Rs. 5.00 for every three hundred words.

(a) When an applicant requires his copies to be furnished within three days from the date of application, he shall have to pay double the fee prescribed in clause 'I'

Government officers requiring to take copies of entries documents or maps for bona-fide public purposes are exempted from the payment of fees-

(b) When a trained hand for making copies of map or plan is temporarily engaged, the registering officer shall personally assess in each case and the amount so realised as cost from the parties shall be paid to such copyist as his remuneration :

(c) When an applicant requires the inspection or search to be made on the day of the application he shall have to pay double the fees prescribed in Sub-clauses (a) (b) as the case may be ;

(d) Co-operative societies shall have to pay the extra fees under Articles H (d), if they want the inspection or search to be made on the day of application :

(e) When an applicant presents a printed, photostate or typed copy of a document already registered half the amount leviable under this Article.

II. Extra-or Additional Fees :

(G) For every (a) copy and (b) memorandum of a document to be forwarded to another office under section 64-67, there shall be paid an extra-fee equivalent to that paid under Article, A, B, D or F provided that the fee or a copy shall not exceed Rs. 35.00 and that the fee for a memorandum shall not exceed Rs. 15.00

(K) For Registration by any Register of any document under section 30 (I) , an extra fee equal to the ordinary fee, or Rs. 30.00 whichever is less Rs. 30.00

Note :- The additional fee shall not be payable when an instrument is registered by a Registrar acting as Sub-Registrar or in consequence of the Sub-Registrar by whom it should be registered under section 29 being a party interest in the transaction to which such instrument relates.

(M) (a) The fee for the attendance under section 31 (of Indian Registration Act, 1908) of an officer at a private residence for acceptance for registration of any one document or for deposit of any will or authority, shall be, Rs. 50.00

(b) The fee for attendance at private residence when the presentant is so ill as to be unable without risk to attend at the Registration office, or at a Jail, for the acceptance for registration of any one document, or for deposit of any will or authority shall be, ... 50.00

Provided that where two or more persons who executed the same document reside together only one fee shall be charged sofar as those persons are concerned. The fees shall be credited to Government.

Travelling expenses for journey to perform such visits shall be relised from the party for whose benefit the visit is to be paid and appropriated by the registrering officer at the rate as admissible to Government servants as per T A Rules and where the place of visit is within the radius of 8 K M from the Registration office, then a fixed charge of Rs. 30.00 may be made.

CHAPTER - V
Instruction and Orders
Office and Establishments

Note :- (i) If a Sub-Registrar or one of his staffs pays visit in respect of a document executed in favour of Government the Deputy Commissioner or the other officer at whose instance the document is to be re-registered may pay the prescribed fee under Article M to the Registration Department and debit the amount to his contract grant. Any travelling allowance for such visit should be drawn and debited against the budget of the Registration Department if admissible, under the ordinary rules.

(ii) Pardanashim women coming to a Registration office in pulkees or similar conveyance should not be charged visit fees under Article-M if the pulkees etc is brought as near the office door as circumstance will allow. In such cases, the women will remain behind the pardah and be identified by some of her relatives or other respectable persons. This order will also apply in the case of Pardanashim women coming to the office ghat in boats

(iii) The fees fixed under Article-M (a) & M (b) cover

- (1) acceptance for registration of any documents
- (2) acceptance and recording admission of execution
- (3) acceptance for deposit of a will

(N) Before the issue of a commission or before the registering officer or Magistrate personally proceeds to any dwelling house or Jail to obtain evidence as to the voluntary nature of the execution of the power of attorney under section 33 and before the issue of Commission or before the registering officer personally proceeds to any dwelling house or Jail for the examination of any person under Sub-section (2) of section 38, the following fees shall be paid and credited to Government on account of persons exempted from appearance.

- | | |
|---|-----------|
| (a) If the person be exempted on account of bodily infirmity such as to make it impossible without risk of life to attend at the Registration office or because confined in Jail. | Rs. 50.00 |
| (b) If the person be exempted by law from personal appearance in Court | Rs. 50.00 |

Travelling allowances shall be relised and appropriated as provided under Article M

Notes :- Fees for commission executed by officers of the Registration Department in accordance with the procedure laid down in Schedule-I, Order-26 of the Code of Civil procedure (Section-75 (4) of the Registration Act.) also be credited to the Registration Department.

(ii) The provision regarding visit in the notes (1) & (2) under Article M will also apply to visit or Commission under Article-N

(O) For admission of a document to registration under Section-25 or Section-34 after the expiration of the time prescribed :

If presented within seven days of the time prescribed - Twice the fee payable on account of such document.

If presented within a month of the time prescribed - Four times the fee

If presented within two months of the time prescribed - Seven times the fee

If presented within three month of the time prescribed - Nine times the fee

If presented within four months of the time prescribed - Ten times

The fine is exclusive of the ordinary fee

Explanations :-

(i) When two or more copies of document executed by the same parties are presented for registration at the same time the ordinary fee shall be payable for each copy but any extra or additional fee which is payable under clauses (K), (M), (N) and (O) shall be calculated as for one document only) irrespective of how many copies of the documents may be registered.

- (ii) The time during which an impounded document remains with the collector for adjudication of stamp duty cannot be executed in calculating the period of four months under section 34 of the Act. So also the time during which a document, remains with the Collector for adjudication of stamp duty cannot be excluded in computing the period of four months under section 25 of the Indian Registration Act.-XVI of 1908

Note :- The fee charged for delay in presentation under section 25 should be shown in the fee Book and returns as (O) (a) and that charge for delay in admission of execution under section-34 as O(b).

(P) For authentication or attesting the execution of power of attorney as follows :-

If it is a special power	Rs. 20.00
If it is a General power	Rs. 30.00

Explanation :-

- (i) A single fee shall be levied for the attestation of a power of attorney whatever may be the number of signatories to it provided that all of them appear simultaneously for examination. When they do not so appear separate fee shall be levied for each set of persons appearing at the same time.
- (ii) The duplicate or triplicate of power of attorney presented for authentication shall be treated as a separate power and a separate attestation fee levied thereon.

(Q) The fee for servicing summons under the provisions of section 37 shall be regulated according to the scale in force in the Revenue Courts in the same District.

The travelling expences and remuneration of witnesses shall be paid at the rate fixed by the Registering Officer with reference to the rules for the time being in force under Rule 2(I), Order No XVI Schedule-I of the Code of Civil procedure and must be forwarded with the application for issue of summons

(-)

(R) Beside the fee payable under Article (A), (B), (C), (c), (D), (E) and (F) of this Schedule, there shall be paid for the registration of every document of such length as to occupy more than two pages of the register, an extra copying fee at the rate of Rs. 1.00 for every page or part there of in excess of first two pages

Note :- Assuming 300 words to the page, this fee may be calculated by counting the number of words in the document or if such a calculation has not been made by the parties the registering officer will estimate the number of pages like to be thus charged for, but the fee shall in every case be payable on presentation and if the number of extrapages have been miscalculated the document shall not be returned until the sum short realised has been paid.

Example :- A conveyance is presented for registration containing 1,350 words if the party certify to this fact, the Registrering officer would at once proceed to charge the fee for three pages (1350-600-750) if the words have not been counted and if the registering officer estimated the charge to be on two extra pages, the deficcet sum would be realised before the document is returned

(S) When a document remains unclaimed for more than one month after completion of registration, a fee of Rs. 3.00 shall be charged for every monthe or part of every month or part of a month beyond the first month after completion of registration.

Note :- A Registrar is empowered in his discretion for remit in whole or in part fees leviabie under this Article by himself in case in which it appears to him that their exaction would be productive or hard ship.

(T) When a document remains unclaimed for more than one month after refusall of registration, a fee of Rs. 3.00 shall be charged for every month or part of a month beyond the first month after refusal of registration. The amount of the fee shall not, however, exceed Rs. 30.00 in any case.

Note :- A registrar is empowered in hisdiscretion to remit, in whle or in part fees leviabie under this Article by himself in cases in which it appears to him that their exaction would be productive of injustice or hard ship.

Exemption

The following classes of documents are exempted from the payment of registration fees :-

(1) Documents executed by or in favour of Government on which as such no stamp duty is leviable under the law for the time being in force (vide section 3, , provison-I of the Stamp Act.

(2) Security bonds and penalty bonds executed in favour of Government or local authorities by public servants of all classes and their sureties.

(3) Documents executed by Dolais in favour of Government.

(4) Mortgage bonds executed by Government Officers in favour of Government as security for building advances.

(5) Instrument executed by persons taking advances under the Agricultural Loans act or by their sureties as security for the payment of such advances.

(6) Security bonds executed by students or their surties in favour or Government binding themselves to enter Government service on the completion of their studies.

(7) Any society registered or deemed to be registered under the Assam Co-operative societies Act, 1949 (1 of 1950) is exempted from paying the following fees payable under the law of registration for the time being in force namely

(a) All fees payable by or on behalf of any co-operative society for the time being registered or deemed to be registered under the Act.

(b) All fees payable in respect any instruments executed by an officer or member of such society and relating to the business thereof, with the exception of the following fees :-

(c) Fees for attendance at private residence.

- 1 Safe custody fee for unclaimed documents
- 2 Fee for issuing summons and Commission, and
- 3 Fee for delay in the presentation of documents or in appearance of the parties

(8) Bonds executed by Non-Gazetted or menial officers of Government for the due performance of their duties and bonds or mortgage deeds executed by private parties as security to Government for the due performance of their duties.

(9) Mortgage deeds executed by Government officers for securing the repayment of advances received by them from Government for the purchase of a motor car, a motor boat, a motor cycle, a horse, a cycle or type writer.

(10) Mortgage deeds executed by or on behalf of the A.S.E.B.

Sd/- D. K. GANGOPADHYAY,
Commissioner & Secretary to the
Government of Assam, REgistration
Department Dispur, Guwahati-6

Charge re-
ports of Sub-
Registrars.

2. Sub-Registrars, on making over and receiving charge of their offices, shall report the fact to the Inspector General in the form below. One copy of the report to the Inspector General shall be submitted through the Registrar of the district, and another copy shall be forwarded to him direct :-

“We the undersigned, have the honour to report that we have this day, ato’clock in the fore noon (or afternoon) respectively delivered over and received charge of the office of the Sub-Registrar of....., and that we have examined the registers and seen that all entries have been properly authenticated upto date, and have compared the returned and refused deeds in the office with the Fee Book and found them correct.

Relieved Officer,
Relieving Officer”

“And I, the Relieving Officer, acknowledge, to have received Rsof the permanent advance and that the full amount of such advance is due from and to be accounted for by me. I also hereby declare that I have compared the registers and, books with the catalogue and found them correct and that I have recorded a certificate to that effect in the catalogue.

Relieving Officer”.

Dated the 19

Accommo-
dation for
offices and
custody
money.

3. Sub-Registrars paid by commission are required to provide secure accommodation for their offices, and all Sub-Registrars are responsible for the safe Custody of Government money, from the time they receive it until it has been deposited in the Treasury.

Offices must
be kept
clean.

4. Sub-Registrars are responsible that their office buildings, premises and furnitures are clean and in good order. If an inspecting officer finds an office in a dirty or untidy condition, special mention of this should be made in his inspection note. Charges for sweeping and cleaning offices’ should be met from the permanent advance, and, charged to the Contract Contingent grant under the heading "Office expenses and Miscellaneous".

Services
Books of
Sub-
Registrars.

5. The Service Books of Sub-Registrars shall be kept at the Sadar office in the custody of the District Registrar, by whom all entries in Service Books must be signed.

Services
Books of
establishment of Sub-
Registrars.

5A. The Service Books of the establishments of the Sub-Registrars shall be kept in the custody of the Sub-Registrars concerned, they must sign all entries in service books in their custody.

Charge of
records
during
tempo-
rary absence
of Sub-
Registrars.

5B. No Register book shall be handled nor shall the record room or any record receptacle be opened unless the Sub-Registrar is himself in the office, but on occasions when a Sub-Registrar in the mofusil is un-avoidably absent from his office the current volumes of Register Book Nos. I and IV and the current Index sheets may be placed by the Sub-Registrar, by a written order, in custody of an office assistant who has furnished security, so that the work of copying and

indexing may go on under the supervision of the office assistant during the temporary absence of the Sub-Registrar. The Sub-Registrar, on his return, should himself check all copying and indexing done during his temporary absence.

Security
bond

6. Head Assistants and Record Keepers in all Sadar registration offices are required to furnish security of Rs. 100 and Rs. 500 respectively, for the due performance of their duties. A single surety will ordinarily be sufficient, provided that the officer concerned is a man of substance. The bonds should be in Registration Forms Nos. 76 and 76A respectively and should be registered, and then deposited for safe custody in the Registrars iron safe.

Assistants of all Mofusil Registration offices, who have not handling of Government money, should also furnish security bonds, of Rs. 100, in Form No.6 of Schedule LIII, Part II. This form of security bond may be obtained on a requisition from the District Registrar, Cachar, who keeps a stock.

When the memorandum is endorsed on the registered security bond of a non-gazetted or ministerial officer, giving particulars of any additional security furnished and the deed is presented afresh for registration, the registering officer will make

a note on the copy of the original document deposited in his office that it has been so modified. In the copy of the additions to the original document to be kept in the registration office, a note will be made to the effect that it is an addition, to the original document the number and date of which should be quoted.

The practice of one officer standing security for another in the same office is forbidden.

It is obligatory on all officers of the Registration Department on whose behalf security bonds have been furnished, to report, without loss of time, any change in the financial status of their sureties which is calculated to render their security invalid or insufficient.

The security bonds of ministerial officers should be examined at the close of each financial year, and the result reported to the Inspector General.

Promissory notes and savings bank deposits lodged as security shall not be returned until after six months from the date of vacation of the office, but security bonds should be retained permanently, or until it is certain that there is no necessity for keeping them any longer. In no case may a security bond be destroyed except under specific sanction of the Inspector General to its destruction.

Registers of immovable property and relatives in Government service.

7. A register of the landed property held by the gazetted officers of the Department and Sub-Registrars and of their relatives in the Government service is maintained in the office of Inspector General. Any changes which occur should be reported by Sub-Registrars, through District Registrars, to the Inspector General from time to time. Similar registers should be maintained in the offices of District Registrars in respect of ministerial officers.

Apprentices.

8. No apprentice may be entertained in any Sub-Registry office.

Standard of work.

9. The following is the minimum daily standard of work required of the assistants and muharrirs of Sub-Registry offices,

but it is expected that this minimum standard will ordinarily be exceeded if competent hands are entertained :-

Copying :- Twelve pages of 300 words, but when endorsements are included, 10 pages of 300 words, and in addition the comparing work specified below :-

Comparing :- Double the number of pages copied when the comparer has also copied the required number of pages but when he is employed entirely in comparing deeds, 60 pages and endorsements.

Copying of endorsements 30 documents.

Comparing of endorsement 90 ..

Indexing (Original) 200 entries.

Copyin.g of duplicate indexes... .. 300 ..

Employment of Section writers.

10. Except in Hills Districts section-writers shall not be employed without the previous sanction of the Inspector General which should only be applied for in very exceptional cases :

Section-writers when employed will be remunerated at the following rates which include comparing as well as copying on the system of mutual help as regard comparison :

3,000 Vernacular words

or

1,500 English words

or

English endorsements of 30 documents

or

330 index entries.

Rupee - 1

No separate remuneration is allowed for comparing, indexing, preparing returns and generally working the office.

In offices where there are no permanent assistants the rate are as follows :-

1,600 Vernacular words

or

800 English words.

} Rupee
1

11. Omitted

Procedure in Registration offices

Notices to
be exhibited.

12. The following notices shall be exhibited in some conspicuous place to which the public have easy access, at every registration office :-

- (1) A table of fees (Section 79)
- (2) Notice of daily sittings (Rule 139)
- (3) Table of distances (Rule 14)
- (4) Daily notice of completed deeds (Rule 143)
- (5) Broad sheet of stamp duty and registration fees on agricultural and other leases of small value.
- (6) A combined notice that all applications of whatsoever description must be made to the Sub-Registrar direct, and regarding mode of identification and gratuitous advice (Forms Nos. 69, 70, 71 and 72).
- (7) A list of holidays in the Vernacular.

In Sub-Registry Offices the daily notice of completion should be in the Vernacular. In Sadar Offices it should be in English and Vernacular. Each day the notice of the previous day should be carefully filed and the file preserved until one month from the date of the next inspection of the office, after which a new file will be opened.

Register of
documents
for registra-
tion

13. Documents presented for registration shall be received one at a time, ordinarily in the order of presentation, and each shall be examined and endorsed before another is accepted. No document should ordinarily be received for registration after the hours mentioned in the notice of daily sittings, but the name of any person whose documents the Sub-Registrar is unable to accept on the day on which they were presented should be noted, so that his documents may have precedence on the following day.

Rule for keeping the
catalogue.

14. (a) In the catalogue prescribed by the rule 118 should be entered not merely Books I and IV and the Indexes, but also every other book or register that is used in a registry office or received from the Inspector General.

(b) An entry should be made as soon as a book or register has been opened or received from another office.

(c) When a book or register is despatched to another office for record, or is destroyed, a note to that effect should be made in the catalogue in the column of remarks.

(d) In all Sadar registration offices there shall be kept two classes of catalogue, viz :-

(i) Rough catalogue.

(ii) Permanent catalogue.

In the rough catalogue shall be entered every book as soon as it is opened and also those that are received from other offices. At the close of the year, when the books of all the Subordinate offices have been received, the entries in the rough catalogue should be carefully collated and transcribed in the permanent catalogue, office by office, in their proper order.

14. A(1) Columns 1 to 6 of the catalogue shall be filled up as soon as a book is opened, while columns 7 and 8 shall be filled up as soon as a book or register is completed. When a book is received from a Subordinate office, it should forthwith be entered in the rough catalogue. Number of rack and shelf should be filled up when the book or register is finally deposited in the record room.

(2) The entries in the permanent catalogue should be made chronologically, the consecutive numbers given being continued from year to year.

(3) In column 3 shall be noted the date of opening a book. In column 7 shall be noted the number of documents or thumb impressions, as the case may be, contained in a book.

(4) When a book is continued for more than one year, no second entry regarding such a book need be made along with the entries of succeeding year or years and no new volume number should be assigned to it. The year to which it is continue shall only be noted in column 3 against the original entry in the catalogue.

(5) In the column of remarks shall be noted the date of transmission of a book from one office to another, the date of its destruction and the number of damaged, cancelled or blank pages if any. Each such entry shall invariably be initialled and dated by the registering officer or "where there is a Record-keeper, by the Record-keeper.

(6) In making entries in the permanent catalogue offices should be mentioned in chronological order in which they were opened or in any other order that may be found convenient, provided the order adopted is continued throughout.

The pages of the catalogue should be consecutively I numbered and a certificate of opening and closing should be entered on the first and last pages respectively, showing the number of pages it contains and the total number of pages written upon.

In all subordinate sub-registry offices, including the offices of the Joint Sub-Registrar at headquarters of a district, only one catalogue for all kinds of records should be kept.

Note Book

15. For the purposes of the Annual Report every Sub-Registrar is required to keep a note book in Form No. 54. This is a very important record, and care should, therefore, be taken to enter in it all informations worth noting.

Fee Book

16. In every office shall be kept a Fee Book and Cash Book in the prescribed forms :-

- (a) The serial numbers in column I of the Fee Book represent the numbers of the documents in order of presentation. There will be one serial number in column I for all documents presented (including powers-of-attorney) whether or not execution is admitted at the time of presentation and for all sealed covers presented for deposit. Thus there will not be a separate series for what are called pending document but such documents will be distinguished as pending by adding the letter "P" in red ink after the serial number in column I. The serial number in column I will be noted on the face of the deed in pencil.
- (b) The number-shown in column 9 of the Fee Book represents the serial number of the deed in the Register Book into which it has been copied, only documents which have been finally registered will appear in column 9. The serial numbers of documents registered in JBooks I, III and IV are, therefore, the only numbers which will be entered in column 9.
- (c) The date on which the registering officer signs the certificate of true copy in the register book shall be noted as the date of completion in column 10 of the Fee Book.

- (d) Column 11 should show not only the volume, but also the book in which a document has been registered, 1, 5, *i.e.*, Book 1, Volume 5; IV, 3, *i.e.*, Book IV, Volume 3.
- (e) In column 13 copies and memoranda will be distinguished by the addition of the letters C and M to the numerals representing them.
- (f) In the offices of Sub-Registrars who are paid by commission the date in column 8 will be entered in red ink, when a document is refused registration during the month in which it is presented. All other entries in this column at such offices, and all entries at other offices, whether of admission or refusal, will be in black ink.
- (g) In column 3, in the case of leases, pattas should be indicated by the letter (P) and kabuliyats by the letter "K" and the term of years for which the lease is given will invariably be noted. In, the column of "remarks" will be entered the thana or thanas within which the property is situated.
- (h) When a document is presented but has to be kept pending, columns 1-7 of the Fee Book will be filled up at once. If the registration of a pending document is ultimately refused, the date of refusal will be noted in column 8, against the entry made in the Fee Book on the date of presentation and the word "refused" written in the column of remarks. The number of entry in Book II should be entered in column 9 of the Fee Book. If, on the other hand, the document is admitted to registration, the date of admission and number of the document in the register will be noted in columns 8 and 9 against the entry made at the time of presentation, but the other columns (10-14) will be left blank. At the same time a second entry regarding

the document will be added against the original entry in the Fee Book made on the day of presentation. The serial number and date of the subsequent entries in columns 1 and 2 will be entered in red ink and will correspond with the figures shown against the original entry. Columns 3 and 7 will be left blank, but the columns 8 to 14 will be filled up as usual. To give an illustration :-

A document is presented on the 2nd April, its serial number in the order of presentation being 541 in column 1. The executants are not present to admit execution, and accordingly the document is kept pending till the 15th, when they appear, and the document is admitted to registration as No. 326 in Book I. On the 2nd April columns 1-7 will have been filled up, the number in column 1 being 541 P; on the 15th columns 8 and 9 will also be filled up against this entry, the entries being respectively "15th April" and "326" and at the same time a new entry will be made on the 15th in order of its serial number as shown in column 9 (that is, below the entry for document No. 325 in Book I). The original serial number 541 will be entered in column 1, columns 3-7 being left blank.

- (i) Columns 1 to 7 and 13 of the Fee Book should be filled up as soon as a document has been presented except in the case of documents presented at the wrong office and returned immediately; columns 8 and 9 should be filled in as soon as a document has been admitted or refused, columns 10 and 11 as soon as registration has been completed; column 12 as soon as the document has been delivered; and column 14 as soon as required copies and memoranda have been despatched. Registering officers are required to keep the Fee Book themselves.
- (j) When a sealed cover is withdrawn, the serial number given to it at the time of its deposit should be quoted in column (1) within brackets.

Fees paid subsequent to presentation.

17. When an additional fee, such as a fee under a Article R of the Table of Fees, is paid on a date subsequent to that on which the document was presented, the serial number of document as entered in column 1 of the Fee Book and the date of presentation shall be quoted in brackets against the entry made on the date on which the additional fee is paid. The amount of the additional fee paid and the date of payment shall also be noted in the column of remarks, against the entry in the Fee Book regarding the document made on the date of presentation.

A and F Fees to be entered separately

18. A and F fees of Table of Fees shall be separately showing the Fee Book and also under the proper headings in District Return Nos. 1, 2 and 6, a note being made in District Return No.7 to show the number of documents on which both A and F fees have been charged.

Entries in Fee Book by whom to be made.

19. All fees under Articles H (b) and I of the Table of Fees realised in subordinate offices, in respect of inspections to be made and copies to be prepared at the Sadar Office, should be credited in accounts of the subordinate office at which the application is filed, intimation of such credit being sent to the Sadar Office when forwarding the application. In the monthly returns from Sadar and Rural Office a footnote should be added showing the number of such applications and the fees realised thereon.

Fees for inspection and copies

20. The entries in the Fee Book shall be made by all wholetime Sub-Registrars with their own hands, but in the case of *ex-officio* Sub-Registrars they may be made by the Head Assistant. It is of great importance that every entry made in the Fee Book should be strictly accurate. For instance, column 10 should never be filled up until registration has been actually completed. Each day's entries should be totalled and signed by the Sub-Registrar at the end of the day.

21. The Cash Book prescribed by Rule 118 shall be maintained in the following manner :-

Cash Book.

The amount of fees entered in the Fee Book and in the Register of applications for search and copy need not to be entered in detail in the Cash Book. It will be sufficient if their daily total is brought into the Cash Book. All other receipts and all payments shall be entered in full detail. No money shall under any circumstances be kept out of account without being entered at once either in the Cash Book

or in the Fee Book. Full details shall be given of the daily balance in the Cash Book and the total only being carried over as the opening balance of the following day. The Cash Book shall be balanced every day and signed after careful examination by the Registering Officer who shall record daily a certificate therein to the following effect :- "The balance agrees with the actual cash in hand". The number and date of the money orders and of Chalan remitting the fees should invariably be shown. The Sub-Registrars are expected to keep themselves the Cash Book and also the subsidiary registers.

22. A register of documents pending admission to registration shall be kept in each office in Form No.49. Columns 1-6 and 11 will be posted up at the close of each day, the requisite particulars regarding columns 1-6 being extracted from the Fee Book and that regarding column 11 from the pending deed. Every deed, on which the second endorsement has not been fully recorded on the date of presentation should be entered in the register of pending documents, and in each case the reason why the deed has been kept pending should be noted. This order does not, of course, apply to documents of which registration is at once refused; or to documents returned to the parties under Rules 64 and 67. When the document is finally admitted to registration, columns 7-8 will be filled in, the requisite entry being also made in the Fee Book. If, on the other hand, registration is refused the date will be entered in column 9, and column 10 will be filled up when the fee is refunded.

Fees and Refunds

23. For statistical purposes, all registration fees remitted to the treasury should be shown in the chalan under the following headings, viz.:-

Chalans of
Registration
fees

- (a) Fees for registering documents.
- (b) Fees for copies of registered documents.
- (c) Fees for searching records.
- (d) Miscellaneous.

Under the first heading "Fees for registering documents" will be included fines levied under the Table of Fees, while under the heading "Miscellaneous" will be shown fees for authentication of powers of attorney and miscellaneous receipts other than the sale proceeds (1) of stationery, (2) of paper for copies and (3) of old stores and materials, such as waste paper, old furniture, etc., which will be remitted with a separate chalan.

Remittance
of fees to
treasury.

24. Fees levied on documents presented for registration (whether registration has been deferred or not) shall not be retained in the personal custody of any Registering Officer for any time longer than may be absolutely necessary. They shall be dealt with in the same way as other public money and be paid into the nearest treasury.

From offices situated at the headquarters of districts and subdivisions the fees shall be remitted to treasury daily; from other offices they shall be remitted to the treasury either by money order in sums of Rs.25 or multiples thereof, as soon as Rs.25 has accumulated, or by Government Currency notes, if available locally. But when an office is not situated more than 10 miles from the nearest treasury, realisations should be remitted once a week through the office peon. Remittances to the treasury should be accompanied by the chalan book duly filled up in duplicate, unless the remittance has been made by postal money order. One copy of each chalan will be returned to the registering officer by the Treasury Officer with his signature.

When the remittance is made by postal money order, the acknowledgments shall be posted into a blank register in such a way that the signature of the payee can be read, and this register should be preserved in the office, and produced before inspecting officers. Until the payees' acknowledgment is received the postmaster receipt should be filed in office. Procedure by which the remittance of money is made by money order is as follows :-

The money is paid into the local post office by the Sub-Registrar on a money order form made out in favour of the District Registrar, details of the remittance being entered in the coupon.

On the day on which the remittance reaches the Sadar treasury through the post office, the district Registrar receives from the treasury officer and advice list containing the details of sums received by money order for credit to the Registration Department, to which are attached the corresponding strips consisting of the acknowledgments signed by the Accountant and the coupons. In the case of money orders for amount exceeding Rs.500 the treasury and Sub-treasury Officer should also sign and date the acknowledgments as payee.

The District Registrar will thereupon return the acknowledgments, without delay through the post office to the Sub-Registrars concerned and will paste the coupons into a blank register, a sufficient number of pages of which should be reserved for each Sub-Registry office. The date on which the acknowledgements have been posted to Sub-Registrars should be noted in this register against the coupons. At the close of the month, the monthly returns of subordinate offices which remit collections by money order, and the treasury figures of amounts credited should checked with the coupons. If the postal acknowledgment for sums remitted by money order is not received back within the period ordinarily sufficient for the acknowledgments to reach the District Registrar and to be returned by him, the Sub-Registrar should at once report the matter to the District Registrar.

When remittances are made by Government Currency Notes, the notes should be despatched by post in a registered and insured cover addressed to the District Registrar, the treasury chalan being forwarded at the same time. The District Registrar will cause the fees thus remitted, to be deposited in the treasury, and will return the chalan to the Sub-Registrar. Remittances of pay, etc., from the Sadar to subordinate offices should be -made, as far as possible, by Government Currency Notes, which should be transmitted by post in registered and insured cover, the cost being met from the district grant for contract contingencies. Currency Notes so received should be utilised by SubRegistrars for the transmission of realisation to the treasury.

25. (a) Registration fees, excluding the penalty for delay under Section 25 or 34, may be refunded by a registering officer when he refuses to register a document after having accepted it for registration. : Provided that if an application for a commission or visit has been filed and such a commission has been executed or visit paid, no refund of the fee or travelling allowance deposited therefore shall be granted :

Provided also that if any fee be chargeable under Article T of the table of Fees, in consequence of the document having remained unclaimed for more than a month after refusal of registration, the amount of such fee shall be deducted from the amount of registration for fee to be refunded.

(b) Searching fees may be refunded, if no search be made within 30 days of the date of the application, and if the application for the refund be made within 30 days of the date on which the application for the search has been struck off.

(c) The fee for inspection may be refunded provided that no inspection has been made, searches in the indexes having already failed and that the application for the refund has been filed within 30 days of the date on which application for inspection has been struck off. But if the registers have been produced for the inspection of the parties, the fee under Article H(a) will not be refunded, irrespective of whether the inspection has been made or not, and whether the search has been successful or unsuccessful.

(d) The fee for a copy may be refunded provided that the application for the refund is received before the work of making the copy has been begun.

Refund of Commission fees. (e) Commission fees and sums deposited on account of travelling allowance may be refunded, if the application for the visit or issue of a commission be withdrawn before the visit has been paid or the commission executed.

Refund of penalty. 25A. If penalty under Section 25 or 34 is remitted by the Inspector General of Registration under Section 70 of the Registration Act, the same shall be refunded and necessary entry made in the register of refunds.

26. All refunds, directly they become due, shall, be entered in the Register in Form 51, Schedule LIII.

Refund of fees levied in excess or in error.

27. Refunds may also be made of fees levied in excess under Article R, or which have been erroneously realised under any other article.

Periods with in which re-funds may be granted.

28. No refund may be granted after the fee has been written off, or after the document has been destroyed under rule 129. In the list of unreturned documents submitted for destruction, the amount of the 'refund due on each document should be noted in the column' of remarks, for the orders of the Inspector General as to its being written off. Other refunds liable to be written off should be shown in a separate list.

Mode of making refund.

29. (a) Refunds at Sadar Offices should be made at once out of the Registrar's permanent advance on the production of the receipts granted under Section 52. Bills for refunds do not require the Inspector General's countersignature, but should be submitted direct to the Comptroller.

(b) Sub-Registrars will similarly make refunds from the permanent advances of their offices. For the amounts so paid a detailed bill should be submitted to the Registrar, accompanied by the payees' receipts as vouchers. The Registrar shall file these in the bill book to be kept in his office. The Registrar will carefully examine the vouchers and cancel them, so that they cannot be used again, and at once order payment from the permanent advance in his hands in recoupment of the Sub-Registrar's permanent advance.

(c) Subdivisional officers receive a permanent advance, which is to be used for all contingencies including those of *ex-officio* Sub-Registry offices at Sub-divisional headquarters. It is therefore unnecessary at an *ex-officio* Sub-Registrar at the headquarters of a subdivision should receive a separate permanent advance from the Registrar.

(d) With a view to prevent double refunds, a note of the refund in red ink should be recorded against the original entry of the receipt in the Fee Book, register of visit and commissions or register of search and copy as the case may be, as soon as a refund is made.

The date on which the fee was remitted to the treasury, and the number of the chalan in which it was included should invariably be quoted in the bills in which the refunds are drawn.

Safe Custody of Records and Documents

Custody of records. 30. In Sadar offices the Record-keeper or, when a whole-time Record-keeper has not been sanctioned, an office assistant approved by the District Registrar shall be responsible for the safe custody of the records.

Key of record rooms. 31. The Record Room should be furnished with two Chubb's locks the key of one lock, remaining with the Sub-Registrar or his *locum tenens* and that of the other with the Record-keeper.

Removal of records. 32. The record room shall not be opened except in the presence of both the Sub-Registrar or his *locum tenens* and the Record-keeper, and no records shall be removed from the racks except in the presence of the Record-keeper.

33. A register with the following headings shall be maintained :-

“Register of records removed from the record room for the purpose of making searches or taking copies, etc.

Column I-Date and hour of removal from record room.

Column- 2-Description of records removed.

Column 3-Purpose for which removed.

Column 4-Singnature and the designation of persons to whom made over. Column 5-Initial of record-keeper.

Column 6-Date and hour of replacement in the record room.

Column 7-Initials of Record-keeper”.

Certified copies. 34. The Special Sub-Registrar will depute in writing one or more members of his establishment to make certified copies.

35. Completed Register Books is issued from the record room for the purposes of inspections, searches, or certified copies, shall be returned to the Record keeper at the end of the day. If the copy be not completed on the day on which the Register Book is received from the record room, the Register Book shall be replaced in the record room at the close of the day and re-issued on the following day, the required entries in the Register prescribed in paragraph 33 being made each day. Before the Register Books are replaced in the record room, the Record-keeper should satisfy himself that they have not been tampered with, and shall at once report to the Special Sub-Registrar any alteration therein.

36. The Record-Keepers' table will be so placed that no one can have access to the record room or to the records without his knowledge, and he should, if the plan of the office permits, be either in view of the Special Sub-Registrar, or in such a position that he can have no communication with the public without the cognisance of the Special Sub-Registrar.

37. The office assistants deputed to make certified copies will work under the direct supervision of the Record-keeper and in as close proximity to him as possible. They should be so placed that no one can have access to them without his knowledge.

38. The Searcher's table shall, if possible, be so placed that it is within the direct view of both the Special Sub-Registrar and of the Record-keeper, where the office arrangements do not admit of this, it shall be placed in full view of either of them.

39. Searchers will not be permitted to take into the room in which searches are made any writing materials except a pencil and a piece of paper on which to make notes.

Searchers
to use a
pencil and
a piece of
paper.

40. Documents which have been admitted to registration but not completed shall, after the day's work is over, be locked in a box by the registering officer and be deposited in the record room.

41. The Record-keeper should himself compare as many certified copies as possible.

42. Members of the public desirous of making searches in Register Books, or the indexes relating thereto, should only be permitted to do so within specified hours, which should be published on the Notice Board. The Record-keeper is personally responsible that searches do not tamper with the records, and should examine the latter in the presence of the searcher, after the search has been completed.

43. The special Sub-Registrar must see that rebinding, whenever necessary, is carried out in the immediate presence of the Record-keeper and in a place which is secure.

43-A. In all Sadar Offices a register of records called for by the Courts or Revenue offices should be kept in the following form :

Register of records called for by the Court

Description of records.	Name of the Court of office to which the records are forwarded together with the Case No. etc., names with the parties, year, etc., in connection with which the record has been called for. Court's letter No. directing transmission of records	Date of Transmission	Date of return with initial of Record-keeper	Remarks.

44. Paragraphs 31 and 32 and the words "to the record room or" in paragraph 36 will not apply in the case of those Sadar offices the records of which are deposited in the collectorate record room. For such offices, all completed documents, Register Books, completed but not deposited in the record room, Register Books in use, and Register Book obtained from the record room for the purpose of preparing certified copies, shall at the close of the day, be checked by an office assistant in charge of the records and be securely locked up in the strong almirah by the Registering Officer.

45. In *ex-officio* Sub-Registry offices, where the registering officer's court or office room is at a distance from the office in which the office assistant sits, the office assistant is responsible for the safe custody of the Register Books and documents during office hours, and for seeing that searches and certified copies are made in the manner prescribed in these orders and that the searches and copyist do not tamper with the records. The records and documents will be locked up by the registering officer at the close of the day.

46. In Rural Sub-Registry offices all searches must be carried out and certified copies made under the immediate supervision of the Sub-Registrar. At the close of the day the Sub-Registrar shall lock up in the record room, or if there be no record room, in a strong almirah, all the completed Register Books, Register Book in use, Indexes and documents whether completed or uncompleted, and no office assistant or muharrir must be allowed to have access to the record and documents except in the presence of the Sub-Registrar.

Record room
and made of
preserving
record

46A. The record room of every registration office should always be kept free from damp. The ceiling walls and floor should be kept scrupulously clean. The windows should be kept open daily to admit light and ventilation as far as practicable and if they are high up in the walls, they should always be kept open during the office hours, except when it is actually raining. Small baskets of damp absorbant like calcium chloride may be hung from the ceiling specially in damp rooms. To preserve record racks and other wood works from deterioration, they may be painted with a mixture of kerosene oil and phenyle in the proportion of three to one. The legs of the racks should be made to rest, if possible, on pans' containing a solution of phenyle and kerosene oil in equal parts.

For the preservation of register books and volumes of records from the ravages of white ants and other vermins, it is essential that they should be kept free from dust and damp as much as possible. Spraying with a flit or similar insecticide kept the volumes free from moths.

The books should be taken out, shelf by shelf and replaced after cleaning and after the whole series is exhausted the cleaning of the books from the first rack should be recommenced at suitable intervals.

The books may be occasionally brushed with a solution of corrosive sublimate and powdered naphthaline, but the books should carefully be dusted and carefully wiped with a cloth, not only the exterior but the inside of the covers too. Naphthaline balls should also be scattered over the volumes, especially when they are kept in almirahs.

A Register Book should be kept in every Head quarter Registration office showing successively the dates when each section of the racks is cleaned.

The registering officer should frequently inspect the record room, noticing especially if the register books are in their proper places and if they are in good condition. He shall record the date of inspection mentioned above and in the case of rural offices in the column of remarks in the diary.

Arrange-
ment of
records in
Sadar
offices.

46B. The rooms (where there are more than one room) as well as the rack should be numbered consecutively. The shelves on each rack should be numbered beginning from the shelf at the top. Labels showing the name of office and the year to which the records relate may also be pasted or printed on the racks and shelves. Appropriate labels should like be wise-pasted to each book relates and the number assigned to it in the general catalogue.

Books should be kept vertically so that they may be easily taken out or replaced. The records should be arranged in chronological order. The oldest Kazi's record, if any, should be arranged first. Other records should be arranged office by office in the order in which they appear in the printed annual report or in any other order that may be found convenient, provided that the order adopted is continued through out. All the volumes of Book I should be placed first than Book III and last of all Book IV, then indexes I, II, III and IV respectively. As the register of powers of attorney and the index thereto and the thumb impression registers are liable to destruction, a separate rack or shelf or shelves may be assigned for their accommodation.

The registers of the Mohammadan Marriage registration offices and indexes relating thereto should be kept in a separate rack. Other records like those of births, deaths, marriages registration Act and the special marriages Act may also be kept in that rack, if there be room enough.

A brief note regarding the records kept on each rack may be written up and pasted on card board pieces and hung on to each rack.

Salary and other Bills and charges

Salary bills of Sub-Registrars

47. Special Sub-Registrars and Sub-Registrars will draw their pay in Form No.2 of Assam Schedule III directly from the Treasury without the countersignature of the District Registrar.

Commission bills of *ex-officio* Sub-Registrars

48. An *ex-officio* Sub-Registrar whether appointed to the charge of an *ex-officio* office or to any office temporarily during the absence of Special Sub-Registrar or Sub-Registrar may draw his commission at the end of each month on a bill countersigned by the Registrar. Commission bills must be prepared in Accountant General's Form No.3. All *ex-officio* Sub-Registrar (except the *ex-officio* Sub-Registrar of Jowai, in the United Khasi and Jaintia Hills District, and the members of the Indian Administrative Service and Assam Civil Service, Senior and Junior) when appointed as *ex-officio* Sub-Registrars, are entitled to commission at 25 per cent of the fees realised but an officer's total commission in anyone month shall not exceed Rs.60. The amount of the commission payable shall be calculated in the manner prescribed in the next following paragraph.

Mode in preparation of commission bills of *ex-officio* Sub-Registrars

49. The method of preparing commission bills of *ex-officio* Sub-Registrar is as follows :-

(1) When more than one officer held charge of a Sub-Registrar's office during the month, separate commission bills will be prepared for the amount of commission due to each officer.

(2) To ensure the correct preparation of the bill, certain calculations are necessary. Each bill will, therefore, be supported by extracts from the registers showing :

- (a) The amount of fees of documents pending at the close of the month for which the bill is drawn;
- (b) the amount of fees on documents presented and refused during the month for which the bill is drawn;
- (c) the amount of fees on documents presented in previous month, but admitted to registration during the month for which the bill is drawn.

(3) The extract register form may be included in the annual indent for forms.

(4) Those documents in respect of which no entry has been made in column 8 of the Fee Book will be entered in Abstract No.1, as pending documents.

(5) Those documents which have been refused registration will be readily identified, since the dates will be entered in red ink. They will be entered in extract No.II.

(6) Documents admitted to registration after the close of the month in which they are presented will also be easily distinguished by the date of admission. Thus if in column 8 of the Fee Book for May a document is shown as having been admitted on July 8th, the Sub-Registrar will know that in drawing his bill for July he may take credit for the documents. Such document will be entered in extract No.III.

(7) In addition to the above, commission bill will be supported by the treasury officer's receipt for the total sum remitted by the Sub-Registrars to the treasury .

Commission
bills of
Sub-Regis-
trars.

50. (1) The form to be used is Accountant General Assam's Form No.4.

(2) Commission is payable monthly.

(3) A Sub-Registrar is only entitled to commission on documents actually completed by him. He will draw no commission on documents admitted by him to registration but completed by his successor.

(4) Paragraph 49 applies to Sub-Registrars as well as to *ex-officio* Sub-Registrars.

(5) Sub-Registrars paid by commission are remunerated on the number of registration, according to the following scale :-

When the No. of Registration does not exceed 50 in a month		Rs.	
ditto exceeds	60	ditto but does not exceed	80 70
ditto ditto	80	ditto ditto	12598
ditto ditto	125	ditto ditto	170 ...119
ditto ditto	170	ditto ditto	200 ...133
ditto ditto	200	ditto ditto	250 ...147
ditto ditto	250	ditto ditto	300 ...154
ditto ditto	300	ditto ditto	350 ...161
ditto ditto	350	ditto ditto	400 ...175
ditto ditto	400	ditto ditto	450 ...189
ditto ditto	450	ditto ditto	500 ...303
ditto ditto	500	ditto ditto	...210

the above rates are based on the increase of 40/- allowed with effect from 1st April 1951 vide No. LRG. 28/50/2, dated 16.1.51 accorded with the concurrence of Finance Department.

For the purposes of these calculations each miscellaneous operation on which a fee is charged will be counted as one registration. The miscellaneous operations with which Sub-Registrars are concerned are authentication of powers of attorney, commissions, visits, searches, etc. Searches made under Article H of the Table of Fees by Government officers without fee, are an exception to this order.

(6) The levy of fees under Article H(a) and H(b) of the table of Fees counts as one operation, of the applications for search and copy are filed on the same date. But if an application for copy be made on a date subsequent to that on which the search was made, it should be considered as a separate operation.

(7) Commission bills require the Registrar's countersignature before payment, but he may delegate this duty to the Special Sub-Registrars.

Officers holding temporary charge not entitled to Commission.

51. When an officer is temporarily placed in charge of the office of the registering officer of any class, during his absence on casual leave or on inspection duty in the interior of district, he is not entitled to any remuneration, and the fixed pay or commission, as the case may be. For that period shall be retained by the permanent incumbent.

Method of filling up District Return No.4

52. In reporting the amount of commission paid to Sub-Registrars, the full amount should be debited against the Registration Department and entered in District Return No.4. Deductions on account of funds, income-tax, etc " are independent transaction between the Sub-Registrar personally and the fund concerned the State Government respectively.

Deduction on account of income-tax

53. Deductions on account of income-tax should be made on the gross amount of commission payable to Sub-Registrars, before the submission of the bills for countersignature.

Pay bills of permanent establishment

54. Salary bills for permanent establishments will be drawn by the head of the office in the prescribed forms.

Pay bills of extra establishment.

55. Bills for extra establishments shall be drawn in the same way as those for permanent establishment, the orders sanctioning their entertainment being always quoted in the bill.

Travelling
allowance
bills.

56. Travelling allowances for registering officer and the office assistants will be drawn in the prescribes form and in both cases they must be submitted to the Registrar for counter signature before payment.

Rates and
Taxes

57. In the case of a registration office occupying one or more rooms in the Collectorate building, such office is not liable to be assessed separately to municipal rates and taxes. In other cases, registering officers other than those paid by commission, will defray charges on account of municipal rates and taxes from their permanent advance, and the charge will be debited to the sum provided in the district budget under the head "Regular Contingencies".

Duplicate
bills.

58. A duplicate bill should never be submitted unless the original has been lost in transit, or otherwise, in which case a certificate should be attached, to the effect that the bill has not been cashed at the treasury. The previous sanction of the Comptroller to its payment must be obtained, before such a bill is presented for encashment at the treasury.

Purpose of
permanent
advances

59. A permanent advance for the whole district is allowed to each Registrar who will apportion the amount to the Sub-Registrars to meet the cost of (1) Contingencies, (2) Service Postage, (3) Refund of Registration Fees, (4) Cost of Remitting Fees to the treasury, etc. On the 15th of April, each year the Registrar will sent acknowledgment of the entire advance to the Comptroller, in the printed form supplied by officer.

Recoup-
ment and
acknowledge-
ment of
permanent
advances

60. The advance received by a Sub-Registrar shall not be repaid into the treasury, but shall be recouped from time to time, when necessary, by the submission to the Registrar of abstract bills supported by vouchers. On the first day of April in each year or should the office be closed on first day thereafter on which the office shall be opened the officer holding the advance shall forward an acknowledgment for its receipt to the Registrar.

Payment
from per-
manent
advance.

61. All Sub-Registrars shall meet from their permanent advance charges for refunds, the cost of the postal money orders for remitting registration fees of postage on "bearing cover" and of transit charges of records and forms. The cost of binding or rebinding register

in registration office should be paid from the district grant for contract contingencies. A contingent register in the prescribed form shall be maintained in each Sub-Registry office.

Contingent
Expenditure

62. Contingent expenditure will be regulated by the General Rules prescribed from time to time by the State Government in this behalf. The entire grant for the district will be retained by the Registrar under his own control and will not be distributed to subordinate offices. On receipt of a contingent bill from a subordinate office, the Registrar, after checking the items the vouchers and entering the bill in his contingent register, shall fill in the memorandum of allotment. Debiting the expenditure against the district grant as most convenient and either return the bill to the drawing officer for encashment after countersignature by himself, or by the Special Sub-Registrar if authorised in this behalf by him, or recoup the amount from his permanent advance and cash the bill himself.

Drawal and
Disburse-
ment of
contingent
grant

63. The disbursing officer is responsible for keeping and for producing when required, any Sub-Vouchers for expenditure from his contract contingent grant, except those which he is authorised to destroy. Bills required to be preserved which are received by the Registrar as Vouchers from subordinate offices should be filed in the Sadar Office. A bill shall be drawn, on or immediately before 31st March, of each year, for all expenditures actually incurred on account of contract contingencies upto date, whether the allotment has been expended or not but over-drafts must be reported at once to the Inspector General.

Sums which cannot be disbursed before the close of the financial year shall, in no circumstances, be drawn from the treasury.

Printing charges not to be incurred without sanction

64. No charge for printing shall be incurred without the special sanction of the Inspector General.

Cost of Stationery article.

65. The cost of stationery articles purchased locally in accordance with the Assam Contingency Manual may be included in the monthly contingent bill.

Monthly returns described

66. The following is a brief description of the 1 monthly returns to be submitted by District Registrars to the Inspector General :-

District Return No.1 is the statement of immovable property registered in Book I and the value of such property transferred by registered instruments, together with the fees thereof.

District Return No.2 is the statement of instrument of movable property registered in Book IV, and of wills and authorities to adopt registered in Book III and of the value of such property transferred by registered instruments together with the fees thereof and all the grand totals.

District Return No.3 is the statement of operations other than registration Books I, II and III and of income from fees realised there under together with the income from fees on registration showing the gross total income.

District Return No.4 is a statement of expenditure showing the amount actually disbursed.

District Return No.5 is the statement of principal operations other than registration in Books I, II and III.

District Return No.6 is the classified statement of fees realised.

District Return No.7 is the statement showing the progress made in the work of copying, etc., and indexing during the month.

General instructions for the preparation of returns

67 (a) Details regarding those documents only the registration of which has been completed will be entered in the District Return Nos.1 and 2.

(b) The aggregate of the fees levied on all documents presented for registration will be entered in District Return No.6, on the date of presentation. No distinction being made between those levied on pending documents which have been admitted to registration.

Verification of District return No. 6

(c) District Return No.6 must be verified and countersigned by the Treasury Officer, and the District Registrar is required to certify that he has checked the figures therein with those furnished by subordinate offices, that they agree with the treasury figures, and that any discrepancies have been reconciled

- (d) Security bonds, indemnity bonds, transfer, transfer of leases, agreement release reconveyance of mortgaged property, etc., should be shown under the head "Other instruments" in the appropriate returns.
- (e) Sale certificates should be included with sale and shown under heading 3 or 17 of District Return No. 1. Fees should be charged *advalorem*. A certified copy of a decree or order of a court should be included under heading 29 of District Return No. 1, the fee being charged under Article D.
- (f) Fraction of a rupee should be counted as a whole rupee in calculating values.

Remittance to be made to the treasury

68. As the monthly accounts of sub-divisional treasuries are closed on fixed dates, it is essential, in order that the total realisations and remittances shown in District Return No. 6 should agree with the monthly statement of a credits in each district forwarded by the Comptroller to the Inspector General, that Sub-Registrars in sub-divisions should forward the fees, etc., realised by them sufficiently early to reach and be credited into the sub-divisional treasury on or before the latest date fixed as aforesaid, and that Sub-Registrar at Sub-divisional headquarters should also deposit on the same date the fee realised by them. In Sadar sub-divisions, however, the latest dates on which the registering officers should deposit the fees collected by them is the last working day of the month, as the District Treasury Accounts are closed on that day. Only the sums paid in up to those dates will be shown in the column "Total amount paid in to the treasury during the month" in the above return, subsequent payments being entered in the return for the succeeding month.

69. Deleted.

Entries of pattas and Kabuliyat relating to the same land

70. When a Patta and Kabuliyat relating to the same land are registered together, they should be entered as one transaction only, and the value, that is the annual rent, shown once only in the District Return No. 1 or 3 as the case may be.

Classification of leases and Kabuliyats, etc.

71. (a) In the case of a lease in respect of which a premium has been paid the amount of the premium should be divided by the term of years and the quotient added to the annual rent, in order to arrive at the value for purposes, of District Return No. 1 or 3 as the case may be.

- (b) The distinction between Pattas and Kabuliyat should be clearly understood and followed: where leases are executed in counterpart, the Patta is the lease and the Kabuliyat the counterpart.

The Indian Stamp Act expressly excludes counterpart from its definition of leases, but the Registration Act expressly includes them, the distinction however, is to be clearly maintained in returns with a view to obtaining statistics of the number of pattas granted in proportion to Kabuliyats.

- (c) A Kabuliyat is not necessarily a counterpart of a lease. A counterpart means the duplicate of a conveyance, settlement, mortgage deed or lease such duplicate not having been deed executed by the granter, settler, mortgagor or lessor, but by some other party to the instrument. It includes a Kabuliyat where a lease has been granted. Care should, therefore, be taken to mark with K only such instruments as are executed by a party to the deed in favour of a lessor who is competent, in return to grant a patta or lease and other descriptions of so called Kabuliyat should be returned under their proper headings an agreements to accept a grant, settlement of mortgage, as the case may be. The letter P, therefore, in the returns is to be taken as denoting every kind of agricultural lease granted by a lessor, while the letter K is to denote not only the counterparts of such leases where executed, but also any documents which could be the counterpart of a lease, or which is granted, to a lessor in consideration of an implied lease. In indexing pattas and Kabuliyats the words "lessor and lessee" are to be used for both descriptions of documents.

- (d) When documents are presented in duplicate triplicate, etc., at the same time, the value should be shown once in the rough draft statements I and II.

Instructions for preparation of monthly return by Sub-Registrars

73. The instructions for preparing the District Returns apply to the returns submitted by Sub-Registrars.

Date of despatching monthly returns

74. Registrars should invariably despatch their monthly returns to the Inspector General's Office not later than the 15th of the month following that to which the returns refer. *Ex-officio* Sub-Registrars elsewhere than at Sadar, and Sub-Registrars should as a rule, submit their returns to the district office not later than the 2nd of the month.

Procedure when delay occurs in submission of returns

75. The monthly returns should invariably be accompanied by an explanation of the cause of any arrears. When delay occurs in the submission of the monthly returns, the reason therefore, should be stated. When District Returns have been delayed in consequence of the dilatoriness of subordinate offices, a statement should be appended showing the date of the receipt of the returns of subordinate offices, the date of their return for correction, and the date of receipt of the revised return.

Arrears of previous year

76. When there are arrears from previous years, a special report should be furnished with each month's returns showing the progress made in clearing them off.

Rough drafts

77. The rough drafts of monthly return should be filled up at the close of each day's work. In offices where registration exceeds 4,000, Sub-Registrars may entrust the preparation of the rough draft to their office assistance, in other offices, the Sub-Registrar should himself prepare the rough drafts. They should, in all cases be scrutinised and initialled daily by registering officers.

78. Deleted.

District Annual and Triennial Reports

79. The District Registration Report should be prepared for the calendar year, and forwarded to the Inspector General of Registration not later than the 15th January.

A full report should be submitted every third year in the intermediate years a note explaining any striking variations in the statistics of the year is all that is required. This note should be in a narrative form, should contain no subsidiary statements, and should be confined to a clear, but brief discussion of the result of the year.

The four Central statements in Forms Nos. 42, 45, 47, 48 and 49 of Schedule LIII-I and provincial statement in Form No.50 should be appended. In the triennial report the statistics for the preceding three years should be reviewed, and a full account of the working of the Department during the triennium should be furnished. This report should also be a narrative form, and should follow the skeleton form appended below :-

General

1. Introductory.
2. Brief summary of results-total registration (Form III, Columns 18-23).
3. Classification of deeds registered (Forms I and II).
4. Value of deeds registered (Forms I and II).
5. Operation other than registration (Form III, Columns 1-17). Refusal, bills, appeals, registration ordered by Civil Court, sale certificate, memo.
6. Working of the Muhammadan Marriages and Divorces Registration Act.
7. Miscellaneous including legislation, kabinmahs, documents destroyed, unclaimed or impounded, searches, applications for copies and prosecution.

Financial

8. Receipts.
9. Expenditure.
10. Financial result
11. Financial result of the opening of new Sub-Registry Offices.

Micellaneous

12. Average time taken to complete registration.
13. Office and records.
14. Inspections and conditions of offices.
15. Conduct of officers and general remarks on the results of the triennial period.

In addition to four Central Statements in Forms Nos. 42,45,47,48 and 49 and a Provincial Statement in Form No. 50 a Subsidiary Statement in the form given below should be included in the body of the triennial report :-

Subsidiary Statement

	Number of Registration				Total receipts	Total expenditure	Surplus	Number of registration offices (average)
	Affecting immovable property		Other Registration	Total				
	Compulsory	Optional						
Total of three years :								
Ditto ditto								
Ditto ditto								

At the same time that the district annual or triennial report is submitted, the District Registrar will forward a confidential report on the character and work of the Special Sub-Registrar and of each of Sub-Registrar in his district.

80. Deleted.

81. Every District Registrar and Sub-Registrar should submit his annual indent for register books and forms under different Schedules to the Secretary to the Government of Assam, in the Printing and Stationery Department on the date fixed by Government from time to time.

82. Deleted.

Supply and custody of forms

83. The rules framed by Government from time to time for the supply and custody of forms must be strictly observed. An Office Assistant should be placed in charge of the forms and stocks should be taken annually by the Sub-Registrars. A register of printed forms in Form No. 119 of Schedule II should be maintained in every office, and all entries therein must be initialled by the Office Assistant in charge. The Inspector of Registration Offices should, in course of his inspection, verify the balances of a percentage of the forms and satisfy himself that the rules are being observed.

Indents for seals, etc.

84. When rubber seals, rubber rollers, printer's ink and apparatus for taking thumb impression, and other articles which are supplied to Sub-Registrars free of cost are required, an indent in the proper form should be submitted. Applications in letter form should not be made. In the case of indent for a new rubber seal, an impression of the old seal should be enclosed with the indent.

Supply of stationery articles to Sub-Registrars under commission system.

85. Sub-Registrars paid by commission may be supplied with registration ink and other stationery from the district office at cost price, which should be ascertained from the Controller of Stationery. The machine made medium paper required for copies under sections 64 and 65 will be supplied to them *gratis*. They are also supplied with registers, index books and printed forms free of charge. Salaried and *ex-officio* Sub-Registrars are supplied with books, forms, articles of stationery, and registration ink free of cost.

Stationery indent.

86. All District Registrars shall send to the Inspector General of Registration an indent, in the prescribed form for stationery articles to be obtained from the Central Stationery office (including Registration ink) which will be required for the registry offices on or before the date fixed. Indents from the Sub-Registrars shall be submitted to the district office, at least a month before the date fixed by Government. The District indent shall include all ink and other stationery articles likely to be required by officers subordinate to the District Registrar.

MiscellaneousCorrection
slips to
Manual.

87. A note in the following form should be entered at the end of the Registration and the Stamp Manuals to be filled in as correction slips are received :-

Number and year of slips	Date of receipt	Page in which corrections have been made
1	2	3

Correspon-
dence

88. In Sub-Registry Offices, correspondence may conveniently be arranged in three collections, viz., General, Account and Statistics. A Sample list of files is given below. It is not intended that this list should be strictly adhered to, as additional files should be opened when necessary. All offices must maintain a Register of letters received and a Register of letter issued in the prescribed forms.

SAMPLE LIST OF FILES OF CORRESPONDENCE**General Department**

1. Annual reports.
2. Appeals.
3. Complaints.
4. Appointments.
5. Arrears.
6. Civil Court . Memoranda.
7. Civil Court Sale Certificates.

8. Construction of new offices.
9. Copies and memoranda.
10. Destruction of records.
11. Fees.
12. Holidays.
13. Improvements made in registration office.
14. Indexes.
15. Indents.
16. Inspections.
17. Leave.
18. Nomination rolls.
19. Power-of-attorney.
20. Prosecutions.
21. Registration of deeds.
22. Registration of births and deaths.
23. Registration of Civil Marriages (Act III of 1872).
24. Registration of Muhammadan Marriages (Assam Act IX of 1935).
25. Sub-Registry Offices.
26. Searches.
27. Security bonds.
28. Stamps.
29. Summonses.
30. Transfer of charges.
31. Transfer of records.
32. Visits and commissions.
33. Wills and iron-safe.
34. Miscellaneous.

Account Department

1. Comptroller.
2. Budget.
3. Commission (Salary).
4. Salary of Special Sub-Registrar.
5. Salaries of Sub-Registrars.
6. Salary of establishment (permanent).
7. Salary of temporary establishment.
8. Travelling allowance.
9. Contingencies.
10. Permanent advance.
11. Furniture.
12. Refunds of fees.
13. Rent of offices.
14. Service labels.
15. Stationery account.
16. Miscellaneous.

Statistics

1. Annual returns.
2. Monthly returns.
3. Miscellaneous returns.

It will probably be convenient in Sadar offices to open a separate file for each subordinate office.

Postage labels.

88.A. A defect register in the prescribed form shall be maintained in all registration offices wherein shall be noted all defects noticed in course of inspection and the steps taken to remove them. The entries in column 4 of the register shall be made by the registering officer himself.

Mode of submission of returns.

89. The postage on all official letters and covers sent by post from any registration office must be prepaid by service labels. These labels will be supplied to Sub-Registrars (on application) by Registrars who will disallow unreasonable and excessive demands. An account book of service labels will be kept in every registration office, in Form No.51, Schedule II.

90. Bills, monthly returns, applications for sanction to temporary establishment, and regular indents, should not be accompanied by covering letters. The envelopes containing them should be marked "returns." Letters and urgent should be separately sent.

Appeals under section 72, applications under section 73, and inquiries under section 74

Presentation of appeal of application

91. "An appeal" under section 72 of the Act or an application under section 73 shall be presented in writing to Registrar of the District, or to the officer in charge of the Registrar's office, accompanied by a copy of the order of refusal appealed against and the original document in respect of which the order was passed.

Admission of appeal or application pending production of document.

92. When the document is stated to be in the possession of some person other than appellant or the applicant and the latter desires time to obtain and produce it or to take steps for the issue of a summons for its production, the request may be complied with and the appeal or application admitted pending receipt of the document.

Persons entitled to file appeals under section 72 and applications under section 73

93. (i) An application under section 73 shall be presented either by the applicant or by his agent holding a power-of-attorney authenticated as laid down under the section 33 of the Act.

(ii) An appeal under section 72 shall be presented either by the executant or by the claimant or by the agent of either of them.

(iii) An appeal or an application shall not be accepted or acted upon if sent by post.

Appearance of unauthorised persons in appeals applications and enquiries.

94. In an enquiry connected with a will or an authority to adopt under section 41 (2) of the Act or an appeal under section 72 or an application under section 73 or in an original enquiry under section 74, persons not qualified under the Legal Practitioners' Act shall not be allowed to appear. Such persons are not, however debarred from acting as agents if authorised by a duly authenticated power-of-attorney.

Application under sections 73 and 74 to be promptly disposed of

95. The Sub-Registrars at the headquarters of a district who have been empowered by the State Government to perform the functions of a Registrar under section 7 of the Act should bear in mind the desirability of promptly disposing of cases under sections 73 and 74 of the Indian Registration Act. The question at issue, in these cases, is whether the document has been executed by certain persons and to determine this, Witness should be examined and evidence, if any, produced by the claimant, should be taken without delay after giving notice of the case to the opposite party. The enquiring officer is bound by law (section 75 of the Registration Act) to come to a decision as to the question of execution and should, without unnecessary delay, either order registration of the document or refuse such registration. Numerous adjournments on inadequate grounds, without coming to a decision as to whether or not the document was executed by the party by whom it is alleged to have been executed, are objectionable and inspecting officers will examine the records under section 73 and 74 carefully in order to see whether unnecessary delays have been made in the disposal of these cases.

To ensure that the recording of the evidence of the parties and their witnesses is not put off by reason of the Sadar Sub-Registrar's absence from headquarters on tour, the date of hearing of a case should be entered as a forward entry in his diary which be consulted when the Sadar Sub-Registrar's tour programme is prepared

Application under Section 73 cannot be struck off for simple non-appearance.

96. (a) An application under section 73 of the Indian Registration Act, XVI of 1903, should not be "struck off" by the District Registrar for the non appearance of the parties, but he would be justified in passing a formal order refusing to direct registration on the ground that execution has not been proved. He can also adjourn the case to some future date if he thinks fit.

Review of order.

(b) Where orders have been passed refusing to direct registration for reasons such a default of appearance of a party or non-payment of process fee, such order may be reviewed and the appeal or application may be re-admitted if the Registrar is satisfied that there is sufficient reason for its re-admission.

Admission of evidence voluntarily produced or otherwise available in appeal cases.

97. In an appeal under section 72, the Registrar is precluded from enforcing the attendance of witnesses by coercive processes, but there is no objection to his admitting evidence when it is available or voluntarily produced by the parties.

Enquiry into fact of execution on disproof of minority, idiocy or lunacy

98. In an appeal under section 72 preferred against an order of refusal to register on the ground that the executant is a minor, an idiot, or a lunatic, the Registrar shall, when he finds the executant to be a major or of sound mind, as the case may be, also enquire, into the fact of execution of the document in question. If execution is admitted, he shall direct registration.

Scope of enquiry under section 74.

99. When a Registrar exercises his discretion in receiving for registration a document under sub-section (1) of section 30 of the Registration Act and the executant or his representative or assign denies its execution, the Registrar is not, like a Sub-Registrar, to refuse its registration forthwith, but he will proceed under section 74 to enquire into the points mentioned in clauses (a) and (b) of that section.

Mode of recording evidence in enquiries under section 74.

100. (a) In enquiries under section 74, Registrars shall, if they examine witnesses, record their evidence in the manner provided in the Code of Civil Procedure, 1908.

(b) When it is necessary to examine any witness on commission, the procedure laid down in Order XXVI of the Civil Procedure Code should be followed.

Costs under section 75.

101. Costs decreed under section 75 shall be recovered by the Collectorate establishment acting under the orders of the Registrar.

Care should be taken to use the title of Registrar in the processes issued in such cases. The costs shall be paid to the party or remitted to the treasury as revenue deposit when realised.

Appeals under section 72 how to be stamped

102. The original memorandum of appeal under section 72 shall be charged with a court-fee stamp under Article 11, Schedule II, of the Court-fee Act, 1870 as amended from time to time.

Applications under section 73 not to be stamped.

103. An application made to a Registrar under section 73 is not assessable to duty either under Article 1 (b), Schedule II, of the Court-fee Act, 1870, or under Article 11, Schedule II of the same Act as amended. Such applications should therefore be made on plain paper only.

Mode of issuing summons and its cost to be realised.

104. (a) Every application for summons must be accompanied by the sum payable the witnesses as expenses, as well as the amount of peon's fees usually chargeable by the Revenue Officer or Civil Court through which the summons is to be issued, and in forwarding for compliance an application for summons, the registering officer shall also forward the sums deposited to meet the witnesses expenses and the peon's fee, together with the summons in duplicate.

(b) In the event of a person summoned under section 37 neglecting to appear, or if a summons under that section cannot be served, the registering officer may call upon the Revenue Officer or Civil Court through whom his summonses are served to take any further action authorised by the law for the time being in force, for the purpose of securing the attendance of the person whose evidence is required, and as such a requisition must be accompanied by the proper fee. It rests with the registering officer to specify the nature of action to be taken.

(c) All processes issued under statutory order No.5 to any district, the vernacular of which differs from that in which the process is written, shall invariably be accompanied by a translation in English.

- (d) A summons under section 75 is issued direct by the Registrar in accordance with the provisions of order No. XVI, First Schedule of the Code of Civil Procedure.
- (e) If the summons be addressed to a person who is alleged to have executed the document, it shall require him to attend in person or by agent : if it be addressed to any person whose evidence is required to prove the fact, it shall require him to attend in person.
- (f) Processes cannot be issued against a person exempted from personal appearance at the registration office under the provision to section 33 and under section 38. In such cases the registering officer shall either himself go to the house of the person to be examined or to the jail in which he is confined, or issue a commission for his examination.
- (g) Section 36 of the Indian Registration Act empowers an officer to issue a summons requiring appearance personally or by agent. Section 38, read with section 132 of the Civil Procedure Code, lays down that *Pardanashin* women shall not be required so to appear. It follows therefore that a summons cannot be issued to secure the attendance of a *Pardanashin*. The procedure indicated in section 38 (2) should be followed in regard to a *Pardanashin* executant, and if she declines to appear before the Commissioner or officer paying the visit, or to answer his question, the registering officer is competent to refuse registration.

Syed I. Hussain, IAS.

Inspector general of Registration, Assam,

Rupnagar : Guwahati - 32

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