

## PART V

## OF THE PLACE OF REGISTRATION

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

## STATE AMENDMENTS

## Andhra Pradesh:

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

[Vide Andhra Pradesh Act 4 of 1999, sec. 5 (w.e.f. 1-4-1999).]

## Bihar:

For section 28, substitute the following section, namely:—

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

[Vide Bihar Act 6 of 1991, sec. 3 (w.e.f. 8-8-1991).]

## Gujarat:

Same as in Maharashtra.

[Vide Act 11 of 1960, sec. 87; Gujarat A.L.O., 1960 (w.e.f. 1-7-1961).]

## Maharashtra:

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

[Vide Bombay Acts 14 of 1939, sec. 4; 14 of 1947, read with 35 of 1958, sec. 2 (w.e.f. 28-4-1958) and 6 of 1960, sec. 43 (w.e.f. 1-1-1961).]

(ii) For brackets, letters, word and figure "(ee) and (eee)", substitute brackets, letters and words "and (ee)".

[Vide Maharashtra Act 20 of 1971, sec. 58 (w.e.f. 15-6-1972).]

## Orissa:

In section 28,—

(i) for the words, brackets and letter "and (e)", substitute the brackets and letters and word "(e), (f) and (g)"; and

(ii) omit the words "or some portion".

[Vide Orissa Act 8 of 2002, sec. 6 (w.e.f. 24-5-2002).]

## Pondicherry:

For section 28, substitute the following section, namely:—

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

(a) every document mentioned in clauses (a), (b), (c), (d) and (e) of sub-section (1) and sub-section (2) of section 17, in so far as such document affects immovable property and in clauses (a), (b), (c) and (cc) of section 18 shall be presented for registration in the office of a Sub-Registrar within whose sub-district the whole

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

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

or some portion of the property to which such document relates is situate in the Union Territory of Pondicherry; and

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

[Vide Pondicherry Act 5 of 1999 (w.e.f. 4-5-1999).]

## Uttar Pradesh:

(1)(i) In section 28, omit the words, figures and letters "sub-section (1), clauses (a), (b), (c), (d) and (e), section 17, sub-section (2)".

(ii) For the words "section 18, clauses (a), (b), (c) and (cc)", substitute the words "every document mentioned in section 18, clause (c)".

[Vide Uttar Pradesh Act 19 of 1981, sec. 8 (w.r.e.f. 1-8-1981).]

(2)(i) Omit the words "or some portion".

(ii) Insert the following proviso, namely:—

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

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

## COMMENTS

The burden of proving that the property is situate within the jurisdiction in which a document relating thereto registered is on the person relying on such document; *Mohd. Khaja v. Monappa*, AIR 1953 Hyd 280.

29. Place for registering other documents.—(1) Every document <sup>1</sup>[not being a document referred to in section 28 or a copy of a decree or order], may be presented for registration either in the office of the Sub-Registrar in whose sub-district the document was executed, or in the office of any other Sub-Registrar under the <sup>2</sup>[State Government] at which all the persons executing and claiming under the document desire the same to be registered.

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

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

<sup>3</sup>[\*\*\*]

## STATE AMENDMENTS

## Andhra Pradesh:

In section 30,—

(i) in sub-section (1), omit brackets and figure "(1)"; and

(ii) omit sub-section (2).

[Vide Andhra Pradesh Act 13 of 1996, sec. 2 (w.e.f. 15-6-1996).]

1. Subs. by Act 33 of 1940, sec. 3 and Sch. II, for "other than a document referred to in section 28, and a copy of decree or order".
2. Subs. by the A.O. 1950, for "Provincial Government".
3. Sub-section (2) omitted by Act 48 of 2001, sec. 4 (w.e.f. 24-9-2001). Earlier sub-section (2) was amended by Act 45 of 1969, sec. 2(b) (w.e.f. 26-12-1969).



**Bihar:**

In section 30, omit sub-section (2).  
[Vide Bihar Act 6 of 1991, sec. 4 (w.e.f. 8-8-1991).]

**Gujarat:**

In section 30—

- (1) in sub-section (1), omit the brackets and figure "(1)";
- (2) omit sub-section (2).

[Vide Gujarat Act 18 of 1990, sec. 2.]

**Haryana:**

In section 30, omit sub-section (2).  
[Vide Haryana Act 4 of 1997, sec. 2 (w.e.f. 12-3-1997).]

**Madhya Pradesh:**

In section 30, omit sub-section (2).  
[Vide Madhya Pradesh Act 1 of 1993, sec. 2 (w.e.f. 15-7-1993).]

**Orissa:**

In section 30, omit sub-section (2).  
[Vide Orissa Act 19 of 1991, sec. 2.]

**Rajasthan:**

In section 30,—  
(i) in sub-section (1), omit brackets and figure "(1)"; and  
(ii) omit sub-section (2).  
[Vide Rajasthan Act 18 of 1989, sec. 4 (w.e.f. 18-9-1989).]

**Uttar Pradesh:**

In section 30, omit sub-section (2).  
[Vide Uttar Pradesh Act 27 of 1994, sec. 4.]

**West Bengal:**

(1) In section 30, omit sub-section (2).  
[Vide West Bengal Act 17 of 1996, sec. 3.]

**Section 30A and 30B**

(2) After section 30, insert the following section, namely:—

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

[Vide West Bengal Act 22 of 1997, sec. 3.]

(3) After section 30A, insert the following section, namely:—

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

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

[Vide West Bengal Act 15 of 1998, sec. 3 (w.e.f. 1-4-1998).]

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

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

**PART VI****OF PRESENTING DOCUMENTS FOR REGISTRATION**

**32. Persons to present documents for registration.**—Except in the cases mentioned in <sup>1</sup>[sections 31, 88 and 89], every document to be registered under this Act, whether such registration be compulsory or optional, shall be presented at the proper registration-office,—

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

**STATE AMENDMENT****Section 32A****Bihar:**

After section 32, insert the following section, namely:—

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

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

(2) The duplicate copy shall—

- (a) be neat and legibly typed or handwritten, as the case may be, on paper of such specification as may be notified by the State Government from time to time;
- (b) contain a declaration that the same is a true copy of the document to be registered in such manner as may be prescribed by rules under section 69;
- (c) be compared and verified by such official as may be directed by the Registering Officer;
- (d) be separately bound and permanently kept in such manner as may be prescribed by rules under section 69."

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

**Uttar Pradesh:**

After section 32, insert the following section, namely:—

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

(2) The \*[\*] copy shall,—

- (a) be neat and legible, prepared on paper of such specification as may be notified by the State Government from time to time;
- (b) contain a declaration that the same is a true copy of the document to be registered in such manner as may be prescribed by rules under section 69;

<sup>††</sup>[(c) be compared and verified by such official as may be directed by the registering officer;]

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



@[\*\*\*]

@@[\*\*\*]

[Vide Uttar Pradesh Act 29 of 1989, sec. 2 (w.e.f. 11-5-1989).]

\* The word "photostat" omitted by Uttar Pradesh Act 36 of 2001, sec. 7 (w.e.f. 20-5-2002).

† The words, "in such areas as may be notified by the State Government," omitted by Uttar Pradesh Act 36 of 2001, sec. 7 (w.e.f. 20-5-2002).

†† Subs. by Uttar Pradesh Act 36 of 2001, sec. 7(b), for clauses (c) and (d) (w.e.f. 20-5-2001).

@ Sub-section (3) omitted by Uttar Pradesh Act 36 of 2001, sec. 7(c) (w.e.f. 20-5-2001).

@@ Section 32B, as inserted by Uttar Pradesh Act 27 of 1994, sec. 5, omitted by Uttar Pradesh Act 36 of 2001, sec. 8 (w.e.f. 20-5-2001).

**1[32A. Compulsory affixing of photograph, etc.—**Every person presenting any document at the proper registration office under section 32 shall affix his passport size photograph and fingerprints to the document:

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

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

- (a) if the principal at the time of executing the power-of-attorney resides in any part of <sup>2</sup>[India] in which this Act is for the time being in force, a power-of-attorney executed before and authenticated by the Registrar or Sub-Registrar within whose district or sub-district the principal resides;
- (b) if the principal at the time aforesaid <sup>3</sup>[resides in any part of India in which this Act is not in force], a power-of-attorney executed before and authenticated by any Magistrate;
- (c) if the principal at the time aforesaid does not reside in <sup>2</sup>[India], a power-of-attorney executed before and authenticated by a Notary Public, or any Court, Judge, Magistrate, <sup>4</sup>[Indian] Consul or Vice-Consul, or representative <sup>5</sup>[\*\*\*] of the Central Government:

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

- (i) persons who by reason of bodily infirmity are unable without risk or serious inconvenience so to attend;
- (ii) persons who are in jail under civil or criminal process; and
- (iii) persons exempt by law from personal appearance in Court.

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

2. Subs. by Act 3 of 1951, sec. 3 and Sch., for "the States" (w.e.f. 1-4-1951).

3. Subs. by Act 3 of 1951, sec. 3 and Sch., for "resides in any other part of the States" (w.e.f. 1-4-1951).

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

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

<sup>1</sup>[Explanation.—In this sub-section "India" means India, as defined in clause (28) of section 3 of the General Clauses Act, 1897 (10 of 1897).]

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

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

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

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

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

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

(3) The registering officer shall thereupon—

- (a) enquire whether or not such document was executed by the persons by whom it purports to have been executed;
- (b) satisfy himself as to the identity of the persons appearing before him and alleging that they have executed the document; and
- (c) in the case of any person appearing as a representative, assign or agent, satisfy himself of the right of such person so to appear.

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

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

#### STATE AMENDMENTS

##### Tamil Nadu:

In section 34,—

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

1. Ins. by Act of 1951, sec. 3 and Sch. (w.e.f. 1-4-1951).



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

[Vide Tamil Nadu Act 28 of 2000, sec. 3.]

#### Section 34A

After section 34, insert the following section, namely:—

"34A. Person claiming under document for sale of property also to sign document.—Subject to the provisions of this Act, no document for sale of property shall be registered under this Act, unless the person claiming under the document has also signed such document."

[Vide Tamil Nadu Act 28 of 2000, sec. 4.]

#### 35. Procedure on admission and denial of execution respectively.—

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

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

(c) if the person executing the document is dead, and his representative or assign appears before the registering officer and admits the execution,

the registering officer shall register the document as directed in sections 58 to 61 inclusive.

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

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

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

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

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

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

[Provided further that the <sup>2</sup>[State Government] may, by notification in the <sup>3</sup>[Official Gazette], declare that any Sub-Registrar named in the notification shall, in respect of documents the execution of which is denied, be deemed to be a Registrar for the purposes of this sub-section and of Part XII.]

### PART VII OF ENFORCING THE APPEARANCE OF EXECUTANTS AND WITNESSES

36. Procedure where appearance of executant or witness is desired.—If any person presenting any document for registration or claiming under any

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

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

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

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

#### STATE AMENDMENTS

##### Gujarat:

Same as in Maharashtra.

[Vide Act 11 of 1960, sec. 87; Gujarat A.L.O., 1960.]

##### Maharashtra:

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

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

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

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

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

(c) person exempt by law from personal appearance in Court, and who would but for the provisions next hereinafter contained be required to appear in person at the registration-office,

shall not be required so to appear.

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

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

### PART VIII OF PRESENTING WILLS AND AUTHORITIES TO ADOPT

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

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



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

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

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

- (a) that the will or authority was executed by the testator or donor, as the case may be;
- (b) that the testator or donor is dead; and
- (c) that the person presenting the will or authority is, under section 40, entitled to present the same.

#### PART IX OF THE DEPOSIT OF WILLS

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

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

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

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

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

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

#### STATE AMENDMENTS

**Goa:**

In section 45,—

- (a) in sub-section (1), for the words, letters and figure "cause the contents thereof to be copied into his Book No. 3", substitute the words, letters and figure "cause a true copy of the contents thereof to be made and filed in his Book No. 3";
- (b) in sub-section (2), for the words "copy has been made", substitute the words "true copy has been filed".

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

**Karnataka:**

Same as in Kerala.

[Vide Karnataka Act 55 of 1976, sec. 4 (w.e.f. 24-10-1976).]

**Kerala:**

In section 45,—

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

[Vide Kerala Act 7 of 1963, sec. 5 (w.e.f. 22-2-1968).]

**Orissa:**

Same as in Kerala.

[Vide Orissa Act 14 of 1989, sec. 4 (w.e.f. 19-9-1989).]

**Pondicherry:**

Same as in Kerala.

[Vide Pondicherry Act 17 of 1970, Sch. Item (1) (w.e.f. 1-11-1970).]

**Tripura:**

Same as in Kerala.

[Vide Tripura Act 7 of 1982, sec. 4 (w.e.f. 1-1-1983).]

**Tamil Nadu:**

Same as in Kerala.

[Vide Tamil Nadu Act 21 of 1966.]

**West Bengal:**

Same as in Kerala.

[Vide West Bengal Act 17 of 1978, sec. 6 and Sch.]

**46. Saving of certain enactments and powers of Courts.**—(1) Nothing hereinbefore contained shall affect the provisions of section 259 of the Indian Succession Act, 1865, or of section 81 of the Probate and Administration Act, 1881, or the power of any Court by order to compel the production of any will.

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

#### STATE AMENDMENTS

**Goa:**

In section 46,—

- (a) for the words "unless the will has been already copied", substitute the words "unless a true copy of the will has already been filed";
- (b) for the words, letters and figure "cause the will to be copied into his Book No. 3", substitute the words, letters and figure "cause a true copy of the will to be made and filed in his Book No. 3".

[Vide Goa Act 24 of 1985, sec. 4 (w.e.f. 5-12-1985).]



**Karnataka:**

Same as in Kerala.

[Vide Karnataka Act 55 of 1976, sec. 5 (w.e.f. 24-10-1976).]

**Kerala:**

In section 46, in sub-section (2),—

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

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

**Orissa:**

Same as in Kerala.

[Vide Orissa Act 14 of 1989, sec. 5 (w.e.f. 19-9-1989).]

**Pondicherry:**

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

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

[Vide Pondicherry Act 17 of 1970, Sch., Item 2 (w.e.f. 1-11-1970).]

**Tripura:**

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

[Vide Tripura Act 7 of 1982, sec. 5 (w.e.f. 1-1-1983).]

**Tamil Nadu:**

Same as in Kerala.

[Vide Tamil Nadu Act 21 of 1966.]

**West Bengal:**

Same as in Kerala.

[Vide West Bengal Act 17 of 1978, sec. 66 and Sch.]

## PART X

## OF THE EFFECTS OF REGISTRATION AND NON-REGISTRATION

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

## COMMENTS

Under the Registration Act, 1908 a registered document operates from the date of its execution and not from the date of its registration. The result is that if two registered documents are executed by the same person in respect of the property to two different persons at different times, the one which was executed first has priority over the other, although the former was registered subsequently to the latter; *K. J. Nathun v. Marulhi Rao*, AIR 1965 SC 430.

**48. Registered documents relating to property when to take effect against oral agreements.**—All non-testamentary documents duly registered under this Act, and relating to any property, whether movable or immovable, shall take effect against any order agreement or declaration relating to such property, unless where the agreement or declaration has been accompanied or followed by delivery of possession <sup>1</sup>[and the same constitutes a valid transfer under any law for the time being in force:

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

Provided that a mortgage by deposit of title-deeds as defined in section 58 of the Transfer of Property Act, 1882 (4 of 1882), shall take effect against any mortgage-deed subsequently executed and registered which relates to the same property.]

**49. Effect of non-registration of documents required to be registered.**—No document required by section 17 <sup>1</sup>[or by any provision of the Transfer of Property Act, 1882 (4 of 1882)], to be registered shall—

- (a) affect any immovable property comprised therein, or
- (b) confer any power to adopt, or
- (c) be received as evidence of any transaction affecting such property or conferring such power,

unless it has been registered:

<sup>1</sup>[Provided that an unregistered document affecting immovable property and required by this Act or the Transfer of Property Act, 1882 (4 of 1882), to be registered may be received as evidence of a contract in a suit for specific performance under Chapter II of the Specific Relief Act, 1877 (3 of 1877)<sup>2</sup>, <sup>3</sup>[\*\*\*] or as evidence of any collateral transaction not required to be effected by registered instrument.]

## STATE AMENDMENT

**Uttar Pradesh:**

In section 49,—

- (i) in the first paragraph, after the words "or by any provision of the Transfer of Property Act, 1882", insert the words "or of any other law for the time being in force";
- (ii) for clause (b), substitute the following clause, namely:—  
" (b) confer any power or create any right or relationship, or";
- (iii) in clause (c), after the words "such power", insert the words "or creating such right or relationship";
- (iv) in the proviso, omit the words "as evidence of a contract in a suit for specific performance under Chapter II of the Specific Relief Act, 1877, or".

[Vide Uttar Pradesh Act 57 of 1976, sec. 34 (w.e.f. 1-1-1977).]

## COMMENTS

Lease deed or sub-lease of immovable property would be compulsorily registrable under section 17(1)(d) of the Act and section 107 of the Transfer of Property Act. In the absence of such a document, section 49 visualises no legal effect or an effective transfer by way of lease or sub-lease; *New Okhla Industrial Development Authority (Noida) v. Army Welfare Housing Organisation*, (2010) 9 SCC 354; JT 2010 (10) SC 303; (2010) 9 SCALE 425.

**50. Certain registered documents relating to land to take effect against unregistered documents.**—(1) Every document of the kinds mentioned in clauses (a), (b), (c), and (d) of section 17, sub-section (1), and clauses (a) and (b) of section 18, shall, if duly registered, take effect as regards the property comprised therein, against every unregistered document relating to the same property, and not being a decree or order, whether such unregistered document be of the same nature as the registered document or not.

(2) Nothing in sub-section (1) applies to leases exempted under the proviso to sub-section (1) of section 17 or to any document mentioned in sub-section (2)

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

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

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



of the same section, or to any registered document which had not priority under the law in force at the commencement of this Act.

*Explanation.*— In cases where Act No. 16 of 1864 or the Indian Registration Act, 1866 (20 of 1866), was in force in the place and at the time in and at which such unregistered document was executed, “unregistered” means not registered according to such Act, and, where the document is executed after the first day of July, 1871, not registered under the Indian Registration Act, 1871 (8 of 1971), or the Indian Registration Act, 1877 (3 of 1977), or this Act.

#### STATE AMENDMENTS

##### Andhra Pradesh:

In section 50, in sub-section (1), for the expression “clauses (a), (b), (c) and (d) of section 17”, substitute the expression “clauses (a), (b), (c), (d), (e), (f) and (g) of section 17”.

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

##### Pondicherry:

In section 50, for *Explanation*, substitute the following *Explanation*, namely:—

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

[Vide Pondicherry Act 17 of 1970, sec. 3 (w.e.f. 1-11-1970).]

##### Uttar Pradesh:

In section 50,—

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

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

[Vide Uttar Pradesh Act 19 of 1981, sec. 9 (w.e.f. 1-8-1981).]

#### COMMENTS

Section 50 of the Registration Act, has to be read in the light of section 17 of the same Act and Section 91 of the Evidence Act. If this is done the word “affect” will be seen to be a compendious term for expressing the longer phrase “purporting or operating to create, declare, assign, limit or extinguish whether in present or in future, any right, title or interest whether vested or contingent”; *Saraswathamma v. Paddavva*, AIR 1923 Mad 297.

#### PART XI

### OF THE DUTIES AND POWERS OF REGISTERING OFFICERS

#### (A) As to the Register-books and Indexes

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

A—In all registration offices—

Book 1, “Register of non-testamentary documents relating to immovable property”.

Book 2, “Record of reasons for refusal to register”.

Book 3, “Register of wills and authorities to adopt”, and

Book 4, “Miscellaneous Register”.

B—In the offices of Registrars—

Book 5, “Register of deposits of wills”.

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

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

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

#### STATE AMENDMENTS

##### Andhra Pradesh:

In section 51, in sub-section (1), for the words “The following books”, substitute the words “The following books and the information storage devices as specified in sub-section (1) of section 16”.

[Vide Andhra Pradesh Act 16 of 1999, sec. 4 (w.e.f. 31-12-1998).]

##### Bihar:

In section 51, add the following sub-section, namely:—

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

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

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

##### Goa:

In section 51,—

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

“(2) In Book I shall be filed—

(i) true copies of all documents, and

(ii) all memoranda,

registered under sections 17, 18 and 39 which relate to immovable property, and are not Wills.”;

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

[Vide Goa Act 24 of 1985, sec. 5 (w.e.f. 5-12-1985).]

##### Gujarat:

Same as in Maharashtra.

[Vide Act 11 of 1960, sec. 87 and Gujarat A.L.O. 1960.]

##### Karnataka:

(i) In section 51, in sub-section (2) and sub-section (3) amendments are the same as in Kerala.

(ii) in section 51, after sub-section (4), insert the following sub-section, namely:—

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



and all references in this Act, to the original book or portion shall be deemed to be references to the book or portion so prepared and authenticated."

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

**Kerala:**

In section 51,—

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

"(2) In Book 1 shall be filed—

(i) true copies of all documents; and

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

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

[Vide Kerala Act 7 of 1968, sec. 7 (w.e.f. 22-2-1968).]

**Maharashtra:**

In section 51,—

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

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

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

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

[Vide Bombay Act 24 of 1938, sec. 3 (w.e.f. 8-2-1939) read with Act 35 of 1958, sec. 2 (w.e.f. 28-4-1958).]

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

[Vide Maharashtra Act 20 of 1971, sec. 58(c) (w.e.f. 15-6-1972).]

**Orissa:**

In section 51,—

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

"(2) In Book 1 shall be filed—

(i) true copies of all documents, and

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

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

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

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

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

[Vide Orissa Act 14 of 1989, sec. 6 (w.e.f. 19-9-1989).]

**Pondicherry:**

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

Same as in Kerala (i) and (ii).

[Vide Pondicherry Act 17 of 1970, sec. 3 (w.e.f. 1-11-1970).]

**Tamil Nadu:**

In section 51, in sub-section (1),—

(i) for the expression "The following books", substitute the expression "The following books and the information storage devices";

(ii) at the end, add the following, namely:—

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

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

[Vide Tamil Nadu Act 50 of 2000, sec. 4 (w.e.f. 25-7-2000).]

**Tripura:**

In section 51,—

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

"(2) In Book 1 shall be:

(i) pasted true copies of all documents, and

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

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

[Vide Tripura Act 7 of 1982, sec. 6 (w.e.f. 1-1-1983).]

**Uttar Pradesh:**

(1) In section 51, for sub-sections (2) and (3), substitute the following sections, namely:—

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

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

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

Provided that where Book is in electronic form, all documents registered under the aforesaid clauses or their true copies, as the case may be, shall be scanned in it and a printout thereof shall be kept permanently in Book 4."

[Vide Uttar Pradesh Act 36 of 2001, sec. 9 (w.e.f. 20-2-2002).]

(2) After sub-section (4), insert the following sub-section, namely:—

"(5) Where due to fire, tempest, flood, excessive rainfall, violence of any army or mob or other irresistible force, any or all of the books specified in sub-section (1) are destroyed or become illegible either wholly or partially and the State Government is of the opinion that it is necessary or expedient so to do, it may, by



order direct such book or such portion thereof as it thinks fit, to be re-copied, authenticated or reconstructed in such manner as may be prescribed, and the copy so prepared, authenticated or reconstructed shall, for the purpose of this Act and of the Indian Evidence Act, 1872, be deemed to have taken the place of, and to be, the original book or portion."

[Vide Uttar Pradesh Act 19 of 1981, sec. 10 (w.r.e.f. 1-8-1981).]

#### Tamil Nadu and West Bengal:

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

**52. Duties of registering officers when document presented.**—(1) (a) The day, hour and place of presentation, <sup>1</sup>[the photographs and finger prints affixed under section 32A], and the signature of every person presenting a document for registration, shall be endorsed on every such document at the time of presenting it;

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

(c) subject to the provisions contained in section 62, every document admitted to registration shall without unnecessary delay be copied in the book appropriated 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.

#### STATE AMENDMENTS

##### Bihar:

In section 52, in sub-section (1),—

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

(ii) for clause (c), substitute the following clause, namely:—

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

[Vide Bihar Ordinance 7 of 1997, sec. 3 (w.e.f. 11-8-1997).]

##### Delhi:

Same as in Punjab.

[Vide G.S.R. 465 of 1965, published in the Gazette of India, 1965, Pt. II, Sec. 3(i), p. 499 (w.e.f. 1-11-1966).]

##### Goa:

In section 52, in sub-section (1), for clause (c), substitute the following clause, namely:—

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

[Vide Goa Act 24 of 1985, sec. 6 (w.e.f. 5-12-1985).]

##### Himachal Pradesh:

Same as in Punjab.

[Vide Himachal Pradesh Act 2 of 1969, sec. 5 (w.e.f. 1-4-1969).]

##### Karnataka:

Same as in Kerala.

[Vide Karnataka Act 55 of 1976, sec. 7 (w.e.f. 24-10-1976).]

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

##### Kerala:

In section 52, in sub-section (1), for clause (c), substitute the following clause, namely:—

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

[Vide Kerala Act 7 of 1968, sec. 8 (w.e.f. 22-2-1968).]

##### Maharashtra and Gujarat:

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

##### Orissa:

Same as in Kerala.

[Vide Orissa Act 14 of 1989, sec. 7 (w.e.f. 19-9-1989).]

##### Pondicherry:

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

(i) in clause (a), at the end, add the word "and"; and

(ii) in clause (b), at the end, omit the word "and".

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

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

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

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

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

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

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

[Vide Pondicherry Act 17 of 1970, sec. 4 (w.e.f. 1-11-1970).]

##### Punjab, Haryana and Chandigarh:

In section 52, in sub-section (1), for clause (c), substitute the following clause, namely:—

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

[Vide Punjab Act 19 of 1961, sec. 4 (w.e.f. 4-5-1961); Act 31 of 1966, sec. 89 (w.e.f. 1-11-1966).]

##### Rajasthan:

In section 52, in sub-section (1), for clause (c), substitute the following clause, namely:—

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

[Vide Rajasthan Act 11 of 1982, sec. 5 (w.e.f. 16-7-1982).]

##### Tamil Nadu:

Same as in Pondicherry.

[Vide Tamil Nadu Act 21 of 1966, sec. 2 (w.e.f. 1-4-1967).]



**Tripura:**

In section 52, in sub-section (1), for clause (c), substitute the following clause, namely:—

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

[Vide Tripura Act 7 of 1982, sec. 7 (w.e.f. 1-1-1983).]

**Uttar Pradesh:**

In section 52,—

- (a) in sub-section (1),—
- (i) in clause (a), for the words “every such document at the time of presenting it”, substitute the words “every such document and true copy thereof at the time of presenting it; and”;
- (ii) for clauses (b) and (c), substitute the following clause, namely:—
- “(b) a receipt for such document shall be given by the Registering Officer to the person presenting the same.”
- (b) omit sub-section (2).

[Vide Uttar Pradesh Act 36 of 2001, sec. 10 (w.e.f. 20-5-2002).]

**West Bengal:**

In section 52, in sub-section (1),—

- (i) in clause (a), at the end, add the word “and”.
- (ii) in clause (b), at the end, omit the word “and”.
- (iii) omit clause (c);
- (iv) after sub-section (1), insert the following sub-sections, namely:—

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

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

- (v) after sub-section (2), add the following sub-section, namely:—

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

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

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

[Vide West Bengal Act 17 of 1978, sec. 3 (w.e.f. 1-1-1983).]

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

**STATE AMENDMENT****Maharashtra and Gujarat:**

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

**Uttar Pradesh:**

In section 53, insert the following proviso, namely:—

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

[Vide Uttar Pradesh Act 36 of 2001, sec. 11 (w.e.f. 20-5-2002).]

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

**STATE AMENDMENTS****Bihar:**

Renumber section 54 as sub-section (1) thereof and after sub-section (1), as so renumbered, add the following sub-section, namely:—

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

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

[Vide Bihar Act 24 of 1952, sec. 2 (w.e.f. 22-10-1952).]

**Goa:**

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

[Vide Goa Act 24 of 1985, sec. 7 (w.e.f. 5-12-1985).]

**Gujarat:**

Same as in Maharashtra.

[Act 11 of 1960, sec. 87 and Gujarat A.L.O., 1960.]

**Karnataka:**

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

[Vide Karnataka Act 55 of 1976, sec. 8 (w.e.f. 24-10-1976).]

**Kerala:**

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

[Vide Kerala Act 7 of 1968, sec. 9 (w.e.f. 22-2-1968).]

**Maharashtra:**

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

[Vide Bombay Act 5 of 1929, sec. 8 (w.e.f. 22-5-1929) read with Act 35 of 1958 (w.e.f. 24-4-1958).]

**Orissa:**

Same as in West Bengal.

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



**Pondicherry:**

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

For the words "copied or filed", substitute words "filed a true copy of, or".

[Vide Pondicherry Act 17 of 1970, Sch., Item 4 (w.e.f. 1-11-1970).]

**Tripura:**

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

[Vide Tripura Act 7 of 1982, sec. 8 (w.e.f. 1-1-1983).]

**Tamil Nadu and West Bengal:**

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

**Uttar Pradesh:**

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

[Vide Uttar Pradesh Act 36 of 2001, sec. 12 (w.e.f. 20-5-2002).]

**55. Indexes to be made by registering officers, and their contents.—(1)**

Four such indexes shall be made in all registration offices, and shall be named, respectively, Index No. I, Index No. II, Index No. III and Index No. IV.

(2) Index No. I shall contain the names and additions of all persons executing and of all persons claiming under every document entered or memorandum filed in Book No. 1.

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

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

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

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

**STATE AMENDMENTS****Goa:**

In section 55,—

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

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

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

[Vide Goa Act 24 of 1985, sec. 8 (w.e.f. 5-12-1985).]

**Gujarat:**

Same as in Maharashtra.

[Vide Act 11 of 1960, sec. 87 and Gujarat A.L.O., 1960.]

**Karnataka:**

Same as in Kerala.

[Vide Karnataka Act 55 of 1976, sec. 9 (w.e.f. 24-10-1976).]

**Kerala:**

In section 55,—

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

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

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

[Vide Kerala Act 7 of 1968, sec. 10 (w.e.f. 22-2-1968).]

**Maharashtra:**

In section 55,—

(a) for sub-section (1), substitute the following sub-section, namely:—

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

(b) after sub-section (2), insert the following sub-section, namely:—

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

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

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

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

[Vide Bombay Acts 5 of 1929, sec. 9 (w.e.f. 22-5-1929) read with 35 of 1958, sec. 2 (w.e.f. 24-4-1958).]

**Orissa:**

In section 55,—

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

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

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

[Vide Orissa Act 14 of 1989, sec. 9 (w.e.f. 19-9-1989).]

**Pondicherry:**

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

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

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

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

[Vide Pondicherry Act 17 of 1970, Sch., Item 5.]

**Tripura:**

In section 55,—

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



- (ii) in sub-section (4), for the words and figure "every will and authority entered in Book No. 3", substitute the words and figure "every will and authority of which a true copy is pasted in Book No. 3";
- (iii) in sub-section (5), for the word "entered", substitute the words "of which a true copy is pasted".

[Vide Tripura Act 7 of 1982, sec. 9 (w.e.f. 1-1-1983).]

**Uttar Pradesh:**

In section 55, after sub-section (6), insert the following sub-section, namely:—

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

[Vide Uttar Pradesh Act 36 of 2001, sec. 13 (w.e.f. 20-5-2002).]

**West Bengal:**

Same as in Pondicherry.

[Vide West Bengal Act 17 of 1978, sec. 7 and Sch.]

**Section 55A**

**West Bengal:**

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

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

[Vide West Bengal Act 31 of 1951, sec. 2 (w.e.f. 2-11-1951).]

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

**57. Registering officers to allow inspection of certain books and indexes, and to give certified copies of entries.**—(1) Subject to the previous payment of the fees payable in that behalf, the Books Nos. 1 and 2 and the Indexes relating to Book No. 1 shall be at all time 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 officer, and shall be admissible for the purpose of proving the contents of the original documents.

**STATE AMENDMENTS**

**Gujarat:**

Same as in Maharashtra.

[Vide Act 11 of 1960, sec. 87 and Gujarat A.L.O., 1960.]

**Maharashtra:**

In section 57, in sub-section (1), after the words and figure "Book No. 1", insert the words and figures "and, so long as they are preserved, the copies filed under sub-sections (1) and (3) of section 89 and the indexes relating to such copies".

[Vide Bombay Acts 5 of 1929, sec. 10 (w.e.f. 22-5-1929) read with 35 of 1958 (w.e.f. 24-4-1958).]

**Uttar Pradesh:**

In section 57, in sub-section (1), for the words and figure "to Book No. 1", substitute the words and figure "to Book No. 1, other than those in electronic form,".

[Vide Uttar Pradesh Act 36 of 2001, sec. 14 (w.e.f. 20-5-2002).]

(B) As to the procedure on admitting to Registration

**58. Particulars to be endorsed on documents admitted to registration.**—

(1) On every document admitted to registration, other than a copy of a decree or order, or a copy sent to a registering officer under section 89, there shall be endorsed from time to time the following particulars, namely:—

- 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;
- the signature and addition of every person examined in reference to such document under any of the provisions of this Act; and
- any payment of money or delivery of goods made in the presence of the registering officer in reference to the execution of the document, and any admission of receipt of consideration, in whole or in part, made in his presence in reference to such execution.

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

**STATE AMENDMENTS**

**Tamil Nadu:**

In section 58,—

(i) in sub-section (1), after item (a), insert the following item, namely:—

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

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

[Vide Tamil Nadu Act 28 of 2000, sec. 5.]

**Uttar Pradesh:**

In section 58, in sub-section (1), for the words "admitted to registration", substitute the words "admitted to registration and true copy thereof".

[Vide Uttar Pradesh Act 36 of 2001, sec. 15 (w.e.f. 20-5-2002).]



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

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

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

#### STATE AMENDMENTS

##### Bihar:

In section 60, in sub-section (1), for the words "together with the number and page of the book in which the document has been copied", substitute the words "together with reference to the serial number of the duplicate copy and the number of the book in which it is placed".  
[Vide Bihar Ordinance 7 of 1997, sec. 4 (w.e.f. 11-8-1997).]

##### Goa:

In section 60, in sub-section (1), for the words "the document has been copied", substitute the words "the true copy of the document has been filed".  
[Vide Goa Act 24 of 1985, sec. 9 (w.e.f. 5-12-1985).]

##### Gujarat:

Same as in Maharashtra.

[Vide Gujarat Act 11 of 1960, sec. 87 and Gujarat A.L.O. 1960.]

##### Karnataka:

Same as in Kerala.

[Vide Karnataka Act 55 of 1976, sec. 10 (w.e.f. 24-10-1976).]

##### Kerala:

In section 60, in sub-section (1), for the words "the document has been copied", substitute the words "the true copy of the document has been filed".  
[Vide Kerala Act 7 of 1968, sec. 11 (w.e.f. 22-2-1968).]

##### Maharashtra:

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

##### Orissa:

Same as in Kerala.

[Vide Orissa Act 14 of 1989, sec. 10 (w.e.f. 19-9-1989).]

##### Pondicherry:

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

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

[Vide Pondicherry Act 17 of 1970, Sch., Item (6) (w.e.f. 1-11-1970).]

##### Tripura:

In section 60, in sub-section (1), for the words "the document has been copied", substitute the words "the true copy of the document has been pasted".

[Vide Tripura Act 7 of 1982, sec. 10 (w.e.f. 1-1-1983).]

##### Tamil Nadu and West Bengal:

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

##### Uttar Pradesh:

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

[Vide Uttar Pradesh Act 36 of 2001, sec. 16 (w.e.f. 20-5-2002).]

##### 61. Endorsements and certificate to be copied and document returned.

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

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

#### STATE AMENDMENTS

##### Andhra Pradesh:

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

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

[Vide Andhra Pradesh Act 16 of 1999, sec. 5 (w.e.f. 31-12-1998).]

##### Goa:

In section 61, for sub-section (1), substitute the following sub-section, namely:—

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

[Vide Goa Act 24 of 1985, sec. 10 (w.e.f. 8-12-1985).]

##### Gujarat:

Same as in Maharashtra.

[Vide Gujarat Act 11 of 1960, sec. 87 and Gujarat A.L.O. 1960.]

##### Karnataka:

Same as in Kerala.

[Vide Karnataka Act 55 of 1976, sec. 11 (w.e.f. 24-10-1976).]

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

[Vide Karnataka Act 41 of 1984, sec. 3 (w.e.f. 7-11-1986).]

##### Kerala:

In section 61, for sub-section (1), substitute the following sub-section, namely:—

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

[Vide Kerala Act 7 of 1968, sec. 12 (w.e.f. 22-2-1968).]

##### Maharashtra:

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

##### Orissa:

Same as in Kerala.

[Vide Orissa Act 14 of 1989, sec. 11 (w.e.f. 19-9-1989).]



**Pondicherry:**

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

In section 61, in sub-section (1), for the words "copied into the margin of the register book", substitute the words "copied in the true copy of the document filed under sub-section (1B) of section 52".

[Vide Pondicherry Act 17 of 1970, Sch., Item 7 (w.e.f. 1-11-1970).]

**Tamil Nadu:**

Same as in West Bengal.

[Vide Tamil Nadu Act 21 of 1966, sec. 6 and Sch.]

In section 61, in sub-section (1), add the following proviso, namely:—

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

[Vide Tamil Nadu Act 50 of 2000, sec. 5 (w.e.f. 25-7-2000).]

**Tripura:**

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

[Vide Tripura Act 7 of 1982, sec. 11 (w.e.f. 1-1-1983).]

**Uttar Pradesh:**

For section 61, substitute the following section, namely:—

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

(1) Subject to the provisions of section 62 after the provisions of registration alongwith the map or plan, if any, mentioned in section 21, shall without unnecessary delay, be scanned and a printout thereof shall be kept permanently in the Book appropriate for the document admitted to registration, according to the order of its admission:

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

Provided further that a true copy filed before the commencement of the Registration (Uttar Pradesh Amendment) Act, 2001 and not copied in the Book appropriate therefore, shall be deemed to be a true copy presented under section 23A and shall be dealt with in accordance with the provisions of this section:

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

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

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

[Vide Uttar Pradesh Act 36 of 2001, sec. 17 (w.e.f. 20-5-2002).]

**West Bengal:**

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

[Vide West Bengal Act 7 of 1989, sec. 11 (w.e.f. 1-1-1983).]

**62. Procedure on presenting document in language unknown to registering officer.—**(1) When a document is presented for registration under section 19, the translation shall be transcribed in the register of documents of the

nature of the original, and, together with the copy referred to in section 19, shall be filed in the registration office.

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

**STATE AMENDMENTS****Delhi:**

Same as in Punjab.

[See G.S.R. 465, Gazette of India, Pt. II, Sec. 3(i), p. 499 (w.e.f. 1-4-1965).]

**Goa:**

In section 62, in sub-section (1), substitute the following sub-section, namely:—

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

[Vide Goa Act 24 of 1985, sec. 11 (w.e.f. 5-12-1985).]

**Gujarat:**

Same as in Maharashtra.

[Vide Gujarat Act 11 of 1960, sec. 87 and Gujarat A.L.O. 1960.]

**Himachal Pradesh:**

Same as in Punjab.

[Vide Himachal Pradesh Act 2 of 1969, sec. 6 (w.e.f. 1-4-1969).]

**Karnataka:**

Same as in Kerala.

[Vide Karnataka Act 55 of 1976, sec. 12 (w.e.f. 24-10-1976).]

**Kerala:**

In section 62, for sub-section (1), substitute the following sub-section, namely:—

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

[Vide Kerala Act 7 of 1968, sec. 13 (w.e.f. 22-2-1968).]

**Maharashtra:**

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

**Orissa:**

Same as in Kerala.

[Vide Orissa Act 14 of 1989, sec. 12 (w.e.f. 19-9-1989).]

**Pondicherry:**

In its application to classes of documents specified in the rules made under section 52(3), the section 62 shall have effect subject to the following modification:—

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

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

[Vide Pondicherry Act 17 of 1970, Sch., Item 7, (w.e.f. 1-11-1970)].

**Punjab, Haryana and Chandigarh:**

In section 62, for sub-section (1), substitute the following sub-section, namely:—

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

[Vide Punjab Act 19 of 1961, sec. 5 (w.e.f. 4-5-1961); Act 31 of 1966, sec. 88.]



**Rajasthan:**

In section 62, for sub-section (1), substitute the following sub-section, namely:—

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

[Vide Rajasthan Act 11 of 1982, sec. 6 (w.e.f. 16-7-1982).]

**Tripura:**

In section 62, for sub-section (1), substitute the following sub-section, namely:—

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

[Vide Tripura Act 7 of 1982, sec. 12 (w.e.f. 1-1-1983).]

**Tamil Nadu:**

Same as in Orissa.

[Vide Tamil Nadu Act 21 of 1966, sec. 6 and Sch.]

**Uttar Pradesh:**

For section 62, substitute the following section, namely:—

“62. *Procedure on presenting document in language unknown to Registering Officer.*—(1) When a document is presented for registration under section 19, the original document shall be dealt with in accordance with the provisions of sections 52, 58, 59, 60 and 61 and the translation thereof shall also be scanned alongwith the original document and its printout kept long with the printout of the original document, and if Book is not in electronic form or the scanning is not possible on the same day the true copy of the translation shall be kept alongwith the true copy of the document in accordance with sub-section (1) of section 61 and for the purpose of making the copies and memoranda required by sections 57, 64, 65 and 66, it shall be treated as if it were the original.”

[Vide Uttar Pradesh Act No. 36 of 2001, sec. 18 (w.e.f. 20-5-2002).]

**West Bengal:**

Same as in Orissa.

[Vide West Bengal Act 17 of 1978, sec. 7 Sch.]

**63. Power to administer oaths and record of substance of statements.—**

(1) Every registering officer may, at his discretion, administer an oath to any person examined by him under the provisions of this Act.

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

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

*(C) Special duties of Sub-Registrar***64. Procedure where document relates to land in several sub-districts.—**

Every Sub-Registrar on registering a non-testamentary document relating to immovable property not wholly situate in his own sub-district shall make a memorandum thereof and of the endorsement and certificate (if any) thereon, and send the same to every other Sub-Registrar subordinate to the same

Registrar as himself in whose sub-district any part of such property is situate, and such Sub-Registrar shall file the memorandum in his Book No. 1.

**STATE AMENDMENT****Uttar Pradesh:**

In section 64, for the words "Sub-Registrar shall file the memorandum in his Book No. 1", substitute the words "Sub-Registrar shall take similar action on this memorandum as known (sic taken) in a document admitted to registration under sub-section (1) of section 61".

[Vide Uttar Pradesh Act 36 of 2001, sec. 19 (w.e.f. 20-5-2002).]

**65. Procedure where document relates to land in several districts.—**

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

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

**STATE AMENDMENT****Uttar Pradesh:**

In section 65, in sub-section (2),—

(a) for the words "file in his Book No. 1 the copy of the document and the copy of the map or plan, if any", substitute the words "take a similar action on such copy of the document and the copy of the map or plan, of any as taken on a document admitted to registration under sub-section (1) of section 6".

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

[Vide Uttar Pradesh Act 36 of 2001, sec. 20 (w.e.f. 20-5-2002).]

*(D) Special duties of Registrar*

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

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

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

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

**STATE AMENDMENT****Uttar Pradesh:**

In section 66,—

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



(b) in sub-section (4), for the words "file it in his Book No. 1", substitute the words "take a similar action on it as taken on a copy received under sub-section (3)".  
[Vide Uttar Pradesh Act 36 of 2001, sec. 21 (w.e.f. 20-5-2002).]

**67. Procedure after registration under section 30, sub-section (2).**—[Rep. by The Registration and other Related Laws (Amendment) Act, 2001 (48 of 2001, sec. 8 (w.e.f. 24-9-2001).]

#### STATE AMENDMENTS

##### Andhra Pradesh:

Omit section 67.

[Vide Andhra Pradesh Act 13 of 1966, sec. 2 (w.e.f. 15-6-1966).]

##### Gujarat:

Omit section 67.

[Vide Gujarat Act 18 of 1990, sec. 3 (w.e.f. 19-11-1990).]

##### Haryana:

Omit section 67.

[Vide Haryana Act 4 of 1997, sec. 3 (w.e.f. 12-3-1997).]

##### Rajasthan:

Omit section 67.

[Vide Rajasthan Act 18 of 1989, sec. 5 (w.e.f. 18-9-1989).]

##### Uttar Pradesh:

Omit section 67.

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

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

#### 68. Power of Registrar to superintend and control Sub-Registrars.—

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

(2) Every Registrar shall have authority to issue (whether on complaint or otherwise) any order consistent with this Act which he considers necessary in respect of any act or omission of any Sub-Registrar subordinate to him or in respect of the rectification of any error regarding the book or the office in which any document has been registered.

#### STATE AMENDMENT

##### Sections 68A and 68B

##### Bihar:

After section 68, insert the following section, namely:—

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

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

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

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

68B. *Grant of licence to document-writers.*—(1) The Registrar of district or any other officer authorised by him in this behalf may grant a licence, to be valid in one sub-district or one district in the prescribed form to document-writer or apprentice to document-writer on an application made in this behalf, on such terms and conditions as may be prescribed by the Inspector-General of Registration in this behalf after conducting a written test as may be prescribed.

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

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

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

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

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

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

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

[Vide Bihar Act 6 of 1991, sec. 5 (w.e.f. 8-8-1991).]

**69. Power of Inspector-General to superintend registration offices and make rules.**—(1) The Inspector-General shall exercise a general superintendence over all the registration offices in the territories under the <sup>1</sup>[State Government], and shall have power from time to time to make rules consistent with this Act—

(a) providing for the safe custody of books, papers and documents;  
<sup>2</sup>[\*\*\*]

<sup>3</sup>[(aa) providing the manner in which and the safeguards subject to which the books may be kept in computer floppies or diskettes or in any other electronic form under sub-section (1) of section 16A;]

(b) declaring what language shall be deemed to be commonly used in each district;

(c) declaring what territorial divisions shall be recognized under section 21;

(d) regulating the amount of fines imposed under sections 25 and 34, respectively;

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

2. Certain words rep. by Act 5 of 1917, sec. 6 and Sch.

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



- (e) regulating the exercise of the discretion reposed in the registering officer by section 63;
- (f) regulating the form in which registering officers are to make memoranda of documents;
- (g) regulating the authentication by Registrars and Sub-Registrars of the books kept in their respective offices under section 51;
- <sup>1</sup>[(gg) regulating the manner in which the instruments referred to in sub-section (2) of section 88 may be presented for registration;]
- (h) declaring the particulars to be contained in Indexes Nos. I, II, III and IV, respectively;
- (i) declaring the holidays that shall be observed in the registration offices; and
- (j) generally, regulating the proceedings of the Registrars and Sub-Registrars.

(2) The rules so made shall be submitted to the <sup>2</sup>[State Government] for approval, and, after they have been approved, they shall be published in the <sup>3</sup>[Official Gazette], and on publication shall have effect as if enacted in this Act.

#### STATE AMENDMENTS

##### Andhra Pradesh:

In section 69, in sub-section, after clause (b), insert the following clause, namely:—

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

[Vide Andhra Pradesh Act 5 of 1960, sec. 2 (w.e.f. 16-12-1960).]

##### Bihar:

In section 69, in sub-section (1),—

- (i) in clause (g), add the words “and the manner of recopying such books or portions thereof”.

[Vide Bihar Act 14 of 1947, sec. 3 (w.e.f. 21-4-1947).]

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

“(hh) regulating the manner of recopying indexes on portions thereof.”

[Vide Bihar Act 24 of 1952, sec. 3 (w.e.f. 22-10-1952).]

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

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

[Vide Bihar Act 6 of 1991, sec. 6 (w.e.f. 8-8-1991).]

- (iv) after clause (hh), insert the following clauses, namely:—

“(i)(hh1) regulating the number and manner in which the true duplicate typed or handwritten copies of documents and translation of documents under

1. Ins. by Act 39 of 1948, sec. 4.

2. Subs. by the A.O. 1950, for “Provincial Government”.

3. Subs. by the A.O. 1937, for “Local Official Gazette”.

section 19 shall be prepared and the books in which they shall be placed on record;

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

[Vide Bihar Ordinance 7 of 1997, sec. 5 (w.e.f. 11-8-1997).]

##### Delhi:

Same as in Punjab.

[Vide G.S.R. 465 of 1955, published in the Gazette of India, 1965, Pt. II, Sec. 3(i), p. 499.]

##### Gujarat:

Same as in Maharashtra.

[Vide Act 11 of 1960, sec. 87 and Gujarat A.L.O., 1960.]

##### Himachal Pradesh:

Same as in Bihar (iii).

[Vide Himachal Pradesh Act 2 of 1969, sec. 7 (w.e.f. 1-4-1969).]

##### Karnataka:

In section 69(1), in sub-section (1),—

- (i) in clause (g), after the word and figures “section 51”, insert the words “and the manner of re-copying such books on portions thereof”,

- (ii) after clause (i), insert as following clause, namely:—

“(ii) prescribing the manner in which and the terms subject to which persons who write deeds outside the precincts of a registration officer, or who frequent the precincts of registration officers, for the purpose of writing documents may be granted licence and prescribing the fees to be paid for such licences;”

[Vide Karnataka Act 55 of 1976, sec. 13 (w.e.f. 23-10-1976).]

After clause (j), insert the following clause, namely:—

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

[Vide Karnataka Act 41 of 1984, sec. 4 (w.e.f. 7-11-1986).]

##### Kerala:

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

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

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

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

##### Madhya Pradesh:

**MAHAKOSHAL.**—In its application to the Mahakoshal region of the State of Madhya Pradesh, in section 69, in sub-section (1), after clause (j), insert the following clause, namely:—

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

[Vide Madhya Pradesh Act 8 of 1955, sec. 2 (w.e.f. 18-4-1955).]

##### Maharashtra:

In section 69, in sub-section (1),—

- (i) in clause (g), add the words “and the manner of recopying such books or portions thereof”.

[Vide Bombay Act 24 of 1938, sec. 4 (w.e.f. 8-2-1939) read with Act 35 of 1958, sec. 2 (w.e.f. 24-4-1958).]

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

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

[Vide Bombay Act 35 of 1958, sec. 6 (w.e.f. 24-4-1958).]



(iii) in clause (h), after the figures 'I' and 'II,' insert the figures "IA" and "IIA" respectively.

[Vide Bombay Act 5 of 1929, sec. 11 (w.e.f. 25-5-1929) read with Act 35 of 1958, sec. 2 (w.e.f. 24-4-1958).]

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

**Manipur:**

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

"(bb) providing for the grant of licences to document writers, the revocation of such licences, the terms and conditions subject to which and the authority by whom such licences shall be granted, and generally for all purposes connected with the writing of documents to be presented for registration including the rates of fees to be charged by the licensed deed writers for writing out deeds, petitions etc."

[Vide Manipur Act 5 of 1975, sec. 2.]

**Orissa:**

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

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

[Vide Orissa Act 11 of 1976, sec. 2 (w.e.f. 13-4-1976).]

**Pondicherry:**

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

"(bb) providing for the grant and renewal of licences to document writers, the revocation of such licences, the terms and conditions subject to which and the authority by which such licences shall be granted or renewed or revoked, the penalties for breaches of the terms and conditions of such licence, the scale of fees to be charged by document writers, the exemption of any class of document writers from the licensing provisions, the conditions subject to which such exemption may be granted, and generally for all purposes connected with the writing of documents to be presented for registration."

[Vide Pondicherry Regulation 2 of 1977, sec. 2 (w.e.f. 1-4-1977).]

**Punjab, Haryana and Chandigarh:**

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

"(bb) declaring what persons shall be permitted to act as document writers in the offices of registering officers, regulating the issue of licences to such persons, the conduct of business by them, the scale of fees to be charged by them and determining the authority by whom breaches of such rules shall be investigated and the penalties which may be imposed."

[Vide Punjab Act 19 of 1961, sec. 6 (w.e.f. 4-5-1961); Act 31 of 1966, sec. 88 (w.e.f. 1-11-1966).]

**Rajasthan:**

Same as in Kerala.

[Vide Rajasthan Act 18 of 1953, sec. 2 (w.e.f. 10-10-1953) read with Act 27 of 1957, sec. 3.]

After clause (d), insert the following clauses, namely:—

"(dd) providing for recovery of deficit registration fee;

(ddd) providing for refund of registration fee paid in excess;"

[Vide Rajasthan Act 11 of 1982, sec. 7 (w.e.f. 16-6-1982).]

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

"(3) The Inspector-General shall have power to issue any order consistent with this Act which he considers necessary in respect of any act or omission of any

person subordinate to him or in respect of rectification of any error regarding the book or the office in which any document has been registered."

[Vide Rajasthan Act 18 of 1989, sec. 6 (w.e.f. 18-9-1989).]

**Tripura:**

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

"(bb) providing for the grant and renewal of licences to document writers, the revocation of licences granted to such writers and generally for all purposes connected with the writing of the documents and with the writing of the true copies of the documents to be presented for registration."

[Vide Tripura Act 7 of 1982, sec. 13 (w.e.f. 1-1-1983).]

**Uttar Pradesh:**

In section 69, in sub-section (1),

(i) after clause (h), insert the following clauses, namely:—

"(hh) regulating the manner in which translations to be delivered under section 19 shall be prepared and in which they shall be declared to be faithful translations;

(hhh) providing for the grant of licences to document writers, the suspension or revocation of such licences, the terms and conditions subject to which and the authority by whom such licences shall be granted, suspended or revoked, and generally for all purposes connected with the drafting or writing by such document writers of documents to be presented for registration;

(hhhh) regulating the manner of recopying the books kept under section 51 and the Indexes;"

[Vide Uttar Pradesh Act 14 of 1971, sec. 5 (w.e.f. 25-5-1971), as amended by Act 19 of 1981 sec. 13 (w.e.f. 1-8-1981).]

(ii) after clause (d), insert the following clauses, namely:—

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

(ddd) providing for recovery of deficiency in registration fees."

[Vide Uttar Pradesh Act 48 of 1975, sec. 3 (w.e.f. 1-11-1975).]

(iii) after clause (hh), insert the following new clauses, namely:—

"(hh-1) regulating the number and manner in which print outs or true copies of documents and of translation shall be prepared and the Books in which they shall be kept for record;

(hh-2) regulating the form of declaration and the manner of comparison and verification of the true copies;

(hh-3) regulating the manner in which and safeguards subject to the which the Books may be kept in electronic form."

[Vide Uttar Pradesh Act 36 of 2001, sec. 22 (w.e.f. 20-5-2002).]

**Section 69A**

After 69, insert the following section, namely:—

"69A. Power of Inspector-General to prescribe standard formats.—Notwithstanding anything contained in any other provisions of this Act, the Inspector-General of Registration shall with the prior approval of the State Government, prepare and circulate standard formats of various kinds of documents for the guidance of the general public which may be used with or without modification.

*Explanation.*—Use of a standard format prepared and circulated under the section shall not be a prelude to omit the descriptions of the property required under section 21 and 23."

[Vide Uttar Pradesh Act 36 of 2001, sec. 23 (w.e.f. 20-5-2002).]

**70. Power of Inspector-General to remit fines.**—The Inspector-General may also, in the exercise of his discretion, remit wholly or in part the difference between any fine levied under section 25 or section 34, and the amount of the proper registration fee.



## STATE AMENDMENTS

## Andhra Pradesh:

After Part, IX, insert the following Part, namely:—

## "PART IXA

REGISTRATION OF DOCUMENTS BY MEANS OF  
ELECTRONIC DEVICES

70A. *Application of this part.*—This part shall apply to the areas only in respect of which a notification is issued by the Government of Andhra Pradesh under section 70B.

70B. *Documents scanned by electronic devices in areas notified by the Government.*—(1) The Government of Andhra Pradesh may, by notification, in the Official Gazette, direct that in any office as may be specified therein, the process of registration of any category or categories of documents may be completed and copying done with the help of the electronic devices like computers, scanners and the compact disks and copies preserved on such devices and retrieved when required.

(2) Notwithstanding anything in this Act or any other law for the time being in force, a copy of any document registered and scanned using the electronic devices and certified or attested by the registering officer in charge of the office shall also be received in evidence of any transaction as is described in the said document.

70C. *Saving.*—Nothing in this Part shall apply,—

- (i) to any document which in the opinion of registering officer is not in a condition fit to be processed by means of electronic devices;
- (ii) in the case of unforeseen eventuality like break down of the computerised system of registration:

Provided that the registering officer shall record the reasons in writing therefore—

Provided further that the registering officer shall ensure that the data and images of the documents registered during the period of non-application of this Part, due to a break down of the computerised system, are duly incorporated into the computer system, after the same is restored, in the manner prescribed by the Inspector General of Registration."

[Vide Andhra Pradesh Act 16 of 1999, sec. 6 (w.e.f. 31-12-1998).]

## Gujarat:

Same as in Maharashtra.

[Vide Act 11 of 1960, sec. 87 and Gujarat A.L.O., 1960.]

## Karnataka:

After Part XI, insert the following Part, namely:—

## "PART XIA

REGISTRATION OF DOCUMENTS BY MEANS OF  
ELECTRONIC OR OTHER DEVICES

70A. *Application of this part.*—This part shall apply only to the areas in respect of which a notification is issued by the State Government under section 70C.

70B. *Definition.*—In this part, "Process of Registration of documents by means of electronic or other devices" shall mean and include scanning and preservation of documents with the help of computers, scanners, compact disks, printers, microfilming and any other device used for the purpose of storage and retrieval when required.

70C. *Process of registration of documents by means of electronic or other device in the areas notified by the State Government.*—(1) The State Government may by notification direct that to any District or Sub-District specified in this behalf process of registration by means of electronic or other device shall be applicable and the documents admitted for registration under this Act may be scanned or microfilmed and their images stored and preserved with the help of electronic or any other device.

(2) On the issue of such notification, it shall be pasted in a conspicuous place at each registration offices affected by the notification.

70D. *Application of Act to areas notified under section 70C.*—In any District or Sub-Districts in respect of which notification has been issued under section 70C, the following provisions of the principal Act shall, for the purpose of this part be subject to the following modification, namely:—

- (a) in clause (2) of section 2, the words "and the information, storage devices like floppy disk, hard disk or compact disk etc., microfilm or any other media" shall be inserted at the end;
- (b) in section 16, for sub-section (1), the following shall be substitute, namely:—

"(1) The State Government shall provide for the officer of Registering Officer the books and the information, or image processing and storage devices like microfilming unit or computer and scanners alongwith the software prescribed by the Inspector-General from time to time necessary for the purpose of this Act";

- (c) in section 51, in sub-section (1), for the words "the following books", the words, figures and brackets "the following books and the information or storage devices as specified in sub-section (1) of section 16" shall be substituted;
- (d) in clause (c) of sub-section (1) of section 52, after the words "book appropriate therefor", the words "or stored in the electronic or other storage device" shall be inserted;
- (e) in section 54, after the words "copied", the words "or stored in the electronic or other storage device" shall be inserted;
- (f) in sub-section (1) of section 60, after the words "copied", the words "or where the document is stored in an electronic or other device the certificate shall contain the word "Registered" with Document No., Year, Book No. and Date shall be inserted;
- (g) in section 61,—

(i) in the heading, after the word "copied", the words "or stored in the electronic or other storage device" shall be inserted;

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

"Provided that, where the process of registration is done by using electronic or other devices, such endorsements and certificate shall also be stored with it alongwith the copy of the map or plan:

Provided further that, the Registering Officer shall after the storage for preservation of the document shall also endorse thereon on the original, the reference to the serial No. of the file, pages and compact disk or any other storage device, as the case may be, where such document is preserved";

(h) after clause (k) of sub-section (1) of section 69, the following shall be inserted, namely,—

"(1) regulating the process of registration referred to in sub-section (1) of section 70C by using electronic or other devices like microfilming unit, computers, scanners, floppies, hard disks, compact disks and printers including storage, retrieval and preservation and also the manner in which documents are indexed and certified copies, encumbrance certificate issued";

(i) in section 89, in sub-sections (1), (2), (3) and (4), the following shall be inserted at the end, namely:—

"or shall get the same scanned, stored and preserved on the electronic or other device, as the case may be".

70E. *Evidentiary value of copy of certain documents registered through the process of registration by means of electronic or other devices or by other methods.*—Notwithstanding anything contained in this Act or any other law for the time being in force, a copy of any document registered through the process of registration by means of electronic or other devices or by any other method and certified or attested by the Registering Officer incharge of the office shall also be received in evidence of any transaction as is described in the said document.

70F. *Saving.*—Nothing in this part shall apply,—

- (1) to any document which in the opinion of the Registering Officer is not in a condition fit to be processed by means of electronic or other devices;
- (2) in the case of unforeseen eventuality like breakdown of the electronic or other devices of registration:



Provided that the Registering Officer shall record in writing the reasons therefor.

Provided further that the Registering Officer shall ensure that the data and images of the documents registered during the period of non-application of this part due to a breakdown of electronic or other device are duly incorporated into the system, after the same is restored in the manner specified in the rules by the Inspector-General of Registration.

70G. Powers of the State Government under this Chapter.—Where for any reason, the State Government is satisfied that, the process of registration by means of electronic or other device is not possible in respect of all documents in any office to which this chapter applies, may direct by notification published in the Official Gazette to copy such documents in the books kept in the office and in accordance with the rules made for this purpose.

[Vide Karnataka Act 32 of 2001, sec. 4 (w.e.f. 3-10-2001).]

#### Maharashtra:

After Part XI, insert the following Part, namely:—

#### PART XIA

#### OF THE COPYING OF DOCUMENTS BY MEANS OF PHOTOGRAPHY

70A. Application of this Part.—This Part shall apply to the areas only in respect of which a notification is issued by the Provincial Government under section 70C.

70B. Definitions.—In this Part—

- (1) "Government Photo Registry" means the office where documents are photographed under the provisions of this Part.
- (2) "Manager, Government Photo Registry" means the person in charge of the Government Photo Registry.
- (3) "Photo Registrar" means any person appointed by the Provincial Government to perform the duties of Photo Registrar under this Part.

70C. Documents may be photographed in areas notified by State Government.—

(1) The State Government may, by notification in the Official Gazette, direct that in any district or sub-district specified in the notification copies of documents admitted to registration under this Act shall be made by means of photography.

(2) On the issue of such notification it shall be translated into the vernacular of the district and shall be posted in a conspicuous place at the registration offices affected by the notification.

70D. Application of Act to areas notified under section 70C.—In any district or sub-district in respect of which a notification has been issued under section 70C the provisions of this Act shall, for the purposes of this Part, be subject to the following modifications, namely:—

- (1) (a) Every document admitted to registration under section 35 or section 41 shall be carefully marked with an identification stamp and the serial number of the document on every page.
- (b) It shall then be transmitted by the registering officer to the Manager, Government Photo Registry who shall cause, each side of each page of such document together with all stamps, endorsements, seals, signatures, thumb-impresions and certificates appearing thereon to be photographed without subtraction or alteration. He may for this purpose cut or untie, without breaking any seals, the thread or ribbon wherewith the pages of the document are sewn together in order to separate the pages of the document and as soon as the document has been photographed he shall rebind the document as before and if he has cut the thread or ribbon shall seal it over the joint with his seal.

Provided that before transmission of the document to the Manager, Government Photo Registry the party presenting the document may require the registering officer to have it copied by hand under section 52 on payment of an additional copying fee.

- (c) There shall then be prepared and preserved the negative and at least one photographic print and to each such negative and print the Photo Registrar shall fix his signature and seal in token of the exact correspondence of the copy of the original document, as admitted for registration:

Provided that when more than one such negative is recorded on one length of film and the Photo Registrar has affixed his signature and seal at the end of such length of film certifying in the manner prescribed by rules made in this behalf, the exact correspondence of all copies on such length of film with the original documents, the Photo Registrar shall be deemed to have affixed his signature and seal to each such negative on such length of film:

Provided further that in case of documents containing plans or maps the negatives of such plans and maps may be prepared on paper instead of on films and where the negatives are so prepared, the Photo Registrar shall fix his signature and seal separately to each such negative and print of such plan or map in token of the exact correspondence of the copy to the original map or plan contained in the document as admitted for registration.

- (d) One set of such prints arranged in the order of their serial numbers shall be made up into books and sewn or bound together. To each such book the Registrar or Sub-Registrar shall prefix a certificate of the serial numbers it contains, and the books shall then be preserved in the records of the Sub-Registrar. The negatives shall be preserved in such suitable place as the Inspector-General may prescribe:

Provided that prints of plans or maps contained in documents may either be bound with the prints of such documents or filed separately in such manner as the Inspector-General may direct.

- (2) All words and expressions used in the Act with reference to the making of copies of documents by hand or the entering or filing of documents or memorandum in book provided under section 16 shall, so far as may be necessary, be construed as referring to the making of such copies by means of photography or the entering or filing of documents or memoranda in books made up of copies prepared by means of photography.

- (3) Where this Part applies the sections mentioned below shall be deemed to be modified as follows:—

- (a) in section 19 the words "and also by a true copy" shall be omitted;
- (aa) sub-section (2) of section 20 shall be omitted;
- (b) sub-section (4) of section 21 shall be omitted;
- (c) the words "according to the order of its admission" occurring in clause (c) of sub-section (1) of section 52 shall be omitted;
- (d) section 53 shall be omitted;
- (e) in sub-section (1) of section 60 the words "and page" shall be omitted;
- (f) sub-section (1) of section 61 shall be omitted;
- (g) in sub-section (1) of section 62,—
  - (i) for the words "transcribed" the word 'copied' shall be substituted; and
  - (ii) for the words and figures "copy referred to in section 19", the words "photograph of the original" shall be substituted.

70F. Savings.—(1) Nothing in this Part shall apply to any document which is prepared on a printed or lithographed form or which in the opinion of the registering officer is not in a fit condition to be photographed.

(2) Notwithstanding anything contained in this Part, in the case of any document containing a map, plan or trade mark label, if the party presenting the document so desires, the registering officer may accept true copies of such map, plan or trade mark label and where such true copies are accepted, the map, plan or trade mark label shall not be photographed and such copies thereof shall be filed in the appropriate book.

[Vide Bombay Acts 17 of 1930 sec. 3 (w.e.f. 4-9-1930), Act 18 of 1933, Act 24 of 1938 read with Act 35 of 1958, sec. 2 (w.e.f. 24-4-1958).]