

Chapter 1 : Get The Registration Act - Microsoft Store

1. (1) *This Act may be called the Registration Act, (2) It extends to the whole of Bangladesh, except such districts or tracts of country as the Government may exclude from its operation.*

Try out our Premium Member services: Free for one month and pay only if you like it. Short title, extent and commencement. Goa, Daman and Diu: In section 2, in clause 2, the following expression shall be added at the end, namely: Provided that the 1[State Government] may, instead of making such appointment, direct that all or any of the powers and duties hereinafter conferred and imposed upon the Inspector-General shall be exercised and performed by such officer or officers, and within such local limits, as the 1[State Government] appoints in this behalf. Branch Inspector-General of Sindh. In section 6, the following provisos shall be inserted at the end: Provided further that the State Government may delegate to the Inspector- General of Registration, the power of appointing Sub-Registrars. After section 6, insert section 6A as under: After section 6, insert section 6A as follows: Offices of Registrar and Sub-Registrar. Provided that no such authorisation shall enable a Sub-Registrar to hear an appeal against an order passed by himself under this Act. Inspectors of Registration offices. Substitute section 8, as under: Officers of registration offices. Military cantonments may be declared sub-districts or districts. Absence of Registrar or vacancy in his office. Absence of Registrar on duty in his district. Absence of Sub-Registrar or vacancy in his office. Report to State Government of appointments under sections 10, 11 and Amendment is the same as that of Maharashtra. Sub-sections 1 and 2 were repealed and in sub-section 3 now omitted by A. Thus, whole section now stands omitted in Maharashtra. Act 6 of , sec. Establishments of registering officers. Seal of registering officers. Register-books and fire-proof boxes. State Amendments Andhra Pradesh: In section 16, for sub-section 1, the following shall be substituted, namely: In section 16, after sub-section 2, the following sub-section shall be substituted, namely: Keeping of books in computer floppies, diskettes, etc. Documents of which registration is compulsory. In section 17,â€” a in sub-section 1 ,â€” i for clause d the following shall be substituted, namely: In section 17,â€” i in sub-section 1, after clause a, insert as under: In sub-section 2 omit clauses ix and x. In section 17, in sub-section 1, after clause e, the following clause shall be added, namely: Sucha, 4 Lah LJ 7. It implies a declaration of will, not a mere statement of a fact; Sakharaan v. Jagarnath Kuari, 59 IA, wherein it stated: Anant, 2 Bom A deposit of title deeds with the creditor by the debtor with the intent to create a security implies in law a contract between the parties to create a mortgage and no registered instrument is required under section 59 of the Transfer of Property Act as in other case of mortgage. But if the parties choose to reduce the contract to writing, this implication of law is excluded by their express bargain and the document will be the sole evidence of its terms. In such a case the deposit and the document both form integral parts of the transaction and are essential in the creation of the mortgage. In such a case the document which constitutes the bargain regarding security requires registration under section 17 of the Act as a non-testamentary instrument creating interest in immovable property where the value is Rs. An instrument of partition of immovable property requires registration as it declares an interest in immovable property provided, however, the value of the interest so declared is Rs. But a writing which merely states that there has in time past been a partition is not a declaration of will but a mere statement of fact and it does not require registration; Venkataraju v. It implies that the person to whom the money is paid himself declares, limits or extinguishes his interest in immovable property in consideration of such payment; Shidlingapa v. Chenbasapa, 4 Bom A lease for one year containing an option to the tenant to revenue for a further period of one year or any other term is not a lease for a term exceeding one year and does not requires registration under this clause; Boyd v. Kreig, 17 Cal dissenting from; Bhubani v. Shibnath, 13 Cal A lease for the life of the lessee is a lease for a term exceeding one year as it entitles the lessee to hold for more than one year if he lives so long. It is not a lease terminable at the end of a year or at the option of the lessor. It therefore requires registration; Parstrotam v. Nana, 18 Bom Madan Gopal, AIR PC If it does, it requires registration, but not otherwise. A receipt for payment of money under a mortgage other than an endorsement on a mortgage-deed issued by a mortgage mentioning not only the payment of the full mortgage amount but also the extinction of mortgage

requires registration; *Gurdial Singh v. A deed of adoption as distinguished from an authority to adopt does not require registration; Vishwanth Ramji v. Rahibai*, AIR Bom Documents of which registration is optional. In section 18, clause c should be omitted. Amendments are the same as those of Maharashtra. Provided that the State Government may by similar notification direct that the provisions of this Act shall apply to such notices relating to immovable properties situate wholly or partly in such other area as may be specified in the said notification. In section 18, clauses a , b and cc be omitted. Same as in Punjab. After section 18, insert the following new section: Document for registration to be accompanied by a true copy thereof. After section 18, insert as under: Document for registration to be accompanied by a true copy. Section 18A as inserted by U. Act 14 of , omitted by U. Act 19 of , sec. Prior to omission section 18A ran as under: Documents for registration to be accompanied by a true copy thereof. Documents in language not understood by registering officer. Where registration is done by photogravure process, this section would have no application. Same as that in Punjab. Section 19A Tamil Nadu: Same as in West Bengal. Documents presented for registration to be accompanied by true copies thereof. Same as that in Kerala. After section 19, insert the following new section: Documents presented for registration to accompany true copies thereof. Insert section 19A as under: Tamil Nadu and West Bengal: Documents containing interlineations, blanks, erasures or alterations. State Amendments Maharashtra, Gujarat: Description of property and maps or plans. For sub-section 2 , substitute the following, namely: In all city surveyed areas, houses and lands shall also be described by their cadastral survey numbers as in the city survey maps and records. Comments Where a document comprises several properties and the description is sufficient as to some, but insufficient as to others, the registering officer must not refuse to accept the document for registration in its entirety; *Kesava v. Kannusamy*, 15 Mad LJ Description of houses and land by reference to Government maps or surveys. Same as that of Maharashtra. In section 22, for sub-section 2 , substitute the following, namely: Section 22A Andhra Pradesh:

Documents of which registration is compulsory.—(1) The following documents shall be registered, if the property to which they relate is situate in a district in which, and if they have been executed on or after the date on which, Act No. XVI of , or the Indian Registration Act, , or the Indian Registration Act, , or the Indian.

Short title, extent and commencement [Act No. Whereas it is expedient to consolidate the enactments relating to the registration of documents; It is hereby enacted as follows: Provided that the State Government may exclude any districts or tracts of country from its operation. Inspector General of Registration 1 The State Government shall appoint an officer to be the Inspector General of Registration for the territories subject to such Government: Provided that the State Government may, instead of making such appointment, direct that all or any of the powers and duties hereinafter conferred and imposed upon the Inspector-General shall be exercised and performed by such officer or officers, and within such local limits, as the State Government appoints in this behalf. Districts and sub-districts 1 For the purposes of this Act, the State Government shall form districts and sub-districts, and shall prescribe, and may alter, the limits of such districts and sub-districts, 2 The districts and sub-districts formed under this section, together with the limits thereof, and every alteration of such limits, shall be notified in the Official Gazette. Registrars and Sub-Registrars The State Government may appoint such person, whether public officers or not, as it thinks proper, to be Registrars of the several districts, and to be Sub-Registrars of the several sub-districts, formed as aforesaid, respectively. Offices of Registrar and Sub-Registrar 1 The State Government shall establish in every district and office to be styled the office of the Registrar and in every sub-district an office or offices to be styled the office of the Sub-Registrar or the offices of the Joint Sub-Registrars. Provided that no such authorization shall enable a Sub-Registrar to hear an appeal against an order passed by himself under this Act. Inspectors of Registration-offices 1 The State Government may also appoint officers, to be called Inspectors of Registration-offices, and may prescribe the duties of such officers. Absence of Registrar on duty in his district When any Registrar is absent from his office on duty in his district, he may appoint any Sub-Registrar or other person in his district to perform, during such absence, all the duties of a Registrar except those mentioned in Sections 68 and Absence of Sub-Registrar or vacancy in his office When any Sub-Registrar is absent, or when his office is temporarily vacant, any person whom the Registrar of the district appoints in this behalf shall be Sub-Registrar during such absence, or until the vacancy is filled up. Report to State Government of appointments under Sections 10, 11 and 12 1 All appointments made under Section 10, Section 11 or Section 12 shall be reported to the State Government by the Inspector-General. Establishments of registering officers [1 Omitted 2 State Government may allow proper establishments for the several offices under this Act. Seal of registering officers The several Registrars and Sub-Registrars shall use a seal bearing the following inscription in English and in such other language as the State Government directs: Register-books and fire-proof boxes 1 The State Government shall provide for the office of every registering officer the books necessary for the purposes of this Act. Documents of which registration is compulsory 1 The following documents shall be registered, if the property to which they relate is situate in a district in which, and if they have been executed on or after the date on which, Act No, XVI of , or the Indian Registration Act, , or the Indian Registration Act, , or the Indian Registration Act, , or this Act came or comes into force, namely: Provided that the State Government may, by order published in the Official Gazette, exempt from the operation of this sub-section any lease executed in any district, or part of a district, the terms granted by which do not exceed five years and the annual rents reserved by which do not exceed fifty rupees. Document of which registration is optional Any of the following document may be registered under this Act, namely: Documents in language not understood by registering officer If any document duly presented for registration be in a language which the registering officer does not understand, and which is not commonly used in the district, he shall refuse to register the documents, unless it be accompanied by a true translation into a language commonly used in the district and also by a true copy. Documents containing interlineations, blanks, erasures or alterations 1 The registering officer may in his discretion refuse to accept for registration any document in which any interlineations, blank,

erasure or alteration appears, unless the persons executing the document attest with their signature or initials such interlineations, blank, erasure or alteration. Description of property and maps or plans 1 No non-testamentary document relating to immovable property shall be accepted for registration unless it contains a description of such property sufficient to identify the same. Description of houses and land by reference to Government maps or surveys 1 Where it is, in the opinion of the State Government, practicable to describe houses, not being houses in towns, and lands by reference to a Government map or survey, the State Government may, by rule made under this Act, require that such houses and lands as aforesaid shall, for the purposes of Section 21, be so described. Time for presenting documents Subject to the provisions contained in Section 24, 25 and 26, no document other than a will shall be accepted for registration unless presented for that purpose to the proper officer within four months from the date of its execution: Provided that a copy of a decree or order may be presented within four months from the day on which the decree or order was made, or, where it is appealable, within four months from the day on which it becomes final. Provided that, within three months, from the twelfth day of September, any person claiming under a document to which this section applies may present the same or cause the same to be presented for re-registration in accordance with this section, whatever may have been the time when the first became aware that the registration of the document was invalid. Documents executed by several persons at different times Where there are several persons executing a document at different times, such document may be presented for registration and re-registration within four months from the date of each execution. Provision where delay in presentation is unavoidable 1 If, owing to urgent necessity or unavoidable accident, any document executed, or copy of a decree or order made, in India is not presented for registration in after the expiration of the time herein before prescribed in that behalf, the Registrar, in cases where the delay in presentation does not exceed four months, may direct that, on payment of a fine not exceeding ten times the amount of the proper registration-fee, such document shall be accepted for registration. Documents executed out of India When a document purporting to have been executed by all or any of the parties out of India is not presented for registration in after the expiration of the time hereinbefore prescribed in that behalf, the registering officer, if satisfied. Wills may be presented or deposited at any time A will may at any time be presented for registration or deposited in manner hereinafter provided. Place for registering documents relating of land Save as in this Part otherwise provided every document mentioned in Section 17, sub-section 1, clauses a, b, c, d and e Section 17, subsection 2, in so far as such document affects immovable property, and Section 18, clauses a, b 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. Place for registering other documents 1 Every document 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 State Government at which all the persons executing and claiming under the document desire the same to be registered. 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. 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 of the officer authorized to accept the same for registration or deposit: Provided that such officer may on special cause being shown attend at the residence of any person desiring to present a document for registration or to deposit a will, and accept for registration or deposit such document or will. Persons to present documents for registration Except in the cases mentioned in 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 authorized by power-of-attorney executed and authenticated in manner hereinafter mentioned. 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: Provided that the following persons shall not be required to attend at ally registration office or Court for the purposes of executing ally

such power-of-attorney as is mentioned in clauses a and b of this section, namely: 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 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. 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 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 in the case of any 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 Section 58 to 61, inclusive. Provided that, where such officer is a Registrar, he shall follow the procedure prescribed in Part XII: Provided further that the State Government may, by notification in the Official Gazette, declare that any Sub-Registrar named in the notification shall, in respect of documents sub-section and of Part XII. Procedure where appearance of executant or witness is desired If any person presenting any document for registration or claiming under any document, which is capable of being so presented, desires the appearance of any person whose presence or testimony is necessary for the registration of such document, the registering officer may, call upon such officer or Court as the 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. 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 provision next hereinafter contained be required to appear in person at the registration-office, shall not be required so to appear. Law as to summonses commissions and witness 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. 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. 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. 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. 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. 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. Saving of certain enactments and powers of Courts 1 Nothing herein-before contained shall affect the provisions of Section of the Indian Succession Act, , or of Section 81 of the Probate and Administration Act, , or the power of any Court be order to compel the production of any will. Time from which registered document operates A registered document shall operate from the time from which it would have commenced to operate if no registration thereof had been required or made, and not from the time of its registration. Registered documents relating to property when to take effect against oral agreements All non-testamentary documents duly registered under this Act, and relating to any property,

whether movable or immovable, shall take effect against any oral agreement or declaration relating to such property, unless where the agreement or declaration has been accompanied or followed by delivery of possession and the same constitutes a valid transfer under any law for the time being in force: Provided that a mortgage by deposit of title deeds as defined in Section 58 of the Transfer of Property Act, shall take effect against any mortgage-deed Subsequently executed and registered which relates to the same property. Effect of non-registration of documents required to be registered No document required by Section 17 or by any provision of the Transfer of Property Act, 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: Provided that an unregistered document affecting immovable property and required by this Act or the Transfer of Property Act, , to be registered may be received as evidence of a contract in a suit for specific performance under Chapter 11 of the Specific Relief Act, , or as evidence of part performance of a contract for the purposes of Section 53A of the Transfer of Property Act, , or as evidence of any collateral transaction not required to be effected by registered instrument. 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. Register-books to be kept in the several offices 1 The following books shall be kept in the several offices hereinafter named, namely: Duties of registering officers when document presented 1 a The day, hour and place of presentation, and the signature of every person presenting a document for registration, shall be endorsed on every such document at the time of presenting it; b A receipt for such document shall be given by the registering officer to the person presenting the same; and c Subject to the provisions contained in Section 62, every document admitted to registration shall without unnecessary delay be copied in the book appropriated therefor according to the order of its admission. 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. 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. 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. II, and Index No. III and 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. 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. III shall contain the names and additions of all persons executing every will and authority entered in Book No. IV shall contain the names and additions of all persons executing and of all persons claiming under every document entered in Book No. Repealed by Act No. 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. I shall be at all times open to inspection by any person applying to inspect the same; and, subject to the provisions of Section 62, copies of entries in such books shall be given to all persons applying for such copies. 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: Endorsements to be dated and signed by registering officer The registering officer shall affix the date and his signature to all endorsements made under section 52 and 58, relating to the same document and made in his presence on the same day. 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 be filed in Book No. 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. 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. 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. 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. Procedure after registration of documents relating to land 1 On registering any non-testamentary document relating to immovable property. Procedure after registration under Section 30 sub-section 2 On any document being registered under Section 30, subsection 2 , a copy of such document and of the endorsements and certificate thereon shall be forwarded to every Registrar within whose district any part of the property to which the instrument relates is situate, and the Registrar receiving such copy shall follow the procedure prescribed for him in Section 66, sub-section 1. 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. 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 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; b Declaring what languages shall be deemed to be commonly used in each district; c Declaring what territorial divisions shall be recognized under Section 21; d Regulating the amount of fines imposed under Section 25 and 34, respectively; e Regulating the exercise of the discretion reposed in the registering officer by Section 63; f Regulating the form in which registering officers are to make memoranda of documents; g Regulating the authentication by Registrars and Sub-Registrars of the books kept in their respective offices under Section 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. Reasons for refusal to register to be recorded 1 Every Sub-Registrar refusing to register a document, except on the ground that the property to which it relates is not situate within his sub-district, shall make an order of refusal and record his reasons for such order in his Book No. Appeal to Registrar from orders of Sub-Registrar refusing registration on ground other than denial of execution 1 Except where the refusal is made on the ground of denial of execution, an appeal shall lie against an order of a Sub-Registrar refusing to admit a document to registration whether the registration of such document is compulsory or optional to the Registrar to whom such Sub-Registrar is subordinate, if presented to such Registrar within thirty days from the date of the order; and the Registrar may reverse or alter such order. Application to Registrar where Sub-Registrar refuses of denial execution 1 When a Sub-Registrar has refused to the ground that any person by whom it purports to be executed, assign, denies its execution, any person claiming under such document, or his representative, assign or agent authorized as aforesaid, may, within thirty days after the making of the order of refusal, apply to the Registrar to whom such Sub-Registrar is subordinate in order to establish his right to have the document registered. Procedure of Registrar on such application In such case, and also where such denial as aforesaid is made before a Registrar in respect of a document presented for registration to him, the Registrar shall, as soon as conveniently may be, enquire. Order by Registrar to register and procedure thereon 1 If the Registrar finds that the document has been executed and that the said requirements have been complied with, he shall order the document to be registered. Order of refusal by Registrar 1 Every Registrar refusing. Suit in

case of order of refusal by Registrar 1 Where the Registrar refuses to order the document to be registered, under Section 72 or Section 76, any person claiming under such document, or his representative, assign or agent, may, within thirty days after the making of the order of refusal, institute in the Civil Court, within the local limits of whose original jurisdiction is situate the office in which the document is sought to be registered, a suit for a decree directing the document to be registered in such office if it be duly presented for registration within thirty days after the passing of such decree. Publication of fees A table of the fees so payable shall be published in the Official Gazette, and a copy thereof in English and the vernacular language of the district shall be exposed to public view in every registration office. Fees payable on presentation All fees for the registration of documents under this Act shall be payable on the presentation of such documents. Penalty for incorrectly endorsing, copying, translating or registering documents with intent to injure Every registering officer appointed under this Act and every person employed in his office for the purpose of this Act, who, being charged with the endorsing, copying, translating or registering of any document presented or deposited under its provisions, endorses, copies, translates or registers such document in a manner which he knows or believes to be incorrect intending thereby to cause or knowing it to be likely that he may thereby cause, injury, as defined in the Indian Penal Code, to any person, shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both. Penalty for making false statement, delivering false copies or translations, false personation, and abatement. Whoever a Intentionally makes any false statement, whether on oath or not, and whether it has been recorded or not, before any officer acting in execution of this Act, in any proceeding or enquiry under this Act; or b Intentionally delivers to a registering officer, in any proceeding under Section 19 or Section 21, a false copy or translation of a document, or a false copy of a map or plan; or c Falsely personates another, and in such assumed character presents any document, or makes any admission or statement, or causes any summons or commission to be issued, or does any other act in any proceeding or enquiry under this Act; or d Abets anything made punishable by this Act; Shall be punishable with imprisonment for a term, which may extend to seven years; or with fine, or with both. Registering officer may commence prosecutions 1 A prosecution for any offence under this Act coming to the knowledge of a registering officer in his official capacity may be commenced by or with the permission of the Inspector-General, the Registrar or the Sub-Registrar, in whose territories, district or sub district, as the case may be, the offence has been committed. Registering officers to be deemed public servants 1 Every registering officer appointed under this Act shall be deemed to be a public servant within the meaning of the Indian Penal Code. Destruction of unclaimed documents Documents other than wills remaining unclaimed in any registration-office for a period exceeding two years may be destroyed.

Chapter 3 : Registration Act, (Act No. XVI of).

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

An Act to consolidate the enactments relating to the Registration of documents Preamble: Whereas it is expedient to consolidate the enactments relating to the registration of documents: It is hereby enacted as follows: Short title, extent and commencement: Court Decisions Movable property becoming immovable propertyâ€”Principlesâ€”Where the property is attached to the earth or permanently fastened to any thing which is attached to the earth, then movable property becomes immovable propertyâ€”Nature of attachment, its object and purpose in such a situation would be dominant factors, Muhammad Ibrahim v. Northern Circars Fibre Trading Co. Habib Credit and Exchange Bank Limited v. Hamaliya Textile Mills Pvt. Limited PLD Lah. Provided that the Provincial Government may, instead of making such appointment, direct that all or any of the powers and duties hereinafter conferred and imposed upon the Inspector-General shall be exercised and performed by such officer or officers, and within such local limits, as the Provincial Government appoints in this behalf. Branch Inspector-General of Sindh: The Provincial Government may appoint such persons, whether public officers or not, as it thinks proper, to be Registrars of the several districts, and to be Sub-Registrars of the several sub-districts, formed as aforesaid, respectively. Offices of Registrar and Sub-Registrar: Provided that no such authorization shall enable a Sub-Registrar to hear an appeal against an order passed by himself under this Act. Inspectors of Registration offices: Military Cantonments may be declared sub-districts or districts: Absence of Registrar or vacancy in his office: Absence of Registrar on duty in his district: When any Registrar is absent from his office on duty in his district, he may appoint any Sub-Registrar or other person in his district to perform, during such absence, all the duties of a Registrar except those mentioned in Sees. Absence of Sub-Registrar or vacancy in his office: When any Sub-Registrar is absent, or when his office is temporarily vacant, any person whom the Registrar of the district appoints in this behalf shall be Sub-Registrar during such absence, or until the vacancy is filled up. Report to Provincial Government of appointments under Sections 10, 11 and Establishments of registering officers: Seal of registering officers: The several Registrars and Sub-Registrars shall use a seal bearing the following inscription in English and in such other language as the Provincial Government direct: Register-books and fire-proof boxes; 1 The Provincial Government shall provide for the office of every registering officer the books necessary for the purposes of this Act. Documents of which registration is compulsory: In the case of an assignment of a mortgage the consideration for the deed of assignment shall be deemed to be the value for Registration ; c non-testamentary instruments other than the acknowledgement of a receipt or payment made in respect of any transaction to which an instrument registered under clause a relates which acknowledge the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest ; d leases of immovable property from year to year. Provided that the Provincial Government may, by order published in the official Gazette, exempt from the operation of this sub-section any leases executed in any district, or part of a district, the terms granted by which do not exceed five years and the annual rents reserved by which do not exceed fifty rupees. A document purporting or operating to effect a contract for the sale of immovable property shall not be deemed to require or ever to have required registration by reason only of the fact that such document contains a recital of the payment of any earnest-money or of the whole or any part of the purchase-money. Court Decisions Suit for possession and cancellation of documentâ€”Plaintiff claimed to be the owner of certain plots on the basis of partition document of and mutation entered in incorporating division of land into numerous plots between plaintiff and other co-sharersâ€”Trial Court decreed suit, which was upheld by Appellate Courtâ€”Contention of defendants was that partition document being on deficient stamp paper of Rs. Appellate court misinterpreted statutory provisions of law and committed illegality in directing registration of declaratory decree passed by itâ€”Revision accepted. PLJ Peshawar 35 Contract for saleâ€”Contract for sale would not require its compulsory registration because it was a document which, by itself, would not create a title, but it was a

document creating a right to obtain another document i. Documents of which registration is optional: Any document not required to be registered under Section 17 may also be registered under this Act. PLD SC Document in language not understood by registering officer: If any document duly presented for registration be in a language which the registering officer does not understand, and which is not, commonly used in the district, he shall refuse to register the document, unless it be accompanied by a true translation into a language commonly used in the district and also by a true copy. Documents containing interlineations blanks, erasures, or alterations: Description of property and maps or plans: Time for presenting documents: Subject to the provisions contained in Sections 24, 25 and 26, no document other than a will shall be accepted for registration unless presented for that purpose to the proper officer within four months from the date of its execution: Provided that a copy of a decree or order may be presented within four months from the day on which the decree or order was made, or, where it is appealable, within four months from the day on which it becomes final. Registration of certain documents: Provided that, within three months from the twelfth day of September, , any person claiming under a document to which this section applies may present the same of cause the same to be presented for re-registration in accordance with this section, whatever may have been the time when he first became aware that the registration of the document was invalid. Documents executed by several persons at different times: Provision where delay in presentation is unavoidable: Documents executed out of the Provinces, etc.: When a document purporting to have been executed by all or any of the parties out of Pakistan is not presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, the registration officer, ii satisfied- a that the instrument was so executed ; and b that it has been presented for registration within four months after its arrival in Pakistan may, on payment of the proper registration fee, accept such document for registration. Wills may be presented or deposited at any time: A will may at any time be presented for registration or deposited in manner hereinafter provided. Place for registering documents relating to land: Place for registering other documents: Registration by Registrars in certain cases: Registration or acceptance for deposit at private residence: The presentation, registration or deposit of documents under this Act shall ordinarily be made only at the office of the officer authorized to accept the same for registration or deposit: Provided that such officer may on special cause being shown attend at the residence of any person desiring to present a document for registration or to deposit a will, and accept for registration or deposit such document or will. Persons to present document for registration: Except in the cases mentioned in Section 89, every document to be registered under this Act, whether such registration be compulsory or optional, shall be presented, â€” a by some person executing or claiming under the Same, or, in the case of a cop; if a decree or order, claiming under the decree or order ; or b by the representative or assign of such person ; or c by the agent of such person, representative or assign, duly authorised by power-of-attorney executed and authenticated in manner hereinafter mentioned. Powers-of-attorney recognizable for purposes of Section 3 â€”: Provided that the following persons shall not be required to attend at any registration-officer or Court for the purpose of executing any such power-of-attorney as is mentioned in clauses a and b of this section, namely: Enquiry before registration by registering officer: 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 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. Procedure on admission and denial of execution respectively: Provided that, where such officer is a Registrar, he shall follow the procedure prescribed in Part XII: Provided further that the Provincial Government may, by notification in the official Gazette, declare that any Sub-Registrar named in the notification shall, in respect or documents the execution of which is denied, be deemed to be a Registrar for the purposes of this sub-section and of Part XII. Procedure where appearance of executant or witness is desired: If any person presenting any document for registration or claiming under any document which is capable of being so presented, desires the appearance of any person whose presence or testimony is necessary for the registration of such document, the registering officer may, in his discretion, call upon such officer or Court as the Provincial Government directs in this behalf to issue a summons requiring him to appear at the registration-office, either in person or by duly authorised agent, as in the summons may be mentioned, and at a

time named therein. Officer or Court to issue and cause service of summons: Person exempt from appearance at registration office: 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. Persons entitled to present wills and authorities to adopt: Registration of wills, and authorities to adopt: Procedure on deposit of Wills: Court Decisions Whether mere deposit of will with Registrar is sufficientâ€”Question ofâ€”Under Section 43 of Act, if Registrar is satisfied that will has been presented for deposit by testator or his agent then he shall transcribe super-scription in Register book No. Deposit of will with Registrar was meaningless and no credence can be attached to itâ€”Held further: Appellant has failed to prove will. PLJ Karachi Withdrawal of sealed cover deposited under Section If the testator who has deposited such cover wishes to withdraw it, he may apply, either personally or by duly authorised agent to the Registrar who holds it in deposit, and such Registrar, if satisfied that the applicant is actually the testator or his agent, shall deliver the cover accordingly. Proceedings on death of depositor: Court Decisions Whether mere deposit of will with Registrar is sufficientâ€” Under Section 43 of Act, if Registrar is satisfied that will ,has been presented for deposit by testator or his agent then he shall transcribe super-scription in Register book No. Appellant has failed to prove willâ€”Appeal dismissed. Saving of certain enactments and powers of Courts: He shall thereupon issue a notice to the executor, if any, and also to such other person or persons deriving any benefit under the will as the two officers may determine, informing them about the existence of the will and also that unless steps are taken within a period of six months therefrom for registration of the will the document shall be liable to be destroyed. Time from which registered document operates: A registered document shall operate from the time from which it would have commenced to operate if no registration thereof had been required or made, and not from the time of its registration. Court Decisions Applicabilityâ€”Right of third person pre-emptor not a party to document of transferâ€”Document would operate against third person from date of registration and not from date of execution. All non-testamentary documents duly registered under this Act, and relating to any property, whether movable or immovable, shall take effect against any oral agreement or declaration relating to such property, unless where the agreement or declaration has been accompanied or followed by delivery of possession and the same constitutes a valid transfer under any law for the time being in force: Provided that a mortgage by deposit of title-deeds as defined in Section 58 of the Transfer of Property Act, , shall take effect against any mortgage-deed subsequently executed and registered which relates to the same property. Effect of non-Registration of documents required to be registered: No document required to be registered under this Act or under any earlier law providing for or relating to registration of documents shall- a operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, to or in immovable property, or b confer any power to adopt, unless it has been registered. Subedar Muhammad Yousuf v. Kalawati AIR All. Moosa and others v. Certain registered documents relating to land to take effect against unregistered documents: Provided that the person in possession of the property under an unregistered document prior in date, would be entitled to the rights under Section A of the Transfer of Property Act, IV of , if the conditions of that Section are fulfilled: Provided further that the person in whose favour an unregistered document is executed shall be entitled to enforce the contract under the unregistered document in a suit for specific performance against a person claiming under a subsequent registered document, subject to the provisions of clause b of Section 27 of the Specific Relief Act, 1 of

Chapter 4 : The Registration Act

[1] THE REGISTRATION ACT, (XVI of) [18 December] An Act to consolidate the enactments relating to the registration of documents.. Whereas it is expedient to consolidate the enactments relating to the registration of documents;

Contact Us Search Indian Registration Act is an act to consolidate the enactments relating to the registration of documents. Registration means recording of the contents of the document. The object of registration is conservation of evidence and title. Section 17 of the Indian Registration Act , deals with the documents that are compulsory to be registered. The section runs as follows: Section 17 - Indian Registration Act, 1 The following documents shall be registered, if the properties to which they relate is situate in a district in which, and if they have been executed on or after the date on which, Act No. A document purporting or operating to effect a contract for the sale of immoveable property shall not be deemed to require or ever to have required registration by reason only of the fact that such document contains a recital of the payment of any earnest money or of the whole or any part of the purchase money. Inserted by Act No. Scope of Section 17 1 Where the award was made prior to the enforcement of the Registration Amending Act of , held its non-registration would not affect its validity. Essentials of Section 17 Section 17 of the Indian Registration Act Act XVI of would be attracted in a case where the disputes relates to a charge sought to be created by a debenture on immoveable property which was existent at the date of the creation of the charge and was in the ownership of the company at that date. It would, therefore, necessarily follow from it that a debenture which seeks to create, declare or limit any right, title or interest to or in immoveable property would be covered by clause b of sub-section 1 of section 17 of the Indian Registration Act When A Document Needs Registration? There are several documents that are not compulsorily register able under section 17 of the Registration Act Some of them require high stamp duty and some of them do not. Even the ones that require high stamp duty, if they are under stamped, can be rectified later by paying a penal amount ten times the original amount. Non-payment of stamp duty does not make the document void or otherwise invalid. The consequences of under stamping as per the stamp act are: An under stamped instrument can be admitted as evidence in court, if penal stamp duty is ten times the value of the original amount, and is paid. In conclusion, always register a document which is compulsory registerable or for which stamp duty is not high. Documents for which stamp duty is high and which do not require registration do not become invalid for want of proper stamp duty alone. But the rights of both parties should be protected in case of default, so consult a lawyer. Always give possession separately and never in the documents itself. An unregistered document affecting immoveable property, required by the Transfer of Property Act or the Registration Act to be registered, may be received in evidence of a contract in the suit for the specific performance or as evidence of part-performance of a contract for the purpose of section A or as evidence of any collateral transaction not required by a registered instrument. Where the parties execute an unregistered sale deed without prior permission of the competent authority, the transaction will be void and this section will not be applicable. In cases, where land is transferred in lieu of dower and the bride was put in possession of it and a kabulnama was executed which was unregistered evidencing the transfer, it was held that section A of the Transfer of Property Act would apply to such a case and a suit by the father in law and a declaration of title and possession will fall. In Haji Mokshed Mondal Vs. Section 17 and Section 54 of Transfer of Property Act The combined effect of section 54 of the Transfer of Property Act and section 17 of the Registration Act is that, a contract of sale in respect of immoveable property of the value of more than one hundred rupees without registration cannot extinguish the equity of redemption. The conferment of power to sell without intervention of the court in a mortgage deed by itself will not deprive the mortgagor of his right to redemption. The extinction of the right to redemption has to be subsequent to the deed conferring such power. The right of redemption is not extinguished at the expiry of the period. The equity of redemption is not extinguished by mere contract of sale. It must also be noted that section 17 of the Indian Registration Act or the second para of the Transfer of Property Act , will have no application to the agreement to recover property, being non-creation of any interest in the immoveable property. In Narandas

Karsondas vs. Kantam AIR SC , it was held that the mortgagor has a right to redeem unless the sale of the property was complete by registration in accordance with the provisions of the Registration Act , and therefore, the appeal was dismissed. Conclusion In the light of the analysis of section 17 of Indian Registration Act and a comparative study of section 17 and section A and section 54 of the Transfer of Property Act , it can be fairly concluded that- 1 an incomplete deed of transfer, though not registered or even attested, is regarded, as a contract in writing but such a deed must have been signed by the transferor or his agent and an unregistered document, affecting immovable property, required by the Transfer of Property Act , or the Indian Registration Act , to be registered, may be received in evidence of part-performance of a contract or as evidence of any collateral transaction not required by a registered instrument. The author can be reached at:
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Chapter 5 : REGISTRATION ACT, “ Maharashtra Housing and Building Laws

This Act may be called the Registration Act, It extends to the whole of Pakistan except such Districts or tracts of country as the Provincial Government may exclude from its operation.

Registration is notice to public: Certain registered document prevails over unregistered document. Some documents require compulsory registration and registration of some document is optional. Any non-testamentary instrument which acknowledge the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest. Leases of immovable property, or for any term exceeding one year, or reserving a yearly rent. Agreement relating to the depositing title deeds by way of security for the repayment of loan or an existing or further debts. Sale certificate issued by any competent officer or authority under any recovery act. Irrevocable power of attorney relations to transfer of immovable property in any way, executed on or after the commencement of the registration Maharashtra amendment Act Leave and License agreement for licensing any premises and tenancy agreements which has been entered into after Any authority to adopt a son. State government may, by order published in the official gazette, specify the document for registration by the office of the joint sub-registrar as established. The documents containing contracts to transfer for consideration, any immovable property for the purpose of section A of the Transfer of the Property Act, 4 of shall be registered, if they have been executed on or after the commencement of the registration and other related laws Amendment Act, and if such document are not registered on or after such commencement, then they shall have no effect for the purpose of the said section A] Trust in relation to immovable properties, every mutual fund in form of Trust. To execute the agreement, sub-registrar require to put photographs, signature and left hand thumb impressions of all concern parties to execution. For certain types of documents like development agreement, adjudication is compulsory. For agreements like resale, adjudication is optional provided it is registered within stipulated time of 4 months. In Mumbai, now registration fees are required to be paid through online. It is better to pre check at concern registrar office the stamp duty and exact registration fees payable. Registraon fees are to be paid on value of such property rounded off nearest to rupees in thousands. Collector of area who has to collect proper stamp duty, However when Document presented by electronic means personal attendance is not required, However the satisfactory inquiry shall be made as per government rules. Party has to give certain details like area, types of property, CTS No. On the day of registration the token number is announced calling the party for registration. Now certain token nos. Token on phone is given for next day. Token booking time for previous day at registrar office starts at 10 a. Now registers office remains open in shifts from 7am to 9pm to visit www. However, now a days property are generally registered even without a token no. PAN of all the parties to the documents is mandatory. Two witnesses with their photos and identification proof should remain present for identification of parties to the agreement for which two witnesses have to put their photo, signatures and thumb impression before registering authority. Such witnesses should not be the necessarily same who has signed as witnesses in the agreement. These witnesses should put their photos, thumb impression and sign before registrar as token of identification of the parties to the document. Some registration office takes computerized digital photos, left hand thumb impression of witness and also obtains signature of witness on such document. Property card is required to be produced at the time of registration. For payment of registration fees need to pay it online. Complete filling up of input Registration form as prescribed by the stamp duty department or Registrar or Sub-Registrar. The input registration form and document are required to be submitted at token window in advance i. Generally, Registrar Office does check such submissions, and makes valuation, in advance before Registration. Adjudicated document will help in faster registration. In other words, Registrar presumes that proper stamp duty on such adjudicated document is determined properly by collector of stamps and accordingly paid by the party. Adjudication is the procedure by which collector determines the proper value and amount of Stamp Duty payable on application made by party. In respect of old building to avail the benefit of depreciation on market value then the attachment of following proofs will help to avail depreciation on age of building. For proof of authorize structures, the following documents are

required: If the building is completed before March 25, the property assessment municipality bill is required to be attached. Any proof of determination of market value will help to facilitate the calculation of true market value. The detailed letter from society showing the description of property, age of building, year of construction, built up area of flat, flat no. With effect from 1. Prior to such penalty was upto 10 times. The left thumb impression of all the parties to the document is also taken digitally. Registrations of documents are computerized with effect from In view of above, it is advisable to check such data sheet by party as regard to correctness of typed contents thereon. Sometime, the documents are executed by power of attorney holder for and on behalf of buyer or seller. Generally in case of builders, his power of attorney holder executes the documents and also signs as attorney of such builder. In such case copy of duly executed power of attorney is to be attached with the agreement which is also to be registered. Generally all the parties are supposed to go together for registration; however they can go at different point of time but maximum within four months of execution of such document. Thereafter Registrar puts his official seal and affixes unique numbering block on each page including the additional sheets of the documents and signs on the above mentioned sheets which generally carries photographs, signatures, details of parties and witnesses. The party has to submit the copy of Challan for registration fees. The original agreement after due registration are returned to party by registrar against sign on delivery of document register by party and also on production of the original registration fees paid receipt on which registrar office put stamp delivered. Registration formalities are completed, after which the documents are returned to party within approximately an hour of completion of registration formalities. In such circumstances parties are advised to take index II as well as certified true copies of document from registration office for his future record. The registrar also insists for production and preservation of following documents copies by the parties to the agreement: Registration fees paid challan. The stamp duty can be paid by e-payment through GRAS government receipt accounting system at government website [http: Sub-registrar](http://Sub-registrar) after completing the registration formalities and thereafter returns the original documents which is given back as duly registered within approximately one hour time. Now the builder or developer have to put the approved plan and schedule of Property in the agreement and also to write the area i. Now building, occupation certificate is called for allowing proper depreciation according to age of building and type of construction. The Maharashtra state has introduced a procedure for franking E-payment of Stamp Duty to curb malpractices during registration of documents. The document should be typed in preferably black inked on one side of paper. Please leave proper margin on document. The aforesaid denotes the complete procedure for registration of document of immovable property in Mumbai. Like registration there is separate set of procedure for: Refund of stamp duty. For Detail of Registration please refer the Maharashtra e-Registration and e-filing rules and also the Maharashtra e-payment of stamp duty and refund rules. The helpline telephone no is Like registration there are separate set of procedure prescribed for: If the same is not registered within 4 months time from the date of execution, it can still be registered within further period of 4 months from the expiry of first 4 months, on payment of penalty for late presenting the document for registration which can be imposed by the Registrar up to 10 times of registration fees. Even after expiry of 8 months from the date of execution of document, if the parties want to register it then fresh Deed on payment of stamp duty at current market value is to be prepared and sign by both the parties to such document. In such case the document which is subject matter of registration should be attached as annexure to the deed of confirmation. Many times such old document to be adjudicated through collector and then the Joint Sub-Registrar registers it, However one has first pre-check the matter with joint sub-registrar or concerned stamp duty or registration office or collector offices in detail. If the vendor dies after signing the document but before registration of such document, in such case it is difficult to complete the formality of registration within 4 months of statutory time limit or during the additional time limit of 4 months. In cases of death of vendor the legal heirs of deceased has to comply with the registration formalities. With the experience one can say that it is difficult to get the Court authority within 4 months or some time even during further extended 4 months period. In such case following option is available as follows. This deed is to be signed by the purchaser and seller or all the legal heirs of the vendor. This deed of alongwith death certificate and NOC from legal heirs of deceased are rendered. All these documents are sent for registration. This will help the purchaser against claim of any right in property in future

by any legal heirs of deceased vendor. These are possibility for which one has to pre-check the matter with respective joint sub-registrar. Such agreement also must be in writing. The Registration fees payable depends upon the date on which the document is lodged for registration. Please pre-inquire with respective register, the mode of acceptance of such stamp duty and entire registration procedure, modality, fees and all other registration requirement and formalities at relevant time. Thereafter the sub-registrar of Assurances will issue summons and after giving an opportunity to the person who has not remained present can proceed with the registration formalities. He shall make a noting in the document stating registration refused with regards to the party who has not remained present and can also deliver the document to the party who has applied for registration. The helpline telephone No. Note- 9A was inserted by GN No.

Chapter 6 : Indian Registration Act

Registration of documents executed by Government officers or certain public functionaries Copies of certain orders, certificates and instruments to be sent to registering officers and field.

Offices of Registrar and Sub-Registrar 8. Inspectors of Registration-offices Absence of Registrar or vacancy in his office Absence of Registrar on duty in his district Absence of Sub-Registrar or vacancy in his office Report to Government of appointments under sections 10, 11 and 12 Establishments of registering officers Seal of registering officers Documents of which registration is compulsory 17A. Registration of contract for sale, etc. Effect of unregistered contract for sale executed prior to section 17A becomes effective Documents of which registration is optional Documents in language not understood by registering officer Documents containing interlineations, blanks erasures or alterations Description of property and maps or plans Description of houses and land by reference to Government maps or surveys 22A. Time for presenting documents 23A. Re-registration of certain documents Documents executed by several persons at different times Provision where delay in presentation is unavoidable Documents executed out of Bangladesh Place for registering documents relating to land Place for registering other documents Persons to present documents for registration Power-of-attorney recognizable for purposes of section 32 Enquiry before registration by registering officer Procedure where appearance of executant or witness is desired Officer or Court to issue and cause service of summons Persons exempt from appearance at registration-office Persons entitled to present Wills and authorities to adopt Deposit of wills Procedure on deposit of wills Withdrawal of sealed cover deposited under section 42 Proceedings on death of depositor Saving of certain enactments and powers of Courts 46A. Time from which registered document operates Registered documents relating to property when to take effect against oral agreements Effect of non-registration of documents required to be registered Register-books to be kept in the several offices Duties of registering officers when document presented 52A. Registering Officer not to register unless certain particulars are included in an instrument of sale Entries to be numbered consecutively Current indexes and entries therein Indexes to be made by registering officers, and their contents Registering officers to allow inspection of certain books and indexes, and to give certified copies of entries B As to the Procedure on admitting to Registration Particulars to be endorsed on document admitted to registration Endorsements to be dated and signed by registering officer Certificate of registration Endorsements and certificate to be copied and document returned Procedure on presenting document in language unknown to registering officer Procedure where documents not properly valued. Procedure where document relates to land in several sub-districts Procedure where document relates to land in several districts D Special Duties of Registrar Procedure after registration of documents relating to land Power of Registrar to superintend and control Sub-Registrars Power of Inspector-General to superintend registration offices and make rules Application of this Part 70B. Documents may be photographed in areas notified by Government 70E. Application of Act to areas notified under section D 70F. Reasons for refusal to register to be recorded Appeal to Registrar from orders of Sub-Registrar refusing registration on ground other than denial of execution Application to Registrar where Sub-Registrar refuses to register on ground of denial of execution Procedure of Registrar on such application Order by Registrar to register and procedure thereon Order of refusal by Registrar Fees to be fixed by Government 78A. Registration fee for contract for sale, heba and mortgage 78B. Registration fee for instrument of partition Publication of fees Powers to frame and publish lists of touts 80B. Inquiry by a Sub-Registrar regarding suspected touts 80C. Hanging up of lists of touts in Registration Offices 80D. Exclusion of touts from precincts of Registration Offices 80E. Presumption as to touts found within precincts of Registration Offices 80F. Penalty for incorrectly endorsing, copying, translating or registering documents with intent to injure Penalty for making false statements, delivering false copies or translations, false personation, and abetment 82A. Registering officer may commence prosecutions Destruction of unclaimed documents Registering officer not liable for thing bona fide done or refused in his official capacity Nothing so done invalidated by defect in appointment or procedure Registration of documents executed by Government officers or certain public functionaries Copies of certain orders,

certificates and instruments to be sent to registering officers and field Exemptions from Act Exemption of certain documents executed by or in favour of Government Inspection and copies of such documents

Chapter 7 : Sec 17 of Indian Registration Act,

The Registration Act, (XVI OF) [18th December,] An Act to consolidate the enactments relating to the Registration of documents Preamble: Whereas it is expedient to consolidate the enactments.

To whom it may be presented: There are two authorities to whom Will can be presented for registration as follows: Essentials for presentation of Will: Three tests are essential for the person so presenting: Deposit and disposal of Wills: Wills, are presented in sealed envelope for registration and its contents are remained concealed until death of person is occurred. Registration authority deliver this Will to person in whom favour it was made. Registrar enters the Will in Register No. Registrar keeps such document in fireproof box Will can be withdrawn by the actual or authorized person. Registrar satisfies and delivers the cover accordingly. After the death of testator, the person who applies as heir can get the document. Registrar after satisfaction opens the sealed cover and enters its contents in Register No. Duties and powers of registering officers: Registering officer has certain duties and powers such as: He shall keep certain books for the entry of different records. Categorization of books is as follows. It is used to record particulars of immovable property nature of that are non-testamentary. Its records determine the immovable property. Reasons of the refusal of all registrations are put in this book. Mere refusal is insufficient. Where Wills are presented for registration, Book " 3 is used for their record. Although registration of Wills is optional but as soon they are presented for registration, Book " 3 is used for registration. It is used for miscellaneous entries of all the optional registries relating to moveable property. It is used for deposit of Wills. Person who presents the document for registration has no concern whether where it is recorded. If entry is made in wrong register or book, registration shall be invalid being the registration officer liable. But where entry relating to Book " 1 is recorded in book " 4 shall be considered valid. When document is presented for registration, the registering officer is required to register the document in manner as provided in this law. He gets signatures of all executors and also endorses day, hour, and place of such presentation. Registering officer issues receipts to all the executors. Record in relevant books: As soon as, any document is admitted for registration, it is required to be entered in relevant book. All entries are assigned numbers and numbers are allocated in a series disregarding the entry in any book. Fresh series is commenced in beginning of year and terminates at the end of year. Index is prepared of all the entries in all books in practicable manner immediately after registration and copy of contents. Index " 1 contains names and additions of the executories and claimants. Index " 2 contain particulars for which Inspector General directs time to time. Index " 3 includes executories of Wills, and Index " 4 contains names and additions of executories and claimants. Books are kept open for inspection for any person who applies to inspect the books. Particulars of admitted documents: All the documents are endorsed except the decree of Court or a copy sent to registering officer. As soon as endorsement and all other formalities are completed, documents are returned to the person who presents them. Where document is presented for registration language of which is not understandable to the officer concerned is required to be translated and original copy is put together with translation. Registering officer may obtain oath of the translator as to its truth. Scattered property in sub-districts: Where property under registration is scattered in different registration zones, Sub-Registrar makes its report and sends it to all concerned Sub-Registrars. Scattered property in districts: Above procedure is adopted by Registrar where property is scattered in different districts. Registration of non-testamentary immovable property: Registrar forwards a copy of memorandum to his subordinate Sub-Registrars where registered property situates. There are certain reasons on which Sub-Registrar refuses to register documents. He has no power to refuse to register document, which fulfills all of its requirements, and come within his jurisdiction. Effect and procedure can be described as follows: Sub-Registrar cannot refuse to register document, which fulfills all of its requirements. He may refuse registration where property under question does not situate within his sub-district. He is also obliged to provide the copy of reasons of refusal without delay and payment. If an application lodged for condonation of delay and Registrar refuses it, must record the reasons of such refusal. Lawsuit cannot be instituted where procedure for registration is followed, and if so filed, it is dismissed. Document can be refused to register on the ground of denial of execution.

Appeal cannot be made to Registrar against such refusal. Except this, all refusals can be challenged before Registrar to whom Sub-Registrar is subordinate. Registrar is liable to alter or reverse the order of Sub-Registrar within thirty days from the date of the order. Sub-Registrar is obliged to register the document against which Registrar orders to register, if document is presented within thirty days after making such order. Effect of this registration shall be same as it was first duly presented for registration. Non-appearance is sufficient for the refusal of registration. Refusal to accept document amounts refusal to register. An application against the order of Sub-Registrar can be forwarded to Registrar where he refuses registration on the ground of denial of executant or assign or representative. The aforesaid persons should be the persons purported supposed to be person executant. Presentant may apply to Registrar of original jurisdiction within thirty days after passing order of refusal, to establish his right of registration. Written application should accompany the copy of reasons recorded and the verification of applicant as required under this law. Whenever Registrar feels convenient may enquire two things before making any decision on the applications against refusal of registration. If Registrar satisfies that all the formalities have been completed and requirements of law have been fulfilled, he makes an order for the registration of such document. This document is to be duly presented to registering officer within thirty days after passing such order. Registration officer is liable to register the document in accordance with law. Effects of this registration shall be same as presented duly at first time. Registrar may call witness for evidence when he acts as Civil Court. Witnesses are called where cost of such kind of enquiry is paid or it is recoverable. Order of refusal by Registrar: Registrar may refuse to pass order for registration on application. He is obliged to record the reasons of refusal in Book "2. He is also bound to provide copy of refusal without any delay to applicant or presentant. He has to also mention of such refusal on application made. Suit against refusal of Registrar: Where Registrar refuses to pass order for registration of document, applicant may institute suit in Civil Court within thirty days of refusal. Case should be instituted in the Court of original jurisdiction where property situates. Court issues decree directing to register document. Effects of non-registration of documents required to be registered: All the documents, which are required to be registered, and actually they are not got registered, have following effects: Document, which is required compulsory registration, operates to create any right presently or in future. If such document is not got registered it shall not operate to create any right neither in present nor in future. Non-registration of documents effects the declaration of right. Right remains incomplete and its remedy stands inoperative. Sales of goods assigns right to other person. But where sale of immovable property exceeds from Rs. It shall lose right of assigning. Limits and extinction of right: Where any right is limited or extinguished by an act of registration, it must be got registered. Its non-registration renders it stands there where it was before transaction. Vested title or interest:

Chapter 8 : Myanmar: Registration Act No. 16 of

Indian Registration Act, , the Registrar of a district in which any of the three Presidency- towns of Calcutta, Bombay or Madras is situated may receive and register any document relating to immovable property wherever in India that property may be situated.

July 4 min read Introduction The provisions relating to the registration of documents are now scattered about in seven enactments. This will make the law more easily ascertainable. It will further clear the Statute-book of three entire Acts and will enable two more Acts to be entirely removed from it on the coming into force of the Code of Civil Procedure, , and of the Indian Limitation Bill, now before Council. The opportunity has been taken to incorporate alterations of a formal character intended merely to improve and simplify the language of the existing Act. The numbering of the sections of the Act of has been preserved. It has been found that the mere process of consolidation might result in the law being changed in some respects. To avoid this some few amendments appear to be necessary. Purpose of the Act The purpose of the Registration Act, amongst other things, is to provide a method of public registration of documents so as to give information to people regarding legal rights and obligations arising or affecting a particular property, and to perpetuate documents which may afterwards be of legal importance, and also to prevent fraud. Registration lends inviolability and importance to certain classes of documents. Registration procedure in the Act The scheme of the Act is to consolidate the law relating to registration and to provide for the establishment of its registration. It lays down what documents require compulsory registration. It provides limitation for getting a document registered. Central Warehousing It is well settled that an instrument which creates a right or interest in the rents, profits, benefits and income from an immovable property, is a document which is compulsorily registrable. Thus, a document creating an assignment of a debt will not require registration, but a document assigning rents will require registration. If the power of attorney in question is to be treated as creating an equitable assignment of rents, it will require registration and if not registered, will be void and unenforceable. The power of attorney does not create or recognize any right in or relating to any immovable property or benefit arising there from in favor of the bank. The question whether a machinery which is embedded in the earth is movable property or an immovable property, depends upon the facts and circumstances of each case; primarily, the Court will have to take into consideration the intention of the parties when it decided to embed the machinery whether such embedment was intended to be temporary or permanent case under Stamp Act, Provisions regarding lease documentation The rent note is an agreement to lease which falls under wider definition of lease under the Registration Act. The rent note or agreement to lease may be in counter-part signed by both the parties or it may be in correspondence or in acts or conduct. If there is no present demise, the agreement may be effected by an unregistered instrument or even orally. If there is present demise, the rent note operates as a transfer by way of lease and if the term does not exceed one year, registration is not necessary, but if the term exceeds one year, registration is necessary not under S. Act but under the Registration Act. An instrument signed by either the lessor or lessee alone would operate as an agreement to lease or a rent note. A rent note signed by the lessee alone is not a lease but would be a lease under the Registration Act and the question of its registration has to be decided under that Act. Conclusion The registrations act illustrates about the procedure of registering, what documentations should be registered and how it should be done. The registration of Will documents, powers and duties of the registrations department. It also explains about the penalties and punishment for not following the procedure and not completing things on time. This Acts brings a good administration system among government offices and the court system that everything should be managed with in time and in a proper procedure in order to avoid future confusions. Full text of "Registration Act " available here Please note that the information provided on this page: Does not provide a complete or authoritative statement of the law; Does not constitute legal advice by Net Lawman; Does not create a contractual relationship; Does not form part of any other advice, whether paid or free. Contact us about this article We would love to hear what you think about this article and how we could improve it. Please do let us know. If you have a question about a document, please contact us. Nothing is too small or too big. Send your

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Chapter 9 : The Registration Act,

The Registration Act, by Mian Ghulam Hussain. Registration does mean entry in official record in the office authorized by government. Definitions: Following are the definitions prescribed in this Act.

Inspector-General of Registration 1 The State Government shall appoint an officer to be the Inspector-General of Registration for the territories subject to such government: PROVIDED that the State Government may, instead of making such appointment, direct that all or any of the powers and duties hereinafter conferred and imposed upon the Inspector-General shall be exercised and performed by such officer or officers, and within such local limits, as the State Government appoints in this behalf.

Districts and sub-districts 1 For the purposes of this Act, the State Government shall form districts and sub-districts, and shall prescribe, and may alter, the limits of such district and sub-districts.

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

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

Inspectors of Registration offices 1 The State Government may also appoint officers, to be called Inspectors of Registration offices, and may prescribe the duties of such officers.

Absence of Registrar on duty in his district When any Registrar is absent from his office on duty in his district, he may appoint any Sub-Registrar or other person in his district to perform, during such absence, all the duties of a Registrar except those mentioned in sections 68 and 69.

Absence of Sub-Registrar or vacancy in his office. When any Sub-Registrar is absent, or when his office is temporarily vacant, any person whom the Registrar of the district appoints in this behalf shall be Sub-Registrar during such absence, or until 8[the vacancy is filled up].

Seal of registering officers The several Registrars and Sub-Registrars shall use a seal bearing the following inscription in English and in such other language as the State Government directs: Register-books and fire-proof boxes 1 The State Government shall provide for the office of every registering officer the books necessary for the purposes of this Act.

Documents of which registration is compulsory 1 The following documents shall be registered, if the property to which they relate is situate in a district in which, and if they have been executed on or after the date on which, Act No. A document purporting or operating to effect a contract for the sale of immovable property shall not be deemed to require or ever to have required registration by reason only of the fact that such document contains a recital of the payment of any earnest money or of the whole or any part of the purchase money.

Documents of which registration is optional Any of the following documents may be registered under this Act, namely: Documents in language not understood by registering officer If any document duly presented for registration be in a language which the registering officer does not understand, and which is not commonly used in the district, he shall refuse to register the document, unless it be accompanied by a true translation into a language commonly used in the district and also by a true copy.

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

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

Description of houses and land by reference to government maps of surveys 1 Where it is, in the opinion of the State Government, practicable to describe houses, not being houses in towns, and lands by reference to a government map or survey, the State Government may, by rule made under this Act, require that such houses and lands as aforesaid shall, for the purposes of section 21, be so described.

Time for presenting documents Subject to the provisions contained in sections 24, 25 and 26, no document other than a will shall be accepted for registration unless presented for that purpose to the proper officer within four months from the date of its execution: PROVIDED that a copy of a decree or order may be presented within four months from the date on which the decree or order was made or, where it is appealable,

within four months from the day on which it becomes final. PROVIDED that, within three months from the twelfth day of September, , any person claiming under a document to which this section applies may present the same or cause the same to be presented for re-registration in accordance with this section, whatever may have been the time when he first became aware that the registration of the document was invalid. Documents executed by several persons at different times Where there are several persons executing a document at different times, such document may be presented for registration and re-registration within four months from the date of each execution. Provision where delay in presentation is unavoidable 1 If ,owing to urgent necessity or unavoidable accident, any document executed, or copy of a decree or order made, in 18[India] is not presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, the Registrar, in cases where the delay in presentation does not exceed four months, may direct that, on payment of a fine not exceeding ten times the amount of the proper registration-fee, such document shall be accepted for registration. Documents executed out of India When a document purporting to have been executed by all or any of the parties out of 18[India] is not presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, the registering officer, if satisfied- a that the instrument was so executed, and b that it has been presented for registration within four months after its arrival in 18[India] may, on payment of the proper registration-fee, accept such document for registration. Wills may be presented or deposited at any time A will may at any time be presented for registration or deposited in manner hereinafter provided. 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 , 19[d and e , section 17, sub-section. Place for registering other documents 1 Every document 21[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 State Government at which all the persons executing and claiming under the document desire the same to be registered. 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. 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. Persons to present documents for registration Except in the cases mentioned in 24[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 assignee 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. Power-of-attorney recognisable for purposes of section 32 1 For the purposes of section 32, the following powers-of-attorney shall alone be recognised, namely: 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. In this sub-section "India" means India, as defined in clause 28 of section 3 of the General Clauses Act, 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 person executing such document, or their representatives, assigns or agents authorised as aforesaid, appear before the registering officer within the time allowed for presentation under sections 23, 24, 25 and 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. Procedure on admission

and denial of execution respectively 1 a If all the persons executing the document appear personally before the registering officer and are personally known to him, or if he be otherwise satisfied that they are the persons they represent themselves to be, and if they all admit the execution of the document, or b If in the case of any person appearing by a representative, assignee or agent, such representative, assignee or agent admits the execution, or c If the person executing the document is dead, and his representative or assignee appears before the registering officer and admits the execution, the registering officer shall register the document as directed in sections 58 to 61, inclusive. Procedure where appearance of executant or witness is desired If any person presenting any document for registration or claiming under any document, which is capable of being so presented, desires the appearance of any person whose presence or testimony is necessary for the registration of such document, the registering officer may, in his discretion, call upon such officer or court as the State Government directs in this behalf to issue a summons requiring him to appear at the registration-office, either in person or by duly authorised agent, as in the summons may be mentioned, and at a time named therein. Persons exempt from appearance at registration office 1 a A person who by reason of bodily infirmity is unable without risk or serious inconvenience to appear at the registration-office, or b a person in jail under civil or criminal process, or c persons exempt by law from personal appearance in court, and who would but for the provisions next hereinafter contained be required to appear in person at the registration-office, shall not be required so to appear. 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. 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. 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. Deposit of Wills Any testator may, either personally or by duly authorised 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. 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. Withdrawal of sealed cover deposited under section 42 If the testator who has deposited such cover wishes to withdraw it, he may apply, either personally or by duly authorised agent, to the Registrar who holds it in deposit, and such Registrar, if satisfied that the applicant is actually the testator or his agent, shall deliver the cover accordingly. Saving of certain enactments and powers of courts 1 Nothing hereinbefore contained shall affect the provisions of section of the Indian Succession Act, , or of section 81 of the Probate and Administration Act, , or the power of any court by order to compel the production of any will. Time from which registered document operates A registered document shall operate from the time from which it would have commenced to operate if no registration thereof had been required or made, and not from the time of its registration. Registered documents relating to property when to take effect against oral agreements All non-testamentary documents duly registered under this Act, and relating to any property, whether movable or immovable, shall take effect against any oral agreement or declaration relating to such property, unless where the agreement or declaration has been accompanied or followed by delivery of possession 12[and the same constitutes a valid transfer under any law for the time being in force: PROVIDED that a mortgage by deposit of title-deeds as defined in section 58 of the Transfer of Property Act, , shall take effect against any mortgage-deed subsequently executed and registered which relates to the same property. Effect of non-registration of documents required to be registered No document required by section 17 32[or by any provision of the Transfer of Property Act,] 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: 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. In cases where Act No. XVI of or the Indian Registration Act, , 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, , not registered under the Indian Registration Act, , or the Indian Registration Act, , or this Act.

Register books to be kept in the several offices 1 The following books shall be kept in the several offices hereinafter named, namely: Duties of registering officers when document presented 1 a The day, hour and place of presentation, and the signature of every person presenting a document for registration, shall be endorsed on every such document at the time of presenting it; b a receipt for such document shall be given by the registering officer to the person presenting the same; and c subject to the provisions contained in section 62, every document admitted to registration shall without unnecessary delay be copied in the book appropriated therefor according to the order of its admission. 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. 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. 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. III and 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. 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. III shall contain the names and additions of all persons executing every will and authority entered in Book No. IV shall contain the names and additions of all persons executing and of all persons claiming under every document entered in Book No. Copy of entries in Indexes Nos. 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 Book Nos. B As to the procedure on admitting to registration Particulars to be endorsed on documents admitted to registration 1 On every document admitted to registration, other than a copy of a decree or order, or a copy sent to a registering officer under section 89, there shall be endorsed from time to time the following particulars, namely,- a the signature and addition of every person admitting the execution of the document, and, if such execution has been admitted by the representative, assignee or agent of any person, the signature and addition of such representative, assignee or agent; b the signature and addition of every person examined in reference to such document under any of the provisions of this Act; and c any payment of money or delivery of goods made in the presence of the registering officer in reference to the execution of the document, and any admission of receipt of consideration, in whole or in part, made in his presence in reference to such execution. 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. 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. 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. 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. Power to administer oaths and record of substances 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. C Special duties of Sub-Registrar 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. 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 district in which his own sub-district is situate. D Special duties of Registrar 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. Procedure after registration under section 30, sub-section 2 On any document being registered under section 30, sub-section 2, a copy of such document and of the endorsements and certificate thereon shall be forwarded to every Registrar within whose district any part of the property to which the instrument relates is situate, and the Registrar receiving such copy shall follow the procedure prescribed for him in section 66, sub-section 1. E Of the controlling powers of Registrars and Inspector-General Powers 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. 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. 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. Reasons for refusal to register to be recorded 1 Every Sub-Registrar refusing to register a document, except on the ground that the property to which it relates is not situate within his sub-district, shall make an order of refusal and record his reasons for such order in his Book No. Appeal to Registrar from orders of Sub-Registrar refusing registration on grounds other than denial of execution l. Except where the refusal is made on the ground of denial of execution, an appeal shall lie against an order of a Sub-Registrar refusing to admit a document to registration whether the registration of such document is compulsory or optional to the Registrar to whom such Sub-Registrar is subordinate, if presented to such Registrar within thirty days from the date of the order; and the Registrar may reverse or alter such order. Application to Registrar where Sub-Registrar refuses to register on ground of denial of execution 1 When a Sub-Registrar has refused to register a document on the ground that any person by whom it purports to be executed, or his representative or assign, denies its execution, any person claiming under such document, or his representative, assignee or agent authorised as aforesaid, may, within thirty days after the making of the order of refusal, apply to the Registrar to whom such Sub-Registrar is subordinate in order to establish his right to have the document registered. Procedure of Registrar on such application In such case, and also where such denial as aforesaid is made before a Registrar in respect of a document presented for registration to him, the Registrar shall, as soon as conveniently may be, enquire- a whether the document has been executed; b whether the requirements of the law for the time being in force have been complied with on the part of the applicant or person presenting the document for registration, as the case may be, so as to entitle the document to registration. Order by Registrar to register and procedure thereon 1 If the Registrar finds that the document has been executed and that the said requirements have been complied with, he shall order the document to be registered. Order of refusal by Registrar 1 Every Registrar refusing- a to register a document except on the ground that the property to which it relates does not situate within his district or that the document ought to be registered in the office of a Sub-Registrar, or b to direct the registration of a document under section 72 or section 75, shall make an order of refusal and record the reasons for such order in his Book No. Suit in case of order of refusal by Registrar 1 Where the Registrar refuses to order the document to be registered, under section 72 or section 76, any person claiming under such document, or his representative, assignee or agent, may, within thirty days after the

making of the order of refusal, institute in the civil court, within the local limits of whose original jurisdiction is situate the office in which the document is sought to be registered, a suit for a decree directing the document to be registered in such office if it be duly presented for registration within thirty days after the passing of such decree. Publication of fees A table of the fees so payable shall be published in the Official Gazette, and a copy thereof in English and the vernacular language of the district shall be exposed to public view in every registration office. Fees payable on presentation All fees for the registration of documents under this Act shall be payable on the presentation of such documents. Penalty for incorrectly endorsing, copying, translating or registering documents with intent to injure Every registering officer appointed under this Act and every person employed in his office for the purposes of this Act, who, being charged with the endorsing, copying, translating or registering of any document presented or deposited under its provisions, endorses, copies, translates or registers such document in a manner which he knows or believes to be incorrect, intending thereby to cause or knowing it to be likely that he may thereby cause injury, as defined in the Indian Penal Code, to any person, shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both. Penalty for making false statements, delivering false copies or translations, false personation, and abetment Whoever- a intentionally makes any false statement, whether on oath or not, and whether it has been recorded or not, before any officer acting in execution of this Act, in any proceeding or enquiry under this Act; or b intentionally delivers to a registering officer, in any proceeding under section 19 or section 21, a false copy or translation of a document, or a false copy of a map or plan; or c falsely personates another, and in such assumed character presents any document, or makes any admission or statement, or causes any summons or commission to be issued, or does any other act in any proceeding or enquiry under this Act; or d abets anything made punishable by this Act; shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both. Registering officers to be deemed public servants 1 Every registering officer appointed under this Act shall be deemed to be a public servant within the meaning of the Indian Penal Code. Destruction of unclaimed documents Documents other than wills remaining unclaimed in any registration-office for a period exceeding two years may be destroyed. Registering officer not liable for things bona fide done or refused in his official capacity No registering officer shall be liable to any suit, claim or demand by reason of anything in good faith done or refused in his official capacity. Nothing so done invalidated by defect in appointment or procedure Nothing done in good faith pursuant to this Act or any Act hereby repealed, by any registering officer, shall be deemed invalid merely by reason of any defect in his appointment or procedure. Registration of documents executed by government officers or certain public functionaries 1 Notwithstanding anything contained in this Act, it shall not be necessary for - a any officer of government, or b any Administrator General, Official Trustee or Official Assignee, or c the Sheriff, Receiver or Registrar of a High Court, or d the holder for the time being of such other public office as may be specified in a notification in the Official Gazette issued in that behalf by the State Government, to appear in person or by agent at any registration-office in any proceeding connected with the registration of any instrument executed by him or in his favour, in his official capacity, or to sign as provided in section