

THE REGISTRATION ACT, 1908

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Part - II
THE REGISTRATION ACT, 1908
(Act No 16 of 1908)

(18th December, 1908)

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

PART-I

Preliminary

1. Short title, extent and commencement: (1) This Act may be called the ²[xxx] Registration Act, 1908.

³(2) It extends to the whole of India except the State of Jammu and Kashmir:

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

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

2. Definitions: In this Act, unless there is anything repugnant in the subject or context :

(1) "addition" means the place of residence, and the profession, trade, rank and title (if any) of a person described, and in the case of ⁴[an Indian], ⁵[xxx] his father's name, or where he is usually described as the son of his mother, then his mother's name;

(2) "book" includes a portion of a book and also any number of sheets connected together with a view of forming a book or portion of a book;

(3) "district" and "sub-district" respectively mean a district and sub-district formed under this Act;

(4) "District Court" includes the High Court in its ordinary original civil jurisdiction;

-
1. It has been amended in its application to West Bengal by Ben. Act No. 5 of 1942 and West Ben. Acts 29 of 1950 and 31 of 1951; to Bombay by Bombay Acts 5 of 1929, 17 of 1930, 18 of 1933, 24 of 1938, 14 of 1939 and 10 of 1942; to the C.P. by C.P. Act 1 of 1937 and M.P. Act 8 of 1955; to Madras and Andhra by Madras Acts 3 of 1936 and 17 of 1952; to Orisa by Orisa Act 3 of 1933; to the Punjab Act 8 of 1941 and to Bihar by Bihar Acts 14 of 1947 and 24 of 1952.
 2. The word "Indian" omitted by the Indian Registration (Amendment) Act, 1969, Sec. 2 (w.e.f. 26.12.1969).
 3. Substituted by Act 3 of 1951, s. 3 and Sch. (w.e.f. 1.4.1951)
 4. Substituted by the A.O. 1950 for "a Native of India" (w.e.f. 26.1.1950).
 5. The words "his caste (if any) and" omitted by Act 17 of 1956, s 2 (w.e.f. 6.4.1956).

- (1) "endorsement" and "endorsed" include and apply to an entry in writing by a registering officer on a rider or covering slip to any document tendered for registration under this Act;
- (2) "immovable property" includes land, buildings, hereditary allowances, rights to ways, lights, ferries, fisheries or any other benefit to arise out of land, and things attached to the earth or permanently fastened to anything which is attached to the earth, but not standing timber, growing crops and grass;
- ⁴[(6A) "India" means the territory of India excluding the State of Jammu and Kashmir;]
- (3) "lease" includes a counterpart, kabuliyat, an undertaking to cultivate or occupy and agreement to lease;
- (4) "minor" means a person who, according to the personal law to which he is subject, has not attained majority;
- (5) "movable property" includes standing timber, growing crops and grass, fruit upon and juice in trees, and property of every other description except immovable property; and
- (6) "Representative" includes the guardian of a minor and the committee or other legal curator of a lunatic or idiot.
- (7) ¹[xxx]

PART - II

Of the Registration-establishment

3. Inspector General of Registration:

- (1) ²[The State Government] shall appoint an officer to be the Inspector-General of Registration for the territories subject to such Government: Provided that the ²[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 ²[State Government] appoints in this behalf.
- (2) Any Inspector-General may hold simultaneously any other office under the ³[Government].

4. Branch Inspector-General of Sindh: [Rep. by the G.O. I Orders 1937]

1. Clause (11) inserted by the A.O. 1950, Omitted by Act 3 of 1951 s. 3 and Sch. (w.e.f. 1.4.1951)
2. Substituted by the A.O. 1950 for "Provincial Government"
3. Substituted by the A.O. 1950 for "Crown".
4. Inserted by Act 3 of 1951 sec. 3 and Sch. (w.e.f. 1.4.1951)

5. Districts and sub-districts :

(1) For the purposes of this Act, the ¹[State Government] shall form districts and sub-districts, and shall prescribe, and may alter, the limits of such districts and sub-districts,

(2) The districts and sub-districts formed under this section, together with the limits thereof, and every alteration of such limits, shall be notified in the ³[Official Gazette.]

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

6. Registrars and sub-Registrars: The ¹[State Government] may appoint such persons whether public officers or not, as it thinks proper, to be Registrars of the several districts, and to be Sub-Registrars of the several sub-districts, formed as aforesaid, respectively.

⁴[xxx]

7. Offices of Registrar and Sub-Registrar:

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

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

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

8. ²[8. Officers of Registration offices:

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

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

9. Military cantonments may be declared sub districts or districts: [Rep. by the Repealing and Amending Act, 1927 (10 of 1927), s. 3 and Sch II.]

1. Substituted by the A.O. 1950 for "Provincial government"

2. Substituted by the Raj. Act. No. 11 of 1982 w.e.f. 16.7.1982.

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

4. Proviso omitted by the A.O. 1937

10. Absence of Registrar or vacancy in his office:

(1) When any Registrar, other than the Registrar of a district including a presidency town, is absent otherwise than on duty in his district, or when his office is temporarily vacant, any person whom the Inspector-General appoints in this behalf, or, in default of such appointment, the Judge of the District Court within the local limits of whose jurisdiction the Registrar's office is situate, shall be the Registrar during such absence or until the ¹[State Government] fills up the vacancy.

(2) When the Registrar of a district including a presidency town is absent otherwise than on duty in his district, or when his office is temporarily vacant, any person whom the Inspector-General appoints in this behalf shall be the Registrar during such absence, or until the ¹[State Government] fills up the vacancy.

11. Absence of Registrar on duty in his district: When any Registrar is absent from his office on duty in his district, he may appoint any Sub-registrar or other person in his district to perform, during such absence all the duties of a Registrar except those mentioned in section 68 and 72.

12. Absence of Sub-Registrar or vacancy in his office: When any Sub-Registrar is absent, or when his office is temporarily vacant, any person whom the Registrar of the district appoints in this behalf shall be Sub-Registrar during such absence, or until ²[the vacancy is filled up.]

13. Report to ¹[State Government] of appointments under section 10, 11 and 12 (1) ³[x x x] All appointments made under section 10, section 11 or section 12 shall be reported to the ¹[State Government] by the Inspector-General.

(2) Such report shall be either special or general as the ¹[State Government] directs.

³[(3)]

14. Establishments of registering offices: (1) ³[x x x]

(2) The ¹[State Government] may allow proper establishments for the several offices under this Act.

15. Seal of registering officers: The several Registrars and Sub-Registrars shall use a seal bearing the following inscription in English and in such others language as the ¹[State Government] directs.

"The seal of the Registrar (or of the Sub-Registrar) of."

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

2. Subs. by Act 4 of 1914, s. 2 and Sh., Pt., I, for "the Local Government fills up the vacancy".

3. Omitted by the A.O. 1937.

16. Register, books and fire proof boxes:

(1) The ¹[State Government] shall provide for the office of every registering officer, the books necessary for the purposes of this Act.

(2) The books so provided shall contain the forms from time to time prescribed by the Inspector-General with the sanction of the ¹[State Government], and the pages of such books shall be consecutively numbered in print, and the number of pages in each book shall be certified on the title-page by the officer by whom such books are issued.

(3) The ¹[State Government] shall supply the office of every Registrar with a fire-proof box, and shall in each district make suitable provision for the safe custody of the records connected with the registration of documents in such district.

²[16A. Keeping of books in computer floppies, diskettes etc:

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

(2) Notwithstanding anything contained in this Act or in any other law for the time being in force, a copy or extracts from the book kept under sub-section(1) given by the registering officer under his hand and seal shall be deemed to be a copy given under section 57 for the purposes of sub-section(5) of that section.]

PART-III

Of Registrable Documents

17. Documents of which registration is compulsory:

(1) The following documents shall be registered, if the property to which they relate is situate in a district in which, and if they have been executed on or after the date on which, Act No. XVI of 1864, or the Indian Registration Act, 1866 (XX of 1866) or the Indian Registration Act, 1871 (VIII of 1871) or the Indian Registration Act, 1877,(III of 1877), or this Act came or comes in to force, namely:

(a) Instruments of gift of immovable property;

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

2. Inserted by Act 48 of 2001, sec. 2 (w.e.f. 21.9.2001).

- (b) Other non-testamentary instruments which purport or operate to create, declare, assign, limit or extinguish whether in present or in future, any right, title or interest whether vested or contingent, of the value of one hundred rupees and upwards, to or in immovable property;
- (a) Non-testamentary instruments which acknowledge the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest; and
- (b) Leases of immovable property from year to year, or for any term exceeding one year, or reserving a yearly rent; and
- ¹[(e) non-testamentary instruments transferring or assigning any decree or order of a Court or any award when such decree or order or award purports or operates to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, or the value of one hundred rupees and upwards, to or in immovable property;]
- ²[(f) agreement to sell immovable property possession whereof has been or is handed over to the purported purchaser;]
- ²[(g) irrevocable power of attorney relating to transfer of immovable property in any way :]
- Provided that the ³[State Government] may, by order published in the ⁴[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.
- ⁵[(1A) The documents containing contracts to transfer for consideration, any immovable property for the purpose of section 53A of the Transfer of Property Act, 1882 (4 of 1882), shall be registered if they have been executed on or after the commencement of the Registration and Other Related laws (Amendment) Act, 2001, and if such documents are not registered on or after such commencement, then, they shall have no effect for the purposes of the said section 53A.]

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

2. Inserted by the Registration (Raj. Amendment) Act 18 of 1989 w.e.f. 18.09.89

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

- (2) Nothing in clauses (b) and (c) of sub-section (1) applies to:
- (i) any composition deed; or
 - (ii) any instrument relating to shares in a joint-stock company, notwithstanding that the assets of such company consist in whole or in part of immovable property; or
 - (iii) any debenture issued by any such company and not creating, declaring, assigning, limiting or extinguishing any right, title or interest, to or in immovable property except in so far as it entitles the holder to the security afforded by a registered instrument whereby the company has mortgaged, conveyed or otherwise transferred the whole or part of its immovable property or any interest therein to trustees upon trust for the benefit of the holders of such debentures; or
 - (iv) any endorsement upon or transfer of any debenture issued by any such company; or
 - (v) ¹[any document other than the documents specified in sub-section (1A)] not itself creating, declaring, assigning, limiting or extinguishing any right, title or interest of the value of one hundred rupees and upwards to or in immovable property, but merely creating a right to obtain another document which will when executed, create, declare, assign, limit or extinguish any such right, title or interest; or
 - (vi) any decree or order of a Court ²[except a decree or order expressed to be made on a compromise and comprising immovable property other than that which is the subject matter of the suit or proceeding]; or
 - (vii) any grant of immovable property by the ⁴[Government]; or
 - (viii) any instrument of partition made by a Revenue Officer; or
 - (ix) any order granting a loan or instrument of collateral security granted under the Land Improvement Act, 1871, (XXVI of 1871) or the Land Improvement Loans Act, 1883 (XIX of 1883); or
 - (x) any order granting a loan under the Agriculturists Loans Act, 1884, (XII of 1884) or instrument for securing the repayment of a loan made under that Act; or

4. Substituted by the A.O. 1937, for "local official Gazette".

5. Inserted by Act 48 of 2001, sec. 3(a) (w.e.f. 24.9.2001) the Registration and Other Related Laws (Amendment) Act, 2001

- ³[(x a) any order made under the Charitable Endowments Act, 1890 (VI of, 1890) vesting any property in a Treasurer of Charitable Endowments or divesting any such Treasurer of any property; or]
- (xi) any endorsement on a mortgage-deed acknowledging the payment of the whole or any part of the mortgage-money, and any other receipt for payment of money due under a mortgage when the receipt does not purport to extinguish the mortgage; or
- (xii) any certificate of sale granted to the purchaser of any property sold by public auction by a civil or Revenue Officer, ⁵[or]
- ¹[(xiii) any instrument referred to in sub-section 5 of section 89].

Explanation: ²[xxx]

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

18. Documents of which registration is optional: Any of the following documents may be registered under this Act, namely:

- (a) instruments (other than instruments of gift and wills) which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of a value less than one hundred rupees, to or in immovable property;
- (b) instruments acknowledging the receipt or payment of any consideration on account of the creation consideration, assignment, limitation or extinction of any such right, title or interest;
- (c) Leases of immovable property for any term not exceeding one year, and lease exempted under section 17;
- ³[(cc) instruments transferring or assigning any decree or order of a Court or any award when such decree or order or award purports or operates to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of a value less than one hundred rupees, to or in immovable property;]

1. Substituted by Act 48 of 2001, sec. 3(a), for "any document" (w.e.f. 24.9.2001).
 2. Substituted by Act 21 of 1929, s. 10, for "and any award".
 3. Inserted by Act 39 of 1948, s 2 (w.e.f. 3.9.1948).
 4. Substituted by the A.O. 1950, for "Crown",
 5. Inserted by Act 16 of 1976, sec. 2 (w.e.f. 13.2.1976)

- (d) instruments (other than wills) which purport or operate to create, declare, assign, limit or extinguish any right, title or interest to or in movable property;
- (e) wills; and
- (f) all other documents not required by section 17 to be registered.

19. Documents in language not understood by registering officer: if any document duly presented for registration be in a language which the registering officer does not understand, and which is not commonly used in the district, he shall refuse to register the document, unless it be accompanied by 4[two copies of the true translation] into a language commonly used in the district and also by a true copy.

¹**[19-A. Refusal to register:** Notwithstanding anything contained in this Act, the registering officer shall refuse to register any document presented to him for registration unless such document is accompanied by a true or photostate copy thereof.]

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

(2) If the registering officer registers any such documents, he shall, at the time of registering the same, make a note in the register of such interlineations, blank, erasure or alteration.

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

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

1. Inserted by Act No. 16 of 1976, sec. 2 (w.e.f. 13.2.1976).

2. Omitted by Act No. 18 of 1989 sec. 2 (w.e.f. 18.9.1989).

3. Inserted by Act 33 of 1940, s. 2.

4. Substituted by Raj. Act No. 11 of 1982, sec. 3 (w.e.f. 16.7.1982).

(3) Others houses and lands shall be described by their name, if any, and as being in the territorial division in which they are situate, and by their superficial contents, the roads and other properties on to which they abut, and their existing occupancies, and also, whenever it is practicable, by reference to a Government map or survey.

(4) No non-testamentary document containing in a map or plan of any property comprised therein shall be accepted for registration unless it is accompanied by a true copy of the map or plan, or, in case such property is situate in several districts, by such number of true copies of the map or plan as are equal to the number of such districts.

22. Description of houses and land by reference to Government maps or surveys: (1) Where it is, in the opinion of the ²[State Government] practicable to describe houses, not being houses in towns, and lands by reference to a Government map or survey, the ²[State Government] may, by rule made under this Act, require that such houses, and lands as aforesaid shall, for the purpose of sections 21, be so described.

(2) Save as otherwise provided by and rule made under sub-section (1), failure or comply with the provisions of section 21, sub-section (2) or sub-property (3), shall not disentitle a document to be registered if the description of the property to which it relates is sufficient to identify that property.

¹**[22-A. Documents registration of which is opposed to public policy:** (1) The State Government may, by notification in the official Gazette, declare that the registration of any documents or class of documents or class of document is opposed to the public policy.

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

1. Inserted by Raj. Act No. 11 of 1982, sec. 4 (w.e.f. 16.7.1982).

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

PART-IV

Of the time of presentation

23. 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.

²[**23A. Re-registration of certain documents:** Notwithstanding anything to the contrary contained in this Act, if in any case a document requiring registration has been accepted for registration by a Register or Sub-Registrar from a person not duly empowered to present the same, and has been registered, any person claiming under such document may, within four months from his first becoming aware that the registration of such document is invalid, present such document or cause the same to be presented in accordance with the provisions of Part VI for re-registration in the office of the Registrar of the district in which the document was originally registered; and upon the Registrar being satisfied that the document was so accepted for registration from a person not duly empowered to present the same, he shall proceed to the re-registration of the document as if it had not been previously registered, and as if such presentation for re-registration was a presentation for registration made within the time allowed therefore under Part IV, and all the provisions of this Act, as to registration of documents shall apply to such re-registration; and such document if duly re-registered in accordance with the provisions of this section, shall be deemed to have been duly registered for all purposes from the date of its original registration:

1. Inserted by Raj. Act No. 16 of 1976, sec. 2 (w.e.f. 13.2.1976).

2. Inserted by Act 15 of 1917, s. 2.

Provided that, within three months from the twelfth day of September, 1917, any person claiming under a document to which this section applies may present the same or cause the same to be presented for re-registration in accordance with this section, whatever may have been the time when he first became aware that the registration of the document was invalid.]

- 24. Document 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.
- 25. Provision where delay in presentation is unavoidable:** (1) If, owing to urgent necessity or unavoidable accident, any document executed, or copy of a decree or order made, in ¹[India] is not presented for registration, till after the expiration of the time hereinbefore prescribed in that behalf, the ²[Registering Officer] in cases where the delay in presentation does not exceed four months, may ²[Register the document], on payment of a fine not exceeding ten times the amount of the proper registration-fee ²[on such document.]
(2) ³[x x x]
- 26. Document executed out of India:** When a document purporting to have been executed by all or any of the parties out of ⁴[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 ⁴[India]
may, on payment of the proper registration-fee, accept such document for registration.
- 27. Will may be presented or deposited at any time:** A will may at any time be presented for registration or deposited in manner hereinafter provided.

1. Substituted by Act 3 of 1951, s. 3 of Sch, for "the States" (w.e.f. 1.4.1951)

2. Substituted by Act 18 of 1989, sec. 3 (w.e.f. 18.9.1989), for the "Registrar", "direct that" and "such document shall be accepted for registration" respectively.

3. Omitted by Act 18 of 1989 (w.e.f. 18.9.1989).

4. Substituted by Act 3 of 1951, s. 3 and Sch, for "the States" (w.e.f. 1.4.1951).

PART-V

Of the place of Registration

- 28. Place for registering document relating to land:** Save as in this part otherwise provided, every document mentioned in section 17, sub-section (1) clauses (a),(b),(c) ¹[, (d) and (e), section 17, sub-section (2), insofar as such document affects immovable property,] and section 18, clauses (a), (b) ²[,(c) and (cc),] shall be presented for registration in the office of a Sub-Registrar within whose sub-district the whole or some portion of the property to which such document relates, is situate.
- 29. Place for registering other documents:** (1) Every document ³[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 Sub-Registrar in whose sub-district the document was executed, or in the office of any other Sub-Registrar under the ⁵[State Government] at which all the persons executing and claiming under the document desire the same to be registered.
- (2) A copy of decree or order may be presented for registration in the office of the Sub-Registrar in whose sub-district the original decree or order was made, or, where the decree or order does not affect immovable property, in the office of any other Sub-Registrar under the ⁵[State Government] at which all the persons claiming under the decree or order desire the copy to be registered.
- 30. Registration by Registrars in certain cases:** ⁴[xxx] Any Registrar may in his discretion receive and register any document which might be registered by any Sub-Registrar subordinate to him.
- 31. Registration or acceptance for deposit at private residence:** In ordinary cases the registration or deposit of documents under this Act shall be made only at the office of the officer authorised to accept the same for registration or deposit:
Provided that such officer may on special cause being shown attend at the residence of the person desiring to present a document for registration or to deposit a will, and accept for registration or deposit such document or will.

1. Substituted by Act 33 of 1940 s. 3 for "and (d)".

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

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

4. Omitted by Act 18 of 1989 the brackets and figure "(1)" and "(2)".

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

PART-VI
Of Presenting Document for Registration

32. Persons to present document for registration: Except in the cases mentioned in ¹[sections 31, 88 and 89], every documents to be registered under this Act, whether such registration be compulsory or optional, shall be presented at the proper registration-office:
- (a) by such 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, of
 - (b) by the representative or assign of such a person, or
 - (c) by the agent of such person, representative or assign, duly authorized by power-of-attorney executed and authenticated in manner hereinafter mentioned.

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

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

- 33. Power-of-attorney recognizable for purposes of section 32:** (1) For the purposes of section 32, the following power-of-attorney shall alone be recognized, namely:
- (a) if the principal at the time of executing the power-of-attorney resides in any part of ²[India] in which this Act is for the time being in force, a power-of-attorney executed before and authenticated by the Registrar or Sub-Registrar within whose district or sub-district the principal resides;
 - (b) if the principal at the time aforesaid ³[resides in any part of India in which this Act is not in force], a power-of-attorney executed before and authenticated by any Magistrate;
 - (c) if the principal at the time aforesaid does not reside in ²[India], a power-of-attorney executed before and authenticated by a Notary

1. Inserted by Act 48 of 2001, sec, 5 (w.e.f. 24.9.2001).

2. Substituted by Act 3 of 1951, s. 3 and Sch. For "the States" (w.e.f. 1.4.1951).

3. Substituted by Act 3 of 1951, sec. 3 and Sch. For "resides in any other part of the States" (w.e.f. 1.4.1951).

4. Substituted by the A.O. 1950 for "British"

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

Public, or any Court, Judge, Magistrate, ⁴[Indian] Consul or Vice-Consul, or representative ⁵[xxx] of the Central Government:

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

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

¹[**Explanation:** In this sub-section "India" means India, as defined in clause (28) of section 3 of the general Clauses Act, 1897, (10 of 1897)].

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

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

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

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

Provided that, if owing to urgent necessity or unavoidable accident all such persons do not so appear, the Registrar, in cases where the delay in appearing does not exceed four months, may direct that on payment of a fine not exceeding ten times the amount of the proper registration

1. Inserted by Act 3 of 1951, s. 3 and Sch. (w.e.f. 1.4.1951)

fee, in addition to the fine, if any, payable under section 25, the document may be registered.

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

(3) The registering officer shall thereupon:

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

(b) satisfy himself as to the identity of the persons appearing before him and alleging that they have executed the document; and

(c) in the case of any person appearing as a representative, assign or agent, satisfy himself of the right of such person so to appear.

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

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

35. Procedure on admission and denial of execution respectively:

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

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

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

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

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

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

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

(c) if any person by whom the document purports to be executed is dead, and his representative or assign denies its execution. The registering officer shall refuse to register the document as to the person so denying, appearing or dead:

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

¹[Provided further that the ²[State Government] may, by notification in the ³[official Gazette], declare that any Sub-Registrar named in the notification shall, in respect of documents the execution of which is denied, be deemed to be a Registrar for the purposes of this sub-section and of Part XII.]

PART-VII

Of Enforcing the Appearance of Executants And Witnesses

36. Procedure when appearance of Executants 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 ²[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.

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

38. Persons exempt from appearance at registration office:

- (1) (a) A person who by reason of bodily infirmity is unable without risk or serious inconvenience to appear at the registration office, or
- (b) a person in jail under civil or criminal process, or
- (c) persons exempt by law from personal appearance in Court, and who would but for the provision next hereinafter contained be required to appear in person at the registration-office, shall not be required so to appear.

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

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

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

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

39. Law as to summonses, commissions and witnesses: The law in force for the time being as to summons, 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 summon or commission issued and any person summoned to appear under the provisions of this Act.

PART-VIII

Of Presenting wills and Authorities to Adopt

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

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

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

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

(a) that the will or authority was executed by the testator or donor, as the case may be;

(b) that the testator or donor is dead; and

(c) that the person presenting the will or authority is, under section 40, entitled to present the same.

PART-IX

Of the Deposit of Wills

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

43. Procedure on deposit of wills: (1) On receiving such cover, the Registrar, if satisfied that the person presenting for deposits is the

testator or his agent, shall transcribe in his Register-book No. 5 the superscription aforesaid, and shall note in the same book and on the said cover the year, month, day and hour of such presentation and receipt, and the names of any persons who may testify to the identity of the testator or his agent, and any legible inscription which may be on the seal of the cover.

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

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

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

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

46. Saving of certain enactments and powers of Courts: (1) Nothing hereinbefore contained shall affect the provisions of section 259 of the Indian Succession Act, 1865 ¹[10 of 1865] or of section 81 of the probate and Administration Act, 1881 ¹[5 of 1881] or the power of any Court by order to compel the production of any will.

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

PART-X

Of the Effects of Registration and Non-Registration

47. Time from which registered document operates: A registered document shall operate from the time from which it would have

1. See now the Indian Succession Act, 1925 (39 of 1925).

2. Added by Act 21 of 1929, s. 10.

Commenced to operate if no registration thereof had been required or made, and not from the time of its registration.

48. Registered documents relating to property when to take effect against oral agreements: All non-testamentary documents duly registered under this Act, and relating to any property, whether movable or immovable, shall take effect against any oral agreement or declaration relating to such property, unless where the agreement or declaration has been accompanied or followed by delivery of possession ²[and the same constitutes a valid transfer under any law for the time being in force:

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

49. Effect of non-registration of documents required to be registered No document required by section 17 ¹[or any provision of the Transfer of property Act, 1882 (4 of 1882)], to be registered shall:

- (a) affect any immovable property comprised therein, or
 - (b) confer any power to adopt, or
 - (c) be received as evidence of any transaction affecting such property or conferring such power;
- unless it has been registered:

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

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

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

2. The words "or as evidence of part performance of a contract for the purposes of section 53A of the Transfer of Property Act, 1882 (4 of 1882)" omitted by the Registration and other related laws (Amendment) Act, 2001, Act No. 48 of 2001, sec. 6 (w.e.f. 24.9.2001).

(2) Nothing in sub-section (1) applies to leases exempted under the proviso to sub-section (1) of section 17 or to any document mentioned in sub-section (2) of the same section, or to any registered document which had not priority under the law in force at the commencement of this Act.

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

PART-XI
Of the Duties and Powers of Registering Officers
(A) As to the Register-books and indexes

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

A. In all registration-offices:

Book 1, "Register of non-testamentary documents relating to immovable property";

Book 2, "Record of reasons for refusal to register";

Book 3, "Register of wills and authorities to adopt"; and

Book 4, "Miscellaneous Register"

B. In the offices of Registrar:

Book 5, "Register of deposits of wills".

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

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

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

52. Duties of registering officers when document presented:

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

²[(c) Subject to the provisions contained in section 62, a true or photostate copy of every document admitted to registration shall without unnecessary delay, be pasted in the book appropriated therefore according to the order of its admission.]

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

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

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

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

Four such indexes shall be made in all registration offices, and shall be named, respectively, Index No-1, Index No-II, Index No-III and Index No-IV

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

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

1. Inserted by Act 48 of 2001, sec. 7 (w.e.f. 24.9.2001).

2. Substituted by Raj. Act 11 of 1982, sec. 5 (w.e.f. 16.7.1982).

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

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

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

56. Copy of entries in Indexes No-I, II and III to be sent by Sub-Registrar to Registrar and filed: [Rep by the Indian Registration (Amendment) Act, 1929 (15 of 1929), s. 2.]

57. Registering officers to allow inspection of certain books and indexes, and to give certified copies of entries:

(1) Subject to the previous payment of the fees payable in that behalf, the books no-1 and 2 and the indexes relating to book no-1 shall be at all times open to inspection by any person applying to inspect the same; and, subject to the provisions of section 62, copies of entries in such book shall be given to all persons applying for such copies.

(2) Subject to the same provisions, copies of entries in book no-3 and in the index relating thereto shall be given to the persons executing the documents to which such entries relate, or to their agents, and after the death of the Executants (but not before) to any person applying for such copies

(3) Subject to the same provisions, copies of entries in book no-4 and in the index thereto shall be given to any person executing or claiming under the documents to which such entries respectively refer, or to his agent or representative.

(4) The requisite search under this section for entries in book no-3 and 4 shall be made only by the registering officer.

(5) All copies given under this section shall be signed and sealed by the registering officer, and shall be admissible for the purpose of proving the contents of the original documents.

(B) As to the procedure on admitting to registration

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

(a) the signature and addition of every person admitting the execution of the document, and if such execution has been admitted by the representative, assign or agent of any person the signature and addition of such representative, assign or agent;

(b) the signature and addition of every person examined in reference to such document under any of the provisions of this Act; and

(c) any payment of money or delivery of goods made in the presence of the registering officer in reference to the execution of the document, and any admission of receipt of consideration, in whole or in part, made in his presence in reference to such execution.

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

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

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

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

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

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

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

62. Procedure on presenting document in language unknown to registering officer:¹

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

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

63. Power to administer oaths and record of substance of statements:

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

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

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

1. Substituted by the Raj. Act No. 11 of 1982 (w.e.f. 16.7.1982)

(C) Special duties of Sub-Registrar

64. Procedure where document relates to land in several sub-districts: (1) Every Sub-Registrar on registering a non-testamentary document relating to immovable property not wholly situate in his own sub-district shall make a memorandum thereof and of the endorsement and certificate (if any) thereon, and send the same to every other Sub-Registrar subordinate to the same Registrar as himself in whose sub-district any part of such property is situate, and such Sub-Registrar shall file the memorandum in his Book No-1.

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

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

(D) Special duties of Registrar

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

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

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

1. Deleted by the Raj. Act No. 18 of 1989 (w.e.f.).

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

67. ¹[xxx]

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

68. Power of Registrar to superintend and Control Sub-Registrars:

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

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

69. Power of Inspector-General to superintend registration offices and make rules:

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

(a) providing for the safe custody of books, papers and documents ⁵[xxx]

²[(aa) providing the manner in which and the safeguards subject to which the books may be kept in computer floppies or diskettes or in any other electronic form under sub-section (1) of section 16A;]

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

³[(bb)] providing for grant of licences to document writers, the revocation of such licences, the terms and conditions subject to which and the authority by whom such licence shall be granted and generally for all purposes connected with the writing of documents to be presented for registration.]

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

(b) Regulating the amount of fines imposed under section 25 and 34, respectively;

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

2. Inserted by the Act 48 of 2001, sec. 9 (w.e.f. 24.9.2001).

3. Inserted by Raj. Act No. 18 of 1953, s, 2 (w.e.f. 10.10.1953).

4. Inserted by Raj. Act No. 11 of 1982, sec. 4 (w.e.f. 16.7.1982).

- ⁴[(dd)] providing for recovery of deficit registration fee.]
- ⁴[(ddd)] providing for refund of registration fee paid in excess.]
- (c) Regulating the exercise of the discretion reposed on the registering officer by section 63.
- (d) Regulating the form in which registering officers are to make memoranda of documents;
- (e) Regulating the authentication by Registrars and Sub-Registrars of the books kept in their respective offices under section 51;
- ¹[(gg) regulating the manner in which the instrument referred to in sub-section (2) of section 88 may be presented for registration;]
- (f) Declaring the particulars to be contained in Indexes Nos. I, II, III and IV, and respectively
- (g) declaring the holidays that shall be observed in the registration offices; and
- (h) Generally, regulating the proceedings of the Registrars and Sub-Registrars.

(2) The rules so made shall be submitted to the ²[State Government] for approval, and, after they have been approved, they shall be published in the ⁴[Official Gazette], and on publication shall have effect as if enacted in this Act.

³[(3) The Inspector-General shall have power to issue any order consistent with this Act which he considers necessary in respect of any act or omission of any person subordinate to him or in respect of rectification of any error regarding the book or the office in which any document has been registered.]

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

1. Certain words rep. by Act 5 of 1917, sec. 6 and sch.
2. Inserted by Act 39 of 1948, sec. 4.
3. Substituted by the A.O. 1950, for "Provincial Government"
4. Added by Raj. Act 18 of 1989 sec. 6 (w.e.f. 18.9.1989).
5. Substituted by the A.O. 1937, for "Local Official Gazette".

PART-XII

Of Refusal to Register

71. Reasons for refusal to register to be recorded: (1) Every Sub-Registrar refusing to register a document, except on the ground that the property to which it relates is not situate within his sub-district, shall make an order of refusal and record his reasons for such order in his Book No-2 and endorse the words "registration refused" on the document; and, on application made by any person executing or claiming under the document, shall, without payment and unnecessary delay, give him a copy of the reasons so recorded.

(2) No registering officer shall accept for registration, a document so endorsed unless and until, under the provisions hereinafter contained; the document is directed to be registered.

72. Appeal to Registrar from orders of Sub-Registrar refusing registration on ground other than denial of execution: (1) Except where the refusal is made on the ground of denial of execution, an appeal shall lie against an order of a Sub-Registrar refusing to admit a document to registration (whether the registration of such document is compulsory or optional) to the Registrar to whom such Sub-Registrar is subordinate, if presented to such Registrar within thirty days from the date of the order; and the Registrar may reverse or alter such order.

(2) If the order of the Registrar directs the document to be registered and the document is duly presented for registration within thirty days after the making of such order, the Sub-Registrar shall obey the same, and thereupon shall, so far as may be practicable, follow the procedure prescribed in section 58, 59 and 60; and such registration shall take effect as if the document had been registered when it was first duly presented for registration.

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

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

74. Procedure of Registrar on such application: In such case, and also where such denial as aforesaid is made before a Registrar in respect of a document presented for registration to him, the Registrar shall, as soon as conveniently may be, enquire:

(a) whether the document has been executed;

(b) whether the requirements of the law for the time being in force have been complied with on the part of the applicant or person presenting the document for registration, as the case may be, so as to entitle the document to registration.

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

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

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

(4) The Registrar may, for the purpose of any enquiry under section 74, summon and enforce the attendance of witnesses, and compel them to give evidence, as if he were a Civil Court, and he may also direct by whom the whole or any part of the costs of any such enquiry shall be paid, and such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure, 1908 (5 of 1908).

76. Order of refusal by Registrar: (1) Every Registrar refusing:

(a) to register a document except on the ground that the property to which it relates is not situate within his district, or that the document ought to be registered in the office of a Sub-Registrar, or

(b) to direct the registration of a document under section 72 or section 75, shall make an order of refusal and record the reasons for such order in his Book No-2, and, on application made by any person executing or claiming under the document, shall, without unnecessary delay, give him a copy of the reasons so recorded.

(2) No appeal lies from any order by a Registrar under this section or section 72.

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

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

PART-XIII

Of the Fees for Registration, Searches, and Copies

78. Fees to be fixed by State Government: ¹[xxx] ³[(1). The ²[State Government] shall prepare a table of fees payable:

- (a) for the registration of documents;
- (b) for searching the registers;
- (c) for making or granting copies of reasons, entries or documents, before, on or after registration; and of extra or additional fees payable:
- (d) for every registration under section 30;
- (e) for the issue of commissions;
- (f) for filing translations;
- (g) for attending at private residences;
- (h) for the safe custody and return of documents and
- (i) for such other matters as appear to the Government necessary to effect the purpose of this Act,

³[(2) the State Government may, if in its opinion it is necessary in the public interest so to do, by order published in the official Gazette, remit or reduce the fees payable in respect of any of the matters enumerated in clause (a) to (i) of sub-section (1), either generally or for any particular class or classes of cases and in respect of persons generally or of any particular class or classes or persons.]

79. Publication of fees: A table of the fees so payable shall be published in the official Gazette, and a copy thereof in English and the vernacular language of the district shall be exposed to public view in every registration office.

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

⁴**[80A. Duty of Collector in proceedings under sections 47A and 47C of the Indian Stamp Act, 1899:** (a) Where during the course of the proceedings, if any, under section 47-A or section 47-C of the Indian Stamp Act, 1899, the Collector is satisfied that the fee for registration paid under this Act in respect of a document or instrument is in deficit, he shall determine, in the course of such proceedings, the deficient amount of fee and recover the same from the person liable to pay the deficient amount of stamp duty under the said section.

(2) The amount recoverable under this section shall be recovered as arrears of Land revenue.]

¹**[80B. Recovery of deficient registration fee as arrears of Land revenue:** If on inspection or otherwise, it is found that the fee payable under this Act in relation to any document which is registered, has not been paid or has been insufficiently paid, such fee may (after failure to pay the same of demand within the prescribe period) on a certificate of Inspector General of Registration or any other officer appointed under section 8, be recovered from the persons liable to pay the stamp duty as arrears of land revenue. Such certificate shall be final and shall not be called in question in any Court or before any authority:

Provided that no such certificate shall be granted unless due enquiry is made and such person has been given an opportunity, if being heard.]

1. The words "Subject to the control of the G.G. in C". rep. by Act 38 of 1920, s. 2 and Sch. 1.

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

3. Ins. By Act No. 16 of 1976 (w.e.f. 13.2.1976).

4. Inserted by Raj. Act No. 11 of 1982 sec. 8 (w.e.f. 16.7.1982).

PART-XIV Of Penalties

81. Penalty for incorrectly endorsing, copying, translating or registering document with intent to injure: Every registering officer appointed under this Act and every person employed in his office for the purposes of this Act, who, being charged with the endorsing, copying, translating or registering of any document presented or deposited under its provisions, endorses copies, translates or registers such document in a manner which he knows or believes to be incorrect, intending thereby to cause or knowing it to be likely that he may thereby cause, injury, as defined in the Indian Penal Code, (45 of 1860), to any person, shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

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

(a) intentionally makes any false statement, whether on oath or not, and whether it has been recorded or not, before any officer acting in execution of this Act, in any proceeding or enquiry under this Act; or

(b) intentionally delivers to a registering officer, in any proceeding under section 19 or section 21, a false copy or translation of a document, or a false copy of 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 both¹.

83. 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, ²[xxx] the Registrar or the Sub-Registrar, in whose territories, district or sub-district, as the case may be, the offence has been committed.

(2) Offences punishable under this Act shall be triable by any Court or officer exercising powers not less than those of a Magistrate of the second class.

84. Registering officers to be deemed public servants: (1) Every registering officer appointed under this Act shall be deemed to be a public servant within the meaning of the Indian Penal Code (45 of 1860). (2) Every person shall be legally bound to furnish information to such registering officer when required by him to do so. (3) In section 228 of the Indian Penal Code, (45 of 1860), the words, "judicial proceeding" shall be deemed to include any proceeding under this Act.

PART-XV

Miscellaneous

85. Destruction of unclaimed document: documents (other than wills) remaining unclaimed in any registration office for a period exceeding two years may be destroyed.

86. Registering officer not liable for thing bonafide 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.

87. Nothing so done invalidated by defect in appointment or procedure: Nothing done in good faith pursuant to this Act or any Act hereby repealed, by any registering officer, shall be deemed invalid merely by reason of any defect in his appointment or procedure.

¹[88. Registration of documents executed by Government officers or certain public functionaries: (1) Notwithstanding anything contained in this Act, it shall not be necessary for:

- (a) Any officer of Government, or
- (b) Any Administrator General, Official Trustee or Official Assignee, or
- (c) The Sheriff, Receiver or Registrar of 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 ²[State Government].

To appear in person or by agent at any registration office in any proceeding connected with the registration of any instrument executed by him or in his favour, in his official capacity, or to sign as provided in section 58.

1. For s. 82A. applicable to Bengal only, see the Bengal Touts Act, 1942 (Ben. 5 of 1942), s. 10.

2. The words "the Branch Inspector-General of Sindh" omitted by the A.O. 1937,

(2) Any instrument executed by or in favour of an officer of Government or any other person referred to in sub-section (1) may be presented for registration in such manner as may be prescribed by rules made under section 69.

(3) The registering officer to whom any instrument is presented for registration under this section may, if he thinks fit, refer to any Secretary to Government or to such officer of Government or other person referred to in sub-section (1) for information respecting the same and on being satisfied of the execution thereof, shall register the instrument].

89. Copies of certain orders, certificates and instruments to be sent to registering officers and filed: (1) Every officer granting a loan under the Land Improvement Loans Act, 1883 (19 of 1883), shall send a copy of his order to the registering officer within the local limits of whose jurisdiction the whole or any part of the land to be improved or of the land to be granted as collateral security, is situate, and such registering officer shall file the copy in Book No-1.

(2) Every Court granting a certificate of sale of immovable property under the Code of Civil procedure 1908 (5 of 1908), shall send a copy of such certificate to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in such certificate is situate, and such officer shall file the copy in his Book No-1.

(3) Every officer granting a loan under the Agriculturists Loans Act, 1884 (12 of 1884), shall send a copy of any instrument whereby immovable property is mortgaged for the purpose of securing the repayment of the loan, and, if any such property is mortgaged for the same purpose in the order granting the loan, a copy also of that order, to the registering officer within the local limits of whose jurisdiction the whole or any part of the property so mortgaged is situate, and such registering officer shall file the copy or copies, as the case may be, in his Book No-1.

(4) Every revenue officer granting a certificate of sale to the purchaser of immovable property sold by public auction shall send a copy of the certificate to the registering officer within the local limits of whose jurisdiction the whole or any part of the property comprised in the certificate is situate, and such officer shall file the copy in his Book No.1

1. Substituted by Act 39 of 1948, s. 5.

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

¹[(5) Every Bank granting a loan to an agriculturists for agricultural purposes, shall send within such time and in such manner as may be prescribed, a copy of any instrument whereby immovable property is mortgaged for the purpose of securing repayment of loan, to the registering officer within the local limits of whose jurisdiction the whole or any part of the property so mortgaged is situate, and such registering officer shall file the copy in his Book No. 1.

Explanations: For the purposes of sub-section (5)

(a) the expression 'every bank' shall mean:

- (i) a banking company as defined in the Banking Regulation Act, 1949;
 - (ii) the State Bank of India constituted under the State Bank of India Act, 1955;
 - (iii) a subsidiary bank as defined in the State Bank of India (Subsidiary Bank) Act, 1959;
 - (iv) a corresponding new bank constituted under the Banking companies (Acquisition Transfer of Undertakings) Act, 1970;
 - (v) a banking institution notified by the Central Government under section 51 of the Banking Regulation Act, 1949;
 - (vi) the Agricultural Refinance Corporation constituted under the Agricultural Re-finance Corporation Act, 1963;
 - (vii) Agro-Industries Corporation;
 - (viii) Agricultural Finance Corporation Ltd. A company incorporated under the companies Act, 1956; and
 - (ix) Any other financial institution notified by the State Government in the official Gazette as a bank for the purpose of this Act.
- (b) the word 'agriculturist' shall have the meaning assigned to it in sub-section (3) of section 5 of the Rajasthan Tenancy Act, 1955 (Raj. Act, 3 of 1955).]

Exemption from Act

90. Exemption of certain documents executed by or in favour or Government: (1) Nothing contained in this Act or in the Indian Registration Act, 1877 (3 of 1877), or in the Indian Registration Act, 1871 (8 of 1871) or in any Act thereby repealed, shall be deemed to require, or to have at any time required, the registration of any of the following documents or maps, namely:

1. Inserted by Act 16 of 1976, sec. 5 (w.e.f. 13.2.1976).

- (a) documents issued, received or attested by any officer engaged in making a settlement or revision of settlement of land-revenue, and which form part of the records of such settlement; or
- (b) documents and maps issued, received or authenticated by any officer engaged on behalf of Government in making or revising the survey of any land, and which form part of the record of such survey; or
- (c) documents which, under any law for the time-being in force, are filed periodically in any revenue office by patwaris or other officers charged with the preparation of village records; or
- (d) sanads, inam, title-deeds and other documents purporting to be or to evidence grants or assignments by Government of land or of any interest in land; or
- (e) notices given under section 74 or section 76 of the Bombay Land Revenue Code, 1879 (Bom. 5 of 1879), or relinquishment of occupancy by occupants, or of alienated land by holders of such land.

(2) All such documents and maps shall, for the purposes of sections 48 and 49, be deemed to have been and to be registered in accordance with the provisions of this Act.

91. Inspection and copies of such documents: ²[(1)] Subject to such rules and the previous payment of such fees as the ³[1[State Government]], by notification in the Official Gazette, prescribes in this behalf], all documents and maps mentioned in section 90, clauses (a), (b), (c) and (e), and all registers of the documents mentioned in clause (d), shall be open to the inspection of any person applying to inspect the same, and, subject as aforesaid, copies of such documents shall be given to all persons applying for such copies.

⁴[(2) Every rule prescribed under this sub-section or made under section 69 shall be laid, as soon as it is made, before the State Legislature.]

92. [Burmese registration rules confirmed] Rep. by the A.O. 1937 Repeals.

93. [Repeals] Rep. by the Repealing Act, 1938 (1 of 1938), s. 2 and Sch. The Schedule: [Repeal of Enactments.] Rep. by s. 2 and Sch. Ibid.

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

2. Renumbered as sub-section (1) thereof by Act 20 of 1983, sec. 2 and sch. (w.e.f. 15.3.1984).

3. Substituted by Act 20 of 1983, sec. 2 and sch. For "State Government prescribes in this behalf" (w.e.f. 15.3.1984).

4. Inserted by Act 20 of 1983, sec. 2 and sch. (w.e.f. 15.3. 1984).

APPENDIX-A
THE PART B STATES (LAWS) ACT, 1951
(Act III of 1951)

An act to provide for the extension of certain laws to Part-B States. Be it enacted by Parliament as follows:

1. Short title and commencement :

(1) This Act may be called The Part B States (Laws) Act, 1951.

(2) It shall come into force¹ on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definition: In this Act, "appointed day" means the date on which this Act comes into force.

3. Extension and amendment of certain Acts and Ordinances: The Acts and Ordinances specified in the Schedule shall be amended in the manner and to the extent therein specified, and the territorial extent of each of the said Acts and Ordinances shall, as from the appointed day and in so far as any of the said Acts or Ordinances or any of the provisions contained therein relates to matters with respect to which Parliament has power to make laws, be as stated in the extent clause thereof as so amended.

4. Construction of references to laws not in force in Part B States: "Any" reference in any Act or Ordinance specified in the Schedule to a law which is not in force in a Part B State shall, in relation to that State, be construed as a reference to the corresponding law, if any, in force in that State.

5. Construction of references to authorities where new authorities have been constituted: Any reference by whatever form of words, in any law for the time being in force in a Part B State to any authority competent at the date of the passing of that law to exercise any powers or discharge any functions in that State shall, where a corresponding new authority has been constituted by or under any act or Ordinance now extended to that State, have effect as if it were a reference to that new authority.

1. Came into force w.e.f. 1.4.1951, vide Notification No. S.R.O. 313, dated 7.3.1951. (See Gaz. Of Indias, Pt. II-S, 3, P, 354).

2. Substituted by the Repealing and Amending Act, 1952 (XLVIII of 1952), s. 3, and Sch. II w.e.f. 2.8.1952, for "the Act".

6. **Repeals and savings:** If immediately before the appointed day, there is in force in any Part B State any law corresponding to any of the Acts or Ordinances now extended to that State, that law shall, save as otherwise expressly provided in ²[this Act], stand repealed;

Provided that the repeal shall not affect:

- (a) The previous operation of any law so repealed or anything duly done or suffered there under; or
- (b) Any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed, or
- (c) Any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed, or
- (d) Any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

And any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed:

Provided further that subject to the preceding proviso anything done or any action taken (including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation, form, bye-law or scheme framed, certificate obtained, patent, permit or licence granted or registration effected) under any such law shall be deemed to have been done or taken under the corresponding provision of the Act or Ordinance as now extended to that State, and shall continue to be in force accordingly, unless until superseded by anything done or any action taken under the said Act or Ordinance.

7. **Power to remove difficulties:** (1) if any difficulty arises in giving effect in any Part B State to the provisions of any Act or Ordinance now extended to that State, the Central Government may, by order notified in the Official Gazette, make such provisions or give such directions as appear to it to be necessary for the removal of the difficulty. (2) In particular, and without prejudice to the generality of the foregoing power, any such notified order may, (a) specify the corresponding authorities within the meaning of section 5; (b) provide for the transfer of any matter pending before any court, tribunal or other authority, immediately before the appointed day, to any corresponding court, tribunal or other authority for disposal;

(c) specify the areas or circumstances in which or the extent to which or the conditions subject to which, anything done or any action taken (including any of the matters specified in the second proviso to section 6) under any law repealed by that section shall be recognized or given effect to under the corresponding provision of the Act or Ordinance as now extended,

LAW AND JUDICIAL (A) DEPARTMENT NOTIFICATION
Notification No. F. 4 (10) L.J./A/57 **dated 12.8.1957**

The following Act of the Rajasthan State Legislature received the assent of the President on the 29th day of July, 1957 and is published for general information:

THE RAJASTHAN LAWS (EXTENSION) ACT, 1957
(Act No. 27 of 1957)

(Received the assent of the President on the 29th day of July, 1957)

An Act to provide for the extension of certain Rajasthan laws to the Abu, Ajmer and Sunel areas.

Whereas, with a view to securing uniformity of laws in the State of Rajasthan as formed by section 10 of the State Reorganisation Act, 1956 (Central Act 37 of 1956), it is expedient to provide for the extension of certain Rajasthan laws as in force in the pre-reorganisation State of Rajasthan to the Abu, Ajmer and Sunel areas of the new State and for that purpose to make suitable modifications in the said Rajasthan laws;

Be it enacted by the Rajasthan State Legislature in the Eighth Year of the Republic of India as follows:

- 1. Short title and commencement:** (1) This Act may be called the Rajasthan Laws (Extension) Act, 1957. (2) It shall come into force on such date* as the State Government may, by notification in the Official Gazette, appoint in this behalf.
- 2. Definitions:** In this Act and in the Rajasthan laws specified in the Schedule, unless the subject or context otherwise requires:
 - (i) "Abu area" means the territory comprise in the Abu Road taluka of Banaskantha District in the State of Bombay as it existed immediately before the first day of November, 1956;

1. Came into force w.e.f. vide Notification No. F. 4(10) LJ/A/57 dated 12.8.1957 ibid page 117.

- (ii) "Ajmer area" means the territory of the State of Ajmer as it existed immediately before the first day of November, 1956;
- (iii) "Pre-reorganisation" used with reference to the State of Rajasthan, means the State of Rajasthan as it existed in pursuance of the Covenant or under the Constitution immediately before the first day of November, 1956;
- (iv) "State" or "State of Rajasthan" means the State of Rajasthan as formed by section 10 of the State Reorganisation Act, 1956 (Central Act 37 of 1956);
- (v) "Sunel area" means the territory comprised in the Sunel toppa of Bhanpura tehsil of Mandsaur District in the State of Madhya Bharat as it existed immediately before the first day of November, 1956.

3. Amendment and extension of certain Rajasthan laws: On and from the date of this Act comes into force the Rajasthan laws specified in the Schedule shall be amended in the manner and to the extent specified in section 4 and the Schedule and shall as so amended, extended to the whole of the State of Rajasthan including the Abu, Ajmer and Sunel areas.

4. Modifications of general character in Rajasthan than laws specified in the Schedule: Throughout the Rajasthan laws specified in the Schedule unless the subject or context otherwise requires and save as is otherwise provided in this Act,:

- (i) For the expression "Rajasthan Gazette" wherever occurring the words "Official Gazette" as the case may be, shall be substituted,
- (ii) for the word "Rajasthan" wherever occurring otherwise than in the short title or in the expression "Rajasthan Gazette" the words "the State of Rajasthan", as the case may be, shall be substituted, and
- (iii) for the word "Government" wherever occurring, the words "State Government" shall be substituted.

5. Reference to other laws: Any reference, in any of the Rajasthan laws specified in the Schedule to a law which is not in force in the Abu, Ajmer or Sunel area shall, in relation to any such area, be construed as a reference to the corresponding law, if any, in force therein.

6. Reference to authorities: Any reference by whatever form of words, in any law in force in the Abu, Ajmer or Sunel area to any authority competent to exercise any powers or discharge any

functions in any such area shall, where a corresponding new authority has been constituted by or under any of the Rajasthan laws specified in the Schedule, have effect as if it were a reference to the that new authority.

- 7. Repeal and saving:** Any law corresponding to the Rajasthan laws specified in the Schedule in force in the Abu area or the Ajmer area or the Sunel area immediately before the coming into force of this Act shall stand repealed:

Provided that anything done or any action taken under any such law shall be deemed to have been done or taken under the corresponding provision of the relevant Rajasthan law specified in the Schedule and shall continue to be in force accordingly.

- 8. Power to Remove difficulties :** If any difficulty arises in giving effect in the Abu, Ajmer or Sunel area to the provisions of any of the Rajasthan laws specified in the Schedule, the State Government may, by order, notified in the Official Gazette, make such provisions or give such directions as appear to it to be necessary for the removal of the difficulty.

- 9. Interpretation:** The provisions of the Rajasthan General Clauses Act, 1955 (Rajasthan Act 8 of 1955) in force in the pre-organisation State of Rajasthan shall, until that Act is extended to the whole of the State and as far as may be, apply mutatis mutandis to this Act and to the Rajasthan Laws specified in the Schedule.

SCHEDULE

26. The Indian Registration (Rajasthan Amendment) Act, 1953 (Rajasthan Act XVIII of 1953)

No specific amendment is made.

[Published in Rajasthan Gazette, Part IV-A, Extraordinary, dated 9.12.1957, page 181.]

THE RAJASTHAN STATUTORY RULES AND ORDERS (EXTENSION) ACT, 1957

Act No. 40 of 1957.

[Received the assent of the Governor on the 3rd day of December, 1957]

An Act to provide for the extension to the Abu, Ajmer and Sunel areas of the new State of Rajasthan the rules regulations, notifications, bye-laws and orders, made by a competent authority

of the pre-reorganisation State of Rajasthan under the Rajasthan laws so far extended to the whole of the new State.

Be it enacted by the Rajasthan State Legislature in the Eighth Year of the Republic of India as follows:

- 1. Short title:** This act may be called Rajasthan Statutory Rules and Orders (Extension) Act, 1957.
- 2. Definitions:** In this Act, unless the subject or context otherwise requires, (i) "State" means the State of Rajasthan as formed by section 10 of the States Reorganisation Act, 1956 (Central Act 37 of 1956); and (ii) "Statutory" used with reference to a rule, regulation, notification, bye-law or order, means such rule, regulation, notification, bye-law or order made by a competent authority of the pre-reorganisation State of Rajasthan under any of the laws of the pre-reorganisation State of Rajasthan specified in the Schedule.
- 3. General Clauses Act to apply:** The provisions of the Rajasthan General Clauses Act, 1955 (Rajasthan Act 8 of 1955) shall as far as may be, apply mutatis mutandis to this Act.
- 4. Extension of Statutory rules etc.:** All statutory rules, regulations, notification, bye-laws and orders made by a competent authority under any of the laws of the pre-reorganisation State of Rajasthan specified in the Schedule shall extend and apply to the whole of the new State unless they shall have been previously so extended or applied and until they are modified or superseded.
- 5. Construction of references:** In the rules, regulations, notifications, by-laws and orders referred to in section 4 any reference to a law which is not in force in any part of the State, shall, in relation to such part, be construed as a reference to the corresponding law, if any, in force in such part and, in the absence of any corresponding law, be deemed to be omitted.
- 6. Rule of construction:** For the purpose of facilitating the application of any rule, regulation, notification, bye-law or order referred to in section 4, any court or other authority may construe the same with such alterations, not affecting the substances, as may be necessary or proper to adopt it to the matter before the Court or other authority.

- 7. Power to make rules etc not to be affected:** Nothing contained in this Act, shall affect, the power of the State Government of any officer or authority, exercisable under the enactments specified in the Schedule, to add, to omit vary or rescind the rules, regulations, notifications, bye-laws and orders extended by section 4 to the whole of the new State.
- 8. Power to remove difficulty:** If any difficulty arises in giving effect, in any part of the new State, to the provisions of the rules, regulations, notifications, bye-laws and orders extended to the whole of the new State by section 4, the State Government may, by order notified in the Official Gazette, make such provisions or give such directions as appear to it to be necessary or expedient for the removal of the difficulty.
- 9. Supersession of previous rules etc.:** Any rules, regulations, notification, bye-laws and orders corresponding to those extended and applied by section 4, if in force in the Abu, Ajmer and Sunel areas, are hereby superseded and repealed.
- Provided that anything done or any action taken under any such rule, regulation, notification, bye-laws or order shall be deemed to have been done or taken under the corresponding provision of the rules, regulation, notifications, bye-laws and orders extended and applied to the whole of the new State by section 4 and shall continue to be in force accordingly unless and until superseded.
- 10. Repeal:** The Rajasthan Statutory Rules and Orders (Extension) Ordinances, 1957 (Rajasthan ordinance 8 of 1957) is hereby repealed.

THE SCHEDULE

(See section-4)

28. The Indian Registration (Rajasthan Amendment) Act, 1953 (Rajasthan Act XVIII of 1953).

FINANCE DEPARTMENT [TAX DIVISION]

Notification No. F. 2 (47) FD/Tax /09-04

dated 9.4.2010

In exercise of the powers conferred by section 78 of The Registration Act, 1908 (Central Act No. 16 of 1908) and in supersession of all previous Notifications issued in this behalf, the State Government hereby prepare, approve and publish the following table of registration and other miscellaneous fees payable under the said Act, with immediate effect, namely : **TABLE OF REGISTRATION AND OTHER MISCELLANEOUS FEES**

S. No.	Nature of Documents and Other Miscellaneous Functions	Fee (in rupees)
1.	ARTICLE - I In respect of all documents for which stamp duty is payable on the value or consideration and for which registration fees is not specifically provided in this table.	One percent of the value or consideration subject to a maximum of rupees fifty thousand.
1[2.	Release of ancestral property or part thereof is made by or in favour of brother or sister (children of renouncer's parents) or son or daughter or son of predeceased son or daughter of a predeceased son or father or mother or spouse of the renouncer or the legal heirs of the above relatives. Explanation-I : When the subject matter of the document is capable of valuation the value must be expressed before registration. Explanation- II : The value or consideration shall be deemed as being equal to the market value of the property, except in case of lease for a period of less than five year. Explanation-III In the case of an instrument of lease registration fee shall be calculated on the amount on which stamp duty is payable.	One percent subject to maximum of rupees 500/-.
3.	In the case when lease is exempted from payment of stamp duty.] Explanation : The term "lease" used in this Article includes a Patta or Kabuliyat not being a counter part of a lease.	Rs. 100/-
4.	All counter parts of lease governed by article 23 of the Rajasthan Stamp Act, 1998 (Act No. 14 of 1999).	Rs. 50/-
5.	The document to give collateral, auxiliary or additional or substituted security or security by any or further assurance where the principal or primary mortgage is proved to the satisfaction of the registering officer to have duly registered. Explanation- In the case of a instrument of partition the value of the separated share or shares on the basis of which stamp duty has been paid may be taken as the value or consideration for the purpose of determining the registration fee.	Rs. 100/-

1. Substituted by Notification No. F. 12(15) FD/ Tax/12-99 dated 26.3.2012.

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|----|--|---|
| 6. | An agreement to sell, mortgage etc. executed for a definite sum. | One percent of the market value or consideration subject to a maximum of rupees fifty thousand. |
| 7. | The actual conveyance, mortgage etc. executed in pursuance of abovementioned agreement, subsequently tendered for registration, provided that the registration of the previous agreement has been proved to the satisfaction of the registering officer. | Rupees 500/- |

ARTICLE - II

- | | | |
|----|---|-----------|
| 1. | A will | Rs. 200/- |
| 2. | An authority to adopt or adoption deed. | Rs. 200/- |
| 3. | A power of attorney not covered under Article I, deed of divorce or certified copy of a decree or order of court. | Rs. 500/- |

ARTICLE - III

- | | | |
|----|--|--|
| 1. | A separate deed acknowledging receipt of payment of consideration on account of another deed which has been previously registered. | Rs. 100/- |
| 2. | A document amending, modifying or correcting but not cancelling any previously registered document. | Same as pay on the principal deed or document, if such fee does not exceed Rs. 200/- and otherwise Rs. 200/- |

ARTICLE - IV

- | | | |
|----|--|-----------|
| 1. | Agreement of service or hire. | Rs. 100/- |
| 2. | Counter parts or duplicates of instruments other than leases. | Rs. 100/- |
| 3. | Consent deeds not covered under Article-1. | Rs. 300/- |
| 4. | Any other documents for which stamp duty is payable without taking into account consideration or value and which cannot be brought under any other article of this Table. | Rs. 300/- |
| 5. | Declaration of trade mark. | Rs. 200/- |
| 6. | Award that is to say any decision in writing by an arbitrator or umpire not being an award directing partition on a reference made otherwise than by an order of the Court in the course of a suit | Rs. 300/- |
| 7. | Certificate of heirship. guardianship, administration. | Rs. 200/- |
| 8. | Dissolution of partnership. | Rs. 300/- |

ARTICLE - V

- | | | |
|----|--|---|
| 1. | A document canceling any previously registered document. | Rs. 200/- |
| 2. | A surrender of lease without any consideration. | Same as chargeable for the original document or lease subject to maximum of Rs. 200/- |

ARTICLE - VI

- | | | |
|----|---|---|
| 1. | In case the document is registered by a Registrar.
Explanation - The extra fee under this Article is neither payable on the registration of wills and authorities to adopt, nor will it be levied in cases where the Sub-Registrar owing to his being | Rs. 200/- extra fee in addition to the ordinary registration fee. |
|----|---|---|

interested in the transaction or to his being unacquainted with the language in which the deed is written or for any other sufficient reason, is unable to register himself.

ARTICLE - VII

1. Copying the endorsement, copying/scanning the document furnished for registration either by computer or manual and site inspection for verification of facts of documents,—

(i) if the subject matter of document is capable of valuation and on which stamp duty is payable on the market value:

(a) where the market value of the property does not exceed Rs. 50,000/- Rs. 200/-

(b) where it exceeds, Rs. 50,000/- Rs. 300/-

(ii) In any other case Rs. 200/-

Note—When site inspection for verification of facts of the documents is carried out by any person authorized/licensed by the concerned D.I.G. Registration, Rs. 100/- per document will be admissible to such person according to guidelines issued by the Inspector General.

2. Copying of the document related to immovable property situated in more districts than one and a copy thereof has to be forwarded to other districts under section 65 or 66 of the Registration Act, 1908. Twice or thrice etc., as the case may be, once for the original copying into the register, and again for making the copy or copies for dispatch.

ARTICLE - VIII

1. Comparing printed copies of printed documents presented for registration. Rs. 10/- for each folio of fraction of a folio of 100 words.
2. Filing copies. Rs. 10/- for each copy

ARTICLE - IX

1. Copy of a memorandum to be sent under section 64, 65 and 66 of the Registration Act, 1908, Rs. 100/- for each copy.

Explanation : No fee shall be charged for issuing of a memorandum under sub-section (1) of section 66 of the Registration Act, 1908, in cases where the Sub-Registrar owing to his being interested in the transaction or to his being unacquainted with the language in which the deed is written or for any other sufficient reason is unable to register himself.

ARTICLE - X

1. Filing a translation or transliteration in accordance with section 62 of the Registration Act 1908. Rs. 200/-

ARTICLE – XI

1. Returning of a registered document by post. Rs. 100/-

ARTICLE - XII

1. Custody of a document which has remained unclaimed for one month from the date on which it was endorsed 'registered' or 'registration' refused. Rs. 50/- subject to maximum of Rs. 200/-

2. Custody of a copy of document which has been presented for registration or registered when such a copy has been prepared in a registration office on the application of any person and has remained unclaimed for one month from the date, the copy was ready for delivery to the applicant. Rs. 20/- subject to maximum of Rs. 100/-

Explanation I : The fee mentioned in clause (1) and (2) above shall be chargeable for each month or a portion of a month after the first month during which the document or the copy as the case may be remained unclaimed.

Explanation-II : The fee mentioned in clause (1) and (2) may be remitted altogether at the discretion of the Registrar, if any injustice or hardship is involved in its payment.

ARTICLE - XIII

1. Attendance at a private residence or jail under section 31, 33, or 38 or for the issue of a commission under sec. 33 or 38 of the Registration Act, 1908 :

(a) if the person is in jail.

Rs. 50/- for each attendance

(b) if the person is physically unable to attend the office and a medical certificate to the effect is produced or the old person above 70 year of age.

Rs. 100/- for each attendance

(c) Otherwise

Rs. 1000/- for each attendance

Explanation-I : The fee realized by the Registering Officer shall be shared between him and the Government in the ratio of 1:3 in the case stated at (b) above, and in that of 1:2 in the case stated at (c) above, provided that the maximum taken by the former does not exceed Rs. 500/- p.m. in both the cases taken together. The entire amount in the cases stated at (a) above shall be credited to the Government Treasury.

Explanation-II: The whole amount of fee received in the case of category (b) and (c) will be kept in deposit and entered in a register. The distribution will be made at the end of the month when the share of the Government will be credited to the Government revenue and that of registering officer paid to him.

2. In case a nurse or female assistant is required to accompany the registering officer or the commissioner to take the thumb impression of a pardanashin lady. An additional fee of Rs. 100/-

Explanation-I : In addition to the above fee, travelling allowances for the officer and at the most one accompanying peon shall be levied at the rates prescribed by the Government for undertaking official journey. For local journey one daily allowance per document will be admissible, which

will be retained by the registering officer.

Explanation-II: The cost of a visitor of a Commission for the examination of a person exempted from personal appearance under section 133 of the Code of Civil Procedure, 1908, shall be paid by him, unless the party requiring his evidence pay such costs. In other cases such cost shall be paid by the party who applies for the visit of the Commission.

Explanation-III : When an attendance takes place under both section 31 and 38 of the Registration Act, 1908 at the same time and place if the registration of but one document is concerned, only one attendance fee and one registration fee will be levied. If a registering officer whom the registration of one document is concerned, attends on the presenter on one occasion and the executants or another necessary witness on another occasion, two attendance fees will be levied. If a registering officer attends at a private residence or jail and one person presents several documents or one person admits or more persons than one admit the execution of several documents jointly executed by them all at one and the same time and place, only one attendance fee will be levied, but the registration fee will be levied in the case of each document. Where several different persons at one and the same time and place present for registration or admit execution of several different documents not jointly executed by them the registering officer will levy one attendance fee for each district transaction the registration fee being payable on all such documents.

ARTICLE - XIV

1. Search made by a registering officer and an inspection by any person. Rs. 50/- per year according to the age of the document.

ARTICLE - XV

1. Making or granting copies of reasons, entries and documents for the benefit of any person or to be forwarded to any other office under section 65 and 66 of the Registration Act, 1908. Rs. 100/-

Explanation-I : Servants of the Governments who may require to inspect or search the registers for bonafide public purposes are exempted from the payment of fees.

Explanation-II : Copies of reasons for refusal when granted by Sub-Registrars to persons claiming under or executing documents are exempted from fees (vide section 71 of the Registration Act, 1908)

Explanation-III : Servants of the Government who require copies of entries or documents for bonafide public purposes are exempted from the payment of fees.

ARTICLE - XVI

1. Granting copy of a map, provided the applicant makes his own arrangements for the preparation of such copy and bears the cost thereof. Rs. 50/-

Explanation : Servants of the Government who require copies of maps for bonafide public purposes are exempted from the payment of fees.

ARTICLE - XVII

1. Deposit or opening or withdrawal of sealed cover containing a will. Rs. 100/-

Explanation : The expenses of copying the contents according to the scale laid down in Article VIII, shall be in addition.

ARTICLE – XVIII

Attestation of power of attorney. Rs. 500/-

ARTICLE - XIX

1. Applications which are required by law to be made in writing to registering officers. Same as the fee payable under the Rajasthan Court fees and suit valuation Act, 1961 for applications to revenue officers.
2. Processes issued by registering officer. Same as the fee required to be paid by the rules made under the Rajasthan Court Fees and suit valuation Act, 1961 for the issue of processes by Civil court.
3. Application made to a registering officer under section 57 of the Registration Act, 1908 for a copy of an entry in any Book Nos. 1,2,3 and 4 or in Index No. I and II relating thereto, for the inspection of any number of entries in Book No. 1 or 2 relating thereto and for a search to be made by a registering officer of any number of entries in the said books and indexes or in Book No. 3 or 4 or in an index relating to these books, respectively. Same as the fee required to be paid under the Rajasthan Court fees and suit valuation Act, 1961 on application for copies, inspection and search.

Explanation : No court fee shall be charged on an application made by a servant of the Government for copies of entries or document or for the inspection or search of the registers required for a bonafide public purpose.

ARTICLE - XX

1. The fee leviable under Article I to X, and Article XVI of the table for issue of copies shall not be chargeable in respect of the following :

(a) Documents executed by, or in favour of Government on which as such no stamp duty is leviable under proviso (i) of section 3 of the Rajasthan Stamp Act, 1998 (Act NO. 14 of 1999).

(b) Mortgage deeds executed by Government servants in civil or military services for securing the repayment of advances received from any Government for the purpose of constructing, repairing or purchasing dwelling houses for their own use.

(c) Security bonds and bonds on account of advances made for the purpose of obtaining

uniform executed in favour of any Government by public servants of all classes and their sureties.

(d) Instruments of re-conveyance of mortgaged property executed by any Government in favour of an officer in civil. Or military services on the payment of any advance received by him from such Government, for the purpose of constructing, repairing or purchasing a dwelling house for his own use.

(e) Indentures of deeds creating trusts of movable or immovable property in favour of the State Government for a charitable purpose.

2. The following fees are refundable :
 - (a) All fees levied under this table in respect of a document, the registration of which is refused, except those under Article IX and X.
 - (b) Fees charged in excess of what is actually chargeable at the authorised scales, if the application for refund is made within one month.
 - (c) Fees for visits or commissions of application for the visit or commission if withdrawn before the visit is made or the commission is executed.
 - (d) Search or inspection fee, if search or inspection is not made and application for refund of search fee is made within (Thirty) 30 days from the date of application for search or inspection.
 - (e) Fee for Copy, if the application for the copy withdrawn before the work of preparing the copy is taken up.
3. An application for refund shall be made to the District Registrar, through the Sub-Registrar who shall forward it with his remarks together with a bill for refund prepared according to the Account Rules.
4. The Registrar shall check the claim and if it appears allowable shall pass an order for refund and shall return the application with his order and the refund bill with his counter signatures to the Sub Registrar concerned.
5. The Sub Registrar shall than hand over the bill to the person claiming the refund and direct him to present it for payment to the Treasury and shall make necessary entries in his account books.