

# **INDIAN REGISTRATION ACT**

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Class-room live lectures edited, enlarged  
and updated**

# INDIAN REGISTRATION ACT

<b>Chapters</b>	<b>Page. No</b>
<b>Ch.1 Registration</b>	
1. Compulsory Registration	2
2. Optional Registration	3
<b>2. Procedure</b>	
1. Procedure for Registration	4
2. Presentation	5
3. Refusal of Registration	6
4. Effect of non-registration	7
<b>3. Wills</b>	
1. Presentation	9
2. Deposit	69

## CHAPTER 1 REGISTRATION

**Ch 1 Compulsory Registration** Sec. 17 refers to the necessity for registration with regard to certain classes of documents namely:

a) Instruments **of gift** of immovable property.

b) Leases of immovable property from year to year for any term exceeding one year, or receiving a yearly rent.

c) Other instruments 'which purport or operate to create, declare, assign, limit or extinguish any right, title or interest (whether vested or contingent) of value of Rs. 100-00 and above in respect of immovable property under sale or mortgage should be registered.

However, wills are exempted.

d) 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 .are to be registered.

But wills are exempted.

If the transaction has been validly effected without a document, there is foundation for applying the provisions of the Act.

In India unlike England, non-registration in certain cases has the effect of rendering the document ineffective even as between grantor and grantee to exclude it from evidence.

The real purpose of registration is to secure that every person dealing with property may rely with confidence on the statements contained in the register, as full and complete account of all transactions by which his title may be affected.

**Registration protects against prior transaction done without notice.**

## Ch 1-2 Optional Registration:

a) Instrument, which purport or operate to create, declare, assign, limit or extinguish (whether in present or in future) any right, title or interest of a value less than 'Rs. **100-00** of immovable property, need not be registered.

### **Gifts are to be registered whatever the value.**

b) Instruments acknowledging the receipt of consideration on account of immovable property need not registered.

c) Leases of immovable property for any term not exceeding one year and leases exempted under Sec.17 need not be registered.

d) Instruments which purport or operate to create, declare, assign limit or extinguish any right, title, interest to or in immovable property are exempted.

e) All other documents not required by Sec.17 to be registered compulsorily, need not be registered.

f) Wills may not be registered.

## CHAPTER 2

### PROCEDURE

#### Ch.2. Procedure for Registration:

In all Registration offices several 'Books' are kept to make entries therein depending on the nature of the document to be registered. The day, hour and place of presentation and also the signature of every person presenting a document for registration shall be taken to every such document at the time of presenting it. Every document admitted to registration shall without unnecessary delay, be copied in the prescribed book. A receipt for such document shall be given by the registering officer to the person presenting the same.

All entries in the book shall be numbered in a consecutive series starting, and ending with that year, and they shall be written on every document admitted to registration. There shall be endorsed the following particulars namely:

- a) The signature and address of every person admitting the execution of the document.
- b) The signature of the witnesses to the execution of the document.
- 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 (Denial of receipt of consideration is no ground for refusing registration).

The registering officer (the Sub-Registrar) shall affix the date and his signature to all endorsements made, relating to the same documents and made in his presence on the same day.

Thereafter he 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. Such certificate shall be signed, sealed duly by the registering officer

. The endorsement and certificate shall thereupon be copied into the margin of the registration book.

At his discretion registering officer may administer on oath to any person examined by him during the course of Registration under the Act.

#### Ch.2.2 Presentation of documents for registration:

(Sns.28 and 32)

**The physical act of delivering a document for registration is called presentation.** Every document mentioned in Sec.17 concerning immovable property, and in Sec.18 (Optional Registration) shall be presented for registration in the office of a Sub Registrar within whose jurisdiction the property is situated.

If no part of such property is situated within the district the registration is void. The burden of proving that the property is situated within the jurisdiction is on the person relying on such document. The section is satisfied by registration. Suffice if registration is effected in the place where any portion of the property is situated. A document which is invalid under this provision is admissible on the grounds 'No one alleging his own business ought to be heard' and 'in equal fault the position of the possessor is more favourable.

Eg.: A sells immovable property and delivers possession to B. But the parties, included in the deed a small parcel of land which did not belong to A and which was situated in another place. This had been put in order to obtain registration in the office of the Sub-registrar of the place. A subsequently sues B to recover possession. B relies on the sale deed, and A pleaded that it was inadmissible as it was not valid by registration. Held this plea was bad' as A had not come with clean hands.

Every document to be registered under the Act, whether such registration is compulsory or optional, shall be presented at the proper registration office.

It shall be presented:

i) By some person executing or claiming under a document, or in the case of a copy decree or order, persons claiming under such decree or order.

ii) By the representative or assignees.

iii) By the Agent of such person, representative or assignee or authorised by power of attorney duly executed and authenticated.

The registration officer has no jurisdiction to register a document unless it is presented by any one of the persons mentioned above. The presentation by any one or more of joint executants is sufficient.

Any one interested may also present for registration including a minor (claiming under the document) through a guardian.

### **Ch.2.3 Procedure when Registration is refused:**

Every Sub-Registrar refusing to register a document shall make an order of refusal and record his reasons for such order in book II. He should endorse the words 'Registration refused' on the document. In an application made by a person

executing or claiming under the document the Sub-Registrar shall without payment and unnecessary delay give him a copy of the reasons so recorded.

When the Sub-Registrar has refused to register a document on the ground that the executor denies its execution, any person claiming under such documents, may within 30 days after making the order of refusal, apply to the concerned Registrar accompanied by a copy of the order of refusal of the Sub-Registrar. The statements in the application shall be verified by the applicant in the prescribed manner. In such cases, and also where such denial of execution is made before the Registrar himself the Registrar shall, enquire whether the provisions of law have been complied with by the applicant.

If the Registrar finds that the document has been executed and the said legal requirements have been complied with he shall order the document to be registered.

If the document is presented for registration within 30 days, after the making of such order, the sub-registrar shall obey the same and shall register it as prescribed. Such registration shall have effect as if the document had been registered when it was first duly presented for registration.

#### **Ch.2.4 Effect of Non-Registration of Documents:(Sn.49)**

Sec.17 provides for the compulsory registration of documents. This is made effective by the present section (Sn.49).It provides that if any such registrable document is not so registered, it shall not be allowed to affect any such immovable property. Such an unregistered document shall not be allowed in evidence, in any court.

However, the section does not debar receiving such an unregistered document in evidence for collateral purposes. Such a document may be allowed in evidence to prove the factum (fact) of the transaction but not of its contents.

The non-registration of a document which is required to be registered under Sec. 17(1) of the Act will not avail to create, declare, assign, limit or extinguish any right, title or interest to the immovable property comprised in the document. The document will therefore be ineffectual to achieve the purpose for which it was brought into being.

According to the provision to the section, such documents may inter alia, be received as evidence, if any collateral transactions are required to be effected by the registered instrument. As such it empowers courts to admit unregistered documents in evidence for the purpose of proving part-performance (vide Sec.53 (a) T.P.Act).Eg.:C married B. C's father A, as dower agreed to pay Rs. 40,000/- to B. A then executed a deed to transfer an immovable property to B in lieu of dower. But he refused to register the deed.

B sued A to recover the dower. The deed even though unregistered is admissible in evidence of dower to show A's promise to pay the same, only to show the 'fact'.

An unregistered document does not confer any power to any party. It should not be received in any transaction affecting such property.

## CHAPTER 3 WILLS .

### Ch. 3.1 Wills: Presentation; Deposit:

i) **A testator** may present his will to the **Registrar for Registration**.

However after the death of the testator, the executor appointed under the will or a legatee may present the will of the deceased testator for Registration.

ii) The **Will is registered in** the same manner as any other document. The Sub-Registrar must be satisfied that:

The Will is duly executed by the testator or

a) That the testator is dead and that person (executor) presenting the Will is duly authorized.

iii) **Deposit:**

A testator either himself or through his agent, may deposit with the Registrar his will in a sealed cover mentioning the name of the testator stating that it is a Will. On receiving the sealed cover, the Registrar, if he is satisfied that it is duly presented by the testator, shall transcribe in his Register No.5 and shall note on the sealed cover and in the register, the year, month, day and hour of such presentation. He may record the name of persons (witnesses) who may testify to the identity of the testator. The registrar shall then place and retain the sealed cover in his fire-proof box.

iv) **Testator withdrawing:** The testator, if he wishes to withdraw the Will which he has deposited, may apply duly to the Registrar, who shall deliver the cover to him on proper identification .v) **Procedure on the death of**

**testator:** On the death of the testator application is made to the Registrar to open the sealed cover, the Registrar shall, (If satisfied that the testator is dead) opens the cover, in the presence of the applicant and at his expense. He shall copy the contents of the Will into his Book No.3.After such a copy has been made, the Registrar shall re-deposit the Original Will.The applicant may get a certified copy of the Will paying the necessary fees.

**THE END**

# REFERENCE SECTION

## SELECTED SECTIONS

### INDIAN REGISTRATION ACT 1908

#### PART II : OF THE REGISTRATION-ESTABLISHMENT

##### **3. Inspector-General of Registration**

(1) The State Government shall appoint an officer to be the Inspector-General of Registration for the .

##### **6. Registrars and Sub-Registrars**

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

##### **7. Offices of Registrar and Sub-Registrar**

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

##### **8. Inspectors of Registration offices**

(1) The State Government may also appoint officers, to be called Inspectors of Registration offices, and may prescribe the duties of such officers.(2) Every such Inspector shall be subordinate to the Inspector-General.

##### **15. Seal of registering officers**

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

##### **16. Register-books and fire-proof boxes**

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

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

#### PART III : OF REGISTRABLE DOCUMENTS

##### **17. Documents of which registration is compulsory**

(1) The following documents shall be registered,

(a) instruments of gift of immovable property;

(b) other non-testamentary instruments which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest,

whether vested or contingent, of the value of one hundred rupees, and upwards, to or in immovable property;

(c) non-testamentary instruments which acknowledge the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest; and (d) leases of immovable property from year to year, or for any term exceeding one year, or reserving a yearly rent;

12[(e) non-testamentary instruments transferring or assigning any decree or order of a court or any award when such decree or order or award purports or operates to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of the value of one hundred rupees and upwards, to or in immovable property:]

(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,

(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 insofar 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) any document not itself creating, declaring, assigning, limiting or extinguishing any right, title or interest of the value of one hundred rupees and upwards to or in immovable property, but merely creating a right to obtain another document which will, when executed, create, declare, assign, limit or extinguish any such right, title or interest; or

(vi) any decree or order of a court 13[except a decree or order expressed to be made on a compromise and comprising immovable property other than that which is the subject-matter of the suit or proceeding;] or

(vii) any grant of immovable property by government; or

(viii) any instrument of partition made by a revenue-officer; or

(ix) any order granting a loan or instrument of collateral security granted under the Land Improvement Act, 1871, or the Land Improvement Loans Act, 1883; or

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

14[(xa) any order made under the Charitable Endowments Act, 1890, (6 of 1890) vesting any property in a Treasurer of Charitable Endowments or divesting any such treasurer of any property; or]

(xi) any endorsement on a mortgage-deed acknowledging the payment of the whole or any part of the mortgage-money, and any other receipt for payment of money due under a mortgage when the receipt does not purport to extinguish the mortgage; or

(xii) any certificate of sale granted to the purchaser of any property sold by public auction by a civil or revenue-officer.(3) Authorities to adopt a son, executed after the 1st 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, declaration, assignment, limitation or extinction of any such right, title or interest;

(c) leases of immovable property for any term not exceeding one year, and leases exempted under section 17;

16[(cc) instruments transferring or assigning any decree or order of a court or any award when such decree or order or award purports or operates to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of a value less than one hundred rupees, to or in immovable property;]

(d) instruments (other than wills) which purport or operate to create, declare, assign, limit or extinguish any right, title or interest to or in movable property;

(e) wills; and

**(f) all other documents not required by section 17 to be registered.**

## **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 a true translation into a language commonly used in the district and also by a true copy.

## **20. Documents containing interlineations, blanks, erasures or alterations**

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

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

## **21. Description of property and maps or plans**

(1) No non-testamentary document relating to immovable property shall be accepted for

registration unless it contains a description of such property sufficient to identify the same. .

## **22. Description of houses and land by reference to government maps of surveys**

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

## **PART IV : OF THE TIME OF PRESENTATION**

### **23. Time for presenting documents**

Subject to the provisions contained in sections 24, 25 and 26, no document other than a will shall be accepted for registration unless presented for that purpose to the proper officer within four months from the date of its execution:

PROVIDED that a copy of a decree or order may be presented within four months from the date on which the decree or order was made or, where it is appealable, within four months from the day on which it becomes final.

### **17[23A. Re-registration of certain documents**

Notwithstanding anything to the contrary contained in this Act, if in any case a document requiring registration has been accepted for registration by a Registrar or Sub-Registrar from a person not duly empowered to present the same, and has been registered, any person claiming under such document may, within four months from his first becoming aware that the registration of **such document is invalid**, present such document or cause the same to be presented, in accordance with the provisions of Part VI for re-registration .

### **24. Documents executed by several persons at different times**

Where there are several persons executing a document at different times, such document may be presented for registration and re-registration within four months from the date of each execution.

### **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 18[India] is not presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, the Registrar, in cases where the delay in presentation does not exceed four months, may direct that, on payment of a fine not exceeding ten times the amount of the proper registration-fee, such document shall be accepted for registration. .

### **26. Documents executed out of India**

When a document purporting to have been executed by all or any of the parties out of 18[India] is not presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, the registering officer, if satisfied- (a) that the instrument was so executed, and (b) that it has been presented for registration within four months after its arrival in 18[India] may, on payment of the proper registration-fee, accept such document for registration.

### **27. Wills may be presented or deposited at any time**

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

## PART V : OF THE PLACE OF REGISTRATION

### 28. Place for registering documents relating to land

Save as in this Part otherwise provided, every document mentioned in section 17, sub-section (1), clauses (a), (b), (c), 19[(d) and (e), section 17, sub-section. (2), insofar as such document affects immovable property, and section 18, clauses (a), (b) 20[(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 21[not being a document referred to in section 28 or a copy of a decree or order], may be presented for registration either in the office of the Sub-Registrar in whose sub-district the document was executed, or in the office of any other Sub-Registrar under the State Government at which all the persons executing and claiming under the document desire the same to be registered. .

### 30. Registration by Registrars in certain cases

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

(2) 22[The Registrar of a district in which a Presidency-Town is included and the Registrar of the Delhi district] 23[\*\*\*] may receive and register any document referred to in section 28 without regard to the situation in any part of 18[India] of the property to which the document relates.

### 31. Registration or acceptance for deposit at private residence

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

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

## PART VI : OF PRESENTING DOCUMENTS FOR REGISTRATION

### 32. Persons to present documents for registration

Except in the cases mentioned in 24[sections 31, 88 and 89], every document to be registered under this Act, whether such registration be compulsory or optional, shall be presented at the proper registration office-(a) by some person executing or claiming under the same, or, in the case of a copy of a decree or order, claiming under the decree or order, or(b) by the representative or assignee of such a person, or(c) by the agent of such a person, representative or assign, duly authorised by power-of-attorney executed and authenticated in manner hereinafter mentioned.

### 33. Power-of-attorney recognisable for purposes of section 32

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

(a) if the principal at the time of executing the power-of-attorney resides in any part of [India] , a power-of-attorney executed before and authenticated by the Registrar or Sub-Registrar within whose district or sub-district the principal resides;

(b) if the principal at the time aforesaid [resides in any 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 [India], a power-of-attorney executed before and authenticated by Notary Public, or any court, Judge, Magistrate, [Indian] Consul or vice-consul, or representative of the Central Government: .

#### **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 person executing such document, or their representatives, assigns or agents authorised as aforesaid, appear before the registering officer within the time allowed for presentation under sections 23, 24, 25 and 26:

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

#### **(3) The registering officer shall thereupon-**

(a) **enquire** whether or not such document was executed by the person 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, assignee or agent, satisfy himself of the right of such person so to appear.(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, assignee or agent, such representative, assignee or agent admits the execution, or

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

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

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

#### **36. Procedure where appearance of executant or witness is desired**

If any person presenting any document for registration or claiming under any document,

which is capable of being so presented, desires the appearance of any person whose presence or testimony is necessary for the registration of such document, the registering officer may, in his discretion, call upon such officer or court as the State Government directs in this behalf to issue a summons requiring him to appear at the registration-office, either in person or by duly authorised agent, as in the summons may be mentioned, and at a time named therein.

### **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 provisions next hereinafter contained be required to appear in person at the registration-office, shall not be required so to appear.

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

### **39. Law as to summonses, commissions and witnesses**

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

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

### **40. Persons entitled to present Wills and authorities to adopt**

(1) The testator, or after his death any person claiming as executor or otherwise under a will, may present it to any Registrar or Sub-Registrar for registration. (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 authorised agent, deposit with any Registrar his will in a sealed cover superscribed with the name of the testator and that of his agent (if any) and with a statement of the nature of the document.**43. Procedure on deposit of Wills**

(1) On receiving such cover, the Registrar, if satisfied that the person presenting the

same for deposit is the testator or his agent, shall transcribe in his Register-book No.5 the superscription aforesaid, and shall not 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 fireproof 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 authorised agent, to the Registrar who holds it in deposit, and such Registrar, if satisfied that the applicant is actually the testator or his agent, shall deliver the cover accordingly.

#### **45. Proceedings on death of depositor**

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

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

### **PART X : OF THE EFFECTS OF REGISTRATION AND NON-REGISTRATION**

#### **49. Effect of non-registration of documents required to be registered**

No document required by section 17 32[or by any provision of the Transfer of Property Act, 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:**

32[PROVIDED that an unregistered document may be received as evidence

#### **50. Certain registered documents relating to land to take effect against unregistered documents**

(1) Every document, if duly registered, take effect as regards the property comprised therein, against every unregistered document

(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.

### **PART XI : OF THE DUTIES AND POWERS OF REGISTERING OFFICERS**

(A) As to the register-books and indexes

#### **51. Register books to be kept in the several offices**

(1) The following books shall be kept in the several offices hereinafter named, namely:-

(A) In all registration offices- Book 1, "Register of non-testamentary documents relating to immovable property"; Book 2, "Record of reasons for refusal to register"; Book 3, "Register of wills and authorities to adopt"; and Book 4, "Miscellaneous Register";

(B) In the offices of Registrar's- 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.

## **52. Duties of registering officers when document presented**

(1)(a) The day, hour and place of presentation, and the signature of every person presenting a document for registration, shall be endorsed on every such document at the time of presenting it;

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

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

(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 .**

## **54. Current indexes and entries therein .**

## **55. Indexes to be made by registering officers, and their contents**

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

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

## **59. Endorsements to be dated and signed by registering officer**

## **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**

**63. Power to administer oaths and record of substances of statements**

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

(2) Every such officer may also at his discretion record a notice 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 notice, it shall be signed by the registering officer.

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

(C) Special duties of Sub-Registrar

**64. Procedure where document relates to land in several Sub-Districts**

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

**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 district in which his own sub-district is situate.

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

(D) Special duties of Registrar

**66. Procedure after registration of documents relating to land**

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

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

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

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

**67. Procedure after registration under section 30, sub-section (2)**

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

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

**68. Powers of Registrar to superintend and control Sub-Registrars**

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

(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 State Government, and shall have power from time to time to make rules consistent with this Act-(a) providing for the safe custody of books, papers and documents (b) declaring what languages shall be deemed to be commonly used in each district; (c) declaring what territorial divisions shall be recognised under section 21; (d) regulating the amount of fines imposed under sections 25 and 34, respectively; etc

**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.

**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 grounds other than denial of execution**

(1.) Except where the refusal is made on the ground of denial of execution, an appeal shall lie against an order of a Sub-Registrar refusing to admit a document to registration

(whether the registration of such document is compulsory or optional) to the Registrar to whom such Sub-Registrar is subordinate, if presented to such Registrar within thirty days from the date of the order; and the Registrar may reverse or alter such order.

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

### **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, assignee or agent authorised as aforesaid, may, within thirty days after the making of the order of refusal, apply to the Registrar to whom such Sub-Registrar is subordinate in order to establish his right to have the document registered.

(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 registering within thirty days after the making of such order, the registering officer shall obey the same and thereupon shall, so far as may be practicable, follow the procedure prescribed in sections 58, 59 and 60.

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

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

## **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 does not situate within his district or that the document ought to be registered in the office of a Sub-Registrar, or

(b) to direct the registration of a document under section 72 or section 75, shall make an order of refusal and record the reasons for such order in his Book No. 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, assignee or agent, may, within thirty days after the making of the order of refusal, institute in the civil court, within the local limits of whose original jurisdiction is situate the office in which the document is sought to be registered, a suit for a decree directing the document to be registered in such office if it be duly presented for registration within thirty days after the passing of such decree.

(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 XIV : OF PENALTIES**

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

Every registering officer appointed under this Act and every person employed in his office for the purposes of this Act, who, being charged with the endorsing, copying, translating or registering of any document presented or deposited under its provisions, endorses, copies, translates or registers such document in a manner which he knows or believes to be incorrect, intending thereby to cause or knowing it to be likely that he may thereby cause injury, as defined in the Indian Penal Code, 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 a map or plan; or (c) falsely personates another, and in such assumed character presents any document, or makes any admission or statement, or causes any summons or commission to be issued, or does any other act in any proceeding or enquiry under this Act; or (d) abets anything made punishable by this Act; shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

### **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 permissions of the Inspector-General, 31[\*\*\*] 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**

#### **EXEMPTION FROM ACT**

#### **90. Exemption of certain documents executed by or in favour of government**

, namely:-(a) documents issued, received or attested by any officer engaged in making a settlement or revision or settlement of land-revenue, and which form part of the records of such settlement; or(b) documents and maps issued, received or authenticated by any officer engaged on behalf of government in making or revising the survey of any land, and which form part of the record of such survey; or(c) documents which, under any law for the time being in force, are filed periodically in any revenue-office by patwaris or other officers charged with the preparation of village records; or(d) sanads, inam, title-deeds and other documents purporting to be or to evidence grants or assignments by government of land

(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.

**THE END**

