

THE REGISTRATION ACT, 1908 (Act 16 of 1908)¹

(As Applicable In Uttarakhand)

(18th December 1908)

An act to consolidate the enactments relating to the registration of documents

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

"Prefatory Note – Statement of objects and Reasons. – This is a pure consolidating Bill. The provisions relating to the registration of documents are now scattered about in seven enactments. The objects of the present Bill is to collect these provision and to incorporate them in one Act. this will make the law more easily ascertainable. It will further clear the Statute book of three entire Acts and will enable two more Acts to be entirely removed from it on the coming into force of the Code of Civil Procedure, 1908, and of the Indian Limitation Bill, now before Council.

The fact that the General Clauses Act, 1857, will apply to the bill when passed has rendered it unnecessary to retain some provisions of the present Acts. The opportunity has been taken to incorporate alterations of the formal character intended merely to improve and simplify the language of the existing Act. The numbering of the sections of the Act of 1877, has bee preserved.

It has been found that the mere process of consolidation might result in the law being changed in some respects. to a void this some few amendments appear to be necessary.

PART I PRELIMINARY

1- Short title, extent and commencement. – (1) This Act may be called the { * * *} Registration Act, 1908.

(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 5(an Indian), 6 (* * *) 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;
- (5) "endorsement" and "endorsed" include and apply to an entry in writing by a registering officer on a rider or covering slip to any document tendered for registration under this Act;
- (6) "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 nor grass;

NOTES

Trees attached to earth are immovable properties, except where such trees are standing timber – AIR 1958 SC 532. In order to determine whether a tree amounts to standing timber or not, see AIR 1963 All 214 (FB) : 1963 ALJ 33 (FB). A lease of mango crop for five years and a lease to collect Tahbazari dues are compulsorily registrable, AIR 1951 All 608: ILR (1952) 2 all 293.

(6-A) "India means the territory of India excluding the State of Jammu and Kashmir;)

- (7) "lease" includes a counterpart, kabuliyat, an undertaking to cultivate or occupy, and an agreement to lease;
- (8) "minor" means a person who, according to the personal law to which he is subject, has not attained majority;
- (9) "moveable property" includes standing timber, growing crops and grass, fruit upon and juice in trees, and property of every other description, except immovable property; and
- (10) "representative" includes the guardian of a minor and the committee or other legal curator of lunatic or idiot.
- (* * *)

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 territories subject to such Government;

Provided that the State Government may, instead of making such appointment, direct that all or any of the powers and duties hereinafter conferred and imposed upon the Inspector-General shall be exercised and performed by such officer or officers, and within such local limits, as the State Government appoints in this behalf.

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

(3) The State Government may appoint one or more Additional Inspectors General of Registration and Deputy Inspectors-General of Registration for the territories subject to such Government and may prescribe the duties of such officers and authorise them to exercise and perform all or any of the powers and duties of the Inspector-General of Registration.)

4- *(Branch Inspector-General of Sindh) Rep. by the Government of India (Adaptation of Indian Laws) Order, 1937.*

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

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

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

(* * *).

(Provided that the State Government may delegate, subject to such restrictions and conditions as it thinks fit, to the Inspector-General of Registration, the Power of appointing, Sub-Registrars.)

(6-A Additional Registrar. – The State Government may, by order, also appoint any public officer as an Additional Registrar, to assist to Registrar, or any two or more Registrars, specified in the order and may authorise such Additional Registrars to exercise and perform all or any of the powers and duties of the Registrar under this Act.)

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.

(2) The 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- (Assistant Inspector-General of Registration). – (1) The State Government may also appoint officers, to be called (Assistant Inspector-General of Registration), and may prescribe the duties of such officers.

(2) Every such (Assistant Inspector-General) 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), Section 3 and Schedule II.

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 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 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 Sections 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, 16(the vacancy is filled up).

13- Report to State Government of appointments under Sections 10, 11 and 12- (1) (* * *) All appointments made under Section 10, Section 11 or Section 12 shall be reported to the State Government by the Inspector-General.

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

(* * *)

14- Establishments of registering officers. – (1) (* * *)

(2) The 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 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.

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

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

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 (20 of 1866) or the Indian Registration Act, 1871 (8 of 1871), or the Indian Registration Act, 1877 (3 of 1877), or this Act came or comes into force, namely: -

- (a) instruments of gift of immovable property;
- (b) other non-testamentary instruments which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, (* * *) 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;
- (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 vested or contingent, (* * *) to or in immovable property.
- (f) any other instrument required by any law for the time being in force, to be registered.

(* * *)

(2) Nothing in clauses (b) and 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) any document (other than contract for sale) not itself creating, declaring, assigning, limiting or extinguishing any right, title or interest (* * *) 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 (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 Government; or
- (viii) any instrument of partition made by a Revenue officer; or
- (ix) any order granting a loan or instrument of collateral security granted under the land Improvement Loans Act, 1883 (19 of 1883); or
- (x) any order granting a loan under the Agriculturists Loans Act 1884 (12 of 1884), or instrument for securing the repayment of a loan made under that Act; or
- (X-a) 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 30 (and an instrument recording adoption of a child executed after the first day of January, 1977) shall also be registered.

NOTES

The U.P. Civil Laws (Reforms and Amendment) Act, 1976 (U.P. Act 57 of 1976) came into force on January 1, 1977. This Act amended the Registration Act as well as the transfer of Property Act, 1882 besides several other enactments. The amendments made in Section 54 of the transfer of property Act provide that every contract for the sale of an immovable property shall be made only by a registered instruments. The effect of these amendments is that every contact of sale in respect of an immovable property made on or after January 1, 1977 shall be void if it was not registered.

It may, however be noticed that the expression 'immovable property' has been defined both in the Registration Act as well as in the transfer of Property Act, but the two definitions are not identical.

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

(a) (* * *)

(b) (* * *)

(c) leases of immovable property for any term not exceeding one year, (* * *);

(cc) (* * *)

(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.

(18A. Documents for registration to be accompanied by a true copy thereof. –(* * *).

19- Documents in language not understood by registering officer–

if any documents 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, he shall refuse a 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 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 or registering the same, make a note in the register of such interlineations, blank, erasure or alteration.

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

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

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

(2) Save as otherwise provided by any rule made under sub section (1), failure to comply with the provisions of Section 21, or sub-section (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.

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 office 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.

NOTES

Term proper officer is not defined in this Act but Rule 9 of the U.P. Stamp Rules 1942, defines the term proper officer, as "The Superintendent of

Stamps in the United Provinces are empowered to affix and impress or perforate labels. Each of them shall be deemed to be "the Proper officer" for the purposes of the Act and of these rules."

[23A. Re registration of certain document. – 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 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 document, 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.

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 38 (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.

(2) Any application for such direction may be lodged with a Sub Registrar, who shall forth with forward it to the Registrar to whom he is subordinate.

26. Documents executed out of India. – When a document purporting to have been executed by all or any of the parties out of 39 (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 40 (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 document relating to land – Save as in this part otherwise provided, every documents mentioned in Section 17, [* * *] 43 in so far as such document affects immovable property, and [every document mentioned in Section 18, clause (c) shall be presented for

registration in the office of a Sub-Registrar within whose sub-district, the whole 43[* * *] of the property to which such document relates is situate:

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

NOTES

By U.P. Act 57 1976, certain amendments were made in Section 17 of this Act. Consequential changes should have been made in this section also. This is an omission which the Legislature should rectify.

29- Place for registering other documents- (1) Every document 45 [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.

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

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

(2) 46[* * *]

NOTES

The Registrar of Delhi has the power to register a document irrespective of the location of the property- Vide Section 30(2). Registration charges and stamp duty payable in respect of a document is lower in Delhi as compared to U.P. Hence, people dealing with immovable properties situate in U.P. are tempted to get their documents registered in Delhi. This is why the same of Andhra have deleted Section 30(2) in so far as the Registration Act is applicable in that State.

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 authorized to accept to 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 47[Sections 31, 88 and 89], every document to be registered under this Act, whether such registration be compulsory or optional, shall be presented at the proper registration office –

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

[32-A. Giving of true Photostat copies of documents presented for registration.- (1) Notwithstanding anything contained in this Act, in such areas as may be notified by the State Government, every document or any

translation of documents referred to in Section 19 presented for registration shall be accompanied by such number of true photostate copies thereof, as may be prescribed by rules under Section 69.

(2) The photostat copy shall,-

- (a) be neat and legible prepared on paper of such specification as may be notified by the State Government from time to time;
- (b) contain a declaration that the same is a true copy of the document to be registered in such manner as may be prescribed by rules under Section 69;
- (c) be compared and verified by such official, as may be directed by the registering officer;
- (d) be separately bound and permanently kept in such manner as may be prescribed by rules under Section 69.

(3) Where the provisions of this section apply, the sections mentioned below shall be deemed to be modified as follows :

(a) in Section 52, in sub-section (1),-

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

(ii) for clause (c), the following clause shall be substituted namely :-

"(c) subject to the provisions contained in Section 62, every photostat copy shall, without unnecessary delay be verified from the document admitted to registration and be placed in the proper book for being copied in the book appropriate for the document admitted to registration according to the order of its admission";

(b) in Section 60, in sub-Section (1), for the words "together with the number and page of the book in which the document has been copied" the words "together with a reference to the serial number of the photostat copy and the number of the book in which it is placed" shall be substituted;

(c) in Section 69, after clause (hh) , the following clauses shall be inserted, namely-

"(hh-1) regulating the number and manner in which photostat copies of documents and of translation under Section 19 shall be prepared and the books in which they shall be placed for record ;

(hh-2) regulating the form of declaration and the manner of keeping the records under sub-section (2) of Section 32-A"]

[32-B Lamination of true copies.- (1) Notwithstanding anything contained in this Act, in such areas as may be notified by the State Government, every document and the translation of the document referred to in Section 19, presented for registration shall be accompanied by a true copy thereof.

(2) The copy referred to in sub-section (1) shall-

- (a) not be a carbon copy;
- (b) be neatly and legibly printed, lithographed, type-written or otherwise prepared on only one side of the paper of such specification as may be notified by the State Government;
- (c) contain a declaration in the manner prescribed by rules under Section 69 that the same is a true copy of the document or the translation, as the case may be.

(3) The registering officer shall refuse to register any document presented to him for registration unless such document is accompanied by a true copy thereof as provided in sub-section (1).

(4) The copy shall-

- (a) be compared and verified by such official as may be directed by registering officer;
- (b) be separately laminated, bound and permanently kept in such manner as may be prescribed by rules under Section 69.

(5) In such areas as have been notified under sub-section (1), the provisions of Section 31-A shall cease to apply :

Provided that a photostat copy filed before the notification under sub-section(1) is issued and not copied in the appropriate book shall be deemed to

be a true copy for the purposes of this section and shall be laminated in accordance with the procedure laid down in this section :

Provided further that if the photostat copy already filed is dim or has otherwise become illegible, the registering officer shall, with the prior approval of the Registrar, require the party concerned to deliver the document to him for getting its copy prepared for lamination, and if the party concerned informs him that the document to him for getting its copy has been lost or destroyed, the photostat copy available in the registering office shall be copied in the appropriate book.

(6) Where the provisions of this section apply., the sections mentioned below shall be deemed to be modified as follows :-

(a) in Section 52, in sub- section (1), -

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

(ii) for clause (c), the following clause shall be substituted, namely :-

"(c) subject to the provisions contained in Section 62, every true copy shall, without unnecessary delay be verified from the document admitted to registration, be laminated and placed in the proper book for being bound and kept permanently in the book appropriate for the document admitted to registration according to the order of its admission".

(b) in Section 55, after sub- section (6), the following sub-section shall be inserted, namely-

"(7) The indexes prepared under this section shall be laminated and bound in such manner as may be prescribed by rules under Section 69".

(c) in Section 58, in sub-section (1), after the words "admitted to registration" the words "and true copy thereof" shall be inserted ;

(d) in Section 60, in sub-section (1), for the words "the document has been copied" the words "the laminated true copy thereof has been bound and kept" shall be substituted;

(e) in Section 62, in sub-section (1), for the words "the translation shall be transcribed" the words " the true copy of the translation shall be laminated, bound and kept" shall be substituted;

(f) in Section 69, after clause (hh-2), the following clauses shall be inserted, namely-

"(hh-3) regulation the manner in which the true copy of the document and of the translation under Section 19 shall be prepared and the form of declaration required under sub-section (2) of Section 32-B ; (hh-4) regulating the manner and procedure for lamination of true copies, the books in which they shall be kept for record, keeping such records and preservation thereof, grant of license for lamination and matters connected therewith including the rate of fees for laminating the copies, and seating arrangement for the licensees".]

33- Power-of attorney recognizable for purposes of Section 32. –

(1) For the purposes of Section 32, the following powers-of attorney shall alone be recognized, namely :-

(a) if the principal at the time of executing the power-of attorney resides in any part of 50[India] in which this Act is for the time being in force, a power-of-attorney execute4d 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 51[resides in any part of India in which this Act is not in force], a power-of-attorney executed before and authenticated by the Magistrate ;

(c) if the principal at the time aforesaid does not reside in 52[India], a power-of-attorney executed before and authenticated by a Notary Public, or any Court Judge, Magistrate 53[Indian] Consul or Vice-Consul, or representative 54[* * *] of the Central Government.

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

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

[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 officer 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 provision contained in this part and in Sections 41, 43, 45, 69, 75, 77, 88 and 89, no document shall be registered under this Act, unless the persons executing such document, or their representatives, assigns or agents authorized as aforesaid, appear before the registering officer within the time allowed for presentation under Sections 23, 24, 25 and 26 :

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

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

(3) The registering officer shall thereupon -

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

(b) satisfy himself as to the identity of the person 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 registering officer and are personally known to him, or if he be otherwise satisfied that they are the persons they represent themselves to be, and if they all admit the execution of the document, or

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

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

(2) The registering officer may, in order to satisfy himself that the persons appearing before him are the persons they represent themselves to be, or for any other purpose contemplated by this Act, examine 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 assigns its execution, the registering officer shall refuse to register the document as to the person so denying, appearing or dead :

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

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

Part VII

OF ENFORCING THE APPEARANCE OF EXECUTANTS AND WITNESSES

36- Procedure where appearance of executant or witness is desired – If any person presenting any document for registration, or claiming under any 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 his 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,

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

39- Law as to summonses, commissions and witnesses – The law in force for the time being as to summonses, commissions and compelling the attendance of witnesses, and for their remuneration in suits before Civil Courts, shall, save as aforesaid and 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 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 the same for deposit is the testator or his agent, shall transcribe in his Register-book No. 5 the superscription aforesaid, and shall note in the same book and on the said cover the year, month, day and hour of such presentation and receipt, and the names of any persons, who may testify to the identity of the testator or his agent, and any legible inscription which may be on the seal of the cover.

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

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

(2) Where such copy has been made, the Registrar shall re-deposit 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 (10 of 1865) 57, or of Section 81 of the Probate and Administration Act, 1881 (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 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 not 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 58[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 [or by any provision of the Transfer of Property Act, 1882 (4 of 1882,)] [or of any other law for the time being in force] to be registered shall-

- (a) affect any immovable property comprised therein, or
- [(b) confer any power or create any right or relationship, or]

(c) be received as evidence of any transaction affecting such property or conferring such power [or creating such right or relationship], unless it has been registered:

[Provided that an unregistered document affecting immovable property and required by this Act or the Transfer of Property Act, 1882 (4 of 1882)] to be registered may be received [* * *] as evidence of part performance of a contract for the purposes of Section 53-A of the Transfer of Property Act, 1882 (4 of 1882), or as evidence of any collateral transaction not required to be effected by registered instrument.]

NOTES

Where trees of Shisham and Neem were sold by an unregistered deed, it was held that the deed was admissible in evidence-1963 All LJ 33 (FB). Exchange of shares between co-owners does not affect any immovable property and hence, such a deed did not require registration-AIR 1937 Pat 232. But an unregistered deed of gift is not admissible to prove the nature of possession. AIR 1958 SC 199.

50- Certain registered documents relating to land to take effect against unregistered documents.- (1) Every document of the kinds mentioned in clauses (a) and (b), (c) and (d) of Section 17, sub-section (1), and clauses (a) and (b) of section 18, [as these clauses stood before their omission by the Uttar Pradesh Civil Laws (Reforms and Amendment) Act, 1976] shall, if duly registered, take effect as regards the property comprised therein, against every unregistered document relating to the same property, and not being a decree or order, whether such unregistered document be of the same nature as the registered document or not.

(2) Nothing in sub-section (1) applies to leases exempted under the proviso to sub-section (1) of Section 17 [as the proviso stood before its omission by the Uttar Pradesh Civil Laws (Reforms and Amendment) Act, 1976] 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. XVI of 1864 or the Indian Registration Act, 1866 (20 of 1866), was in force in the place and at the time in and at which such unregistered document was executed, "unregistered" means not registered according to such Act, and, where the document is executed after the first day of July, 1871, not registered under the Indian Registration Act, 1871 (8 of 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 the several offices.- 1) The following books shall be kept in the several offices hereinafter named, namely:-

A- In all registration offices-

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

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

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

Book 4, "Miscellaneous Register";

B- In the offices of Registrars-

Book 5, "Register of deposits of wills".

(2) In Book 1 shall be entered or filed all documents or memoranda registered under Section 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.

[(5) Where due to fire, tempest, flood, excessive rainfall, violence of any army or mob or other irresistible, force, any or all of the books specified in sub-section (1) are destroyed or become illegible either wholly or partially and the State Government is of the opinion that it is necessary or expedient so to do, it may, by order, direct such book or such portion thereof as it things fit, to be re-copied, authenticated or reconstructed in such manner as may be prescribed, and the copy so prepared, authenticated or reconstructed shall, for the purposes of this Act and of the Indian Evidence Act, 1872, be deemed to have taken the place of, and to be the original book or portion.]

52. Duties of registering officers when document presented.- (1)

(a) The day, hour and place of presentation the words, figures and letter "the photograph and finger prints affixed under section 32A shall be inserted 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 of the person presenting the same; and

(c) subject to the provision 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.

[Explanation – [* * *].]

(2) All such books shall be authenticated at such intervals and in such manner as is form 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 e 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. I, Index No. II, Index No. III and Index No. IV.

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

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

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

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

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

56. [Copy of entries in Indexes Nos. I, II and III to be sent by Sub-Registrar to Registrar and filed.] Rep. by the Indian Registration (Amendment) Act, 1929 (15 of 1929), 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 Nos. 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 books shall be given to all persons applying for such copies.

(2) Subject to the same provisions, copies of entries in Book No. 3 and in the Index relating thereto shall be given to the persons executing the documents to which such entries relate, or to their agents, and after the death of the executants (but not before) to any person applying for such copies.

(3) Subject to the same provisions, copies of entries in Book No. 4 and in the Index relating thereto shall be given to the persons 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 Books Nos. 3 and 4 shall be made only by the registering officer.

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

58. Particular 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 provision 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 Sections 52 and 58, relating to the same document and made in his presence on the same day.

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

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

61. Endorsements and certificate to be copied and document returned.- (1) The endorsements and certificate referred to and mentioned in Section 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) When a document is presented for registration under section 19, the translation shall be transcribed in the register of document of the nature of the original, and, together with the copy referred to in Section 19, shall be filed in the registration office.

70[Explanation.- [***]

(2) The endorsements and certificate respectively mentioned in Section 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.

C— Special duties of Sub-Registrar

64. Procedure where documents 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 may part of such property is situate other than the district in which his own sub-district is situate.

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

(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 situated.

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

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

67. Procedure after registration under Section 30, Sub-Registrars

(2).— [* * *]

E-Of the controlling powers of Registrars and Inspector General

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

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

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

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 ⁷²[* * *];
- (b) Declaring what languages shall be deemed to be commonly used in each district ;
- (c) Declaring what territorial divisions shall be recognized under Section 21;
- (d) Regulating the amount of fines imposed under Sections 25 and 34, respectively ;
- [(dd) Providing for refund of registration fees paid in excess ;
- (ddd)Providing for recovery of deficiency in registration fees ;]
- (e) Regulating the exercise of the discretion reposed in the registering officer by Section 63 ;
- (f) Regulating the form in which registering officers are to make memoranda of documents ;
- (g) Regulating the authentication by Registrars and Sub-Registrars of the books kept in their respective offices under Section 51 ;
- [(gg)Regulating the manner in which the instruments referred to in sub-section
- (2) of Section 88 may be presented for registration ;]
- (h) Declaring the particulars to be contained in Indexes Nos. I, II, III and IV, respectively ;

⁷⁶⁷⁷[(hh)Regulating the manner in which translations to be delivered under Section 19 shall be prepared and in which they shall be declared to be faithful translations ;]

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

(hhhh) Regulation the manner of recopying the books kept under Section 51 and the Indexes ;]

(i) Declaring the holidays that shall be observed in the registration-offices ;
and

(j) Generally, regulating the proceedings of the Registrars and Sub-Registrars.

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

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. Reason 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 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, assigns 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 77, 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 that 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 necessary 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 office in 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) Section 75 shall, mutatis mutandis, apply to all documents presented for registration in accordance with any such decree, and, notwithstanding anything contained in this Act, the document shall be receivable in evidence in such suit.

PART XIII OF THE FEES FOR REGISTRATION, SEARCHES AND COPIES

78. Fees to be fixed by State Government.— [* * *] The State Government shall prepare a table of fees payable—

- (a) for the registration of documents ;
- (b) for searching the registers ;
- (c) for making or granting copies of reasons, entries or documents, before, on or after registration ;

and of extra or additional fees payable—

- (d) for every registration under Section 30 ;
- (e) for the issue of commissions ;
- (f) for filling translations ;

- (g) for attending at private residence ;
- (h) for the safe custody and return of documents ; and
- (i) for such other matters are appear to the State Government necessary to effect the purposes of this Act.

[78.A. Power to reduce or, remit fees. — The State Government may by rule or order published in the Official Gazette, reduce or remit, whether prospectively or retrospectively, in the whole or any part of the territories under its administration, the fees chargeable in respect of any instrument or class of instruments, or in respect of any class of instruments when executed by or in favour of the State Government or any person or class of 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.

[80-A. Duty of Collector in proceedings under Section 47-A of the Indian Stamp Act, 1899.— (1) It shall be the duty of the Collector, if he is satisfied, during the proceedings, if any, under Section 47-A of the Indian Stamp Act, 1899, that the fee for registration paid under the Act in respect of a document is in deficit, to determine in the course of such proceedings the deficient amount of fee and to send a copy of the order made in the proceedings to the registering officer for the recovery of the said amount from the person liable to pay the deficient amount of stamp duty under the said section.

(2) An order of the Collector under sub-section (1) shall be deemed to be an order made by the Collector under Section 47-A of the Indian Stamp Act, 1899 and shall be final.

(3) Any amount recoverable under this section may be recovered as arrears of land revenue.

80-B. Recovery of deficient registration fee as arrears of land revenue and provision for refund of excess.— (1) 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 on demand within the prescribed period), on a certificate of Inspector-General of Registration, Additional Inspector-General of Registration or Deputy Inspector-General of Registration, be recovered from the person who presented such document for registration under Section 32 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 not such certificate shall be granted unless due enquiry is made and such person has been given an opportunity of being heard.

(2) Where the Inspector-General of Registration finds that the amount of fee charged and paid exceeds that which it is legally chargeable under the provisions of this Act, he may, upon an application in writing or otherwise, refund the excess.]

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 purpose of this Act, who, being charged with the endorsing, copying, translating or registering of any document presented or deposited under its provisions, endorse, 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 translation, 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 proceedings or inquiry under this Act ;
or

81[(b) intentionally delivers to a registering officer, in any proceeding under false copy of a map or plan ; or]

(b) falsely personates another, and in such assumed character presents any documents, or makes any admission or statement causes any summons or commission to be issued, or does any other act in any proceeding or enquiry under this Act ; or

(c) 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. Registration officer may commence prosecutions.— (1) A prosecution for any offence under this Act coming to the knowledge of registering officer in his official capacity maybe commenced by or with the permission of the Inspector-General, [* * *] the Registrar or the Sub-Registrar, in whose territories, district or sub-district, as the case may be, the offence has been committed.

(2) Offence 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 documents.— 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 bona fide done or refused in his official capacity. — No registering officer shall be liable to any suit, claim or demand by reason of anything in good faith done or refused in his official capacity.

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.

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

- (a) any officer to Government, or
- (b) any Administrator General, official Trustee or Official Assignee, or
- (c) 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 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.

(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 any 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 his Book No. 1.

(2) Every Court granting a certificate of sale immovable property under the Code of Civil Procedure, 1908 (5 to 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 or copies, as the case may be, in his Book No.1.

(4) Every Revenue-Officer granted 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 situated, and such officer shall file the copy in his Book No.1.

Exemptions From Act

90. Exemption of certain documents executed by or in favour of 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 :—

- (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 teh 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 charge 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) notice given under Section 74 or Section 76 of the Bombay Land Revenue Code, 1897 (Bombay Act 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 purpose 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. — [(1)] Subject to such rules and the previous payment of such fees as the [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 or 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.

[(2) Every rule prescribed under this 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 Government of India (Adaptation of Indian laws] Order, 1937.

Repeals

93. [Repeals.] Rep. by the Repealing Act, 1938 (1 of 1938), Section 2 and Sch. THE SCHEDULE— [Repeal of Enactment.] Rep. by Section 2 and Sch, *ibid*.

SELECT U.P. NOTIFICATIONS UNDER REGISTRATION ACT, 1908

English translation of Vitta (Stmps Evam Registration Anubhag, Noti. No. SR-976IX—550(51)-75, dated March 31, 1976, published in U.P.

Gazette, Extra, dated 31st March, 1976, pp. 8-16.

In exercise of the powers under Section 78 of the Registration Act, 1908 (Act XVI of 1908), and in suppression of the Table of Registration Fee contained in Appendix V of the Registration Manual, Part II (seventh edition), the Governor is pleased to prescribe the following Table of Registration Fees with effect from April 1, 1976 :

TABLE OF REGISTRATION FEES

⁴[Following fees shall be paid, subject to exception herein contained and remission and reductions granted by the State Government and subject to the condition that the maximum fees chargeable under Articles I and III below in respect of any one document shall be rupees ten thousand only :—]

Article I

For registration of —	Proper Fee Rs. P.
(1) All non-testamentary documents relating to Books I and IV, including Sale Certificates presented in original and not otherwise provided for —	
⁵ (a) where the value or consideration is expressed	Two per cent of such value or consideration / Maximum Rs. 10000/-
(b) where the value or consideration is only partly expressed, an additional fee of	Rs. 20.00
(c) where the value or consideration is not expressed]	Rs. 100.00

Explanations :

(1) (i) In the case of a conveyance, fee will be charged on the value or consideration which-ever is higher.

(ii) In the case of a lease or surrender of lease the value for purpose of charging fees shall be—

(a) When the lease is for one year or less— the total rent for the whole term.

(b) When the lease is for a definite term exceeding one year but not exceeding 20 year — the average annual rent.

(c) When the lease is for a definite term exceeding 20 years but not exceeding 90 years or is not for a definite term- three times the average annual rent (in the case of a lease not for a definite term, the average annual rent will be calculated on the assumption that the lease would continue for 20 years.)

(d) When the lease is perpetual or confers hereditary rights on a tenant or is for a term exceeding 90 years— one fifth of the aggregate rent payable for the first fifty years:

Provided that where the lease is granted for a fine or premium or for money advanced in addition to the rent reserved that amount shall also be included in the value.

(e) When the lease is granted for a fine or premium or for money advanced and no rent is reserved— the total amount of

such fine or premium or money advanced.

(iii) In case of mortgage or bond the amount se-cured by such document ; in case of an annuity bond— the amount determined in accordance with the provisions of Section 25 of the Indian Stamp Act, 1899 and in case of other document securing periodical payments (other than leases) the amount payable for the first year together with any fine or premium or money advanced shall be taken as the value for charging registration fee thereon.

(iv) When the subject-matter of the document is capable of valuation and related to Book I, but the parties refuse to express the value, the registering officer shall, subject to the control and supervision of the District Registrar, as certain the approximate value of the property dealt with from the records maintained in the Tahsil, Local Bodies or in his own office and charge proper fees on the value so ascertained.

(2) Written authority to adopt not conferred by will	[100.00]
⁷ [(3) Wills	100.00]
(4) (a) Special power of attorney	Rs. [10.00]
(b) General power of attorney	Rs. [50.00]
(c) Adoption deed	Rs. [50.00]
(5) Document purporting to give collateral or auxiliary pr additional or substituted security or by way of further assurance where the principal of primary mortgage is proved to the	Same fee as for the principal or primary mortgage deed, subject to a maximum of Rs. 10

satisfaction of the Registering Officer to have been duly registered.

(6) Exact copy or copies of a document when presented for registration at the same time as the original, if the original be also registered, as provided in Rule 362 of Registration Manual, Part II.

(7) Supplementary document correcting mis-description or clerical error in a previously registered document as provided in Rule 351 of the Registration Manual, Part II.

¹¹[(8) Agreement for sale —

(a) If no earnest or advance money is paid

Rs. 100

(b) If earnest or advance money is paid

The fee as prescribed in clause (1) on the amount of earnest or advance paid]

(9) An agreement modifying the rate of interest or the mode of payment in a previously registered mortgage deed.

Same fee as on the original, subject to a maximum of Rs. 25.

(10) Hypothecation bond of a proprietary firm or partnership.

Ad valorem fee as prescribed in clause (1) on the amount secured, subject to a maximum of Rs. 25.

(11) Reconveyance or release deed of mortgaged property or a deed purporting to extinguish a mortgage lien where full ad valorem fee had been paid on the mortgage deed of the same property.

Ad valorem fee as prescribe in clause (1) on the amount secured, subject to a maximum of Rs.50.

Rs. 5 for each copy. (Note—
No additional fee shall be charge under Article II).

(12) Document acknowledging receipt of installments or installments of mortgage money under a mortgage deed on which full ad valorem fee had been paid.

Ad valorem as prescribed in clause (1) on the amount acknowledged, subject to a maximum of Rs. 50.

(13) Document acknowledging receipt of part or whole of the consideration for any previously registered document on which full ad valorem fee had been paid.

(14) Document acknowledging receipt of part or whole of the consideration for any previously registered document on which full ad valorem fee had been paid.

(15) An instrument of partition as defined in Section 2(15) of the Indian Stamp Act, 1809.

As prescribed in clause (1) on the value of the separated share or shares on which stamp duty is payable under Article 45 of Schedule I-B of the Stamp Act.

(16) Any other document which cannot be brought under the ad valorem scale prescribed in clause (1) (i.e. which is incapable of valuation) and is not otherwise provided for.

Rs. 10.00

NOTE—

(i) The fee for registration of any document comprising of several distinct matters shall be the aggregate of fees with which separate documents comprising or relating to one such matter would be chargeable.

(ii) Subject to Note (i), the fee for registration of a document so framed as to come within two or more of the descriptions given in the Indian Stamp Act, 1899, shall, when the fees chargeable therefore are different, be the highest of such fees.

(iii) Registering Officers should follow Stamp Law for charging registration fee on documents if no specific provisions exist in this table or in the rules, made under the Registration Act.

(iv) If a Patta or lease and a Kabulyat or counterpart thereof be brought for registration at the same time, the fee chargeable in respect of the two documents shall not be greater than the fees which would have been charged on the patta or lease alone.

¹²[(v) Notwithstanding anything contained in the provisions of this Article, the fee, if it is not a multiple of Rs. 5, it shall be rounded off to the next multiple of Rs. 5]

Article II

In addition to fee for registration under Article I—

(a) For copying a document in Book I, III or IV (if copying has to be done).

]Rs. 5 for every 500 words or parts thereof, subject to a minimum of Rs. 10 for every document.]

(b) For comparison of copy of a document presented alongwith the original under Section 18-A of the Registration Act, 1908, or duplicates of documents referred to in Rule 362 of the U.P. Registration Manual, Part II, presented alongwith the original. [Rs. 5 for every 500 words or parts thereof, subject to a minimum of Rs. 10 for every document.]

Explanations :

(1) The number of words comprising the endorsement and certificates prescribed by law of rule shall not be included for calculating fee under this Article.

(2) It is sufficient to estimate the number of words approximately for purpose of charging fees, for instance, the number of words in each line may be multiplied by the average number of words in each line, calculated by counting the number of words in three or four ordinary consecutive lines in the middle of the document. The number of words charged for and the amount of copying/comparison fee charged shall be entered on the document itself as well as on the register or copy.

(3) Fees on the foregoing scale will also be charged on all copies of documents made for dispatch to another office under Sections 65 and 66 of the Registration Act, 1908. In addition to this a fixed fee of [Rs.5]¹⁵ shall be charged in respect of each memorandum prepared under Sections 64, 65, 66 and 67 of that Act.

Article III

(1) For filing a copy of order received under sub-sections (1) and (3) of Sections 89 of the Registration Act, 1908, a fee of [Rs.5]⁶ shall be deposited in the treasury under head '030—~~Stamps and Registration~~—Registration fee—~~Fee for registration of documents~~', by the person to whom the loan is granted and the treasury challan filed before the officer granting an the loan, who shall forward the same to the registering officer along with the copy of the order.

(2) For filing a copy of a certificate of sale under sub-sections (2) and (4) of Section 89 of Registration Act, 1908 ¹⁷[a fee equal to two percent of the amount on which stamp duty is payable under the Stamp Act on the original certificate to sale, subject to a minimum of Rs. 5] shall be deposited in the treasury under head '030—~~Stamps and Registration fees~~—Registration Fee—~~Fee for registration of documents~~', by the auction purchaser and the treasury challan filed before the Court or the Revenue Officer, which will be forwarded by such Court or Revenue Officer to the registering officer along with the copy of the sale certificates:

¹⁸[Provided that the fee, if it is not a multiple of Rs.5, it shall be rounded off to the next multiple of Rs. 5]

For authentication of a power-of-attorney under Section 33 of the Registration Act, 1908—

(i) If such power be general [10.00]

(ii) If such power be special [5.00]

Explanation :

(1) A single fee shall be levied for authentication of power-of-attorney whatever may be the number of signatories to it, provided that all of them appear simultaneously for execution. When they do not so appear, a separate fee shall be levied for each person or set of persons appearing at one and the same time.

(2) The duplicate or triplicate of a power-of-attorney presented for authentication shall be treated as a separate power and a separate authentication fee shall be charged therefor.

Article V

[100.00]

For discretionary registration by a District Registrar under Section 30 of the Registration Act, 1908— Additional fee.

Explanation:

The additional fee is not payable on the deposit of wills, under Section 42 of the Registration Act, nor shall it be charged when the document is taken for registration to the District Registrar in consequence of the Sub-Registrar being unacquainted with the language in which it is written; nor when a deed is registered by the District Registrar being a party interested in the transaction to which such deed relates. When the additional fee is not realized a note should be made in Column 7 of the Register of fees and on the document showing the reason for non-realization.

Article VI

Custody—

- | | |
|---|-------|
| (a) For safe custody of any non-testamentary document in the iron safe of a District Registrar. | 5.00 |
| (b) For withdrawal of any such document. | 5.00 |
| (c) For deposit of sealed cover under Section 42 of the Registration Act, 1908. | 10.00 |
| (d) For withdrawal of sealed cover under Section 44 of the Registration Act, 1908. | 10.00 |
| (e) For opening a deposited sealed cover under Section 45 of the Registration Act, 1908. | 10.00 |

Article VII

- | | |
|--|---------|
| For filing a translation of a document under Section 19 of the Registration Act. | [10.00] |
|--|---------|

Article VIII

For search and inspection of records made under provisions of Sections 57 of the Registration Act—

(a) Search or inspection of records for one year [5.00]

(b) Search or inspection of records for more than one year, under one application. [Rs. 5 for every year subject to a maximum of Rs. 100 in any one case.]

Explanation :

(1) For searches or inspections made for bona fide public purposes on the application of the Head of Government Office or Courts, see Rule 348 of the Registration Manual, for Uttar Pradesh, Part II.

(2) No search fee shall be charged in respect of a document of which a copy is applied for, when the names of claiming and executing parties, the nature and the date of the document and the date of registration, are correctly shown in the application for copy. The failure of the applicant to supply a portion of such particulars will not, however, in all cases necessitate a search and unless such a search is necessary, the copying fee only will be, charged. The Registering Officer, must, in such cases, use his description in distinguishing between searching for an entry and merely turning over the books for an entry, the whereabouts of which are readily ascertainable from the application for copy.

Article IX

For issue of 12 year's search certificate under Rule 327 of Registration Manual, Part II:

(a) When required by a decree holder for purpose of ascertaining the particulars required by Order XXI, Rule 66(2) (c) of the Code of Civil Procedure :

(i) If the valuation of the decrees does not exceed Rs. 3,000.

[15.00]

(ii) If the valuation exceeds Rs. 3,000.

[Rs. 15 for the first Rs. 3000 and Rs. 5 for every additional Rs. 1000 or part thereof the valuation subject to a maximum of Rs. 50.]

Explanations :

(1) Only one fee shall be charged for one search certificate in respect of one decree irrespective of the number of judgment-debtors and the properties to be searched.

(2) When required by any other person not entitled to a free search certificate under Rule 348 of Registration Manual, Part II or under any other special or general order :

20.00

Provided that when any applicant under clause (a) or clause (b) requires a search certificate to be taken up in preference to other applications for which ordinary search fee has been paid such certificate shall be issued on payment of extra fee of Rs. 5 within two days of payment of the fees :

Provided further that the fee for the issue of a supplementary search certificate under clause (i) (b) of Rule 327 of the Registration Manual, Part II, for a period shorter than 12 years shall be proportionate to the period actually searched. The fee so charged shall be rounded off to the next whole rupee.

Article X

For attendance by a Registering Officer under Sections 31, 33 or 38 at a private residence or a jail or issue of a commission under Section 33 or 38 of the Registration Act, 1908—

- | | |
|--|---------|
| (a) When the person to be examined is in jail. | [10.00] |
| (b) When the person to be examined is exempt from personal appearance under the Code of Civil Procedure. | [50.00] |
| (c) In all other cases. | [50.00] |

NOTE—

- (1) In addition to the above fee, traveling allowance is also to be charged in respect of journeys, which the registering officers may be required to undertake for the aforesaid purpose at the rates ordinarily admissible to them for journeys of tour under the Traveling Allowance rules, contained in the Financial Handbook, Volume III :

Provided that in respect of journeys within headquarters the Inspector-General may authorize a special rate of Rs, 1 for the first kilometre and Re. 0.45 for each succeeding kilometre.

- (2) The costs of a visit, or of a commission, for the examination of a person exempted under Section 133 of the Code of Civil Procedure, 1908, shall be paid by him unless the party requiring his evidence pays such costs.

- (3) The distance for which travelling allowance pays such costs, shall be calculated according to the table which is drawn up in the Collector's office for the services of processes, where such a table is available or in other cases, by estimation with the aid of a map if available, of the sub-district, which shall, as far as possible be supplied to each office not at the headquarters of a Tahsil. Officers at the headquarters of a Tahsil will use the map at the Tahsil. Inspecting officers will satisfy themselves by actual check and measurement on the map of a certain number of items that the distances charged are approximately correct.
- (4) For every attendance at a private residence by a nurse or female assistant if required, to accompany a registering officer for taking the thumb-impression of one or more female executants who are paradhanshin or of high birth, an extra fee of Rs. 5 shall be charged irrespective of the number of documents registered at such meetings.

Article XI

When under Section 36 of the Registration Act, 1908, application is made to the officer or Court appointed by the State Government to issue a summons, the process fee ordinarily payable on the issue and service of a summons, by such officer or Court is to be realized from the person at whose instance the application is made and forwarded along with the application.

Article XII

The remuneration of witnesses shall be fixed by the register officer with reference to the rule for the time being in force under the Code of Civil Procedure, 1908, and shall be forwarded with the application for the issue of summons. When, however, the person summoned is the person who has executed the document, no remuneration shall be allowed to him.

Article XIII

For certified copy of a document pertaining to Book I, III or IV, entry in Book II, papers in File Book (except a map or plan), entry in other books and indices (except or other miscellaneous papers issued by registering officers.

At the rates prescribed in
Article II.

NOTES—(1) When an applicant requires a copy to be taken up in preference to other applications for which ordinary copying fee has been paid, the fee will be at double the rates of the fee prescribed in Article II.

(2) If an applicant, who has paid the fee in accordance with note (1), requires such copy to be furnished on the day of application or if he demands precedence over the documents and applications for urgent copies under note (1) presented on the date of such application, ³⁰[an expedition fee of Rs. 5 or the number of words in the copy exceeds 1000 Rs. 5 for every 500 words or part thereof] shall be charge for such copy in addition to the fee paid under note (1). Notwithstanding the payment of such a fee, copy containing more than 3,600 words will only be furnished within a period calculated by taking 3,000 words for each working day.

Explanation :

- (1) In charging fees under this Article, the registration endorsements and other certificates prescribed by law or rules shall also be reckoned as part of the document.

- (2) When an application for a copy under Section 57 of the Registration Act, 1908, necessitates a search, fee prescribed by Article VIII, shall subject to Explanation (2) thereof, be charge in addition to fee under this Article.
- (3) The amount of copying fee charged shall be entered at the foot of the copy issued.
- (4) Subject to the control of the District Registrar, the Registering Officer shall fix the fee for preparation of a copy of a map, of plan to be issued by him, with reference to the difficulty or intricacy of the work, to be done. When a copy of a map or plan is prepared by a person not concerned with the Registration Department, the fee so realized shall be paid to such person.

Article XIV

For return or surrender of an unclaimed document which has been entered in the register of unclaimed documents of the Office of a Sub-Registrar or District Registrar under Rule 196 of Registration Manual, Part II.

[Rs. 5 for every 15 days or part thereof during which the document remained unclaimed subject to a maximum of Rs. 50.]

Article XV

Miscellaneous Fees:

- (1) For an appeal under Section 72, or an application under Section 73 and enquiry under Section 74 of the Registration Act, 1908 or for an enquiry to be made by a Registering Officer about the fact of execution etc., when any document, will or authority to adopt is presented after the death of the executant or testator.
- (2) For an application filed under Sections 25, 34 or Section 36 of the Registration Act, 1908. [5.00]³²
- (3) For every application (except an application for copy) filed before the Registering Officer, relating to any official matter or registration business or proceedings when not chargeable with Court fees under the Court Fees Act, 1870. [5.00]³³

Exceptions :

- (1) No fees shall be leviable upon a mortgage deed executed by an Officer of Government in Civil or Military employ for securing the re-payment of an advance received by him from the Government for the purpose of constructing or purchasing a dwelling house for his own use. Similarly, on the repayment of the advance, if a borrower desires to get an instrument of reconveyance executed by Government in his favour no fees shall be charged.

- (2) No registration fees shall be leviable from displaced persons on documents relating to transfer of property, other than by public auction executed under the provisions of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955.