

Maharashtra:

Vidarbha.—Section 82A inserted by the Madhya Pradesh Act 8 of 1955 is repealed in its application to the Vidarbha region of the State of Maharashtra by Bombay Act 35 of 1958, sec. 3 (w.e.f. 24-4-1958).

Tamil Nadu:

After section 82, insert the following section, namely:—

"82A. *Penalty.*—Whoever acts as a tout whilst his name is included in a list of touts framed and published under this Act shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees or with both."

[*Vide* Tamil Nadu Act 38 of 1987, sec. 3 (w.e.f. 1-1-1988).]

West Bengal:

After section 82, insert the following section, namely:—

"82A. *Penalty.*—Whoever acts as a tout whilst his name is included in a list of touts framed and published under this Act shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both."

[*Vide* Bengal Act 5 of 1942, sec. 10 (w.e.f. 1-11-1943).]

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

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

STATE AMENDMENTS**Goa, Daman and Diu:**

In section 83, for sub-section (1), substitute the following sub-section namely:—

"(1) No prosecution for any offence under this Act shall be commenced save by or with the permission of the Inspector-General or any officer empowered in this behalf by the Government."

[*Vide* Goa Act 2 of 1968, sec. 3.]

Tamil Nadu:

In section 83, in sub-section (2), for the word "Offences", substitute the words, figures and letter "Save as provided in section 80G, offences".

[*Vide* Tamil Nadu Act 38 of 1987, sec. 3 (w.e.f. 1-1-1988).]

West Bengal:

In sub-section (2), for the word "Offences", substitute the words, figure and letter "Save as provided in section 80F, offences".

[*Vide* Bengal Act 5 of 1942, sec. 11 (w.e.f. 1-11-1943).]

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.

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

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.

STATE AMENDMENT

Section 87A

Orissa:

After section 87, insert the following section, namely:—

"87A. *Delegation of powers.*—The State Government may, by order, delegate all or any of the powers conferred on them under this Act to the Inspector-General of Registration, who shall exercise the same subject to such restrictions and conditions as the State Government may impose and they may in like manner withdraw any power so delegated."

[*Vide* Orissa Act 7 of 1964, sec. 2 (w.e.f. 4-5-1964).]

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

- (a) any officer of Government, or
- (b) any Administrator-General, Official Trustee or Official Assignee, or
- (c) the Sheriff, Receiver or Registrar of a High Court, or
- (d) the holder for the time being of such other public office as may be specified in a notification in the Official Gazette issued in that behalf by the State Government,

to appear in person or by agent at any registration office in any proceeding connected with the registration of any instrument executed by him or in his favour, in his official capacity, or to sign as provided in section 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 may be prescribed by rules made under section 69.

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

1. Subs. by Act 39 of 1948, sec. 5, for section 88.

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

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

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

STATE AMENDMENTS

Andhra Pradesh:

In section 89, after the words "shall file the copy in his Book No. 1" wherever they occur, add the words "or get scanned".

[Vide Andhra Pradesh Act 16 of 1999, sec. 7 (w.e.f. 31-12-1998).]

In section 85, for sub-section (5), substitute the following section, namely:—

"(5) An officer empowered to grant a certificate of sale of immovable property under the Andhra Pradesh Co-operative Societies Act, 1964 or the rules made thereunder 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 registering officer shall file the copy in his Book No. 1.

(6) Every Tribunal issuing a certificate under sub-section (6) of section 38 or sub-section (2) of section 38E of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950, declaring the protected tenant to be the purchaser or owner, as the case may be, of the land, and every Tahsildar issuing certificate sanctioning the exchange under sub-section (2) of section 39 or under section 50B of the Act aforesaid declaring the validity of any alienation or other transfer of agricultural land 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 agricultural land comprised in such certificate is situate; and such registering officer shall file the copy in his Book No. 1."

[Vide Andhra Pradesh Act 38 of 1974, sec. 2 (w.e.f. 1-11-1974).]

Gujarat:

Same as in Maharashtra.

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

Kerala:

In section 89,—

(a) omit sub-sections (1) and (3);

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

"(5) Every court passing—

(a) any decree or order creating, declaring, transferring, limiting or extinguishing any right, title or interest to or in immovable property in favour of or of any person, or

(b) an order for attachment of immovable property or for the release of any immovable property from attachment,

shall send a copy of such decree or other together with a memorandum describing the property, as far as may be practicable, in the manner required by section 21, to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in such decree or order is situate, and such officer shall file the copy of memorandum in his Book No. 1.

(6) Every officer issuing a written demand before the attachment of the immovable property of a defaulter under the Revenue Recovery Act for the time being in force shall—

(a) send a copy of such written demand together with a memorandum describing the property, as far as may be practicable, in the manner required by section 21; and

(b) where such written demand is withdrawn or attachment of property is lifted or the property is sold and sale is confirmed, send a memorandum indicating that fact and describing that property, as far as may be practicable, in the manner required by section 21,

to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property to which the written demand relates is situate and such registering officer shall file copy of the written demand and the memorandum in his Book No. 1."

[Vide Kerala Act 7 of 1968, sec. 17 (w.e.f. 22-2-1968).]

Madhya Pradesh:

Mahakoshal.—In its application to the Mahakoshal region of the State of Madhya Pradesh, in section 89,—

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

"(5) Every sale officer granting a certificate of sale under section 20 of the Madhya Pradesh Co-operative Land Mortgage Banks Act, 1937 (1 of 1937), or under clause (c) of section 85 of Madhya Pradesh Co-operative Societies Act, 1960, or the rules made thereunder shall send a copy of such certificate to the registering office within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in such certificate is situate, and such registering officer shall file the copy in his Book No. 1."

[Vide Madhya Pradesh Act 42 of 1965, sec. 2 (w.e.f. 9-12-1965).]

(ii) after sub-section (5), insert the following sub-section, namely:—

"(6) Every Consolidation Officer passing an order under sub-section (1) of section 22 of the Central Provinces Consolidation of Holdings Act, 1928, shall send a copy of such order to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property referred to in such order is situate and such registering officer shall file the copy in his Book No. 1."

[Vide C.P. and Berar Act 59 of 1949, sec. 2 (w.e.f. 23-12-1949).]

Maharashtra:

In section 89,—

(i) in sub-sections (1) and (3), for the words and figure "Book No. 1", substitute the word "office".

[Vide Bombay Act 5 of 1929, sec. 12 (w.e.f. 22-5-1929) read with Act 35 of 1958, sec. 2 (w.e.f. 24-4-1958).]

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

“(5) Every Consolidation Officer passing an order,—

- (i) under sub-section (1) of section 29 or sub-section (2) of section 29A of the Bombay Prevention Fragmentation and Consolidation of Holdings Act, 1947, or
- (ii) under sub-section (1) of section 203 of the Madhya Pradesh Land Revenue Code, 1954, or
- (iii) under sub-section (1) of section 31 of the Hyderabad Prevention of Fragmentation and Consolidation of Holdings Act, 1956,

shall send a copy of such order to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property referred to in such order is situate, and such registering officer shall file the copy in his Book No. 1.

(6) Every Sale Officer granting a certificate of sale under section 20 of the Central Provinces and Berar Co-operative Land Mortgage Banks Act, 1937, shall send a copy of such certificate to the registering officer within the local limit of whose jurisdiction the whole or any part of the immovable property comprised in such certificate is situate and such registering officer shall file the copy in his Book No. 1.”

[Vide Bombay Act 35 of 1958, sec. 7 (w.e.f. 24-4-1958).]

Vidarbha.—As the above amendments have now been extended to and shall remain in force in the Vidarbha region of the State of Maharashtra, sub-sections (5) and (6), inserted in section 89 by C.P. and Berar Acts 1 of 1937 and 59 of 1949 and in force immediately before 24-4-1958, have been repealed from that date by Bombay Act 35 of 1958, section 7(1).

(iii) (a) after sub-section (6), add the following sub-section, namely:—

“(7) The registering officer to whom a memorandum under sub-section (7) of section 18, sub-sections (1A) and (4) of section 22, section 22C and section 28A of the Bombay Public Trusts Act, 1950, or a copy of entry under section 23 of that Act is sent shall file the same in his Book No. 1.”;

(b) in the marginal note, after the word “instruments” insert the words “and of certain memoranda”.

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

Orissa:

In section 89, after sub-section (4), insert the following sub-section, namely:—

“(5) A copy of every certificate of sale granted under section 20 of the Orissa Co-operative Land Mortgage Banks Act, 1938, shall be sent 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 registering officer shall file the copy in his Book No. 1.”

[Vide Orissa Act 3 of 1938, sec. 40 (w.e.f. 18-3-1940).]

Rajasthan:

In section 89, after sub-section (4), insert the following sub-section, namely:—

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

Explanations.—For the purposes of sub-section (5),—

- (a) the expression “every bank” shall mean—
 - (i) a banking company as defined in the Banking Regulation Act, 1949;
 - (ii) the State Bank of India constituted under the State Bank of India Act, 1955;
 - (iii) a subsidiary bank as defined in the State Bank of India (Subsidiary Bank) Act, 1959;
 - (iv) a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970;

- (v) a banking institution notified by the Central Government under section 51 of the Banking Regulation Act, 1949;
 - (vi) the Agricultural Refinance Corporation constituted under the Agricultural Refinance Corporation Act, 1963;
 - (vii) Agro-Industries Corporation;
 - (viii) Agricultural Finance Corporation Ltd., a company incorporated under the Companies Act, 1956; and
 - (ix) any other financial institution notified by the State Government in the Official Gazette as a bank for the purpose of this Act.
- (b) the word “agriculturist” shall have the meaning assigned to it in sub-section (3) of section 5 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955).

[Vide Rajasthan Act 16 of 1976, sec. 5 (w.e.f. 13-2-1976).]

Tamil Nadu:

In section 89,—

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

“(5) Every officer granting a certificate of sale of immovable property under the Madras Co-operative Land Mortgage Banks Act, 1934, or the rules made under the Madras Co-operative Societies Act, 1932, 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 registering officer shall file the copy in his Book No. 1.”

[Vide Tamil Nadu Act 3 of 1936, sec. 2 (w.e.f. 21-1-1936).]

(2) after sub-section (5), insert the following sub-section, namely:—

“(6) Every officer in charge of collection of the loans mentioned in sub-section (1), or sub-section (3) shall send to the registering officer to whom a copy of the order under sub-section (1), or a copy of instrument or order under sub-section (3) has been sent, an intimation of the discharge of such loans. Such intimation shall be in such form as may be prescribed and the registering officer shall file the intimation in his Book No. 1.”

[Vide Tamil Nadu Act 31 of 1974, sec. 2 (w.e.f. 1-10-1974).]

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

“(7) Every officer granting any deed or other document purporting to be or to evidence, the grant or assignment by the Government of land or of any interest in land, shall send a copy of such deed or other document to the registering officer within the local limits of whose jurisdiction the whole or any part of the land comprised in such deed or document is situate, and such registering officer shall file the copy in his Book No. 1.”

[Vide Tamil Nadu Act 31 of 1982, sec. 3 (w.e.f. 5-9-1983).]

In section 89,—

- (i) in the marginal heading, after the expression “and filed”, insert the expression “or scanned”;
- (ii) after the expression “in his Book No. 1” wherever it occurs, insert the expression “or get it scanned”.

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

Uttar Pradesh:

In section 89,—

- (a) in sub-sections (1), (2) and (4), for the words “file the copy in his Book No. 1” wherever occurring, substitute the words “take a similar action on it as taken on a document admitted to registration under sub-section (1) of section 61”;
- (b) in sub-section (3), for the words “file the copy or copies, as the case may be, in his Book No. 1”, substitute the words “take a similar action a document admitted to registration under sub-section (1) of section 61”.

[Vide Uttar Pradesh Act 36 of 2001, sec. 25 (w.e.f. 20-5-2002).]

Section 89A

Goa:

After section 89, insert the following section, namely:—

“89A. Power to make rules for filing of true copies of documents.—(1) The State Government may make rules for all purposes connected with the filing of true copies of documents in the appropriate books under this Act.

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 sub-section or made under section 69 shall be laid, as soon as it is made, before the State Legislature.]

STATE AMENDMENTS

Section 91A

Tripura:

After section 91, insert the following section, namely:—

"91A. (1) The State Government may, by notification in the Official Gazette, make rules for all purposes connected with the pasting of true copies of documents in the appropriate Books under this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

- the furnishing of true copies of documents by the person presenting the document for registration;
- the manner in which true copies of documents shall be prepared;
- the manner in which the true copies of documents shall be compared with the original documents after the same are admitted to registration; and
- the manner of pasting such copies.

(3) Every rule made under this section shall be laid as soon as may be after it is made, before the Legislative Assembly of Tripura, while it is in session for a total period of not less than fourteen days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session in which it is so laid or the successive sessions as aforesaid the Legislative Assembly agrees in making any modification in the rule or the Legislative Assembly agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

[Vide Tripura Act 7 of 1982, sec. 16 (w.e.f. 1-1-1983).]

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), sec. 2 and Sch.]

THE SCHEDULE.—*Repeal of enactments.*—[Rep. by the Repealing Act, 1938 (1 of 1938), sec. 2 and Sch.]

STATE AMENDMENTS

Pondicherry:

After section 91, insert the following Schedule, namely:—

"THE SCHEDULE

[See section 52(5)]

MODIFICATION OF CERTAIN PROVISIONS OF THE ACT

Same as in Tamil Nadu, items 2 to 9 (i.e. items 1 to 8 in Pondicherry) except item 8, which is item 7 in Pondicherry and runs as under:—

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

[Vide Pondicherry Act 17 of 1970, sec. 8 (w.e.f. 1-11-1970).]

1. Ins. by Act 20 of 1983, sec. 2 and Sch. (w.e.f. 15-3-1984).

Tamil Nadu:

After section 91, insert the following Schedule, namely:—

"THE SCHEDULE

[See section 52(5)]

- In section 19, omit the words "and also by a true copy".
- In section 45,—
 - in sub-section (1), for the words "cause the contents thereof to be copied into his Book No. 3", substitute the words "cause a true copy of the contents thereof to be made and filed in his Book No. 3"; and
 - in sub-section (2), for the words "copy has been made", substitute the words "true copy has been filed".
- In sub-section (2) of section 46,—
 - for the words "unless the Will has been already copied", substitute the words "unless a true copy of the Will has already been filed"; and
 - for the words "cause the Will to be copied into his Book No. 3", substitute the words "cause a true copy to be made and filed in his Book No. 3".
- In section 51,—
 - for sub-section (2), substitute the following sub-section, namely:—

"(2) In book I shall be filed—

 - true copies of all documents; and
 - all memoranda, registered under sections 17, 18 and 89, which relate to immovable property, and are not Wills."; and
 - in sub-section (3), for the words "entered all documents", substitute the words "filed true copies of all documents".
- In section 54, for the words "copied or filed", substitute the words "filed a true copy of, or".
- In section 55,—
 - in sub-section (2), for the words "every document entered or memorandum filed", substitute the words "every document of which a true copy or memorandum is filed";
 - in sub-section (4), for the words "every Will and authority entered in Book No. 3", substitute the words, etc. "every Will and authority of which a true copy is filed in Book No. 3"; and
 - in sub-section (5), for the words "document entered", substitute the words "document of which a true copy is filed".
- In sub-section (1) of section 60, for the words "the document has been copied", substitute the words "the true copy of the document has been filed".
- In sub-section (1) of section 61, omit the words "margin of".
- In section 62, for sub-section (1), substitute the following:—

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

[Vide Tamil Nadu Act 21 of 1966, sec. 6 (w.e.f. 1-4-1967).]

West Bengal:

Same as in Tamil Nadu.

[Vide West Bengal Act 17 of 1978, sec. 7 (w.e.f. 1-1-1983).]