

LIST OF AMENDING ACTS AND ADAPTATION ORDERS

1. The Decentralisation Act, 1914 (4 of 1914).
2. The Destruction of Records Act, 1917 (5 of 1917).
3. The Indian Registration (Amendment) Act, 1917 (15 of 1917).
4. The Indian Registration (Amendment) Act, 1920 (38 of 1920).
5. The Indian Registration (Amendment) Act, 1926 (13 of 1926).
6. The Indian Registration (Amendment) Act, 1927 (2 of 1927).
7. The Repealing and Amending Act, 1927 (10 of 1927).
8. The Indian Registration (Amendment) Act, 1929 (15 of 1929).
9. The Transfer of Property (Amendment) Supplementary Act, 1929 (21 of 1929).
10. The Government of India (Adaptation of Indian Laws) Order, 1937.
11. The Repealing Act, 1938 (1 of 1938).
12. The Indian Registration (Amendment) Act, 1940 (33 of 1940).
13. The Indian Registration (Amendment) Act, 1948 (39 of 1948).
14. The Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.
15. The Adaptation of Laws Order, 1950.
16. The Part B States (Laws) Act, 1951 (3 of 1951).
17. The Indian Registration (Amendment) Act, 1956 (17 of 1956).
18. The Indian Registration (Amendment) Act, 1969 (45 of 1969).
19. The Delegated Legislation Provisions (Amendment) Act, 1983 (20 of 1983).
20. The Registration and Other Related Laws (Amendment) Act, 2001 (48 of 2001).

THE REGISTRATION ACT, 1908¹

(16 of 1908)

[18th December, 1908]

An Act to consolidate the enactments relating to the Registration of Documents.

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

PART I

PRELIMINARY

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

³(2) It extends to the whole of India except the State of Jammu and Kashmir: Provided that the State Government may exclude any districts or tracts of country from its operation.]

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

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

- (1) "addition" means the place of residence, and the profession, trade, rank and title (if any) of a person described, and in the case of ⁴[an Indian], ⁵[***] his father's name, or where he is usually described as the son of his mother, then his mother's name;
- (2) "book" includes a portion of a book and also any number of sheets connected together with a view of forming a book or portion of a book;
- (3) "district" and "sub-district" respectively mean a district and sub-district formed under this Act;
- (4) "District Court" includes the High Court in its ordinary original civil jurisdiction;

1. For Statement of Objects and Reasons, see Gazette of India, 1908, Pt. V, p. 325; for Report of Select Committee, see Gazette of India, 1908, Pt. V, p. 387; and for Proceedings in Council, see Gazette of India, 1908, Pt. VI, pp. 148, 154 and 182.

This Act has been extended to Berar by Berar Laws Act, 1941 (4 of 1941); to Dadra and Nagar Haveli by Reg. 6 of 1963, sec. 2 and Sch. I; to Goa, Daman and Diu by Reg. 11 of 1963, sec. 3 and Sch.; to Lakshadweep by Reg. 8 of 1965, sec. 3 and Sch., to Pondicherry by Act 26 of 1968, sec. 3 and Sch.

It has been declared to be in force in Panth Piploda by the Panth Piploda Laws Regulation, 1929 (1 of 1929), sec. 2; in the Khondmals District by the Khondmals Laws Regulation, 1936 (5 of 1936), sec. 3 and Sch.

It has been applied with modifications to certain taluks of the East Godavari Agency, see Notification No. F. 128/29, dated the 29th April, 1929, Gazette of India, 1929, Pt. I, p. 662.

2. The word "Indian" omitted by Act 45 of 1969, sec. 2 (w.e.f. 26-12-1969).
 3. Subs. by Act 3 of 1951, sec. 3 and Sch., for sub-section (2) (w.e.f. 1-4-1951).
 4. Subs. by the A.O. 1950, for "a Native of India" (w.e.f. 26-1-1950).
 5. The words "his caste (if any) and" omitted by Act 17 of 1956, sec. 2 (w.e.f. 6-4-1956).

- (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;
- 1[(6A) "India" means the territory of India excluding the State of Jammu and Kashmir;]
- (7) "lease" includes a counterpart, *kabuliyat*, and 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) "movable property" includes standing timber, growing crops and grass, fruit upon and juice in trees, and property of every other description, except immovable property; and
- (10) "representative" includes the guardian of a minor and the committee or other legal curator of a lunatic or idiot.

2[***]

STATE AMENDMENTS

Andhra Pradesh:

In section 2, in sub-section (2), after the words "includes a portion of book", add the words "and the information storage devices like floppy disk, hard disk, compact disk".

[Vide Andhra Pradesh Act 16 of 1999, sec. 2 (w.e.f. 31-12-1998).]

Goa, Daman and Diu:

In section 2, in clause (1), before the words "his father's name", insert the words "his marital status, and".

[Vide Goa, Daman and Diu Act 2 of 1968, sec. 2.]

Tamil Nadu:

In section 2,—

- (i) in clause (9), at the end, omit the word "and";
- (ii) in clause (10), at the end, add the word "and";
- (iii) after clause (10), add the following clause, namely:—

(11) "tout" means a person who habitually frequents the precincts of a registration office, for the purpose of employment for himself or for any other person in connection with any registration business and who is so declared as a tout under Part XIII A.

[Vide Tamil Nadu Act 38 of 1987, sec. 3 (w.e.f. 18-1-1988).]

In section 2, in clause (2), at the end, add the following expression, namely:—

"and the information storage devices like floppy disk, hard disk or compact disk or any other electronic media".

[Vide Tamil Nadu Act 50 of 2000, sec. 2 (w.e.f. 25-7-2000).]

Uttar Pradesh:

In section 2,—

(1) in clause (2), for the words "or portion of book", substitute the words "or portion of a book and also includes a book in electronic form".

(2) after clause (10), insert the following clauses, namely:—

"(10A) true copy includes a true photostap copy;

- (10B) the words and expressions used but not defined in this Act and defined in the Information Technology Act, 2000, shall have the respective meaning assigned to them in that Act."

[Vide Uttar Pradesh Act 36 of 2001, sec. 2 (w.e.f. 20-5-2002).]

West Bengal:

In section 2,—

- (1) in clause (9), at the end, omit the word "and", and
- (2) after clause (10), add the following word and clause, namely:—
'and
(11) "tout" means a person—

- (a) who habitually frequents the precincts of a registration office, without a licence granted to him under the rules made under section 80G, for the purpose of obtaining employment for himself or any other person in connection with any registration business; or
- (b) who is declared to be deemed to be a tout for the purposes of this Act by rules made under section 80G.'

[Vide West Bengal Act 5 of 1942, sec. 8 (w.e.f. 1-11-1943).]

PART II

OF THE REGISTRATION-ESTABLISHMENT

3. Inspector-General of Registration.—(1) The ¹[State Government] shall appoint an officer to be the Inspector-General of Registration for the territories subject to such Government:

Provided that the ¹[State Government] may, instead of making such appointment, direct that all or any of the powers and duties hereinafter conferred and imposed upon the Inspector-General shall be exercised and performed by such officer or officers, and within such local limits, as the ¹[State Government] appoints in this behalf.

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

STATE AMENDMENT

Uttar Pradesh:

In section 3, after sub-section (2), insert the following sub-section, namely:—

"(3) The State Government may appoint one or more Additional Inspector-General of Registration and Deputy Inspector-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."

[Vide Uttar Pradesh Act 48 of 1975, sec. 2 (w.e.f. 1-11-1975).]

In section 3, in sub-section (3), for the words "Additional Inspector-General of Registration and Deputy Inspector-General of Registration", substitute the words "Additional Inspector-General of Registration, Deputy Inspector-General of Registration and Assistant Inspector-General of Registration."

[Vide Uttar Pradesh Act 36 of 2001, sec. 3 (w.e.f. 20-5-2002).]

4. Branch Inspector-General of Sindh.—[Rep. by the Government of India (Adaptation of Indian Laws) Orders, 1937.]

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

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

2. Subs. by the A.O. 1950, for "the Crown".

1. Ins. by Act 3 of 1951, sec. 3 and Sch. (w.e.f. 1-4-1951).

2. Clause (11) omitted by Act 3 of 1951, sec. 3 and Sch. (w.e.f. 1-4-1951). Earlier clause (11) was inserted by the A.O. 1950.

(2) The districts and sub-districts formed under this section, together with the limits thereof, and every alternation of such limits, shall be notified in the ¹[Official Gazette].

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

6. Registrars and Sub-Registrars.—The ²[State Government] may appoint such persons, whether public officers or not, as it thinks proper, to be Registrars of the several districts, and to be Sub-Registrars of the several sub-districts, formed as aforesaid, respectively.

³[***]

STATE AMENDMENTS

Karnataka:

In section 6, at the end, insert the following provisos, namely:—

“Provided that the State Government may also appoint one or more Sub-Registrars for the same Sub-District:

Provided further that the State Government may delegate to the Inspector-General of Registration, the power of appointing Sub-Registrars.”

[Vide Karnataka Act 32 of 2001, sec. 2 (w.e.f. 3-10-2001).]

Uttar Pradesh:

In section 6, at the end, insert the following proviso, namely:—

“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.”

[Vide Uttar Pradesh Act 19 of 1981, sec. 5 (w.e.f. 1-8-1981).]

SECTION 6A

Maharashtra:

After section 6, insert the following section, namely:—

“6A. *Joint District Registrars.*—The State Government may by order also appoint a Joint District Registrar to assist the District Registrar, or any two or more District Registrars, specified in the order and may authorise such Joint District Registrar to exercise and perform all or any of the powers and duties of the District Registrar under this Act.”

[Vide Maharashtra Act 29 of 1974, sec. 2 (w.e.f. 10-6-1974).]

Uttar Pradesh:

After section 6, insert the following section, namely:—

“6A. *Additional Registrar.*—The State Government may, by order, also appoint any public officer as an Additional Registrar, to assist the 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.”

[Vide Uttar Pradesh Act 27 of 1994, sec. 2.]

7. Offices of Registrar and Sub-Registrar.—(1) The ²[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.

1. Subs. by the A.O. 1937, for “Local Official Gazette”.

2. Subs. by the A.O. 1950, for “Provincial Government”.

3. Proviso omitted by the A.O. 1937. Earlier the proviso was added by Act 4 of 1914, sec. 2 and Sch., Pt. 4.

(2) The ¹[State Government] may amalgamate with any office of a Registrar, any office of a Sub-Registrar subordinate to such Registrar, and may authorise 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 the duties of the Registrar to whom he is subordinate:

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

8. Inspectors of Registration offices.—(1) The ¹[State Government] may also appoint officers to be called Inspector of Registration offices, and may prescribe the duties of such officers.

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

STATE AMENDMENTS

Orissa:

In section 8,—

(a) in sub-section (1), for the words “Inspector of Registration offices”, substitute the words “Additional Inspector-General of Registration, Joint Inspector-General of Registration and Deputy Inspector-General of Registration”; and

(b) in sub-section (2), for the words “Inspector”, substitute the words “Additional Inspector-General, Joint Inspector-General and Deputy Inspector-General”.

[Vide Orissa Act 8 of 2002, sec. 2 (w.e.f. 24-5-2002).]

Rajasthan:

For section 8, substitute the following section, namely:—

“8. *Officers of registration offices.*—(1) The State Government may also appoint officers as may be designated from time to time and may prescribe the duties of such officers.

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

[Vide Rajasthan Act 11 of 1982, sec. 2 (w.e.f. 16-6-1982).]

Uttar Pradesh:

Omit section 8.

[Vide Uttar Pradesh Act 36 of 2001, sec. 4 (w.e.f. 20-5-2002).]

9. Military cantonments may be declared sub-districts or districts.—[Rep. by the Repealing and Amending Act, 1927 (10 of 1927), sec. 3 and Sch. 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 ¹[State Government] fills up the vacancy.

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

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

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 ¹[the vacancy is filled up].

STATE AMENDMENT

Karnataka:

In section 12, after the word "whom", insert the words "the Inspector-General of Registration or".

[Vide Karnataka Act 32 of 2001, sec. 3 (w.e.f. 3-10-2001).]

Uttar Pradesh:

In section 12, for the words "Registrar of the District", substitute the words "Inspector-General of Registration".

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

13. Report to State Government of appointments under sections 10, 11 and 12.—(1) ²[***] All appointments made under section 10, section 11 or section 12 shall be reported to the ³[State Government] by the Inspector-General.

(2) Such report shall be either special or general, as the ³[State Government] directs.

⁴[***]

14. Establishments of registering officers.—⁵[***]

(2) The ³[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 ³[State Government] directs:—

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

16. Register-books and fire-proof boxes.—(1) The ³[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 ³[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 ³[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

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

2. The words "All appointments made by the Inspector-General under section 6 and" omitted by the A.O. 1937. Earlier these words were inserted by Act 4 of 1914, sec. 2 and Sch., Pt. I.

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

4. Sub-section (3) omitted by the A.O. 1937.

5. Sub-section (1) omitted by the A.O. 1937.

custody of the records connected with the registration of documents in such district.

STATE AMENDMENTS

Andhra Pradesh:

In section 16, for sub-section (1), substitute the following sub-section, namely:—

"(1) The State Government shall provide for the office of every registering officer the books and also the information processing and storage devices like computers and scanners along with the software prescribed by the Inspector-General, from time to time, necessary for purpose of this Act."

[Vide Andhra Pradesh Act 16 of 1999, sec. 3 (w.e.f. 31-12-1998).]

Tamil Nadu:

In section 16, after sub-section (2), insert the following sub-section, namely:—

"(2A) The State Government shall also provide for the office of every Registering Officer notified by the State Government under sub-section (1) of section 70B, the information processing and storage devices like computer and scanners along with the software prescribed by the Inspector-General, from time to time, necessary for purpose of this Act."

[Vide Tamil Nadu Act 50 of 2000, sec. 3 (w.e.f. 25-7-2005).]

¹[16A. Keeping of books in computer floppies, diskettes, etc.—

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

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

PART III OF REGISTRABLE DOCUMENTS

17. Documents of which registration is compulsory.—(1) The following documents shall be registered, if the property to which they relate is situate in a district in which, and if they have been executed on or after the date on which, Act No. XVI of 1864, or the Indian Registration Act, 1866, or the Indian Registration Act, 1871, or the Indian Registration Act, 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, of the value of one hundred rupees and upwards, to or in immovable property;
- (c) non-testamentary instruments which acknowledge the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest; and

1. Ins. by Act 48 of 2001, sec. 2 (w.e.f. 24-9-2001).