

PART XI

Of the duties and powers of registering officers

(A) *As to the Register Books and indexes*

Register-
books to be
kept in the
several
offices.

51. (1) The following books shall be kept in the several offices hereinafter made, namely ;

A -In all registratirm offices-

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

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

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

Book 4, "Miscellaneous Register".

B-In the offices of Registrar-

Book 5, "Register of deposits of wills".

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

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

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

Notes. - A Registrar or a Special Sub-Registrar hearing an appeal under section 73 when refusing to register or to direct the registration of a document should, like a Suo-Registrar, record his reason for refusal in Book N 0.21. Every Registrar should therefore maintain a Book No.2 distinct from that used by the Special Sub-Registrar for recording orders of refusal in respect of documents relating to property situated in the Sadr sub.district presented at the Sadr Office.

Duties of registering officers when document is presented.

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

(b) a receipt for such document shall be given by the Registering Officer to the person presenting the same, and

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

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

Note.-Documents appertaining to Book 1 should not be given precedence of documents in Book 3 or 4, or *vice versa*, nor should short documents be copied before long documents previously presented, but all documents must be copied in rotation in the order in which they have been serially numbered in column 1 of the Free Book, irrespective of their length or of the Book to which they appertain. There will be no difficulty whatever in observing this rule, provided that a sufficient number of volumes of each Register Book are simultaneously in use.

Entries to be numbered consecutively.

53. 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.

Current indexes and entries therein.

54. In every office in which any of the books hereinbefore mentioned are kept there shall be prepared current indexes of the contents of such books, and every entry in such indexes shall be made, so far as practicable, immediately after the Registering Officer has occupied, or filed a memorandum of the document to which it relates.

Indexes to be made by registering officers and their contents.

55. (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 documents entered or memorandum filed in Book No. I.

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.

Note.-Until further orders it has been decided that duplicate indexes will be prepared and sent to Sadr.

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

(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. *Cancelled.

Registering officers to allow inspection of certain books & indexes and to give certified copies of entries.

57. (1) Subject to the previous payment of the fees payable in that behalf, the Books Nos. 1 and 2 and c_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 any person executing or claiming under the documents to which such entries respectively refer, or to his agent or representative.

(4) The requisite search under this section for entries in Book 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 Office and shall be admissible for the purpose of proving the contents of the original documents.

(B) As to the procedure on admitting 10 Registration.

Particulars to be endorsed on documents admitted to registration.

58. (1) On every document admitted to registration, other than a copy of a decree or order, or a copy sent to a Registering Officer under Section 89, there shall be endorsed from time to time the following particulars, namely :-

- (a) the signature and addition of every person admitting the execution of the document and, if such execution has been admitted by the representative, assign or agent of any person, the signature and addition of such representative, assign or agent;
- (b) the signature and addition of every person examined in reference to such document under any of the provisions of this Act; and
- (c) any payment of money or delivery of goods made in the presence of the Registering Officer in reference to the execution of the document, and any admission of receipt of consideration, in whole or in part, made in his presence in reference to such execution.

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

Vote.- The omission of a person admitting execution either on his own behalf or on that of a deceased person to endorse his signature on the document does not invalidate the registration of the document.

(Man Bhario Naunidh, 1. L. R. 4. All. 40).

59. 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. (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.

Endorsements to be dated and signed by registering officer.

Certificate of registration.

Endorsements and certificate to be copied and document returned.

61. (1) The endorsements and certificate referred to and mentioned in Sections 59 and 60 shall there-upon 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.

Procedure on presenting document in language unknown to registering officer.

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

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

Power to administer oaths and record of substance of statements.

63., (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 there recorded were made by the persons and under the circumstances therein stated.

(C) Special- duties of Sub-Registrar

Procedure where document relates to land in several sub-districts.

64. Every Sub-Registrar 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.

Procedure where document relates to land in several district.

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

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

(D) Special Dutise of Registrar

Procedure after registration of documents relating land.

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

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

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

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

Procedure
after registration under
section 39,
Sub-section
(2)

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

*(E) Of the Controlling Powers of Registrars and
Inspectors General.*

Power of
Registrar to
superintend
and control
Sub-Registrars.

68. (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.

Power of
Inspector
General to
superintend
registration
office and
make rules.

69. (1) The Inspector General shall exercise 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 book, papers and documents;
- (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;
- (e) regulating the exercise of the discretion reposed in the Registering Officer by Section 63 ;

*Vide Adaptation of Laws, Order, 1950.

† "and also..... kept" omitted by Section 6 of the Destruction of Records Act (V of 1917).

- (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 ;
- (h) declaring the particulars to be contained in Indexes Nos.I, II, III, and IV, respectively ;
- (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.

Power of Inspector General to remit fines.

70. The Inspector General may also in 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

Reasons or refusal to register to be recorded.

71. (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 reasons so recorded.

2. No Registering Officer shall except for registration a document so endorsed, unless and until, under the provisions hereinafter contained, the document is directed to be registered.

*Vide Adaptation of Laws, Order, 1950.

Appeal to Registrar from orders of Sub-Registrar refusing registration on ground other than denial of execution.

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

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

Note.-In an appeal under Section 72 against an order refusing registration for simple non-appearance, the Registrar or Special Sub-Registrar can only enquire into the fact of nonappearance within the prescribed time. He cannot take evidence of the fact of execution as he can in an application under Section 73.

Application to Registrar where Sub-Registrar refuses to register on ground of denial of execution.

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

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

Notes.-See note (iv) to Section 35.

Procedure of Registrar on such application.

74. 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.

Order by Registrar to register and procedure thereon.

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

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

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

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

Order of refusal by Registrar.

76. (1) Every Registrar refusing -

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

(b) to direct the registration of a document under Section 72 or Section 75.

shall make an order of refusal and record the reasons for such order in his Book No.2. and, on application made by any person executing or claiming under the document, shall, without unnecessary delay, give him a copy of the reasons so recorded.

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

Suit in case of order of refusal by Registrar.

77. (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 or refusal, institute in the Civil Court, within the local limits of whose original jurisdiction is situate the office in which the document is sought to be registered, a suit for a decree directing the document to be registered in such office if it be duly presented for registration within thirty days after the passing of such decree.

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

Notes.-(i) The expression "making: of an order" in this section means not merely recording the order of refusal in writing, but communicating it to the party concerned so as to bind him by it. Hence a suit brought under the provisions of this section for a decree directing a document to be -registered may be filed within thirty days of the date on which the order of refusal was communicated to the party concerned (I. L. R. 28. Bombay 8). Registering Officers are, therefore, directed to communicate to the parties concerned orders of refusal, and to make a note in Book 2 of the fact that this has been done, adding the date on which the order was so communicated.

(ii) A petition from a person who does not appear on the face of the document to be a person claiming under it cannot be entertained under this section (I. L. R. 1, All. 318).

PART XIII

Of the fee for registration, searches and copies

Fees to be
fixed by State
Government.

78. †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 filing translations;
 - (g) for attending at private residences;
 - (h) for the safe custody and return of document;
- and
- (i) for such other matters as appear to the *State Government necessary to effect the purposes of this Act.

Publication
of fees.

79. 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.

Fees payable
on presenta-
tion.

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

†The words "Subject to..... Council" omitted by the Devolution Act (XXXVIII of 1920).

*Vide the Adaptation of Laws Order, 1950,

PART XIV

Of penalties

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

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

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

82. Whoever-

- (a) intentionally makes any false statement, whether on oath or not, and whether it has been recorded or not, before any officer acting in execution of this Act, in any proceeding or inquiry under this Act.; or
- (b) intentionally delivers to a registering officer, in any proceeding under section 19 or section 21, a false copy or translation of a document, or a false copy of a map or plan; or
- (c) falsely personates another, and in such assumed character presents any document, or makes any admission or statement, or causes any summons or commission to be issued, or does any other act in any proceeding or enquiry under this Act; or
- (d) abets anything made punishable by this Act; shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

Notes :-(i) It is not necessary that sanction should be given before instituting a suit under this section. (Gopi Nath v. Kuldip Singh, I. L. R. II, Cal. 566).

(ii) An enquiry made by the clerk of a registry office with a view to ascertain whether the person *who* brings a receipt to take back a document, which could not be returned in the first instance, is the person in whose possession the receipt ought to be, is an enquiry within the meaning of section 80 of the Registration Act (VIII of 1871), which corresponds with this section (in *re*: the petition of Ban wary Poddar, 23 W. R. Cr. 55).

(iii) When the date of a document which would otherwise not have been presented for registration within the prescribed time, has been "altered for the purpose of securing its registration, an offence under clause (b) of this section has not been committed since there is nothing to *show* that the alteration was made "dishonestly" or "fraudulently" within the meaning of clause 2, section 464 of the Indian Penal Code. A person *who* makes such an alteration should therefore be prosecuted for fabricating false evidence under section 192 of the Indian Penal Code (I. L. R. 6, Cal. 482).

Registering officer may commence prosecutions.

83. (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, 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.

Note. - "For a prosecution under section 82 no sanction or permission is necessary. The Sub-Registrar must make a formal complaint under section 195 of the Criminal Procedure Code, but it is not required to appear in person before the Criminal Court in order to institute the prosecution, since he is a public servant and as such has authority to apply in writing for a prosecution in such cases.

When a prosecution has been instituted by a Sub-Registrar, he should report his action to the Registrar of the district.

No prosecution for an offence under the Indian Penal Code should be instituted without the permission of the Registrar of the district.

Registering officers to be deemed public servants.

84. (1) Every registering officer appointed under this Act (XLV of 1860) shall be deemed to be a public servant within the meaning of the Indian Penal Code.

(Their words "the Branch Inspector General of Sindh" omitted by Adaptation Order of 1937.

(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, the words "judicial proceeding" shall be deemed to include any proceeding under this Act.

Note.-As a Sub-Registrar is not a court, no sanction is necessary from him to instituting a prosecution for forgery. (Queen Empress v. Sub be, I. L. R. 11, Mad. 3; Queen Empress v. Tulja, I. L. R. 12, Bom. 36).

PART XV Miscellaneous

Destruction of unclaimed documents.

85. Documents (other than wills) remaining unclaimed in any registration office for a period exceeding two years may be destroyed.

Registering officer not liable for think bonafide done or refused in his official capacity

86. 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.

Nothing so done invalidated by defect in appointment or procedure.

87. 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.

Registration of documents executed by Government officers or certain public functionaries.

88. (1) Notwithstanding anything herein contained, it shall not be necessary for any officer of Government, or for the Administrator-General of *West Bengal, Madras or Bombay, or for any Official Trustee, or Official Assignee, or for the Sheriff, Receiver or Registrar of a High Court, to appear in person or by agent at any registration-office in any proceeding connected with the registration of any instrument executed by him in his official capacity, or to sign as provided in section 58.

(2) Where any instrument is so executed, the Registering officer to whom such instrument is presented for registration may, if he thinks fit, refer to any Secretary to Government or to such officer of Government, Administrator-General, Official Trustee, Official Assignee, Sheriff, Receiver or Registrar, as the case may be, for information respecting the same and, on being satisfied of the execution thereof, shall register the instrument.

Copies of certain orders, certificates and instruments to be sent to Registering officers and filed.

89. (1) Every officer granting a loan under the Land Improvement Loans Act, 1883 (XIX 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, (V 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 (XII of 1884) shall send a copy of any instrument whereby immovable property is mortgaged for the purpose of securing the repayment of the loan, and, if any such property is mortgaged for the same purpose in the order granting the loan, a copy also of that order, to the registering officer within the local limits of whose jurisdiction the whole or any part of the property so mortgaged is situate, and such registering officer shall file the copy or copies, as the case may be, in his Book No.1.

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

Exemptions From Act

Exemption of certain documents executed by, or in favour of Government.

90.(1) Nothing contained in this Act or in the Indian Registration Act, 1877 (III of 1877) or in any Indian Registration Act, 1871 (VIII 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 the survey of any land, and which form part of the record of such survey; or
- (c) documents which, under any law for the time being in force, are filed periodically in any revenue office by patwaris or other officer charged with the preparation of village-records; or
- (d) "sanads, in am title-deeds and other documents purporting to be or to evidence grants or assignments by Government of land or of any interest in land; or
- (e) notices given under section 74 or section 76 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879) of relinquishment of occupancy by occupants, or of alienated land by holders of such land.

(2) All such documents and maps shall, for the purposes of sections 48 and 4-9, be deemed to have been and to be registered in accordance with the provisions of this Act.

Inspection
and copies
of such
documents.

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

Burmese
registration
rules confir-
med.
III of 1877.

92. Cancelled †.

REPEALS

Repeals.

93. (1) The enactments mentioned in the schedule are repealed to the extent specified in the fourth column thereof.

(2) Nothing herein contained shall be deemed to affect any provision of any enactment in force in any part of the *States and not hereby expressly repealed.

(*Vide the Adaptation of Laws Order, 1950).

(†Vide Adaptation Order, 1937).

THE SCHEDULE
Repeal of Enactments
(See Section 93)

Year	No.	Short title	Extent of repeal
1877	III	The Indian Registration Act, 1877	The whole
1879	XII	The Registration and Limitation Acts Amendment, Act, 1879.	So much as is unrepealed.
1883	XIX	The Land Improvement Loans Act, 1883.	So much of section 12 as is unrepealed.
1886	VII	The Indian Registration Act, 1886	The whole
1883	VII	The Civil Procedure Code Amendment Act, 1888.	So much as is unrepealed.
1891	XII	The Amending Act, 1891	In the second Schedule the entries relating to Act III of 1877.
1899	XVII	The Indian Registration Amendment Act, 1899.	The whole

CHAPTER II

ORDERS OF THE GOVERNOR

PART I

Statutory Orders

Registration district.

1. Every officer in executive charge of a district, whether permanent or acting, shall be the Registrar of the district for the purposes of section 6 of the Indian Registration Act, 1908 (Act XVI of 1908), and every executive district now existing, or that may hereafter be formed and to which the said Act has been extended, shall be deemed to be a registration district for the purposes of section 5 of that Act.

Registration sub-district.

2. The sub-districts now existing or that may here after be formed by notification in the official Gazette shall be deemed to be sub-districts for the purposes of section 5 of the Indian Registration Act, 1908 (Act of XVI of 1908).

Special Sub-Registrars, Ex-officio Sub-Registrars and whole-time Sub-Registrars at head quarters vested with the powers of a District Registrar.

3. All Special Sub-Registrars, *ex-officio* Sub-Registrars and other whole-time Sub-Registrars at the headquarters of districts whose office is amalgamated with the office of the Registrar are authorised to exercise and perform the duties of the Registrar as below :-

Special Sub-Registrars.-All duties of Registrars except those under section 68.

Other whole-time Sub-Registrars.-All duties of Registrars except those under sections 68 and 72.

Ex-officio Sub-Registrars.-All duties of Registrars except those under section 68 and Part XII :

Provided that they are prohibited from dealing with applications and appeals against their own orders of refusal.

Report of temporary appointment.

4. All appointments made under sections 10, 11 and 12 shall be reported to the State Government half-yearly, in half-yearly returns, by the Inspector General.

Issue of summons.

5. The Governor is pleased to direct that the summons referred to in section 36 of the Indian Registration Act, 1908 (Act XVI of 1908), shall be issued by a revenue officer; provided that when a Sub-Registrar's office and a Munsif's court are located in the same place, and there is no Revenue Officer, there the summons shall be issued by the Munsif.

Exemption of the Postal Department from registration.

6. All leases executed for house in the occupation of the Indian Postal Department in the State of Assam, the terms granted by which do not exceed five years and the annul rents reserved by which do not exceed Rs.50 are exempt from the operation of clause 1 (d) of section 17 of the Indian Registration Act, 1908 (Act XVI of 1908), that is, from compulsory Registration.

D. C. DAS,

for Secy. to the Govt. of Assam,
L. S. G. Deptt.

CHAPTER II

PART I-A

1. **Statutory rules.**- In all areas in which a cadastral survey has been made, and a record of rights has been prepared under the authority of the Government, houses, not being houses in towns, and lands shall be described for the purposes of section 21 of the Indian Registration Act, 1908 (Act XVI of 1908), by reference to the detailed map of records prepared in the course of those operations.

Note. In areas in which a survey has been made and a record-of-rights prepared, Sub-Registrars should refuse registration of any document which does not contain the particulars prescribed in the above note.

2. **Maintenance and destruction of records.**-(1) No books or registers prescribed by the Indian Registration Act, 1908 (Act XVI of 1908), or by rules Made under that Act or prescribed by the Inspector General of Registration by Executive Order nor any other books or records used in Registration offices shall be destroyed without the previous sanction of the Inspector General of Registration.

(2) Subject to such sanction the following records in the offices of Registrars and Sub-Registrars may be destroyed after the expiration of the period of their retention as specified below, the said period being computed from the 1st January next following the date of record :-

Records to be preserve for 50 years

1. Registers of Powers of Attorney.
2. Indexes to the Registers of Powers of Attorney.
3. Register of Thumb Impressions.

Records to be preserved for 35 years

1. Acquittance Roll.
2. Appeal cases against suspension, degradation and dismissal of officers.
3. Appointment cases.
4. Detailed statement of Permanent Establishment.

Records to be preserved for 12 years

1. Advance for building purposes.
2. Advance to subscribers from General Provident Fund.
3. Annual Reports of districts.
4. Book No.2, prescribed by the Indian Registration Act, 1908 (Act XVI of 1908).
5. Cash Book.

6. Contingent Register:
7. Dismissal cases.
8. Fee Book-Registration.
9. Inspection Reports.
10. Record Keeper's Issue Register.
11. Register of letters received.
12. Register of letters despatched.
13. Register of appeals under section 72.
14. Register of application under section 73.
15. Pension cases.
16. Note Books.

Records to be preserved for 3 years

1. Chalan Books.
2. Defect Register prescribed for Registration offices.
3. Diaries of Sub-Registrars.
4. Receipts under section 52.
5. Receipts for copies and memoranda despatched.
6. Register of attendance.
7. Register of applications for search and copy.
8. Register of copies and memoranda despatched to other offices.
9. Register of copies and memoranda and sale certificates received.
10. Register of documents pending admission to Registration.
11. Register of documents impounded.
12. Register of processes under sections 36 and 75.
13. Register of Refunds.
14. Register of visits and commission.
15. Register of applications under sections 25 and 34.
16. Register of documents delivered through the post.
17. Register of miscellaneous application.

Records to be preserved for 2 years

(Miscellaneous records)

1. Bill Books.
2. Book binding cases.
3. Account matters of routine nature.
4. Acknowledgment of receipt of papers, etc.
5. Accounts of service postage stamps.
6. Act, supply of
7. All correspondence whether in English or Vernacular which is of an ordinary character.
8. Applications for search and copy.
9. Applications for Commission.
10. Applications for Sub-Registrarship.
11. Applications for Special Sub-Registrarship.

12. Applications for Clerkship or any other appointments.
13. Applications for Extra temporary establishment.
14. Certified copies of documents applied for under section 57, but not claimed by the parties.
15. Contingent expenditure cases.
16. Copies, supply of
17. Death report of officers.
18. Establishment cases-Extra.
19. Establishment cases-Temporary.
20. Forms-Supply of
21. Honorary Magistrates appointment of Sub-Registrar :
22. Indents for forms of stationery.
23. Leave cases.
24. List-of refunds to be written off.
25. Maps-correspondence relating the supply of
26. Miscellaneous cases-unimportant.
27. Newspapers-correspondence relating to supply of
28. Peon Book.
29. Prosecution cases.
30. Punch-supply of
31. Receipts (Miscellaneous).
32. Receipts for fees paid for search, inspection and copies.
33. Refund cases.
34. Register of casual leave.
35. Register of extra Establishment bills.
36. Register of stationery account.
37. Register of receipts and issueB of printed forms, etc.
38. Remarks on returns.
39. Remarks on annual reports.
40. Reminders.
41. Returns and statements other than annual.
42. Rough draft state-mefits.
43. Rubber stamps-supply of-
44. Statement showing the results of prosecutions.
45. Travelling allowance bills.
46. Table of -Fees-supply of
47. Travelling allowance cases.
48. Transfer applications except those on which orders have been received.
49. Short Notes.
50. Salary bills.
51. Register of bills.

D. C. DAS,

for Secretary to the Government of Assam in
the Local Self-Government Department.

CHAPTER II
PART II
Executive Order
SPECIAL SUB-REGISTRARS

Rules for the appointment and promotion of Officers of the Registration Department.

1. (1) Special Sub-Registrars will ordinarily be recruited by selection from among the most competent of the Sub-Registrars, not necessarily from the higher grades, and no Sub-Registrar can claim to be appointed as Special Sub-Registrar on the ground of seniority or otherwise,

(2) Each Registrar shall, one month after the publication of these rules, submit to the Inspector General the name of the Sub-Registrar in his district whom he considers best qualified for appointment as Special Sub-Registrar and the Inspector General shall enter the name of the Sub-Registrar so selected in a register to be opened in his office which will be styled "Register of officers selected for appointment as Special Sub-Register,"

(3) It shall be competent for the Registrar, from time to time, to request that the name of another Sub-Registrar may be substituted for that of the officer originally nominated from his district, if he is of opinion that the latter is inferior in capacity to the new nominee, or that he has forfeited his claim to a nomination through neglect of duty or otherwise, and the Inspector General shall correct his register accordingly unless he has strong reasons for disagreeing with the Registrar, when he shall report the case for the orders of the State Government.

(4) The Inspector General shall have the right to enter in the register prescribed in Rule (2) the name of any Sub-Registrar whom he considers fit for appointment as Special Sub-Registrar, even though he has not been selected by the Registrar.

(5) Appointments to fill permanent vacancies in the office of Special Sub-Registrar will ordinarily be made by State Government on the report of the Inspector General, by selection from among the Sub-Registrars whose names have been registered as aforesaid.

Note :- The Governor of Assam is pleased to re designate to the post of "Special Sub-Registrar" as "Deputy Registrar" vide govt. Notification No. REGN. 13/68/4-A, dt. 27th June, 1968.

(6) The State Government reserve to themselves the right to order the entry in the register, of the name of any Sub-Registrar who has not been selected by the Registrar or Inspector General, or of any other person whose appointment as Special Sub-Registrar they consider desirable on public grounds.

(7) When the nominee of a District Registrar has received a permanent appointment as Special Sub-Registrar, the Registrar concerned will submit a fresh nomination to the Inspector General.

(8) Leave and other temporary vacancies in the office of a Special Sub-Registrar will be filled by one of the Sub-Registrars entered in the register of selected candidates prescribed in Rule (2).

(9) The Inspector General should as far as possible, himself inspect the office of the Sub-Registrars whose names have been entered in the Register of selected candidates, and he is empowered to remove from the said Register the name of any candidate whom, after inspecting his office, he considers unfit for the post of Special Sub-Registrar.

SUB-REGISTRARS

Rules for the appointment of Sub-Registrars

2. (1) All appointments against permanent post in the grade of Sub-Registrars will ordinarily be made on probation in the first instance.

(2) A candidate, including a person who is already in Government service, for appointment, must-

(a) be a citizen of India and a native of or domiciled in Assam as required under rule 307 of the Assam Executive Manual :

Provided that this rule shall not apply in the case of a candidate in whose favour a declaration of eligibility has been issued by the Governor;

Provided further that consistently with the maintenance of efficiency in administration there shall subject to revision from time to time, be a general reservation of 5 per cent of the vacancies for members of Scheduled Castes, 10 per cent of the vacancies for members of the Scheduled Tribes of Plains areas and 12 per cent for members of the Scheduled Tribes belonging to the hills.

If in anyone year candidates of the Scheduled Castes and Tribes fail to be recruited to the service, the deficiency shall be made good in the recruitment for the service in the following year: provided further that the reservation on account of the deficiency shall not be carried forward for more than one year.

- (b) be not under 21 or over 25 years of age on the 1st January of the year in which the recruitment is made.

Provided that the maximum age limit may be raised as follows for candidates belonging to any of the following categories-

- (i) Scheduled Castes and Scheduled Tribes... 3 years.
- (ii) Political Sufferers... 5 years.
- (iii) War Service personnel-by the actual number of years of approved War Service subject to the maximum of 5 years.
- (c) have obtained a degree from a recognised University.
- (d) furnish a certificate of good moral character from the head of the Institution in which he studied or from the head of the Government Department concerned as the case may be, and before appointment furnish a certificate of good health, signed by the Civil Surgeon of his district.

(3) Each year the Public Service Commission shall make arrangements for the selection of candidates for appointment during the next twelve months. For this purpose, the Commission shall invite applications through an advertisement to be published in the *Assam Gazette* and such other papers as they consider fit, make arrangements for the conduct of an examination and interview of such candidates whom they consider most suitable on the result of the examination.

(4) The Commission shall forward to the Inspector General of Registration as well as to the Government a list of candidates arranged in order of preference and recommendation shall be made by the Inspector General of Registration from the list so submitted for orders of Government. In so recommending, instructions issued from time to time by Government regarding claims of Scheduled Castes and Scheduled Tribes should be borne in mind.

(5) On receipt of the Inspector General of Registration recommendation, Government shall cause the Inspector General of Police to verify the character and antecedents of the candidates concerned and on receipt of the same shall consider the fitness or otherwise of the candidate for appointment.

(6) Probationary Sub-Registrars will be posted to fill leave and other temporary vacancies and when not so employed will be posted to the headquarters of districts where they will work in the Sadar Sub-Registry office.

(7) All officers will draw salary on the scale of pay of Rs.3760-90-4480-120-4960-EB-120-5200-175-6600-250-8100-275-9400/- per mensem and shall be on probation for two years. A probationary Sub-Registrar, who proves fit for employment will ordinarily be confirmed in his appointment on passing the Departmental Examination or completing two years' service, whichever is later; provided that if he had no reasonable opportunity for passing the Departmental Examination before completing two years' service and passes the examination as the first opportunity thereafter, his confirmation if he is found fit for employment, shall date from the completion of his second year's service.

(8) The Public Service Commission will arrange to hold the Departmental Examination twice a year. This examination shall consist of the following subjects :-

(a) The Registration Act and the Rules thereunder and all circulars and circular letters issued by the Inspector General of Registration.

(b) The Stamp Act and the Rules thereunder.

(c) The Court Fees Act and the Rules thereunder so far as the Act and Rules affect the procedure in the Registration offices.

(d) Orders IV and V, Schedule I of the Civil procedure Code, 1908.

There will be one examination paper of twelve questions. The maximum marks allotted will be 100, and examinees will be required to obtain 60 marks to pass.

(e) Vernacular by the higher standard in one of the principal languages of the State, not being the officers mother tongue. This examination will be of the same standard as laid down in the Rules for the Departmental Examination. Marks allotted will be 80 and examinees will be required to obtain 40 marks to pass.

(9) Officers failing to pass the examination within three years of their appointment, will be removed from the service unless the State Government for special reasons extend the period within which they may be allowed to pass.

(10) No Sub-Registrar shall cross an efficiency bar without the sanction of the Inspector General who may also censure or withhold increments of any Sub-Registrar in accordance with the instruction of Government issued in this regard from time to time. The Inspector General of Registration may make transfer and posting of Sub-Registrars.

(11) The powers of appointment, dismissal and suspension of Sub-Registrars rest with Government

Extra-departmental duties which may be entrusted to officers

3. Provided that it does not interfere with the due performance of their regular duties, the services of Sub-Registrars may occasionally be utilised to obtain or verify information regarding the condition of the people, cattle, crops, water-supply, trade, manufactures the prevalence of disease and other similar matters; to hold local enquiries in criminal cases; to inspect schools, pounds and ferries; to report on the means and character of persons regarding whom such information is required; to inspect panchayats' accounts and chaukidari assessment lists and on other similar work. They must not, however, be called upon to undertake any duty which will require them to go more than five miles from their offices, and must on no account be given any periodical or recurring duties without the consent of the Inspector General :

Provided that in exceptional circumstances and emergent cases, the Deputy Commissioner may employ Sub-Registrars outside the five miles limit submitting a report to the Inspector General of Registration for approval.

With the previous consent of the Inspector General, a Sub-Registrar may be appointed to be a member of a Local Committee, he may be appointed to supervise the monthly payment of chaukkidars, to be President of a Chaukidari Union, to send weekly returns of the rainfall, to sell stamps where there is no regular stamp vendor, and to perform other similiar duties, provided that no Sub-Registrar shall be appointed to perform any duties of a recurring nature except in the town or village in which his office is situated.

Service of
Sub-
Registrar
under the
commis-
sion
system.

4. Sub-Registrars under the commission system are not entitled to continue in the service of the State Government after they have attained the age of 55, without special permission. The Inspector General is authorised to grant extensions of service of such officers up to the age of 60, unless, owing to failing health or any other cause, the work of the officer in question is unsatisfactory. In the case of officers above the age of 55, extensions are ordinarily given for only one year at a time, Extensions of service beyond the age of 60 are not allowed, except under the orders of the State Government. Inspector General has the power to declare any officer between the age of 55 and 60 unfit for further service and direct him to retire.

Leave of
Sub-
Registrar
under the
commis-
sion
system.

5. Sub-Registrars under the commission system are not subject to the ordinary Leave Rules. It is a condition of their appointment that they should reside in the headquarters of their jurisdiction. Leave should therefore, be seldom required, and should be given only in cases of urgent necessity. All leave and extension of leave (except casual leave) must receive the sanction of the Inspector General.

6. Leave of Special Sub-Registrars will be granted and notified in the Official Gazette by the State Government.

Note (i) Applications for leave from Special Sub-Registrars and Sub-Registrars must be submitted so as to reach the Inspector General at least six weeks before the leave is required, those of Special Sub-Registrars being forwarded through the Comptroller. Applications for leave on account of ill-health should be accompanied by a certificate from or countersigned by, the Civil Surgeon of the district. Extension of leave will only be granted on special grounds. Application for extension of leave must be submitted in sufficient time to admit of orders of the Inspector General thereon being communicated to the officer concerned before the leave already granted to him has expired and an officer whose application for an extension is received after the expiry of his leave and who fails to rejoin his appointment in anticipation of the extension asked for being given may be treated as being absent without leave.

(ii) The rules relating to the grant of casual leave will be found in Government Circular No.AAM/8/51/13, dated 9th February, 1951.

(iii) No Sub-Registrar shall absent himself from his station without leave. Sub-Registrars absenting themselves without leave are liable to be removed from their appointments. If they desire to leave their headquarters on gazetted holidays, they should obtain the previous permission of the Registrars.

Professional allowances to Sub-Registrars under the commission system appearing as witnesses.

7. Sub-Registrars paid by commission are not treated as Government servants in regard to allowances for appearing as witnesses before a Court, but they are entitled to the same allowance as professional witnesses. the professional allowance payable to such a Registrar is Rs.3 (three) per diem.

Notes.- "Subsidiary Rule 276.- The following provisions apply to a Government servant who is summoned to give evidence -

(a) in criminal case, a case before a court-martial, a civil case to which Government is a party or a departmental inquiry held by a properly constituted authority in the State, or

(b) before a court in a Part B State or in foreign territory ;

Provided that the facts as to which he is to give evidence have come to his knowledge in the discharge of his public duties : -

(i) He may draw travelling allowance as for a journey on tour attaching to his bill a certificate of attendance given by the court or other authority which summoned him.

(ii) When he draws such travelling allowance, he may not accept any payment of his expenses from the court or authority. Any fees which may be deposited in the court for the travelling and subsistence allowance of the witness must be credited to Government.

- (iii) If the court on which he gives evidence is situated, within ten miles of his headquarters and no travelling allowance is therefore admissible for the journey, he may, if he be not in receipt of permanent travelling allowance, accept such payment of actual travelling expenses as the court may make.

Note 1.- A Government servant summoned to give evidence while on leave is entitled to the concession described in this rule.

Note 2.- The rule does not apply to departmental enquiries. A Government servant summoned, even when on leave, to give evidence in a departmental enquiry, is entitled to travelling allowance, as if no duty. A Government servant summoned while under suspension is also entitled, save in an enquiry in to his own case.

Subsidiary Rule 277.- A Government servant summoned to give evidence in circumstances other than those described in Subsidiary Rule 276 is not entitled by reason of his position as a Government servant, to any payment other than those admissible by the rules of the Court. If the Court pays him any sum as subsistence allowances or compensation, apart from payment for travelling expenses, he must credit that sum to Government before drawing full pay for the day or days of absence".

Temporary
appoint-
ments.

8. (a) Temporary appointment shall be made where possible, from among Sub-Registrars (including relieving or attached officers and probationers), Assistant Commissioners, Extra Assistant Commissioners and Sub-Deputy Collectors.

(b) Where, it is not possible or practicable to make appointments from among officers of the type indicated in clause (a), suitable outsiders may be appointed and a simultaneous report made to the Inspector General for obtaining Government sanction to such appointments.

Note.- At the time of appointing outsiders, the District Registrars may follow, as far as practicable, the qualifications and tests prescribed for appointment to the cadre of Sub-Registrars.

Scale of
Establish-
ments in
mufasil Sub-
Registry
officers.

9. The strength of the clerical establishments of Sub-Registry officers shall ordinarily be regulated according to the following scale :-

One Office Assistant - When the annual number of registrations does not exceed 1,500.

Two Office Assistants - When the annual number of registrations exceed 1,500 but does not exceed 3,000.

Three Office Assistants - When the annual number of registrations does not exceed 3,000 but does not exceed 6,000.

Four Office Assistants - When the annual number of registrations does not exceed 6,000.

The Inspector General is authorised to sanction the increase or decrease of establishments in Sub-Registry offices according to the above scale.

Employment of extra temporary establishment.

10. (1) When presentations at any office are unusually heavy and the Registrar is satisfied that the permanent has worked up to the prescribed standard but is unable to complete documents without undue delay, he is empowered to sanction the employment of such temporary establishment as may be necessary to clear off arrears and to keep the copying work of the office up-to-date. The extra writers so entertained will be paid at the rate fixed by Government from time to time. They must work up to at least the minimum standard prescribed in the case of the copyists of the permanent staff and should ordinarily exceed it, and if the work of an extra writer in any one day falls short of the minimum, a proportionate deduction should be made from his pay for that day.

(2) At mufassil officers where it is impossible to obtain the sanction of the District Registrar to the entertainment of temporary establishment without undue delay, Sub-Registrars are authorised to employ in their offices extra writers in anticipation of the sanction of the Registrar.

(3) Sub-Registrars are warned that they should only entertain extra establishment when they are satisfied that every endeavour has been made by the permanent establishment to complete documents promptly. The services of the extra writers must be dispensed with as soon as the pressure of work is over.

(4) Inspecting officers are required to examine the work of the permanent and temporary establishments of Sub-Registry offices and to satisfy themselves that extra writers have not been employed otherwise than in accordance with this instruction, and Sub-Registrars are warned that they will be held personally responsible of the payment of any extra hands employed in contravention of these orders.

(5) Registering officers are responsible for ensuring that the rules for the entertainment of extra writers are strictly observed, and that the work done by the permanent and temporary establishments is correctly entered in the attendance register. At the close of the day they should check the copying and comparing work of each member of the staff as shown in the attendance register with the register books.

Special attention should be paid by all Inspecting officers to the entertainment of extra establishment. A certain number of entries in the attendance register showing the number of pages copied and compared should be tested with the register books, and the proportion of entries so tested by Special Sub-Registrar should not be less than those for one full month in the case of each member of the establishment.

(6) A statement in Form No.36 of Schedule LIII showing details of the work done by the permanent and temporary establishments of all Sub-Registry offices and of the work in arrears shall be submitted immediately at the end of each month by Special Sub-Registrars and Sub-Registrars to the Registrars. After satisfying himself of the correctness of the statements, the registrar will forward them, duly countersigned, to the Inspector General for orders of payment. If the statements for mufassil offices are blank, the fact should be reported by the Sub-Registrar by letter.

Charge of office when Registrar is absent from headquarters.

11. When a Registrar is absent from headquarters he should ordinarily appoint to perform the duties of Registrar during his absence the officer whom he has in his capacity as Collector placed in charge of the Collector's office.

Charge of office when *ex-officio* Sub Registrar proceeds on tour.

12. When an *ex-officio* Sub-Registrar at the headquarters of a district proceeds on tour, the Registrar shall appoint a gazetted officer to hold charge of his office, or request the District Judge to allow a Munsif to do so. In similar cases occurring at sub-divisions, the Sub-divisional Officer shall take charge of the office himself or place a gazetted officer or a Sub-Deputy Collector in charge, or report the case for the orders of the Registrar with a view to the sanction of the District Judge being obtained to charge being made over temporarily to a Munsif.

Inspection.

13. The Registrar is required to inspect annually all offices in the Sadar Sub-division, including the Sadar office, but in the case of offices situated in sub-divisions other than the Sadar, one inspection by the Registrar every two years will be sufficient. Special Sub-Registrar should inspect each office in the district annually and *ex-officio* Sub-Registrars at headquarters should inspect their own office at least half yearly. Subdivisional Officers are required to inspect annually the offices situated within their charges.

Special Sub-Registrars are required to compare the Treasury Chalcans or Postal Money order acknowledgements with the Fee Book, Cash Book and Rough Drafts from the date on which such comparison was last made up to the date of inspection, and to record under the entry in the Cash Book a certificate that this has been done, specifying the date between which the accounts have been so audited.

Note. - Sub-divisional Officers and Special and *ex-officio* Sub-Registrars should fill up the printed form of inspection report and add any further remarks which may be necessary. Registrars are not required to use the form except at the annual inspection of the Sadar office, when the printed form should be used.

The Registrar will forward a copy of his report to the Sub-Registrars concerned, and another copy to the Inspector General, to whom he will also forward a copy of any explanation submitted by the Sub-Registrar, together with his own remarks thereon. Inspecting Officers subordinate to the Registrar will send a copy of their report to the Registrar who will forward a copy for information and guidance, or for explanation, where explanation is necessary, to the Sub-Registrar concerned. The Registrar will likewise send a copy of the report together with his remarks to the Inspector General to whom he will also forward a copy of the explanation, if any, submitted by the Sub-Registrar. A copy of the remarks made by the Inspector General (or such portion as may be applicable) should always be forwarded to the officers concerned. There should be no delay in the submission of these reports as they lose much their value unless promptly dealt with.

It is desirable that inspecting officer should occasionally inspect offices without previous notices.

Inspecting officers should satisfy themselves that the bills of rural offices have been recouped and rents paid, that the pay of temporary establishments is not in the arrears, and that the office furniture is in good order.

14. (1) Registrars shall compile in respect of each Sub-Registry office in their district a list of respectable deed or petition-writers who may be allowed access to the compound of the Registration office for the purpose of writing documents, etc.

(2) The number of deed-writers shall be fixed with reference to the needs of the office and shall be licenced by the Registrars.

(3) Licenced deed-writers shall be allowed to sit in the office precincts and to enter the Registration office.

(4) Registrars shall draw up a scale of fees to be charged by licensed deed-writers for writing deeds, petitions applications, etc., and for making searches, and a table of the fees prescribed shall be exhibited in a conspicuous place outside the Registration office. Any deed-writer who charges fees in excess of those sanctioned by the Registrar shall be liable to the cancellation of his licence.

(5) Unlicensed deed-writers or touts shall not be allowed to enter the premises of the Registration office or the office compound (a) except for the purpose of transacting business in connection with the registration of their private documents, or the making of searches or the application for certified copies relating thereto, or (b) unless they hold a power-of-attorney granted, or a receipt under Section 52 of the Registration Act, duly endorsed in their favour by the presentant of a document or other person desirous of making a search or obtaining a copy.

(6) The list prescribed in order 14(1) above should be hung up in a conspicuous place both at the office and in the compound near the entrance and a warning added at the foot -

"Any person whose name is not included in this list who enters the Sub-Registry office or the compound of the office (a) except for the purpose of transacting business in connection with the registration of his private documents or the making of searches,

or the application for certified copies relating thereto, or (b) unless he holds a power-of-attorney granted, or a receipt under Section 52 of the Registration Act, duly endorsed in his favour by the presentant of a document or other person desirous of making a search or obtaining a copy, will render himself liable to a prosecution for criminal trespass under Section 447, Indian Penal Code, and for disobedience of a lawful order under Section 188, Indian Penal Code."

(7) The Registrar is empowered to cancel the license of any deed-writer who is guilty of the disobedience of a lawful order or of any other impropriety.

Note. - If an unlicensed deed-writer, tout or other person of the same description enters a Registrars' office or compound in contravention of the aforesaid Government order, he is guilty of a criminal trespass and disobedience of a lawful order, and the Sub-Registrar should send a full report of the facts of the case to the District Magistrate (or if the office be situated in a subdivision, to the Sub-divisional Magistrate) and ask for the prosecution of the offender under Section 447 and 188, Indian Penal Code.

Though a Sub-Registrar is not a "Court" the performance of his duties in connection with the registration of documents is under the law, a judicial proceeding, so, should a tout or any one else intentionally offer any insult or cause any interruption to a registering officer (who is undoubtedly a public servant) when he is registering documents, the man may be prosecuted under Section 228, Indian Penal Code. When such a thing occurs the registering officers' duty is to submit a report to the District Magistrate or to the Subdivisional Officer, as the case may be, for necessary action.

Payment of
process fees
under
Section 36
of the Act.

15. Process fees payable will be as laid down by Hon'ble the High Court under Section 20 of the Indian Court Fees Act, 1870 (Act VII of 1870).

Remunera-
tion to
witness

16. The same rates as are payable in Civil Courts may be paid to witnesses summoned to appear before a Registering Officer.

CHAPTER III

RULES FRAMED UNDER SECTION 69 OF ACT XVI
OF 1908

Languages

Language deemed to be in use.

1. The following languages shall be deemed to be those commonly used in the districts, named, viz :-

In the districts of Cachar, Goalpara, Kamrup, Darrang Nowgong, Sibsagar and Lakhimpur - English Bengali, Assamese and Hindi.

In the Khasi-Jaintia Hills district - English, Bengali, Assamese, Khasi and Hindi.

In Tura - English, Assamese, Bengali, Hindi and Garo.

Translations of copies to be forwarded in certain cases.

2. When a copy of a Bengali, Assamese, Khasi Garo or Hindi document is forwarded under Section 65 to the Registrar of another district of this another State, or of a Presidency, it shall be accompanied by information in English respecting the names and additions of all persons executing and claiming under it, and a description of the property situated in the said Registrar's district sufficient for its identification.

Endorsement of translation of authentication of powers-of attorney in certain cases.

3. A power-of attorney intended for use in another district, State or in a Presidency, if authenticated in Bengali, Assamese, Khasi, Garo or Hindi by an officer unacquainted with English, may, if the parties desire it, be forwarded by him to the Registrar for the endorsement thereon of an English translation of the authentication.

Translation of authentication of Power-of attorney when in language unknown to registering officer.

4. A power-of attorney authenticated in a language unknown to a Registering Officer to whom it is presented may, if the parties so desire it, be submitted by him to the Registrar or to the Inspector General of Registration, who will procure an English translation of the authentication.

Maps and Plans

Territorial divisions.

5. The territorial divisions for the purpose of Section 21(3) shall be registration districts and sub-districts and thanas ; also parganas where they are known, and mauza, and collectorate districts if different from registration districts.

Note - (a) A registering Officer having jurisdiction to accept a document affecting immovable property for registration at the time its presentation to him shall complete its registration notwithstanding the fact that the village in which the immovable property affected is situated has been transferred from his jurisdiction subsequent to the presentation of the document but before the completion of its registration ; but a memorandum shall be sent, without levy of any fee, to the office to the jurisdiction of which the village has been transferred, for the purpose of filling it in that office.

When, however, after refusal to register, by a registering Officer, the village in question is transferred whilst the document is on appeal before a Registrar, or in a suit before a Civil Court, to the jurisdiction of another Sub-Registrar, the document, if the registrar or the Court orders that it shall be registered, shall be presented for registration to the Registering Officer to whose sub-district the village has been transferred.

(b) Where the property comprised in a document is situate partly in the Indian Union and partly outside or in a foreign country, such document may be registered in a district or sub-district in the Indian Union where a portion of the property is situate. In such a case the certificate of Registration should show that the registration has been effected only as regards that portion of the property which lies within the Indian Union.

Copies of maps or plans to be attached..

6. Copies of maps plans forming part of or attached to, a document shall be attested by the signatures of the persons executing the document or their agents and the original map or plan contained in or attached to, the document and copies thereof under Section 21(4) shall at the time of registration be signed and sealed by the Registering Officer.

Procedure regarding copies of maps or plans on re-registration.

7. When a document containing a map or plan is presented for re-registration under the proviso to Section 23, it shall not be necessary for the parties to deposit fresh copies of the map or plan under Section 21(4), but the Registering Officer shall certify against the copy in the Register Book that the map or plan attached to the document is the same as that which was attached to it on its first presentation.

Visit and Commissions

**Issue of
Commissions**

8. A commission shall ordinarily be issued by a Registering Officer to a salaried member of his establishment or to a Sub-Registrar or a probationer if attached to his office and the order shall be briefly endorsed on the document in words to the following effect :-

"A commission is hereby issued under Section 33 (or 38) of the Indian Registration Act, 1908, to (name and designation of the officer) for the purpose of inquiring and reporting whether this power (or document) has been executed by *A.B.*, son of *G.D.*, of by whom it purports to have been executed".

Notes. - (a) Commission can be issued only under Section 33 and 38 of the Act. In cases falling under the second clause of Section 31, the Registering Officer must himself attend at the residence of the person desiring to present a document or deposit a will even though the residence be situated outside his sub-district as he does not authorise the issue of a commission for such purposes. It is desirable that Sub-Registrars should themselves pay the visit, as far as possible, in every case under Section 33 or 38.

(b) When a document is received at a private residence under Section 31, the forms of endorsements prescribed in Rules 37 and 39 should be used.

**Procedure
when person
to be
examined
resides in
another sub-
district.**

9. If the person to be examined under Section 33 or 38 be not resident within the sub-district of the Registering Officer, the said officer shall, if the two sub-districts be situated within the same district, issue a commission direct to the Sub-Registrar of the sub-district in which such person resides, but if the residence of the person to be examined be in another district, the commission shall be directed to the Registrar of the district in which such person resides, and the said Registrar may redirect it to the Sub-Registrar having jurisdiction. A Sub-Registrar to whom a commission has been directed or re-directed under this rule may, if he cannot personally execute the commission re-direct it to an officer of his establishment. The sum deposited as travelling allowance shall be remitted at the cost of the applicant to the Registering Officer to whom the commission is addressed, but the commission fee shall be credited in the office at which the deed was presented.

10. When commission has been executed, the Commissioner shall return the document to the office from which it was issued, with a report, which shall be endorsed upon the document in the following terms :- "Having visited the residence of *A.B.* son of *C.D.* at I have this day examined the said *A.B.* who has been identified to my satisfaction by *E.F.* son of *G.H.* etc. resident of by case by profession, and the said *A.B.* admitted (or denied) the execution of this power (or document).

Full signature of executant.

Ditto of Witnesses

Ditto of Commissioner.

The Registering Officer, on receipt of the report, shall record the following endorsement - "From the above report I am (or am not) satisfied that this power (or document) has been executed by the above *A.B.* and I accordingly (in the case of a power) authenticate it under Section 33 of Act, XVI of 1908, and record it as No..... for or (in the case of a document) admit or refuse to admit it to registration.

Sd./- Sub-Registrar".

Note. - (i) It is competent to a registering Officer to examine the Commissioner personally in his office, touching any of the circumstances connected with the discharge of his commission specially with reference to the voluntary nature of the admission or denial of execution.

(ii) All applications for visits under Section 31, 33 and 38 shall be filed in a separate file. The date of receipt shall be noted by the Registering Officer on every such application. When there is delay in attendance or when the application for visit is withdrawn by the parties the reason for such delay or withdrawal shall be noted in the application.

(iii) When a commission issued by another Registering Officer is received, the receiving officer shall enter it in his register of visit and commission in red ink but without any serial number.

(iv) Attendance at private residence shall be made out of office hours or on holidays, so as not to interfere with the regular office works. Except in very urgent cases or when persons seriously ill have to be examined, a Registering Officer may postpone the attendance till a holiday when such attendance involves a journey to a distant village. When compliance with a requisition for a private attendance cannot be made without interfering with the regular business of the officer, a commission shall wherever practicable and unobjectionable be issued.

Prescribed fee and travelling allowance to be deposited with application for visits or for issue of Commissions.

11. All applications for visits under Sections 31, 33 or 38 or for the issue of commission under Section 33 or 38 shall be accompanied by the amount of the fees chargeable as well as the amount of the travelling allowance claimable by the Registering Officer or Commissioner. No visit shall be paid or commission issued until the said fees and travelling allowance have been paid by the applicant.

Note.-(i) An application for acceptance at a private residence of any document or power for registration or authentication for the deposit of a will for safe custody may be made by any person on behalf of the executant, the principal or the testator, as the case may be, and he shall deposit the necessary fees as well as the travelling allowance in the office.

(ii) An application for the examination of the principal under Section 33 or an executant under Section 38 may be made by the agent or the claimant or one of the executants as the case may be and he shall deposit the necessary fees as well as the travelling allowance in the office.

(iii) When the Registering Officer cannot pay the visit himself he may issue a commission.

Fees, etc., to be levied when two or more persons are to be examined.

12. A separate commission fee shall be charged upon every signature which requires attestation, provided that where two or more persons who execute the same document reside together, only one commission fee shall be charged so far as those persons are concerned. Travelling allowance shall be charged only for the actual distance travelled.

Persons meeting the registering officer at the same place to be deemed to reside together

13. If the parties to a document or documents relating to the same transaction meet the Registering Officer at the place fixed for his visit they may be considered to reside together for the purpose of rule 12, provided they are persons entitled to exemption under Section 33 or 38 or who have shown special cause under Section 31.

Calculation of distances for purpose of travelling allowance.

14. The distance for which travelling allowance is charged shall be calculated by the Sub-Registrar himself by reference to a map or to the table of distances prepared by the Collector, and the making of this calculation, shall on no account be left to a clerk.