

In offices in which such a table is already in existence, it should be revised so as to include all villages and mauzas shown in the latest jurisdiction list. Where no table is already in existence a table should be prepared by the Registering Officer who will get it countersigned by the District Registrar.

*Note.*-Save under exceptional - circumstances, travelling allowance can be drawn by one person only for making a visit or executings commission under Sections 31, 33 and 38. Registering Officers making a visit, under these sections should not, therefore, be accompanied by a clerk.

### Powers of attorney

Forms of authentication.

15. (1) When the principal appears at the registration office to execute the power the form of authentication of the power shall be as follows:

“Executed in my presence on the.....day of.....19 ..... by.....son of .....by caste.....by profession.....

who is personally known to me (or w hose identity was proved by the testimony of .....son of .....

of.....by caste.....by profession..... ) and I, accordingly authenticate it under Section 33 of Act XVI of 1908 and record it as No

.....for 19 .....

Full signature of principal

Seal and signature of

Ditto of identifier.

Registering Officer and date”.

*Notes-(i)* When the principal is exempted from appearance the executed power-of-attorney should be presented by the agent before the Registering Officer for his inspection along with the application for a visit or commission so that not only may he be able to endorse the commission on the power itself but he may also judge on a perusal of its contents that the power-of-attorney actually requires authentication for the Purpose of Section 32 or Section 34 of the Registration Act.

(ii) When an executed power-of-attorney is presented by the attorney with an application for examination of the principal by commission the endorsement of presentation shall be recorded on the power with necessary alterations in wordings.

(iii) If a visit is not paid the Registering Officer shall issue a commission in the form mentioned in Rule 8.

(iv) The Commissioner after examining the principal shall report in the form mentioned in Rule 10.

(v) The Registering Officer, below the report of the Commissioner, shall make the endorsement prescribed in Rule 10.

(2) If the Registering Officer, pays the visit and examines the principal himself the form of authentication of the power-of-attorney shall be as follows:

“Having visited and examined at his (or her) residence the principal.....son (or daughter) of.....of..... by caste.....by profession..... who is personally known to me (or whose identity was proved by the evidence of..... son of.....of..... by caste.....by profession.....) I am satisfied that this power-of-attorney has been voluntarily executed by him (or her) and I accordingly authenticate it under Section 33 of Act XVI of 1908 and record it as No..... for 19.....

Full signature of principal and witnesses.

Seal, signature and date of Registering Officer.”

*Note.*-There may, however, be cases in which a person exempted from appearance under proviso to sub-section (1) of Section 33 may apply to the Registering Officer for a visit to accept a power-of-attorney at his private residence and such person may execute the power in the presence of the Registering Officer when the visit is paid. The law as laid down in Section 33 of the Registration Act does not explicitly contemplate such a case, but at the same time it does not rule it out. Moreover when a Registering Officer is entitled by law to satisfy himself as to the voluntary nature of the execution of an already executed power-of-attorney and on such satisfaction to authenticate

it, it follows that he may authenticate the power when it is actually executed in his presence when he pays the visit. For there can obviously be no better proof of execution than in a case like this and Registering Officer will exercise a wise discretion in accepting applications for visit in such exceptional cases. Of course in such a case no commission can be issued under the rules. The endorsement in such cases shall be like the one when the power-of-attorney is executed in the office with necessary modification.

(3) When the Sub-Registrar himself does not examine the executant, he shall, below the report of the Commissioner, make the endorsement prescribed in Rule 10.

Register of powers-of-attorney.

16. A Register of powers-of-attorney shall be maintained in every registration office. The register will be maintained in the following way :

- (a) the full additions of principals, attorneys and identifying witnesses as given in the power shall invariably be entered;
- (b) the note required by Rule 17 shall be copied into the register in each case;
- (c) the abstracts of special powers-of-attorney should contain such particulars of the deeds to be executed or registered as are mentioned in the power;
- (d) the date of authentication of each power-of-attorney shall be entered in the register;
- (e) each entry in the register shall be signed by the Sub-Registrar;
- (f) if there be any provision revoking previous powers, it shall be noted;
- (g) the abstracts of general power shall contain a detailed summary of the different authorities conferred by them;
- (h) the stamp duty paid should be noted in red ink above the abstract of each power in the register.

16A. One general index register shall be maintained in which the names of all principals and attorneys shall be entered and which shall be added to or corrected at the end of each year.

Interlineations, blanks, etc.

17. (a) All interlineations, blanks, erasures, additions or alterations in powers-of-attorney authenticated under Section 33 shall, at the time of authentication, be detailed in a footnote signed by the Sub-Registrar. When there are no interlineations, etc., the fact should be noted in the same way.

(b) Abstracts or all "powers-of-attorney shall be prepared without unnecessary delay and signed by the Registering Officer. Below the abstract there shall be a copy of the footnote of corrections referred to in the above rule.

(c) In the case of a duplicate or a triplicate of a power-of-attorney presented for authentication, it shall not be necessary to abstract the power more than once in the register of powers-of-attorney. So far as the duplicate or triplicate copy is concerned only the number together with the value of the stamp shall be noted in the appropriate places, a note being at the same time made in the column for abstract to the effect that it is a duplicate, triplicate or other copy of power No.....abstracted at page .....

(d) For the purpose of Sections 32 (c) and 35(1) (b) of the Indian Registration Act,- 1908, all powers-ofattorney duly authenticated, must as a rule be presented in original along with the documents before Registering Officers for examination. But under clause (d), Section 4 of the powers-of-attorney, Act 1882 (Act VII of 1882) a certified copy of a power-of-attorney, the execution of which has been verified by affidavit, statutory declaration or other sufficient evidence; the original having been deposited in the High Court under clause (a) of. that section, shall without further proof be sufficient evidence of the contents of the instrument creating the power and of the deposit thereof in the High Court. When therefore a copy of the power so certified is presented before a Registering Officer for the purpose of registration of a document it should be accepted, provided it appears from the certified copy that the original power was duly authenticated in the manner laid down in Section 33 of the Registration Act. If the original. was not authenticated the Registering Officer shall refuse to accept the copy of the power for the purpose of registrati on.

Power-of-at-  
torney must  
expressly or  
by implica-  
tion autho-  
rise an  
agent to act.

18. A power-of-attorney shall not be recognised as authorising an agent to act on behalf of a principa a. under the Indian Registration Act, unless it contains an express or implied authority in this behalf.

Procedure in case of power not containing or implying authority to appear in registration office.

19. Powers which do not contain or imply an authority to appear in a Registration Officer shall not be authenticated under Section 33 nor entered in the register of powers-of-attorney. A power conferring authority to register may, if the executant so desires, be registered as well as authenticated, and in that case the two operations shall be treated as separate and the usual fee levied in respect of both. The fact that a power entered in the Register of powers-of-attorney confers authority to register should be explicitly stated in the abstract column of the said register.

The presentant of a power-of-attorney which is presented for attestation or of an attested power-of-attorney produced by him as agent with or in connection with a document presented for registration shall if the power-of-attorney is written or authenticated or both written and authenticated in a language not commonly used in the district be required to file a translation in English of the power of-attorney or the endorsement or authentication or of the power-of-attorney with its authentication as the case may be, such translation being certified to be a true translation and attested by the presentant.

Every description of a power-of-attorney may be registered like any other document; but it will not be recognised when produced in connection with the registration of a document executed by or in favour of a principal, unless it is authenticated under Section 33.

A Sub-Registrar may attest a power of attorney executed by a person residing within his jurisdiction. A Registrar may attest a power-of-attorney executed by a person residing in any part of his district; so also a special Sub-Registrar in his delegated power as Registrar may attest such a power.

A power-of-attorney authorising the agent to execute and register a document shall not be authenticated but may be registered if so desired by the parties.

*Notes.*-(i) Powers-of-attorney may, if so desired, be registered but no power is valid for registration purpose unless it has been authenticated.

(ii) Every power-of-attorney to be attested must under Section 33(i)(a) of the Act, be executed before a Registering Officer. The only exception to this rule is a power-of-attorney executed by a person exempted under the proviso to that section from attendance at a registration office for the execution of the power.

(iii) A power-of-attorney executed before presentation will also hold good by re-execution in the presence of the Registering Officer.

Endorsement on special power-of-attorney used in registration office.

20. Whenever a special power-of-attorney is used in a registration office for the purposes of Section 32, an endorsement shall be made upon it in the following form, and it shall be returned forthwith :-

Presented this day

Date

(Seal)

(Sd.)

A. B.

Registrar (or Sub-Registrar,) of.....

Endorsement not necessary in case of general powers-of-attorney used in registration offices.

21. In the case of general powers-of-attorney used for the purposes of Section 32, the endorsement prescribed in the preceding rule is not required. Such powers shall be returned after inspection to the parties by whom they were presented.

Revocation of power.

21A. A principal desiring revoke an authenticated power should, if it is available, produce it before the Registering Officer with an application in order to get it cancelled. The Registering Officer should then enter in red ink the words "power revoked, *see* page of the file of revocation of powers" above the original entry in the register of power-of-attorney authenticated and also on the power itself, if it is presented with the application. The date and signature of the Registering Officer should invariably be given in each case.

The Registering Officer shall then issue notices of revocation at the cost of the principal to all the Registering Officers of his district and to any other Registering Officer whom the principal names. Each Registering Officer shall place in a file all applications for or notices of revocation of powers-of-attorney whether authenticated in his office or in any other office. The date of receipt and the signature of the Registering Officer shall be written across the notices, and a copy of the notice or application shall be exhibited on the notice board of the office. The Registering Officer should keep a list of revoked powers before him for ready reference so as to make sure whether any such powers-of-attorney has become inoperative or not.

Thumb impressions of executants of powers-of-attorney.

22. The Provisions of Rule 47, regarding thumb impression shall be applicable to executants of powers-of-attorney.

Power-of-attorney to contain full additions of parties.

23. powers-of-attorney presented at registration offices shall contain the full additions of the parties or a description of the said parties sufficient to ensure their identification. Registering Officers shall return powers-of-attorney deficient in these particulars to the parties for the supply of the omissions.

Fee to be charged on power-of-attorney when more signatories than one.

24. (a) Only one fee is chargeable for the authentication of a power-of-attorney, notwithstanding the number of signatories there may be thereto, provided that all the signatories appear at the registration office at the same time; if they appear at separate times, a separate fee shall be charged in respect of each appearance. If two or more of the executants of a power be unable to attend at the registration office, a separate commission fee shall be levied under Rule 12 from each such executant, provided that they do not reside together within the meaning of Rule 13.

(b) In the case of a power-of-attorney purporting to be executed by more than one principal who appear before the Registering Officer at different times and in respect of whom a separate attestation fee is levied under article "P" of Table of Fees is levied for the authentication of such a power-of-attorney, as many numbers should be assigned to it as there are principals who appear before and are examined by the Registering Officer at different times. It shall not be necessary to abstract the power more than once in the register of powers-of-attorney. A note shall be appended against the original abstract that the same power has been authenticated again and a new number assigned to it.

(c) The duplicate or the triplicate of a power of-attorney presented for authentication shall be treated as a separate power and a separate attestation fee levied thereon, but it shall not be necessary to abstract the power more than once in the register of powers-of-attorney. So far as the duplicate or triplicate copies are concerned, only their number, together with the value of the Stamps, shall be noted in appropriate places, a note being at the same time made in the column for abstract to the effect that it is a duplicate, triplicate or other copy of power No..... abstracted in page.....

*Note* - There is no objection to the combination of several powers in one instrument, provided sufficient stamp-duty is paid.

The stamp-duty paid should be noted in red ink above the abstract of each power in the register. If an authority to register be included in any document, the said document must bear the additional stamp duty chargeable on a power-of-attorney and must be authenticated as well as registered. A special power-of-attorney conferring the Power to execute a document as well as to register it requires a stamp under Article 48 (c) of Schedule of Act II of 1899, as amended.

### Wills, etc.

Wills received through post office to be returned and custody of wills

25. A will received through the Post Office shall be returned to the testator, through the same medium, without the postage being prepaid in order to provide for the safer custody of wills, Registrars should refuse to accept a will for deposit, unless the outer cover be of wax-cloth or other damp-resisting material. When a sealed cover containing a will is presented under Section 42 for deposit or an application is made for the withdrawal of a sealed cover under Section 44, by an agent of the testator, the agent should be duly authorised.

Matters to be explained to depositors of wills

26. The Registrar shall explain to all depositors of wills that no steps will be taken by the State Government to ascertain when a testator dies, or to communicate with the beneficiaries after his death.

Provisions relating to entries in Book V.

27. Every entry made in Register Book V under the provisions of Section 43 shall be signed in full and dated by the Registrar, and the endorsement recorded on the sealed cover under that section shall be copied into the register.

The following endorsement shall be recorded on a sealed cover containing a will presented for deposit :-

“Presented for deposit at.....  
 a.m. / p.m. on the.....day of  
 .....19.....at the.....Registry  
 offices (or elsw here) by.....son of  
 .....of.....by caste  
 .....by profession.....  
 testator (or agent for .....  
 testator under a power-of-attorney No.....  
 who is personally known to me or has been identified to my  
 satisfaction by.....son of  
 .....resident of.....



This cover has been sealed in.....  
places the inscription of the sealed bejng.....  
.....

Date.....

Registrar".

Withdrawal  
of sealed  
cover.

28. When a sealed cover is withdrawn under Section 44 the fact shall be noted in Register Book V and the entry shall be signed by the person by whom the withdrawal is made, as well as by the Registrar. The person withdrawing the sealed cover shall at the same time return the receipt granted to him under Section 52 at the time of deposit.

Opening of  
sealed cover.

29. When a sealed cover is opened under Section 45, the fact shall be noted in Register Book V and the entry signed by the Registrar. If a cover is opened by order of a Civil Court, this fact shall be mentioned in the entry.

(a) When a sealed cover containing a will is opened unner Section 45 of the Act, the following endorsement shall be made on the will in addition to the note in Register Book V.

“Having satisfied myself that the testator is dead, the sealed cover containing this will is opened this.....  
the.....day of..... 19 ,on the  
application and in the presence of (name and addition).

Signature of applicant.

Seal

Date

Signature of Registrar.”

““

(b) When a sealed cover .containing a will is opened under an order of a Court. ...the following endorsement should be recorded on the will thus :

“Cover No.                      for the year                      opened  
on.....pursuant to the order of the  
.....Court conveyed in its order No.....  
dated .....

Registrar.“

The will, With the above endorsement, will then be copied in Book III under Section 46 of the Act and the fact shall be noted in Register Book V; and the following endorsement shall be noted on the will itself :

“Copied in Book III as No .....  
of 19..... Volume ..... page.....”

After the Registrar has signed the true copy of the will in Book III, the will together with its cover, shall be forwarded to the Court concerned with the following endorsement recorded on the will itself :-

“Forwarded to the.....Court  
pursuant to the order of the Court No.....  
dated.....”

All the endorsements made on the will should be sealed, signed and dated by the Registrar. Every page of the will shall likewise be signed and sealed by the Registrar. The columns of the Registrar Book V should be carefully filled up by the Registering Officer in each case.

Examination  
of sealed covers.

30. Sealed covers deposited with a Registrar under Section 42, shall be examined monthly, and their condition noted in District Return No.5. If there be no sealed cover in custody, the fact must be similarly noted in the return.

Receipts for  
sealed covers.

31. Receipts shall be granted for sealed covers “presented for deposit.

Endorsement  
in case of  
wills or authorities  
to adopt presented  
after death of testator  
or donor.

32. In the case of a will or authority to adopt admitted to registration after the death of the testator or donor, in addition to the endorsement prescribed by Rule 37, the following endorsement shall be made thereon :-

From the evidence of.....son of  
.....I am satisfied-  
.....(1) that this will (or authority) was executed  
by.....son of.....  
.....of.....the testator  
(or donor);

(2) that the said testator (or donor) is dead ; and

(3) that.....son of.....  
.....of..... the

presentant is entitled to present it under Section 40, Act XVI of 1908 3 and I accordingly admit it to registration under Section 41 of the said Act.

*Notes.-(i)* Care should be taken not to register in Book III any document which does not come under the definition of a will (that is, a codicil and every writing making voluntary posthumous disposition of property), or of an authority to adopt (that is, a written authority from a husband to a wife to adopt a son after his death). Deeds of gift must not be mistaken for wills, nor agreements to adopt or authorities to adopt. A document which merely declares the fact of a son having been adopted, or of a son having been given for adoption, is not an authority to adopt and should not be entered in this book unless it contains testamentary dispositions which bring it within the above definition of "will".

*(ii)* The procedure prescribed by Section 35 is not applicable in the case of wills presented for registration after the death of the testator. In such cases wills presented by any of the persons claiming under them will be registered on the requirements of Section 11 (2) being complied with.

32A. Wills registered or refused registration in a Sub-Registry office which remain unclaimed for a period exceeding two years, shall be forwarded to the Registrar's office for safe custody, a note to that effect being entered against the original entry in the fee-book. All documents so transferred shall be entered in a Register to be maintained by the Special or Sadar Sub-Registrar with the following headings :-

**Register for wills transferred to Sadar office from Mufassil Sub-Registry offices**

Document No. with year	From which office received	Date of receipt	How disposed of	Initial of the Special Sub-Registrar or Sadar Sub-Registrar	Remarks
(1)	(2)	(3)	(4)	(5)	(6)

Documents  
not duly  
stamped.

33. When a document not duly stamped is presented, the registering officer shall at once impound it under section 33 of the Indian Stamp Act, 1899 (Act II of 1899). Before forwarding an impounded document to the Collector, the registering officer shall record thereon the endorsement prescribed in rule 37 and if possible that under rule 39 and realised the fee payable. The document shall not be copied or certified as registered until it is returned to him with the Collector's certificate that the proper or deficit stamp duty has been paid but will be treated as a pending document. If the document is liable under the Indian Stamp Act to ad valorem duty and the value or consideration is not stated in money or is only partly so stated, the provisions of sections 26 and 27 of the Indian Stamp Act, 1899 (Act II of 1899) should be explained to the person who presented it and he should be informed that he may, if he desires to do so, withdraw and complete the document by the edition of the required particulars under the signature or initial of the executants. If he declines to do so, the document shall be forwarded to the Collector with a report. If a document chargeable with duty under the Court Fees Act, 1870 (Act VII of 1870) is found by the registering officer to be insufficiently stamped, it shall be returned to the presentant in order that the deficit stamp duty may be made good.

In forwarding an impounded document the reasons for impounding the same should be noted in the forwarding letter to the Collector. The registering officer should state in the covering letter the number of sheets making up the document and the unattested erasures or alterations, if any. Such document shall, on returned from the collector be closely examined by the registering officer to make sure that the document received has not in any way been interfered with.

When the deficit stamp duty on an impounded document cannot be realised, the registration thereof shall be refused under section 35 of the Indian Stamp Act, 1899 (Act II of 1899).

Stamp duty on renewed mortgages.

33A. When a document is presented creating a new interest in satisfaction of an old one wherein the mortgager states that the old mortgage debt aggregated a specified amount and the mortgagee remitted a specified portion thereof, by a separate stamped release and the present deed is drawn up for the remainder, the stamped duty should be levied on the remainder only if the stamped release is produced, otherwise the stamp duty should be levied on the entire amount of the old debt.

Procedure when stamped release is produced.

33B. When such a stamped release is produced for getting relief of stamp duty the Sub-Registrar will note on the back of it, "Produced in connection with the registration of deed No (as in the Fee Book)" and initial and date the note with his designation and put his seal on it and then return it to the producer.

Attestation of interlineations, Etc.

4. When the executant of a document appears personally he shall be required to attest all interlineations, additions, blanks erasures or alterations. When such executant appears by agent, etc., the attestation of such agent, etc., shall be accepted, unless the interlineations, etc., are of an important character. A registering officer shall also be at liberty, on due cause being shown, to accept the attestation of an agent, etc., even in the case of important interlineations, etc.

*Notes-(i)* It is desirable to have all the blanks, erasures, interlineations and alterations described in a memorandum of foot note and attested with the signatures of the persons executing the document.

*(ii)* It is desirable that every page of a document should be attested by the signatures or initials of the executing parties and

that the scribe should also sign his name with addition at the foot of the last page; but this is not obligatory.

*(iii)* When a person who cannot write, signs his name by means of a mark or by touching the pen, name should be recorded at length and the writer of the name shall also sign his own name in attestation that the mark was affixed or the pen touched in his presence.

*(iv)* All executants who cannot read or write should have their documents explained to them by the writer or witness thereof who should certify on the deed as follows :-

“Explained to.....by me.

Sd.....writer or witness.”

Absence; of such certificate disentitle a document for registration.

(v) Whenever a document is presented for registration with portions written in different ink, pen or hand, the registering officer should advise the presentant to note the fact at the foot of the document and to sign it. If the presentant refuses to do it, the registering officer shall make a note of it in the copy in the register book on the margin reserved for notes under section 20 of the Indian Registration Act.

Form of  
Stamp certi-  
ficate.

35. If the requirements of the law have been complied with, the following certificate shall be entered on the face of the deed :-

“Admissible under Act XVI of 1908. Correctly stamped (or exempted from stamp duty) under the Indian Stamp Act, 1899 (Act II of 1899) Schedule

(Signature and designation of  
registering officer and date.)

In the case of a will the certificate shall run “Not liable to duty under the Indian Stamp Act, 1899 (Act II of 1899).”

*Notes.*-(i) On the presentation of a document for registration, the registering officer must satisfy himself:

- (a) that it has been presented at the proper office (sections 28, 29 and 30) ;
- (b) that it bears the proper stamp or is exempted from or does not require stamp duty;
- (c) that it is in the usual language of the district or is accompanied by a translation and a true copy (section 19) ;
- (d) that in the case of any interlineations, blanks, erasures, the provisions of section 20 have been complied with;
- (e) that if the document is non-testamentary and relates to immovable property the description is sufficient (section 21) ;

- (f) that if the document is non-testamentary and contains a map or plan, it is accompanied by the prescribed numbers of true copies of the map or plan (section 21);
- (g) that if the document is not a will, it has been presented within proper time (sections 23 to 26);
- (h) that it has been presented by a person authorised to do so;
- (i) that the date of execution has been stated in the document.

Authorities to adopt are not exempted from the provisions of section 23, though they are classed with wills for other purposes.

When a document is presented under sub-section (1) of section 25 to a Sub-Registrar along with the application referred to in the sub-section (2) of section 25, the Sub-Registrar shall, if it is otherwise admissible for Registration, forward them to the registrar with any remark which he may wish to make in favour or against the acceptance of the deed and shall immediately make an entry in the pending register and grant a receipt on plain paper with his seal and signature, stating the nature of the document, name of the parties and number of sheets in the document, which receipt the party must return before he can have a receipt under section 52. If the Registrar returns the document directing registration the Sub-Registrar shall realise the fine under Article 0 of the Table of Fees and deal with the document in the same manner as other documents presented within the time allowed for registration.

- (ii) The persons who may present a document for registration are the following.
  - (a) In the case of a will, the testator, and after his death any person claiming under it as executor or legatee.
  - (b) In the case of an authority to adopt, the donor, and after his death the donee or the adopted son.
  - (c) In the case of a copy, of a decree or order, any person claiming under the decree or order.
  - (d) In any other case, any person executing or claiming under the document.
  - (e) The representative or assign of any of the persons mentioned in (c) and (d).
  - (f) The agent duly authorised under a power-of-attorney of any of the persons mentioned in (c) and (d).

(iii) If the presentant be the representative of a deceased person, the fact of the latter's death must be established before the status of the representative is enquired into. If a document having been executed by the principal be presented by a representative or assign, the latter must satisfy the registering officer of his status. If it be presented by an agent he must produce a duly authenticated power-of-attorney. But care must be taken to distinguish between deeds executed by agents in pursuance of powers in that behalf conferred upon them by their principal, and deeds executed by principals presented for registration by agents empowered in that behalf. In the case of an agent who is the actual executant of an instrument, it is not the duty of a registering officer to satisfy himself as to the power of such agent to execute such instrument. His duty is confined to ascertaining whether the person purporting to have executed the document has in fact done so or not. The officials exempted from personal appearance under section 38 may present a document for registration through post or through messenger. A minor claiming under a document can present a document for registration but minor executants are not so empowered.

(iv) In the case of a document executed by a pardanashin lady, the registering officer should be careful to obtain in admission of execution from the executant's own lips. The lady should be seen and identified by some person acquainted with her appearance and the name and the relationship of such person should be noted in the endorsement. The terms of the document should be explained to her and, if, while admitting execution, she objects to any of the terms, such objection should also be noted.

(v) It is the duty of the registering officer himself to decide as to the admissibility of a document under the Act and rules. Objections to registration should not therefore be filed, but should be returned with an endorsement to the effect that the objector should take such legal steps as he may think fit.

Fees realised to be entered on document and in fee book.

36. After endorsing the certificate prescribed by the preceding rule, the registering officer shall receive the fee and the fine, if any, payable under section 25 and shall enter the amount so received on the document below the said certificate and shall at the same time make the requisite entry in the fee book.

36A. But if a stamped release is produced in accordance with rules 33A and 33B, the following additional endorsement should also be recorded on the document :-

"Stamp duty is sufficient as a separate deed dated ..... is produced for the release of Rs..... which has been marked on its back Produce in connection with the registration of deed No..... (of this document)' along with initial; designation and date".



Form of presentation endorsement

37. The endorsement under section 52 shall be to the following effect :-

“Presented for registration at .....A. M. (or P. M.) on the.....day of.....19.....at .....Sub-Registry office (or elsewhere) by A. B. ....the executant or claimant (or attorney for C. D. under a power (No.....for 19.....) and authenticated by the Sub-Registrar of.....).

Signature of presentant.

Signature of Sub-Registrar.”

In case of documents executed by “Government Officers” or certain public functionaries who are exempt from personal appearance under section 88 of Act XVI of 1908 and sent by messenger the endorsement will thus:

“Presented for registration, etc., by..... (name) and designation of officer through..... (name of the messenger) as per his letter No..... dated the.....”

Signature of messenger.

(Signature of the registering officer).

In a case where any such document is sent by post, with a letter, the endorsement under section 52 (1)(a) should be made thus :-

“Forwarded for registration, etc., etc., by..... (name and designation of the officer) as per his letter No.....dated the.....”

(Signature of the registering officer).

Fees to be entered in receipt.

38. The amount of the fee paid shall be entered in the receipt given under section 52.

*Note.*- When a document has been accepted for registration the next step is the examination of the executant or his representative, assign or authorised agent when he appears before the registering officer. When the executant of a document is dead his representative or assign should under section 35 (1)(c) of the Act, appear personally before the registering officer to admit execution. When there are more than one representatives, all of them should appear. Where a representative is a minor his guardian should appear on his behalf.

Forms of endorsement of admission of execution.

39. The endorsement under section 58 shall be to the following effect :-

“Execution is admitted by A. B., son of C. D. of.....thana.....district..... by caste.....by profession.....”

Sd./- A. B.

“Identified by E. F. son of G. H. of.....thana.....district..... by Caste.....by profession.....”

Sd./- E. F.

Date.....

Sd./- I. J.

Registering Officer.

When the execution of a document or power is admitted before a Commissioner at the executant's private residence, the endorsements recorded shall be those prescribed in rule 10.

When the identifier is not personally known to the registering officer or is not a co-villager of the executant, the words "after due enquiry" should be added before the word "identified"

When the document has been presented by the executant himself, it is unnecessary to repeat in the second endorsement all the particulars regarding him recorded in the first endorsement but the endorsement may be recorded thus:

“Execution is admitted by the above A. B., who is identified by E. F., son of G. R., of .....  
 thana .....by caste, .....  
 by profession.....”

When execution is admitted by an agent, the following words shall be added :-

"Agent for K. L., under a power-of-attorney (No.....  
 .....for 19.....) authenticated by the Sub-  
 Registrar of.....”.

When the executant or his agent is personally known to the Registering officer, the words "personally known to me" should be substituted for the identification clause.

When execution is admitted by the representative of a deceased person, the following words shall be added :-

"Representative of K. L., whose death and the representative's right to appear in such capacity have been proved to my satisfaction”.

When the payment of any money or receipt of consideration is acknowledged, the following clause should be added :-

“The receipt of Rupees.....as  
 consideration (or in part payment of the consideration) is admitted by the above A.B.”

Procedure regarding endorsement in case of application under proviso to section 34.

40. Before a Sub-Registrar forwards an application under the proviso to section 34, he shall, if the executant be present at the Sub-Registry office, record the endorsement of execution and realised the fines prescribed in the Table of Fees. But if the executant be not present on the date of presentation, the application will be forwarded to the Registrar without such endorsement having been recorded on the document to which such application relates.

When an agent appears to present a document or to admit its execution the explanation required by section 25 for delay in presentation or by section 34 for delay in appearance may be obtained from him on behalf of the principal.

Form of endorsement in case of documents executed by Courts or Officers of Government.

41. The form of endorsement to be recorded in place of the second endorsement in the case of documents executed by Courts or Government servants who are exempt from personal appearance in registration office under section 88, shall be as follows :-

"Execution by.....who is exempt from personal appearance in this office under section 88, Act XVI of 1908, is "on reference to him; proved by his Sealed and Signature". The word "on reference to him" should be omitted when a reference is unnecessary or has not been made.

Form of endorsement on document registered under orders of Registrar or Court.

42. The form of endorsement on documents, the registration of which is ordered by the Registrar or a Civil Court shall be as follows :

"Registered under section 75 (or section 77). Act XVI of 1908 by order of the Registrar (or the Munsif, Sub-Judge or Judge) of.....dated ..... in case No..... of 19....."

When a decree or order is registered the endorsement under section 58 shall be thus :-

"Admitted to registration".

Sd. / Registering Officer.

But in the first endorsement the number and Schedule of the Indian Court Fees Act should be quoted instead of those of the Indian Stamp Act.

Endorsement when money paid in presence of Sub-Registrar.

43. When any payment of money is made in the presence of the registering officer, an endorsement to that effect should be recorded instead of the corresponding endorsement prescribed by Rule 39.

Use of stamps for formal portion of endorsement.

44. Registering officers are permitted to use stamp for the formal portions of the stamp certificate and endorsement prescribed by these rules.

*Note.*-(1) Endorsement stamps may be obtained from the Controller of Stationery on indents countersigned by the Inspector General, and can only be supplied to Sub-Registrars paid by commission on their personally defraying cost, Sub-Registrars drawing fixed salaries and *Ex-officio* Sub-Registrars will be supplied with such stamps free of cost.

(2) A person who is able to write shall be required to sign an endorsement irrespective of any mark he may affix.

A person who at the time of execution of a document was able to sign but, owing to some special causes, is no longer able to do so, may be allowed to affix his mark, but a statement explaining the inability shall be taken, and a note entered in the endorsement. Similarly person who at the time of execution was unable to sign but it is able to do so at the time of registration shall write his name instead of any mark he might have made at the time of execution and an explanatory note may be entered in the endorsement.

Mode of recording endorsement.

45. All endorsement shall be recorded by the registering officer with his own hand. When stamps are used, the blanks in the stamp certificate and endorsement shall be filled in by the registering officer, and the word "execution is admitted" in the second endorsement and "registered" in the final endorsement shall also be in his handwriting:

Provided that in the case of *Ex-officio* SubRegistrars, Special Sub-Registrars, and Sadar SubRegistrars of amalgamated District, officers without any limit as the number of registrations and of other Sub-Registrars, the number of registrations in whose offices exceeds, 4,000 a year the presentation and completion endorsements prescribed by rules 37 and 57 may be written by office Assistant with the exception of the word "Registered" in the latter endorsement.

*Note.*-A registering officer must invariably sign his name with his own hand. The use of a stamp in lieu of signature is forbidden in any proceedings under the Indian Registration Act. This implies not only to endorsements and final orders under the Act, but also to receipts, returns, statements, copies under sections 65 to 67 or attested copies granted to parties. It is only in franking covers and in signing advices and reminders that the use of a stamp is permissible.

Use of stamp  
for copying  
endorsement  
in Register  
Books.

46. Stamps may also be used in copying the endorsements *into the Register Books, provided that the impression can be conveniently contained in the margin of the said books.*

Thumb  
impression

47. When the executant of the document is not personally known to the registering officer, and in all cases when the executant is unable to sign his name, he shall be required to make a rolled impression of his left thumb along side of the signature or mark which he is required to append to the endorsement recorded under rule 39. If the executant has lost his thumb, and impression of the right thumb should be taken, a note of the fact being recorded in the margin. He shall also make a similar impression of his thumb in a register to be maintained for this purpose and shall sign his name in the said register, in which also the number of the document, the book in which it is registered, and the date on which the thumb impression is made shall be entered. In the case of a paradanashin lady, no exemption can be allowed; she shall be required to affix the impression of her thumb either before the registering officer, or in the presence of the person who identifies her. If an executant refuses to affix the impression of his thumb required by this rule, the document of which he is executant shall be registered but the registering officer shall make a note of such refusal on the said document.

If a person whose impression is taken bears personal marks of identity such as natural deformities or other permanent peculiarities which can be noted without enquiry and the registering officer consider it desirable to keep a record of them as additional mark of identity, a brief note shall be made by him below party's signature or name in the thumb impression register.

If an executant be suffering from small-pox, leprosy or other contagious disease, or if he has lost both thumbs and all other fingers the fact shall be noted in the register prescribed under this rule in the place to which the impression of his thumb would otherwise have been affixed.

When several documents executed by the same person are admitted to registration, a separate thumb impression need not be taken in the register of thumb impression in respect of each document. Each impression in the register of thumb impressions shall be initialled by the registering officer as well as by the officer taking the impression or in the case of *Pardanashin* ladies by their identifiers.

The provisions of this rule shall apply *mutatis mutandis* to the identifiers of executants.

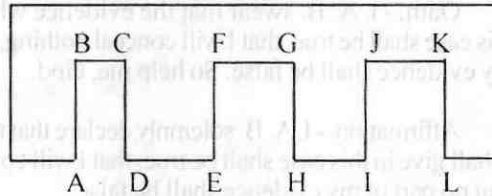
*Note.*-Registering officers should attend personally to the duty of taking the thumb impressions of executants. Such impressions should be taken in the printed register (Form No. 59) prescribed for this purpose and on one side of the paper only. The serial number of the thumb impression in the register should be entered against the impression on the back of the deed. A separate registers of thumb impressions should be kept for use when executing commissions.

(ii) Thumb impression taken in registration offices should always be "rolled impression" and with a view to having such impressions taken properly, the following instructions should be observed :-

(a) To take a "rolled" impression, the thumb is placed upon a tin slab over which thin film of printers ink has been spread, the plane of the nail being at right angles to the plane of the slab, and the thumb is then turned over until the bulb surface which originally faced to the left, now faces to the right, of the plane of the nail being again at right angles to the slab. By this means the ridge surface of the thumb between the boundaries of the nail is linked, and by pressing it lightly upon paper in the same way that it was pressed upon inked slab, a clear rolled impression of the thumb surface is obtained. Care must be taken not to press the thumb too heavily on the ink slab or subsequently too heavily on the paper, otherwise a blurred impression results. To obtain clear impressions, the following details must receive attention:

The tin slab in use must be free from dust, hairs, or other foreign matter. It should be freshly cleaned for use each day all trace of the ink previously used being removed. A very small quantity of ink should be applied, and this should be worked up into the thinnest possible film: unless the film is thin, impression will be blurred.

(b) "Rolled" impression as usually taken, have an untidy appearance



owing to the jagged edges on three sides of the impression. To obviate this use is made of a

stencil plate of paper. A piece of foolscap of other paper, about 2 inches wide and 7 inches long, is taken, and three rectangular spaces ABCD, EFGH, IJKL are cut of it (marginal figure) these rectangles being of varying dimensions so as to be applicable to thumbs of different sizes. Care should be taken that the aperture is sufficiently wide to include the full outline of the pattern.

(c) The aperture in the stencil plate, which is appropriate to the particular thumb, the impression of which is required is placed over the space upon which the impression is to be recorded and the thumb surface is then placed on the edge of the rectangle aperture, the plane of the nail being at right angles to the plane of the rectangle. The thumb is then rolled over as above explained until the plane of the nail is again at right angle. The stencil plate receives the jagged impression of the ridges which adjoin the nail boundaries. When the stencil plate is removed, a symmetrically shaped impression of the thumb surface is left on the paper containing all the peculiarities of the pattern needed for its differentiation. It may be noted that no portion of the surface of the second joint of the thumb should be inked or if inadvertently inked, should be impression on the paper.

(iii) Should an impression taken in the Register of the thumb impressions be imperfect, a second impression should be taken in the ruled space next below, and it should bear the same number as that of the original impression.

Procedure on  
administra-  
tion oath.

48. When a registering officer administers an oath, he shall record the evidence of the witness examined, in a book to be maintained for the purpose and a note of the fact that such an examination has been made shall be endorsed on the deed itself. An oath should only be administered when the registering officer doubts the truth of any verbal statement made to him. An oath or affirmation administered by a registering officer under the provision of Section 63, shall be administered according to the form of oath or affirmation



prescribed by the Hon'ble High Court of Judicature in Assam in the following manner :-

Oath. - I, A. B. swear that the evidence which I shall give in this case shall be true, that I will conceal nothing, and that no part of my evidence shall be false. So help me, God.

Affirmation. - I, A. B. solemnly declare that the evidence which I shall give in this case shall be true, that I will conceal nothing, and that no part of my evidence shall be false.

*Note.* - Christian witnesses to whom oaths are administered are to be sworn upon the New Testament. In other cases oaths are to be administered upon such symbols or accompanied by such act, as may be usual, or as witnesser may acknowledge to be binding on his conscience.

Mode of recording statements under section 63.

49. Statements under section 63 shall be recorded by the registering officer with his own hand at the time they are made.

Fees payable on documents executed by several executants at different times.

50. When a document presented for registration has been executed by some only of the parties thereto, the remaining executants may attend, execute the document and admit execution, without the payment of any further fee, so long as the certificate of registration under section 60 has not been endorsed thereon ; but if the registration of the document has been completed, is must be presented a fresh for registration and a second fee shall be payable.

Document to be copied in the Register Book on the admission of execution.

51. When all the persons executing a document or their representatives, assigns or agents have appeared and admitted the execution thereof, the document shall be copied into the appropriate Register Book.

Security of documents

52. Registering officers are required to scrutinize all documents carefully in order to insure that they are copied into the proper Register Books.

Procedure when document copied into wrong Register Books.

53. In the event of a document being inadvertently copied into a wrong book, the registration thereof shall stand, but the Register may direct that the document with the endorsements and certificate thereon shall be copied into the appropriate book, without further charge. The same procedure may be adopted in cases in which Register Books have been lost or destroyed or in which owing to fraud or other causes, documents have been registered without having been copied into the books.

In the circumstances a fresh final certificate under section 60 in the following form shall be given on the left hand margin of the book in which the document is re-copied and if possible on the document below the former certificate :-

"Registered again under the order of the Registrar of .....  
 No..... dated ..... 20 ..... as document  
 No. .... in book No..... Volume .....  
 Page ....."

Seal. Registering Officer.

A cross reference in such a case shall also be made on the right hand margin of the original entry of registration in the wrong book in respect of the copy in the appropriate register.

If the error in copying is discovered after the document has been returned after registration, the same procedure shall be followed, a note being made in the margin of the copy in the wrong book, of the volume and page of the appropriate book into which the contents are recopied.

In both these cases fresh entries must be made in the appropriate indexes, without cancelling the original entries made in those indexes.

When a document relating to immovable property is registered through inadvertance in contravention of Section 28, the registering officer shall instruct the executant of the deed and claimant thereunder to obtain a direction under section 68 for its registration from the Registrar of the District in whose jurisdiction the proper office is situated.

When such direction is received, the registering officer concerned shall register the document without levy of any fee, and shall refer to the order of the Registrar in the endorsement of presentation.

The registering officer in whose office the document was originally registered shall follow the procedure prescribed by Sections 64 to 66 and shall forward to the proper officer free of charge a copy or a memorandum of the document, as the case may be. The receiving officer shall file the copy or memorandum in his file book No. 1.

Registration  
of two or  
more copies  
of same  
documents.

54. When two or more copies of the same document are admitted to registration at the same time, each copy shall be separately numbered in the fee book and the register books. It shall not be necessary to copy the documents more than once in the Register Books but all the endorsements shall be written upon each copy. So far as the duplicate, triplicate or other copies are concerned, only the endorsements (including the stamp vendor's endorsement) and the kaifiyat, if any, on them shall be copied. A note shall at the same time, be made in the central portion, reserved for the copy of a document in the book showing the number, volume and page of the register in which the original has been copied.

*Notes. (i)* The translation and copies of documents required by Sections 19 and 62 shall be made on cartridge paper. Such translation and copies shall be kept in separate files, a reference being made to the said files on the right hand margin of the page on which the translation is copied in the book.

*(ii)* In the case of a document the registration of which is in the first instance, wholly refused by a Registering Officer and registration is subsequently ordered by the Registrar under section 72 or 75 or by a Civil Court under section 77, as the case may be, the fee for the registration so ordered shall be realised again and the document shall be entered in the fee book under a new serial number.

In the case of a document the registration of which is in the first instance wholly refused by a registering officer and registration is subsequently ordered by the Registrar under section 72 or 75, or by a Civil Court under section 77, as the case may be, no fresh fee is to be realised for the registration so ordered, but the document shall be entered in the fee book under a new serial number and recopied into the register book. Previous endorsements already made on the document shall be copied in the body of the copy in the order in which they appear on the original document.

In both the cases the endorsements prescribed for presentation under section 52 shall be written with the word "Representation" in place of "Presented" and the endorsement under section 58 shall be the same as the one used in respect of document admitted to registration after an appeal or inquiry.

**Ink.** 55. Black ink supplied from the Stationery office shall be employed for all endorsements and signatures.

**Procedure when space on documents insufficient for endorsements.** 56. When it is not possible to record the prescribed endorsements upon the document itself, owing to the want of sufficient space therefor, a separate quarter sheet of machine-made medium paper, which will be supplied gratis by State Government, shall be attached to the document and the endorsements recorded thereon a note that such action has been taken being at the same time made on the document itself and signed by the registering officer. Every piece of paper so added must bear the seal of the registering officer and be signed and dated by him.

**Form of final endorsement.** 57. When a document has been copied and compared the registering officer shall make in the following form the endorsement required by Section 60 :-

"Registered in Book ..... Volume .....  
page ..... being No..... for 20 ....."  
The ..... of ..... 20 .....

Sd/- A. B.,  
Sub-Registrar.

**Provision as to writing, etc., with which documents must comply.** 58. All documents presented for registration shall be legibly written in ink, typed, lithographed or printed on paper, vellum or vegetable parchment and shall contain a blank space of not less than one side of a half sheet of foolscap or shall be attached to a covering slip containing a blank space of the aforesaid size. A blank space of not less than three inches shall be left above the written portion for recording the certificate of admissibility.

All documents presented for registration shall contain the names and additions of every person executing and claiming under it.

Receipt to be sealed and entry of fees paid subsequently.

59. The receipt given under section 52 shall be sealed with the Sub-Registrar's seal and any fees paid subsequently shall be entered in the counterfoil receipt and in the original receipt on presentation and the latter shall be then pasted to its counterfoil.

*Notes. - (i)* When the registration of a document is completed it shall be returned to the presentant or to such other person (if any) as the presentant has nominated under section 61. in writing, in that behalf on the receipt granted under section 52. But before returning the document the registering officer or office assistant mentioned in rule 142 shall examine the signature on the back of the receipt and see that it tallies with that on the document itself and that the written authority enjoined by Section 61 subsection (2) is in proper order. If the presentant can write, the whole authority shall ordinarily be written by him. If he is illiterate the whole authority shall usually be written by the person who signed the name of the presentant.

*(ii)* In case where the presentant of a document dies without endorsing on behalf of any person the receipt granted under clause (6) of section 52(1) of the Registration Act, the document may be returned to the legal representatives of the deceased, on production of the receipt if the Registering Officer is satisfied that there is no suspicion of fraud.

*(iii)* If the presentant has nominated another person to take back the document after registration and such nominee is dead and his representative claims the document, the document shall not be returned to him without the written consent of the presentant.

Lost of receipts.

60. Every application alleging the loss of a receipt and requesting the return of a document shall be in writing, and shall be presented by the person to whom the original receipt was granted. On receipt of such application, the registering officer, after satisfying himself as to the identity of the applicant shall, if the document has not been registered, issue a duplicate receipt, or if the registration of such document has been completed, shall return the said document to such applicant. In such cases the registering officer

shall have pasted to the counterfoil receipt a piece of plain paper with the following certificate endorsed thereon :-

Certified that the loss of the original receipt has been proved before me, that the presentant has been duly identified, and that the document has been returned as per signature of the recipient on the reverse.

Dated.

Sub-Registrar".

The thumb impression of every such applicant shall be taken in a separate volume of the register of thumb impressions, which shall be maintained specially for the purposes of this rule.

In all such cases the usual fee for search shall be levied and the fee so realised shall be entered in the duplicate receipt or in the certificate attached to the counterfoil, as well as in the fee book and register of searches.

If the applicant fails to establish his identity, as the presentant of the document, to the satisfaction of the registering officer, the said officer shall reject his application for the return of the document or the issue of duplicate receipt.

*Note.* - The obligation of a registering officer to return a document presented to him for registration to the presentant, is subordinate to his obligation to give effect to any injunction of a Civil Court as to its disposal.

Delivery of documents through the medium of the post.

61. (a) If the presentant of a document desires that, after registration thereof has been completed, it should be delivered to him or to some other person through the medium of the post he shall return to the Sub-Registrar the receipt granted under section 52, with the following endorsement on the back either in English or the Vernacular :

The Sub-Registrar of ..... is requested to post this document, on completion of registration, to ..... of village ..... post office ..... district ..... for which purpose on envelope bearing annas ..... in postage stamps to cover the cost of postage, and postal registration, is deposited herewith.

Dated

Presentant".

(b) The receipt so endorsed shall be accompanied by a large registration envelope (or, if the document is of so bulky a nature that a large envelope is necessary, by a stout cover of the requisite size) on which the applicant has inscribed the address to which the document is to be despatched. The address must be the same as that endorsed on the receipt.

(c) The envelope must bear postage labels sufficient to cover the cost of transmission, plus one anna in prepayment of the acknowledgement of the addressee, and if, in the case of bulky documents, a cover other than a large registration envelope is used, postage labels to the value of four annas must in addition be affixed to defray the cost of postal registration.

(d) On the presentation of a receipt endorsed as detailed in sub-clause (a) above, the registering officer shall cause the said receipt to be pasted to its counterfoil, shall issue a fresh receipt to the presentant, and shall retain the envelope in his possession, under lock and key, until the document has been copied.

(e) As soon as the document has been copied the registering officer shall enclose it in its proper envelope, and shall cause the envelope to be sealed in his presence and despatched by post. The number and date of the postal receipt shall be endorsed on the back of the receipt. Column 12 of the fee book will then be filled up and a note made in column of remarks to the effect that the document has been returned by post.

(f) The postal receipt and the addressee's acknowledgement shall be pasted to the counterfoil of the receipt.

(g) Documents to be returned by post must be scrutinized more carefully even than usual, in order to insure that the extra copying; (R) fees, if any, have been correctly estimated and that all other fees payable have been realised. Should it subsequently transpire that the full fees have not been realised, the document should be returned to the addressee by value-payable registered post for the amount of deficit fee and extra postal charge a memorandum being enclosed with the document explaining the cause for

the extra demand. Documents cannot be despatched by value payable post to post offices at which money orders are not payable. Sub-Registrars should maintain a list of such offices situated within their subdistricts. In the case of documents on which the full fees have not been realised and which are to be addressed to such offices the Sub-Registrars shall communicate with the presentants and request them to pay the deficit fees, on receipt of which the document shall be despatched by registered post.

(h) A register of documents delivered through the medium of the post shall be maintained in Form No. 128. Columns 1 to 5 shall be filled up on the date of the presentation of the receipt endorsed as detailed in sub-clause (a), columns 6 and 7 on the date of completion of registration, columns 8 and 9 on the date of despatch of the document and columns 10 and 11 on the date of the receipt of the acknowledgment and of the deficit fees (if any) respectively.

(i) Documents returned from the dead letter officer undelivered shall be entered again in columns 14 and 8-II of the fee book under their original numbers in red ink and the fact of their return noted against the entries relating to the delivery of such documents in the fee book and in the register of documents delivered through the medium of the post.

Registration.

62. When a document is re-registered it will be treated in all respects as an entirely new document and must be recopied in its altered form in the proper register and the full fees levied.

Note. - Re-registration may be effected in the following circumstances :-

- (a) When a deed is altered by consent of the parties after registration in order to correct an error of description and in furtherance of their original intention Such alteration in effect make the document a new one, different from that already registered, and if it be a document falling under section 17, re-registration becomes obligatory. (Another mode of correcting a misdescription in a registered document is to draw up a supplementary document, reciting the error in the former one and the correction now intended to be made and to register this document also).



- (b) When a document purports to have been executed by several persons, but at the time of first registration had in fact been executed by some of those persons only, if after registration the other parties thereto also execute the deed, it must be registered afresh, but in that case limitation will run under the proviso to section 23, not from *the* date of the document, but from the date of each execution.

Procedure on registration of documents four months after execution.

63. When a document is presented or the execution of a document is admitted more than four months after the execution thereof, the Registrar may either register the document himself in which case the extra fee prescribed by the Table of Fees for registration by a Registrar as well as the penalty for delay shall be levied, or he may direct its registration on payment of the said penalty by any Sub-Registrar in whose office it could have been registered if presented without four months. In such cases the date on which the application was made to the Registrar, shall be regarded as the date of presentation.

### Refusal of Registration

Documents presented at the wrong office.

64. If a document has not been presented at the at the proper office, it shall at once be returned to the presentat with the endorsement "Returned for presentation at the proper office". In this case no entry need be made in Book II, but, a note should be made in the Sub-Registrar's diary of the names of the parties the nature of the document and the reason for its having been returned.

Registering officer to give advice regarding stamp duty before formal presentation.

65. If the executant of a document who is in doubt as to the correct stamp duty, consults a registering officer on the subject before formal presentation, the required information may be given to him and the document shall not be impounded. It may at the same time be explained to such a person that if he wishes to obtain an authoritative opinion, he must apply to the Collector under the Indian Stamp Act. An insufficiently stamped document formally presented must be impounded and forwarded to the Collector.

Endorsement on refusal of registration.

66. If the provision of section 19, 20, 21, 23, 25, 32 or 40 have not been complied with, the deed must be returned at once to the presenting party, with the following endorsements:

following endorsements :-

"Registration refused"

an entry being made at the same time in Book II.

*Note.-Registration cannot be refused on the ground that the consideration or object of document is immoral or otherwise un-lawful. Every case in which a document presented for registration purports to transfer a female child to a prostitute or to a person of the prostitute caste, or to impose an illegal cess or other unlawful condition on any person, should be reported by the Sub-Registrar to the District or Subdivisional Officer as the case may be so that, if the circumstances are suspicious, the Magistrate may make enquiries, and, if necessary, take further action.*

Procedure when proper fee not paid.

67. If the presenting party declines to pay the proper fee, the document will be returned without any endorsement, and an entry to this effect made in the Sub-Registrar's diary; such document will not be entered in the fee book :

Provided that order under this and the preceding rule may be deferred, at the request of the parties, in order to enable them to comply with the requirements of the law. But in such cases an order of refusal shall be passed if the requirements of the law have not been fulfilled within the time allowed for presentation under section 23, 24, 25 or 26 as the case may be.

Documents in which Sub-Registrar is personally interested.

68. A Sub-Registrar is not- authorised by law to refuse to register it document because he is directly or indirectly interested in the transaction to which it relates, but he should recommend the parties to present such a document at some other office. If the document relates to movable property only, such other office may be the office of any Sub-Registrar under the Government of Assam. If the document relates to immovable property such other office shall be the office of the Registrar of the district. The latter office shall register such document, without charging the usual extra fee. If the parties, after having been advised as aforesaid; insists on the Sub-Registrar registering such document, he shall do so and report the fact to the Registrar to whom he is subordinate.

Conduct tantamount to denial of execution.

69. If an executant, on being asked by a registering officer whether he has executed a document, wilfully refrains from replying to the questions put to him or declines to state whether he has executed such document or not or if after a summons to compel the appearance of a executant at a Sub-Registry office

for the purpose of admitting execution of a document has been duly served upon the said executant thereof, he refuses or wilfully neglects to attend at such office for the purpose aforesaid, he shall be deemed to have denied execution of such document, and the registering officer shall thereupon record an order of refusal under section 35.

Documents executed by deaf and dumb persons.

69. (a) A document executed by a deaf and dumb person can be registered if he can, by some means or other, express his intention to admit execution. In such case the registering officer should record a short note in the endorsement of execution of the circumstances which help him to arrive at his conclusion. If on the other hand, the registering officer be not satisfied as to the ability of the executant to understand the question put to him, he shall refuse to register the deed under section 35(3) of the Indian Registration Act.

Procedure when of several executants some admit and other deny execution.

70. The following procedure shall be adopted when of several executants of a document some admit and others deny execution thereof:

- (a) When all the executants appear before the registering officer, such document shall be registered in respect of those of the executants who admit execution, and registration shall be refused in respect of those who deny execution thereof, or who appear to be minors, idiots or lunatics :-
- (b) When some of the executants appear and admit execution, and the others fail to appear, notwithstanding that process to procure their appearance, has been duly served upon them, the document shall be registered in respect of those of the executants who have admitted execution and refused registration in respect of the executants who have failed to appear.
- (c) When some of the executants appear and admit execution but no steps are taken by the presentant, to procure the attendance of the other executants, registration shall be refused in respect of all the executants.

- (d) When the executants of document appear at different times, the admission or denial of each executant should be recorded on the document but the order of registration or refusal shall not be passed: until all the executants have appeared and admitted or denied execution, as the case may be, and unless the maximum time allowed for appearance by the Act has expired.

Procedure when of the heirs of a deceased executant some admit and some deny execution.

71. If some of the heirs of a deceased executant admit execution and the others do not appear, or, having appeared, do not admit execution of a document, registration thereof shall be refused.

Procedure when receipt of consideration denied.

72. If the person who admits execution of a document denies the receipt of the consideration recited therein, in whole or in part, registration shall not be refused because of such denial, but a note thereof, shall be added to the endorsement required by section 58.

Modification of forms of endorsement when of several executants some admit and some deny execution.

73. When a document has been executed by several persons and registration has been refused with regard to some of them, the words "in respect of A" should be added after the word "refused" in the endorsement prescribed by rule 66, and the names of the persons in respect of whom registration has been refused shall be recited in the order of refusal and shall be recorded in Book II.

Mode of recording evidence in enquiries under section 74.

74. In enquiries under section 74, Registrars and officers empowered under section 7 shall record the evidence of the witnesses examined by them, in the manner provided in rule 13, Order XVIII, Schedule I of the Code of Civil Procedure,

*Note* -When such enquiries are held by the Registrar of the district, he must himself record the evidence of such witnesses, and not delegate the duty to another officer.

Mode of recording reasons of refusal.

75. The reason for refusal must be recorded by the registering officer with his own hand in Book II and the particulars should be fully and clearly stated in each case. When one of several executants declines to comply with the requirements of the law, his name should be given and when the registering officer is doubtful as to the identity of the Person admitting execution, the grounds of his suspicion should be stated.

Order of refusal to be communicated to parties.

76. The order of refusal or directing registration should be communicated to the party concerned without loss of time. The order when made should be delivered to the party, if present in the office and should be sent by registered post in other cases. In the former case acknowledgment should be taken and in the latter case the details of the postal receipt entered in the refusal register or the record of the appeal or inquiry as the case may be, with the addition of the date on which the order was communicated.

Copies of a Sub-Registrar's reasons for refusal should be given to the executants or claimants of documents, free of cost, but other persons applying for such copies are required to pay the usual fees for copies as prescribed in the Table of Fees.

*Note.-* Copies of the Sub-Registrar's reasons for refusal should be given without payment according to section 71(1) of the Indian Registration Act but when a second copy is applied for, requisite fees under Articles H and I should be charged. Except for free copies, stamp duty shall be levied under Article 24 of the Schedule I of the Stamp Act, as amended.

Calculation of period allowed for appeal

77. The time required for obtaining a copy of the reasons for refusal should not be excluded in computing the period of thirty days within which a person may apply to the Registrar, under sections 72 and 73 of the Registration Act, to establish his right to have a document registered.

Calculation of period of limitation.

78. Where there are several executants and denial of execution is made on different dates, the period of limitation for applications under section 73 should be calculated from the date of each order of refusal.

### Register Books

Mode of making copies

79. Every copy made in the Register. Books shall be an exact counterpart of the original and shall be carefully compared with it ; all interlineations, blanks, erasures, or alterations which appear in the original shall be reproduced in the copy entered in the register. The serial number of each thumb impression (if any) in the register of thumb impressions, shall be entered below the copy of the endorsements in lieu of the impression itself.

*Notes.* - (i) The practice of rubbing out incorrect words and figures with the fingers or of scratching them out with a knife, or erasing them in any other way is strictly prohibited. Corrections must always be made with the pen. One word or figure must not be altered into another, but the pen must be drawn through the erroneous entry, and the correct word or figure clearly entered either, close to that struck out, or opposite to it in the right hand margin. All corrections and interlineation must be attested by the registering officer's initials, which must be made, not on the top of the erroneous word or figure, but in a blank space close to the correction.

(ii) The hand-writing in the register book must be legible, neat and compact, and each page must ordinarily contain 300 words. It is essential that copies should be accurate, and if inspecting officers find an appreciable number of errors, the office assistant in fault should be punished.

(iii) Interlineations, blanks and alterations in a document must be noted by the registering officer as required by sub-section (2) of section 20, even though they may have been incorporated in a duly attested note or kaifiyat on the document itself. An erasure in a document which it is necessary to note shall be indicated in the register book by a mark and a corresponding marginal note.

Comparison of copies.

80. The register copy of every document shall be compared with the original, and the original, if possible, read by some person other than the copyists, and the copyist, the reader and the comparer shall append their signatures to the copy in the book.

*Note.*-Sub-Registrars are required frequently to check the copying, comparing and indexing work of the office Assistants and muharrirs under them, and to enter in the diary the number of document in respect of which such checks have been applied.

Authentication of copies.

81. The registering officer shall authenticate by his initials all corrections in the copy, and all notes which may be necessary under section 20. He shall also affix his initials to each page and shall certify with his full signature each copy to be a true one and shall date such certificate with his own hand. This must be done daily.

Duties of copyist, reader and comparer.

82. The copyist above his signature, shall enter the word "copied" and the comparer and reader shall similarly enter the words "compared" and "read" respectively.

Each copy shall be signed in full by the copyist, reader, comparer and Sub-Registrar, and the date on which each signature is attached shall invariably be entered below such signature. The copyist, reader and comparer of endorsements are required to enter their signatures and the date in the left hand margin; and the copyist, reader and comparer of the deed itself are required to sign their names in the body of the register between the two margins.

Remedy of defects in Register Books of previous years.

83. When defects are discovered in Register Books for previous years, as regards the authentication of the copies of documents recorded therein and the attestation of mistakes and interlineations, steps should at once be taken to rectify the irregularities and supply the omissions. If the defects are discovered during the incumbency of a Sub- Registrar, other than a SubRegistrar during whose incumbency the books were written, the registering officer in-charge at the time of the discovery of the defects shall remedy them as far as possible, adding a note at the beginning of the book to the following effect :-

"The then registering officer having omitted to add his signature on page .....of this book, the undersigned has this day supplied the omission".

Date

Sub-Registrar.

Interlineations and corrections to be made in red ink.

84. All interlineations and corrections in the Register Books shall be made in red ink when the writing is in black ink, and in black ink when the writing is in red ink.

Margins in Register Books.

85. The Register Book shall have two margins. On the left margin shall be copied the value of the stamp, the certificate of admissibility and all the endorsements recorded by the registering officer; in the centre shall be copied the deed itself and the right hand margin shall be left vacant for notes under section 20. All the above entries shall be made in black ink.

*Note.*-When a Court forwards a copy of its decree cancelling a registered instrument under section 39, Specific Relief Act (Act I of 1877) the registering officer shall note on the margin of the copy in the book in which it has been registered the fact of the cancellation of the instrument.

Mode of copying stamp vendors certificate.

86. The Stamp vendor's endorsement of each document shall be copied in red ink into the register in the centre of the page below the copy of the document itself.

Register Books.

87. Several volumes of Register Books I and IV may be in use simultaneously, when the documents registered are so numerous as to make this course necessary. Register Books II, III and V shall be continued from year to year until they are full and in small offices where the number of documents registered is inconsiderable, the same volumes of Registered Books I and IV may also be used for two or more years.

*Notes.-(i)* In copying documents in register books page marks of the original are to be noted therein in red ink to indicate where the 1st, 2nd or any other page of a document ends and the next page begins.

*(ii)* A document should ordinarily be copied and completed in the same volume in which it is begun, except in the case of an unusually lengthy document which covers more than one full volume and is completed in another. In that case a cross reference should be made thus;

(a) On the last page of the earlier volume- "Continued to page 1 of volume....."

(b) On the first page of latter volume- "Continued from page.....of volume....."

*(iii)* When a document engrossed on two or more stamps the entry regarding the value of stamp shall show the number of stamps and their respective value.

*(iv)* If a document contains a signature in a language not understood by the registering officer or any of his staff, the registering officer shall ascertain from the party in which character it has been signed and shall make a note of it on the document below the signature. When the document is copied in the register book, the signature should be transcribed in English or in a language commonly used in the district and a note appended below it in brackets, thus :-

"signed in the original in.....language",