

a note on the copy of the original document deposited in his office that it has been so modified. In the copy of the additions to the original document to be kept in the registration office, a note will be made to the effect that it is an addition, to the original document the number and date of which should be quoted.

The practice of one officer standing security for another in the same office is forbidden.

It is obligatory on all officers of the Registration Department on whose behalf security bonds have been furnished, to report, without loss of time, any change in the financial status of their sureties which is calculated to render their security invalid or insufficient.

The security bonds of ministerial officers should be examined at the close of each financial year, and the result reported to the Inspector General.

Promissory notes and savings bank deposits lodged as security shall not be returned until after six months from the date of vacation of the office, but security bonds should be retained permanently, or until it is certain that there is no necessity for keeping them any longer. In no case may a security bond be destroyed except under specific sanction of the Inspector General to its destruction.

Registers of immovable property and relatives in Government service.

7. A register of the landed property held by the gazetted officers of the Department and Sub-Registrars and of their relatives in the Government service is maintained in the office of Inspector General. Any changes which occur should be reported by Sub-Registrars, through District Registrars, to the Inspector General from time to time. Similar registers should be maintained in the offices of District Registrars in respect of ministerial officers.

Apprentices.

8. No apprentice may be entertained in any Sub-Registry office.

Standard of work.

9. The following is the minimum daily standard of work required of the assistants and muharrirs of Sub-Registry offices,

but it is expected that this minimum standard will ordinarily be exceeded if competent hands are entertained :-

Copying :- Twelve pages of 300 words, but when endorsements are included, 10 pages of 300 words, and in addition the comparing work specified below :-

Comparing :- Double the number of pages copied when the comparer has also copied the required number of pages but when he is employed entirely in comparing deeds, 60 pages and endorsements.

Copying of endorsements 30 documents.

Comparing of endorsement 90 ..

Indexing (Original) 200 entries.

Copyin.g of duplicate indexes... .. 300 ..

Employment of Section writers.

10. Except in Hills Districts section-writers shall not be employed without the previous sanction of the Inspector General which should only be applied for in very exceptional cases :

Section-writers when employed will be remunerated at the following rates which include comparing as well as copying on the system of mutual help as regard comparison :

3,000 Vernacular words

or

1,500 English words

or

English endorsements of 30 documents

or

330 index entries.

Rupee - 1

No separate remuneration is allowed for comparing, indexing, preparing returns and generally working the office.

In offices where there are no permanent assistants the rate are as follows :-

1,600 Vernacular words

or

800 English words.

} Rupee
1

11. Omitted

Procedure in Registration offices

Notices to
be exhibited.

12. The following notices shall be exhibited in some conspicuous place to which the public have easy access, at every registration office :-

- (1) A table of fees (Section 79)
- (2) Notice of daily sittings (Rule 139)
- (3) Table of distances (Rule 14)
- (4) Daily notice of completed deeds (Rule 143)
- (5) Broad sheet of stamp duty and registration fees on agricultural and other leases of small value.
- (6) A combined notice that all applications of whatsoever description must be made to the Sub-Registrar direct, and regarding mode of identification and gratuitous advice (Forms Nos. 69, 70, 71 and 72).
- (7) A list of holidays in the Vernacular.

In Sub-Registry Offices the daily notice of completion should be in the Vernacular. In Sadar Offices it should be in English and Vernacular. Each day the notice of the previous day should be carefully filed and the file preserved until one month from the date of the next inspection of the office, after which a new file will be opened.

Register of
documents
for registra-
tion

13. Documents presented for registration shall be received one at a time, ordinarily in the order of presentation, and each shall be examined and endorsed before another is accepted. No document should ordinarily be received for registration after the hours mentioned in the notice of daily sittings, but the name of any person whose documents the Sub-Registrar is unable to accept on the day on which they were presented should be noted, so that his documents may have precedence on the following day.

Rule for keeping the
catalogue.

14. (a) In the catalogue prescribed by the rule 118 should be entered not merely Books I and IV and the Indexes, but also every other book or register that is used in a registry office or received from the Inspector General.

(b) An entry should be made as soon as a book or register has been opened or received from another office.

(c) When a book or register is despatched to another office for record, or is destroyed, a note to that effect should be made in the catalogue in the column of remarks.

(d) In all Sadar registration offices there shall be kept two classes of catalogue, viz :-

(i) Rough catalogue.

(ii) Permanent catalogue.

In the rough catalogue shall be entered every book as soon as it is opened and also those that are received from other offices. At the close of the year, when the books of all the Subordinate offices have been received, the entries in the rough catalogue should be carefully collated and transcribed in the permanent catalogue, office by office, in their proper order.

14. A(1) Columns 1 to 6 of the catalogue shall be filled up as soon as a book is opened, while columns 7 and 8 shall be filled up as soon as a book or register is completed. When a book is received from a Subordinate office, it should forthwith be entered in the rough catalogue. Number of rack and shelf should be filled up when the book or register is finally deposited in the record room.

(2) The entries in the permanent catalogue should be made chronologically, the consecutive numbers given being continued from year to year.

(3) In column 3 shall be noted the date of opening a book. In column 7 shall be noted the number of documents or thumb impressions, as the case may be, contained in a book.

(4) When a book is continued for more than one year, no second entry regarding such a book need be made along with the entries of succeeding year or years and no new volume number should be assigned to it. The year to which it is continue shall only be noted in column 3 against the original entry in the catalogue.

(5) In the column of remarks shall be noted the date of transmission of a book from one office to another, the date of its destruction and the number of damaged, cancelled or blank pages if any. Each such entry shall invariably be initialled and dated by the registering officer or "where there is a Record-keeper, by the Record-keeper.

(6) In making entries in the permanent catalogue offices should be mentioned in chronological order in which they were opened or in any other order that may be found convenient, provided the order adopted is continued throughout.

The pages of the catalogue should be consecutively I numbered and a certificate of opening and closing should be entered on the first and last pages respectively, showing the number of pages it contains and the total number of pages written upon.

In all subordinate sub-registry offices, including the offices of the Joint Sub-Registrar at headquarters of a district, only one catalogue for all kinds of records should be kept.

Note Book

15. For the purposes of the Annual Report every Sub-Registrar is required to keep a note book in Form No. 54. This is a very important record, and care should, therefore, be taken to enter in it all informations worth noting.

Fee Book

16. In every office shall be kept a Fee Book and Cash Book in the prescribed forms :-

- (a) The serial numbers in column I of the Fee Book represent the numbers of the documents in order of presentation. There will be one serial number in column I for all documents presented (including powers-of-attorney) whether or not execution is admitted at the time of presentation and for all sealed covers presented for deposit. Thus there will not be a separate series for what are called pending document but such documents will be distinguished as pending by adding the letter "P" in red ink after the serial number in column I. The serial number in column I will be noted on the face of the deed in pencil.
- (b) The number-shown in column 9 of the Fee Book represents the serial number of the deed in the Register Book into which it has been copied, only documents which have been finally registered will appear in column 9. The serial numbers of documents registered in JBooks I, III and IV are, therefore, the only numbers which will be entered in column 9.
- (c) The date on which the registering officer signs the certificate of true copy in the register book shall be noted as the date of completion in column 10 of the Fee Book.

- (d) Column 11 should show not only the volume, but also the book in which a document has been registered, 1, 5, *i.e.*, Book 1, Volume 5; IV, 3, *i.e.*, Book IV, Volume 3.
- (e) In column 13 copies and memoranda will be distinguished by the addition of the letters C and M to the numerals representing them.
- (f) In the offices of Sub-Registrars who are paid by commission the date in column 8 will be entered in red ink, when a document is refused registration during the month in which it is presented. All other entries in this column at such offices, and all entries at other offices, whether of admission or refusal, will be in black ink.
- (g) In column 3, in the case of leases, pattas should be indicated by the letter (P) and kabuliyats by the letter "K" and the term of years for which the lease is given will invariably be noted. In, the column of "remarks" will be entered the thana or thanas within which the property is situated.
- (h) When a document is presented but has to be kept pending, columns 1-7 of the Fee Book will be filled up at once. If the registration of a pending document is ultimately refused, the date of refusal will be noted in column 8, against the entry made in the Fee Book on the date of presentation and the word "refused" written in the column of remarks. The number of entry in Book II should be entered in column 9 of the Fee Book. If, on the other hand, the document is admitted to registration, the date of admission and number of the document in the register will be noted in columns 8 and 9 against the entry made at the time of presentation, but the other columns (10-14) will be left blank. At the same time a second entry regarding

the document will be added against the original entry in the Fee Book made on the day of presentation. The serial number and date of the subsequent entries in columns 1 and 2 will be entered in red ink and will correspond with the figures shown against the original entry. Columns 3 and 7 will be left blank, but the columns 8 to 14 will be filled up as usual. To give an illustration :-

A document is presented on the 2nd April, its serial number in the order of presentation being 541 in column 1. The executants are not present to admit execution, and accordingly the document is kept pending till the 15th, when they appear, and the document is admitted to registration as No. 326 in Book I. On the 2nd April columns 1-7 will have been filled up, the number in column 1 being 541 P; on the 15th columns 8 and 9 will also be filled up against this entry, the entries being respectively "15th April" and "326" and at the same time a new entry will be made on the 15th in order of its serial number as shown in column 9 (that is, below the entry for document No. 325 in Book I). The original serial number 541 will be entered in column 1, columns 3-7 being left blank.

- (i) Columns 1 to 7 and 13 of the Fee Book should be filled up as soon as a document has been presented except in the case of documents presented at the wrong office and returned immediately; columns 8 and 9 should be filled in as soon as a document has been admitted or refused, columns 10 and 11 as soon as registration has been completed; column 12 as soon as the document has been delivered; and column 14 as soon as required copies and memoranda have been despatched. Registering officers are required to keep the Fee Book themselves.
- (j) When a sealed cover is withdrawn, the serial number given to it at the time of its deposit should be quoted in column (1) within brackets.

Fees paid subsequent to presentation.

17. When an additional fee, such as a fee under a Article R of the Table of Fees, is paid on a date subsequent to that on which the document was presented, the serial number of document as entered in column 1 of the Fee Book and the date of presentation shall be quoted in brackets against the entry made on the date on which the additional fee is paid. The amount of the additional fee paid and the date of payment shall also be noted in the column of remarks, against the entry in the Fee Book regarding the document made on the date of presentation.

A and F Fees to be entered separately

18. A and F fees of Table of Fees shall be separately showing the Fee Book and also under the proper headings in District Return Nos. 1, 2 and 6, a note being made in District Return No.7 to show the number of documents on which both A and F fees have been charged.

Entries in Fee Book by whom to be made.

19. All fees under Articles H (b) and I of the Table of Fees realised in subordinate offices, in respect of inspections to be made and copies to be prepared at the Sadar Office, should be credited in accounts of the subordinate office at which the application is filed, intimation of such credit being sent to the Sadar Office when forwarding the application. In the monthly returns from Sadar and Rural Office a footnote should be added showing the number of such applications and the fees realised thereon.

Fees for inspection and copies

20. The entries in the Fee Book shall be made by all whole-time Sub-Registrars with their own hands, but in the case of *ex-officio* Sub-Registrars they may be made by the Head Assistant. It is of great importance that every entry made in the Fee Book should be strictly accurate. For instance, column 10 should never be filled up until registration has been actually completed. Each day's entries should be totalled and signed by the Sub-Registrar at the end of the day.

21. The Cash Book prescribed by Rule 118 shall be maintained in the following manner :-

Cash Book.

The amount of fees entered in the Fee Book and in the Register of applications for search and copy need not to be entered in detail in the Cash Book. It will be sufficient if their daily total is brought into the Cash Book. All other receipts and all payments shall be entered in full detail. No money shall under any circumstances be kept out of account without being entered at once either in the Cash Book

or in the Fee Book. Full details shall be given of the daily balance in the Cash Book and the total only being carried over as the opening balance of the following day. The Cash Book shall be balanced every day and signed after careful examination by the Registering Officer who shall record daily a certificate therein to the following effect :- "The balance agrees with the actual cash in hand". The number and date of the money orders and of Chalan remitting the fees should invariably be shown. The Sub-Registrars are expected to keep themselves the Cash Book and also the subsidiary registers.

22. A register of documents pending admission to registration shall be kept in each office in Form No.49. Columns 1-6 and 11 will be posted up at the close of each day, the requisite particular; regarding columns 1-6 being extracted from the Fee Book and that regarding column 11 from the pending deed. Every deed, on which the second endorsement has not been fully recorded on the date of presentation should be entered in the register of pending documents, and in each case the reason why the deed has been kept pending should be noted. This order does not, of course, apply to documents of, which registration is at once refused; or to documents returned to the parties under Rules 64 and 67. When the document is finally admitted to registration, columns 7-8 will be filled in, the requisite entry being also made in the Fee Book. If, on the other hand, registration is refused the date will be entered in column 9, and column 10 will be filled up when the fee is refunded.

Fees and Refunds

23. For statistical purposes, all registration fees remitted to the treasury should be shown in the chal lans under the following headings, viz.:-

Chalans of
Registration
fees

- (a) Fees for registering documents.
- (b) Fees for copies of registered documents.
- (c) Fees for searching records.
- (d) Miscellaneous.

Under the first heading "Fees for registering documents" will be included fines levied under the Table of Fees, while under the heading "Miscellaneous" will be shown fees for authentication of powers of attorney and miscellaneous receipts other than the sale proceeds (1) of stationery, (2) of paper for copies and (3) of old stores and materials, such as waste paper, old furniture, etc., which will be remitted with a separate chalan.

Remittance
of fees to
treasury.

24. Fees levied on documents presented for registration (whether registration has been deferred or not) shall not be retained in the personal custody of any Registering Officer for any time longer than may be absolutely necessary. They shall be dealt with in the same way as other public money and be paid into the nearest treasury.

From offices situated at the headquarters of districts and subdivisions the fees shall be remitted to treasury daily; from other offices they shall be remitted to the treasury either by money order in sums of Rs.25 or multiples thereof, as soon as Rs.25 has accumulated, or by Government Currency notes, if available locally. But when an office is not situated more than 10 miles from the nearest treasury, realisations should be remitted once a week through the office peon. Remittances to the treasury should be accompanied by the chalan book duly filled up in duplicate, unless the remittance has been made by postal money order. One copy of each chalan will be returned to the registering officer by the Treasury Officer with his signature.

When the remittance is made by postal money order, the acknowledgments shall be posted into a blank register in such a way that the signature of the payee can be read, and this register should be preserved in the office, and produced before inspecting officers. Until the payees' acknowledgment is received the postmaster receipt should be filed in office. Procedure by which the remittance of money is made by money order is as follows :-

The money is paid into the local post office by the Sub-Registrar on a money order form made out in favour of the District Registrar, details of the remittance being entered in the coupon.

On the day on which the remittance reaches the Sadar treasury through the post office, the district Registrar receives from the treasury officer and advice list containing the details of sums received by money order for credit to the Registration Department, to which are attached the corresponding strips consisting of the acknowledgments signed by the Accountant and the coupons. In the case of money orders for amount exceeding Rs.500 the treasury and Sub-treasury Officer should also sign and date the acknowledgments as payee.

The District Registrar will thereupon return the acknowledgments, without delay through the post office to the Sub-Registrars concerned and will paste the coupons into a blank register, a sufficient number of pages of which should be reserved for each Sub-Registry office. The date on which the acknowledgements have been posted to Sub-Registrars should be noted in this register against the coupons. At the close of the month, the monthly returns of subordinate offices which remit collections by money order, and the treasury figures of amounts credited should checked with the coupons. If the postal acknowledgment for sums remitted by money order is not received back within the period ordinarily sufficient for the acknowledgments to reach the District Registrar and to be returned by him, the Sub-Registrar should at once report the matter to the District Registrar.

When remittances are made by Government Currency Notes, the notes should be despatched by post in a registered and insured cover addressed to the District Registrar, the treasury chalan being forwarded at the same time. The District Registrar will cause the fees thus remitted, to be deposited in the treasury, and will return the chalan to the Sub-Registrar. Remittances of pay, etc., from the Sadar to subordinate offices should be -made, as far as possible, by Government Currency Notes, which should be transmitted by post in registered and insured cover, the cost being met from the district grant for contract contingencies. Currency Notes so received should be utilised by SubRegistrars for the transmission of realisation to the treasury.

25. (a) Registration fees, excluding the penalty for delay under Section 25 or 34, may be refunded by a registering officer when he refuses to register a document after having accepted it for registration. : Provided that if an application for a commission or visit has been filed and such a commission has been executed or visit paid, no refund of the fee or travelling allowance deposited therefore shall be granted :

Provided also that if any fee be chargeable under Article T of the table of Fees, in consequence of the document having remained unclaimed for more than a month after refusal of registration, the amount of such fee shall be deducted from the amount of registration for fee to be refunded.

(b) Searching fees may be refunded, if no search be made within 30 days of the date of the application, and if the application for the refund be made within 30 days of the date on which the application for the search has been struck off.

(c) The fee for inspection may be refunded provided that no inspection has been made, searches in the indexes having already failed and that the application for the refund has been filed within 30 days of the date on which application for inspection has been struck off. But if the registers have been produced for the inspection of the parties, the fee under Article H(a) will not be refunded, irrespective of whether the inspection has been made or not, and whether the search has been successful or unsuccessful.

(d) The fee for a copy may be refunded provided that the application for the refund is received before the work of making the copy has been begun.

Refund of Commission fees. (e) Commission fees and sums deposited on account of travelling allowance may be refunded, if the application for the visit or issue of a commission be withdrawn before the visit has been paid or the commission executed.

Refund of penalty. 25A. If penalty under Section 25 or 34 is remitted by the Inspector General of Registration under Section 70 of the Registration Act, the same shall be refunded and necessary entry made in the register of refunds.

26. All refunds, directly they become due, shall, be entered in the Register in Form 51, Schedule LIII.

Refund of fees levied in excess or in error.

27. Refunds may also be made of fees levied in excess under Article R, or which have been erroneously realised under any other article.

Periods with in which re-funds may be granted.

28. No refund may be granted after the fee has been written off, or after the document has been destroyed under rule 129. In the list of unreturned documents submitted for destruction, the amount of the 'refund due on each document should be noted in the column' of remarks, for the orders of the Inspector General as to its being written off. Other refunds liable to be written off should be shown in a separate list.

Mode of making refund.

29. (a) Refunds at Sadar Offices should be made at once out of the Registrar's permanent advance on the production of the receipts granted under Section 52. Bills for refunds do not require the Inspector General's countersignature, but should be submitted direct to the Comptroller.

(b) Sub-Registrars will similarly make refunds from the permanent advances of their offices. For the amounts so paid a detailed bill should be submitted to the Registrar, accompanied by the payees' receipts as vouchers. The Registrar shall file these in the bill book to be kept in his office. The Registrar will carefully examine the vouchers and cancel them, so that they cannot be used again, and at once order payment from the permanent advance in his hands in recoupment of the Sub-Registrar's permanent advance.

(c) Subdivisional officers receive a permanent advance, which is to be used for all contingencies including those of *ex-officio* Sub-Registry offices at Sub-divisional headquarters. It is therefore unnecessary at an *ex-officio* Sub-Registrar at the headquarters of a subdivision should receive a separate permanent advance from the Registrar.

(d) With a view to prevent double refunds, a note of the refund in red ink should be recorded against the original entry of the receipt in the Fee Book, register of visit and commissions or register of search and copy as the case may be, as soon as a refund is made.

The date on which the fee was remitted to the treasury, and the number of the chalan in which it was included should invariably be quoted in the bills in which the refunds are drawn.

Safe Custody of Records and Documents

Custody of records. 30. In Sadar offices the Record-keeper or, when a whole-time Record-keeper has not been sanctioned, an office assistant approved by the District Registrar shall be responsible for the safe custody of the records.

Key of record rooms. 31. The Record Room should be furnished with two Chubb's locks the key of one lock, remaining with the Sub-Registrar or his *locum tenens* and that of the other with the Record-keeper.

Removal of records. 32. The record room shall not be opened except in the presence of both the Sub-Registrar or his *locum tenens* and the Record-keeper, and no records shall be removed from the racks except in the presence of the Record-keeper.

33. A register with the following headings shall be maintained :-

“Register of records removed from the record room for the purpose of making searches or taking copies, etc.

Column I-Date and hour of removal from record room.

Column- 2-Description of records removed.

Column 3-Purpose for which removed.

Column 4-Singnature and the designation of persons to whom made over. Column 5-Initial of record-keeper.

Column 6-Date and hour of replacement in the record room.

Column 7-Initials of Record-keeper”.

Certified copies. 34. The Special Sub-Registrar will depute in writing one or more members of his establishment to make certified copies.

35. Completed Register Books is issued from the record room for the purposes of inspections, searches, or certified copies, shall be returned to the Record keeper at the end of the day. If the copy be not completed on the day on which the Register Book is received from the record room, the Register Book shall be replaced in the record room at the close of the day and re-issued on the following day, the required entries in the Register prescribed in paragraph 33 being made each day. Before the Register Books are replaced in the record room, the Record-keeper should satisfy himself that they have not been tampered with, and shall at once report to the Special Sub-Registrar any alteration therein.

36. The Record-Keepers' table will be so placed that no one can have access to the record room or to the records without his knowledge, and he should, if the plan of the office permits, be either in view of the Special Sub-Registrar, or in such a position that he can have no communication with the public without the cognisance of the Special Sub-Registrar.

37. The office assistants deputed to make certified copies will work under the direct supervision of the Record-keeper and in as close proximity to him as possible. They should be so placed that no one can have access to them without his knowledge.

38. The Searcher's table shall, if possible, be so placed that it is within the direct view of both the Special Sub-Registrar and of the Record-keeper, where the office arrangements do not admit of this, it shall be placed in full view of either of them.

39. Searchers will not be permitted to take into the room in which searches are made any writing materials except a pencil and a piece of paper on which to make notes.

Searchers to use a pencil and a piece of paper.

40. Documents which have been admitted to registration but not completed shall, after the day's work is over, be locked in a box by the registering officer and be deposited in the record room.

41. The Record-keeper should himself compare as many certified copies as possible.

42. Members of the public desirous of making searches in Register Books, or the indexes relating thereto, should only be permitted to do so within specified hours, which should be published on the Notice Board. The Record-keeper is personally responsible that searches do not tamper with the records, and should examine the latter in the presence of the searcher, after the search has been completed.

43. The special Sub-Registrar must see that rebinding, whenever necessary, is carried out in the immediate presence of the Record-keeper and in a place which is secure.

43-A. In all Sadar Offices a register of records called for by the Courts or Revenue offices should be kept in the following form :

Register of records called for by the Court

Description of records.	Name of the Court of office to which the records are forwarded together with the Case No. etc., names with the parties, year, etc., in connection with which the record has been called for. Court's letter No. directing transmission of records	Date of Transmission	Date of return with initial of Record-keeper	Remarks.

44. Paragraphs 31 and 32 and the words "to the record room or" in paragraph 36 will not apply in the case of those Sadar offices the records of which are deposited in the collectorate record room. For such offices, all completed documents, Register Books, completed but not deposited in the record room, Register Books in use, and Register Book obtained from the record room for the purpose of preparing certified copies, shall at the close of the day, be checked by an office assistant in charge of the records and be securely locked up in the strong almirah by the Registering Officer.

45. In *ex-officio* Sub-Registry offices, where the registering officer's court or office room is at a distance from the office in which the office assistant sits, the office assistant is responsible for the safe custody of the Register Books and documents during office hours, and for seeing that searches and certified copies are made in the manner prescribed in these orders and that the searches and copyist do not tamper with the records. The records and documents will be locked up by the registering officer at the close of the day.

46. In Rural Sub-Registry offices all searches must be carried out and certified copies made under the immediate supervision of the Sub-Registrar. At the close of the day the Sub-Registrar shall lock up in the record room, or if there be no record room, in a strong almirah, all the completed Register Books, Register Book in use, Indexes and documents whether completed or uncompleted, and no office assistant or muharrir must be allowed to have access to the record and documents except in the presence of the Sub-Registrar.

Record room
and made of
preserving
record

46A. The record room of every registration office should always be kept free from damp. The ceiling walls and floor should be kept scrupulously clean. The windows should be kept open daily to admit light and ventilation as far as practicable and if they are high up in the walls, they should always be kept open during the office hours, except when it is actually raining. Small baskets of damp absorbant like calcium chloride may be hung from the ceiling specially in damp rooms. To preserve record racks and other wood works from deterioration, they may be painted with a mixture of kerosene oil and phenyle in the proportion of three to one. The legs of the racks should be made to rest, if possible, on pans' containing a solution of phenyle and kerosene oil in equal parts.

For the preservation of register books and volumes of records from the ravages of white ants and other vermins, it is essential that they should be kept free from dust and damp as much as possible. Spraying with a flit or similar insecticide kept the volumes free from moths.

The books should be taken out, shelf by shelf and replaced after cleaning and after the whole series is exhausted the cleaning of the books from the first rack should be recommenced at suitable intervals.

The books may be occasionally brushed with a solution of corrosive sublimate and powdered naphthaline, but the books should carefully be dusted and carefully wiped with a cloth, not only the exterior but the inside of the covers too. Naphthaline balls should also be scattered over the volumes, especially when they are kept in almirahs.

A Register Book should be kept in every Head quarter Registration office showing successively the dates when each section of the racks is cleaned.

The registering officer should frequently inspect the record room, noticing especially if the register books are in their proper places and if they are in good condition. He shall record the date of inspection mentioned above and in the case of rural offices in the column of remarks in the diary.

Arrange-
ment of
records in
Sadar
offices.

46B. The rooms (where there are more than one room) as well as the rack should be numbered consecutively. The shelves on each rack should be numbered beginning from the shelf at the top. Labels showing the name of office and the year to which the records relate may also be pasted or printed on the racks and shelves. Appropriate labels should like be wise-pasted to each book relates and the number assigned to it in the general catalogue.

Books should be kept vertically so that they may be easily taken out or replaced. The records should be arranged in chronological order. The oldest Kazi's record, if any, should be arranged first. Other records should be arranged office by office in the order in which they appear in the printed annual report or in any other order that may be found convenient, provided that the order adopted is continued through out. All the volumes of Book I should be placed first than Book III and last of all Book IV, then indexes I, II, III and IV respectively. As the register of powers of attorney and the index thereto and the thumb impression registers are liable to destruction, a separate rack or shelf or shelves may be assigned for their accommodation.

The registers of the Mohammadan Marriage registration offices and indexes relating thereto should be kept in a separate rack. Other records like those of births, deaths, marriages registration Act and the special marriages Act may also be kept in that rack, if there be room enough.

A brief note regarding the records kept on each rack may be written up and pasted on card board pieces and hung on to each rack.

Salary and other Bills and charges

Salary bills of Sub-Registrars

47. Special Sub-Registrars and Sub-Registrars will draw their pay in Form No.2 of Assam Schedule III directly from the Treasury without the countersignature of the District Registrar.

Commission bills of *ex-officio* Sub-Registrars

48. An *ex-officio* Sub-Registrar whether appointed to the charge of an *ex-officio* office or to any office temporarily during the absence of Special Sub-Registrar or Sub-Registrar may draw his commission at the end of each month on a bill countersigned by the Registrar. Commission bills must be prepared in Accountant General's Form No.3. All *ex-officio* Sub-Registrar (except the *ex-officio* Sub-Registrar of Jowai, in the United Khasi and Jaintia Hills District, and the members of the Indian Administrative Service and Assam Civil Service, Senior and Junior) when appointed as *ex-officio* Sub-Registrars, are entitled to commission at 25 per cent of the fees realised but an officer's total commission in anyone month shall not exceed Rs.60. The amount of the commission payable shall be calculated in the manner prescribed in the next following paragraph.

Mode in preparation of commission bills of *ex-officio* Sub-Registrars

49. The method of preparing commission bills of *ex-officio* Sub-Registrar is as follows :-

(1) When more than one officer held charge of a Sub-Registrar's office during the month, separate commission bills will be prepared for the amount of commission due to each officer.

(2) To ensure the correct preparation of the bill, certain calculations are necessary. Each bill will, therefore, be supported by extracts from the registers showing :

- (a) The amount of fees of documents pending at the close of the month for which the bill is drawn;
- (b) the amount of fees on documents presented and refused during the month for which the bill is drawn;
- (c) the amount of fees on documents presented in previous month, but admitted to registration during the month for which the bill is drawn.

(3) The extract register form may be included in the annual indent for forms.

(4) Those documents in respect of which no entry has been made in column 8 of the Fee Book will be entered in Abstract No.1, as pending documents.

(5) Those documents which have been refused registration will be readily identified, since the dates will be entered in red ink. They will be entered in extract No.II.

(6) Documents admitted to registration after the close of the month in which they are presented will also be easily distinguished by the date of admission. Thus if in column 8 of the Fee Book for May a document is shown as having been admitted on July 8th, the Sub-Registrar will know that in drawing his bill for July he may take credit for the documents. Such document will be entered in extract No.III.

(7) In addition to the above, commission bill will be supported by the treasury officer's receipt for the total sum remitted by the Sub-Registrars to the treasury .

Commission
bills of
Sub-Regis-
trars.

50. (1) The form to be used is Accountant General Assam's Form No.4.

(2) Commission is payable monthly.

(3) A Sub-Registrar is only entitled to commission on documents actually completed by him. He will draw no commission on documents admitted by him to registration but completed by his successor.

(4) Paragraph 49 applies to Sub-Registrars as well as to *ex-officio* Sub-Registrars.

(5) Sub-Registrars paid by commission are remunerated on the number of registration, according to the following scale :-

When the No. of Registration does not exceed 50 in a month		Rs.	
ditto exceeds 60	ditto but does not exceed 80	56	70
ditto ditto 80	ditto ditto 125	70	98
ditto ditto 125	ditto ditto 170	98	119
ditto ditto 170	ditto ditto 200	119	133
ditto ditto 200	ditto ditto 250	133	147
ditto ditto 250	ditto ditto 300	147	154
ditto ditto 300	ditto ditto 350	154	161
ditto ditto 350	ditto ditto 400	161	175
ditto ditto 400	ditto ditto 450	175	189
ditto ditto 450	ditto ditto 500	189	303
ditto ditto 500	ditto ditto	303	210

the above rates are based on the increase of 40/- allowed with effect from 1st April 1951 vide No. LRG. 28/50/2, dated 16.1.51 accorded with the concurrence of Finance Department.

For the purposes of these calculations each miscellaneous operation on which a fee is charged will be counted as one registration. The miscellaneous operations with which Sub-Registrars are concerned are authentication of powers of attorney, commissions, visits, searches, etc. Searches made under Article H of the Table of Fees by Government officers without fee, are an exception to this order.

(6) The levy of fees under Article H(a) and H(b) of the table of Fees counts as one operation, of the applications for search and copy are filed on the same date. But if an application for copy be made on a date subsequent to that on which the search was made, it should be considered as a separate operation.

(7) Commission bills require the Registrar's countersignature before payment, but he may delegate this duty to the Special Sub-Registrars.

Officers holding temporary charge not entitled to Commission.

51. When an officer is temporarily placed in charge of the office of the registering officer of any class, during his absence on casual leave or on inspection duty in the interior of district, he is not entitled to any remuneration, and the fixed pay or commission, as the case may be. For that period shall be retained by the permanent incumbent.

Method of filling up District Return No.4

52. In reporting the amount of commission paid to Sub-Registrars, the full amount should be debited against the Registration Department and entered in District Return No.4. Deductions on account of funds, income-tax, etc " are independent transaction between the Sub-Registrar personally and the fund concerned the State Government respectively.

Deduction on account of income-tax

53. Deductions on account of income-tax should be made on the gross amount of commission payable to Sub-Registrars, before the submission of the bills for countersignature.

Pay bills of permanent establishment

54. Salary bills for permanent establishments will be drawn by the head of the office in the prescribed forms.

Pay bills of extra establishment.

55. Bills for extra establishments shall be drawn in the same way as those for permanent establishment, the orders sanctioning their entertainment being always quoted in the bill.

Travelling
allowance
bills.

56. Travelling allowances for registering officer and the office assistants will be drawn in the prescribes form and in both cases they must be submitted to the Registrar for counter signature before payment.

Rates and
Taxes

57. In the case of a registration office occupying one or more rooms in the Collectorate building, such office is not liable to be assessed separately to municipal rates and taxes. In other cases, registering officers other than those paid by commission, will defray charges on account of municipal rates and taxes from their permanent advance, and the charge will be debited to the sum provided in the district budget under the head "Regular Contingencies".

Duplicate
bills.

58. A duplicate bill should never be submitted unless the original has been lost in transit, or otherwise, in which case a certificate should be attached, to the effect that the bill has not been cashed at the treasury. The previous sanction of the Comptroller to its payment must be obtained, before such a bill is presented for encashment at the treasury.

Purpose of
permanent
advances

59. A permanent advance for the whole district is allowed to each Registrar who will apportion the amount to the Sub-Registrars to meet the cost of (1) Contingencies, (2) Service Postage, (3) Refund of Registration Fees, (4) Cost of Remitting Fees to the treasury, etc. On the 15th of April, each year the Registrar will sent acknowledgment of the entire advance to the Comptroller, in the printed form supplied by officer.

Recoup-
ment and
acknowledge-
ment of
permanent
advances

60. The advance received by a Sub-Registrar shall not be repaid into the treasury, but shall be recouped from time to time, when necessary, by the submission to the Registrar of abstract bills supported by vouchers. On the first day of April in each year or should the office be closed on first day thereafter on which the office shall be opened the officer holding the advance shall forward an acknowledgment for its receipt to the Registrar.

Payment
from per-
manent
advance.

61. All Sub-Registrars shall meet from their permanent advance charges for refunds, the cost of the postal money orders for remitting registration fees of postage on "bearing cover" and of transit charges of records and forms. The cost of binding or rebinding register

in registration office should be paid from the district grant for contract contingencies. A contingent register in the prescribed form shall be maintained in each Sub-Registry office.

Contingent
Expenditure

62. Contingent expenditure will be regulated by the General Rules prescribed from time to time by the State Government in this behalf. The entire grant for the district will be retained by the Registrar under his own control and will not be distributed to subordinate offices. On receipt of a contingent bill from a subordinate office, the Registrar, after checking the items the vouchers and entering the bill in his contingent register, shall fill in the memorandum of allotment. Debiting the expenditure against the district grant as most convenient and either return the bill to the drawing officer for encashment after countersignature by himself, or by the Special Sub-Registrar if authorised in this behalf by him, or recoup the amount from his permanent advance and cash the bill himself.

Drawal and
Disburse-
ment of
contingent
grant

63. The disbursing officer is responsible for keeping and for producing when required, any Sub-Vouchers for expenditure from his contract contingent grant, except those which he is authorised to destroy. Bills required to be preserved which are received by the Registrar as Vouchers from subordinate offices should be filed in the Sadar Office. A bill shall be drawn, on or immediately before 31st March, of each year, for all expenditures actually incurred on account of contract contingencies upto date, whether the allotment has been expended or not but over-drafts must be reported at once to the Inspector General.

Sums which cannot be disbursed before the close of the financial year shall, in no circumstances, be drawn from the treasury.

Printing charges not to be incurred without sanction

64. No charge for printing shall be incurred without the special sanction of the Inspector General.

Cost of Stationery article.

65. The cost of stationery articles purchased locally in accordance with the Assam Contingency Manual may be included in the monthly contingent bill.

Monthly
returns
described

66. The following is a brief description of the 1 monthly returns to be submitted by District Registrars to the Inspector General :-

District Return No.1 is the statement of immovable property registered in Book I and the value of such property transferred by registered instruments, together with the fees thereof.

District Return No.2 is the statement of instrument of movable property registered in Book IV, and of wills and authorities to adopt registered in Book III and of the value of such property transferred by registered instruments together with the fees thereof and all the grand totals.

District Return No.3 is the statement of operations other than registration Books I, II and III and of income from fees realised there under together with the income from fees on registration showing the gross total income.

District Return No.4 is a statement of expenditure showing the amount actually disbursed.

District Return No.5 is the statement of principal operations other than registration in Books I, II and III.

District Return No.6 is the classified statement of fees realised.

District Return No.7 is the statement showing the progress made in the work of copying, etc., and indexing during the month.

General instructions for the preparation of returns

67 (a) Details regarding those documents only the registration of which has been completed will be entered in the District Return Nos.1 and 2.

(b) The aggregate of the fees levied on all documents presented for registration will be entered in District Return No.6, on the date of presentation. No distinction being made between those levied on pending documents which have been admitted to registration.

Verification of District return No. 6

(c) District Return No.6 must be verified and countersigned by the Treasury Officer, and the District Registrar is required to certify that he has checked the figures therein with those furnished by subordinate offices, that they agree with the treasury figures, and that any discrepancies have been reconciled

- (d) Security bonds, indemnity bonds, transfer, transfer of leases, agreement release reconveyance of mortgaged property, etc., should be shown under the head "Other instruments" in the appropriate returns.
- (e) Sale certificates should be included with sale and shown under heading 3 or 17 of District Return No. 1. Fees should be charged *advalorem*. A certified copy of a decree or order of a court should be included under heading 29 of District Return No. 1, the fee being charged under Article D.
- (f) Fraction of a rupee should be counted as a whole rupee in calculating values.

Remittance to be made to the treasury

68. As the monthly accounts of sub-divisional treasuries are closed on fixed dates, it is essential, in order that the total realisations and remittances shown in District Return No. 6 should agree with the monthly statement of a credits in each district forwarded by the Comptroller to the Inspector General, that Sub-Registrars in sub-divisions should forward the fees, etc., realised by them sufficiently early to reach and be credited into the sub-divisional treasury on or before the latest date fixed as aforesaid, and that Sub-Registrar at Sub-divisional headquarters should also deposit on the same date the fee realised by them. In Sadar sub-divisions, however, the latest dates on which the registering officers should deposit the fees collected by them is the last working day of the month, as the District Treasury Accounts are closed on that day. Only the sums paid in up to those dates will be shown in the column "Total amount paid in to the treasury during the month" in the above return, subsequent payments being entered in the return for the succeeding month.

69. Deleted.

Entries of pattas and Kabuliyat relating to the same land

70. When a Patta and Kabuliyat relating to the same land are registered together, they should be entered as one transaction only, and the value, that is the annual rent, shown once only in the District Return No. 1 or 3 as the case may be.

Classification of leases and Kabuliyats, etc.

71. (a) In the case of a lease in respect of which a premium has been paid the amount of the premium should be divided by the term of years and the quotient added to the annual rent, in order to arrive at the value for purposes, of District Return No. 1 or 3 as the case may be.

- (b) The distinction between Pattas and Kabuliyat should be clearly understood and followed: where leases are executed in counterpart, the Patta is the lease and the Kabuliyat the counterpart.

The Indian Stamp Act expressly excludes counterpart from its definition of leases, but the Registration Act expressly includes them, the distinction however, is to be clearly maintained in returns with a view to obtaining statistics of the number of pattas granted in proportion to Kabuliyats.

- (c) A Kabuliyat is not necessarily a counterpart of a lease. A counterpart means the duplicate of a conveyance, settlement, mortgage deed or lease such duplicate not having been deed executed by the granter, settler, mortgagor or lessor, but by some other party to the instrument. It includes a Kabuliyat where a lease has been granted. Care should, therefore, be taken to mark with K only such instruments as are executed by a party to the deed in favour of a lessor who is competent, in return to grant a patta or lease and other descriptions of so called Kabuliyat should be returned under their proper headings an agreements to accept a grant, settlement of mortgage, as the case may be. The letter P, therefore, in the returns is to be taken as denoting every kind of agricultural lease granted by a lessor, while the letter K is to denote not only the counterparts of such leases where executed, but also any documents which could be the counterpart of a lease, or which is granted, to a lessor in consideration of an implied lease. In indexing pattas and Kabuliyats the words "lessor and lessee" are to be used for both descriptions of documents.

- (d) When documents are presented in duplicate triplicate, etc., at the same time, the value should be shown once in the rough draft statements I and II.

Instructions for preparation of monthly return by Sub-Registrars

73. The instructions for preparing the District Returns apply to the returns submitted by Sub-Registrars.

Date of despatching monthly returns

74. Registrars should invariably despatch their monthly returns to the Inspector General's Office not later than the 15th of the month following that to which the returns refer. *Ex-officio* Sub-Registrars elsewhere than at Sadar, and Sub-Registrars should as a rule, submit their returns to the district office not later than the 2nd of the month.

Procedure when delay occurs in submission of returns

75. The monthly returns should invariably be accompanied by an explanation of the cause of any arrears. When delay occurs in the submission of the monthly returns, the reason therefore, should be stated. When District Returns have been delayed in consequence of the dilatoriness of subordinate offices, a statement should be appended showing the date of the receipt of the returns of subordinate offices, the date of their return for correction, and the date of receipt of the revised return.

Arrears of previous year

76. When there are arrears from previous years, a special report should be furnished with each month's returns showing the progress made in clearing them off.

Rough drafts

77. The rough drafts of monthly return should be filled up at the close of each day's work. In offices where registration exceeds 4,000, Sub-Registrars may entrust the preparation of the rough draft to their office assistance, in other offices, the Sub-Registrar should himself prepare the rough drafts. They should, in all cases be scrutinised and initialled daily by registering officers.

78. Deleted.

District Annual and Triennial Reports

79. The District Registration Report should be prepared for the calendar year, and forwarded to the Inspector General of Registration not later than the 15th January.

A full report should be submitted every third year in the intermediate years a note explaining any striking variations in the statistics of the year is all that is required. This note should be in a narrative form, should contain no subsidiary statements, and should be confined to a clear, but brief discussion of the result of the year.

The four Central statements in Forms Nos. 42, 45, 47, 48 and 49 of Schedule LIII-I and provincial statement in Form No.50 should be appended. In the triennial report the statistics for the preceding three years should be reviewed, and a full account of the working of the Department during the triennium should be furnished. This report should also be a narrative form, and should follow the skeleton form appended below :-

General

1. Introductory.
2. Brief summary of results-total registration (Form III, Columns 18-23).
3. Classification of deeds registered (Forms I and II).
4. Value of deeds registered (Forms I and II).
5. Operation other than registration (Form III, Columns 1-17). Refusal, bills, appeals, registration ordered by Civil Court, sale certificate, memo.
6. Working of the Muhammadan Marriages and Divorces Registration Act.
7. Miscellaneous including legislation, kabinmahs, documents destroyed, unclaimed or impounded, searches, applications for copies and prosecution.

Financial

8. Receipts.
9. Expenditure.
10. Financial result
11. Financial result of the opening of new Sub-Registry Offices.

Micellaneous

12. Average time taken to complete registration.
13. Office and records.
14. Inspections and conditions of offices.
15. Conduct of officers and general remarks on the results of the triennial period.

In addition to four Central Statements in Forms Nos. 42,45,47,48 and 49 and a Provincial Statement in Form No. 50 a Subsidiary Statement in the form given below should be included in the body of the triennial report :-

Subsidiary Statement

	Number of Registration				Total receipts	Total expenditure	Surplus	Number of registration offices (average)
	Affecting immovable property		Other Registration	Total				
	Compulsory	Optional						
Total of three years :								
Ditto ditto								
Ditto ditto								

At the same time that the district annual or triennial report is submitted, the District Registrar will forward a confidential report on the character and work of the Special Sub-Registrar and of each of Sub-Registrar in his district.

80. Deleted.

81. Every District Registrar and Sub-Registrar should submit his annual indent for register books and forms under different Schedules to the Secretary to the Government of Assam, in the Printing and Stationery Department on the date fixed by Government from time to time.

82. Deleted.

Supply and
custody of
forms

83. The rules framed by Government from time to time for the supply and custody of forms must be strictly observed. An Office Assistant should be placed in charge of the forms and stocks should be taken annually by the Sub-Registrars. A register of printed forms in Form No. 119 of Schedule II should be maintained in every office, and all entries therein must be initialled by the Office Assistant in charge. The Inspector of Registration Offices should, in course of his inspection, verify the balances of a percentage of the forms and satisfy himself that the rules are being observed.

Indents for
seals, etc.

84. When rubber seals, rubber rollers, printer's ink and apparatus for taking thumb impression, and other articles which are supplied to Sub-Registrars free of cost are required, an indent in the proper form should be submitted. Applications in letter form should not be made. In the case of indent for a new rubber seal, an impression of the old seal should be enclosed with the indent.

Supply of
stationery
articles to
Sub-Regis-
trars under
commission
system.

85. Sub-Registrars paid by commission may be supplied with registration ink and other stationery from the district office at cost price, which should be ascertained from the Controller of Stationery. The machine made medium paper required for copies under sections 64 and 65 will be supplied to them *gratis*. They are also supplied with registers, index books and printed forms free of charge. Salaried and *ex-officio* Sub-Registrars are supplied with books, forms, articles of stationery, and registration ink free of cost.

Stationery
indent.

86. All District Registrars shall send to the Inspector General of Registration an indent, in the prescribed form for stationery articles to be obtained from the Central Stationery office (including Registration ink) which will be required for the registry offices on or before the date fixed. Indents from the Sub-Registrars shall be submitted to the district office, at least a month before the date fixed by Government. The District indent shall include all ink and other stationery articles likely to be required by officers subordinate to the District Registrar.

MiscellaneousCorrection
slips to
Manual.

87. A note in the following form should be entered at the end of the Registration and the Stamp Manuals to be filled in as correction slips are received :-

Number and year of slips	Date of receipt	Page in which corrections have been made
1	2	3

Correspon-
dence

88. In Sub-Registry Offices, correspondence may conveniently be arranged in three collections, viz., General, Account and Statistics. A Sample list of files is given below. It is not intended that this list should be strictly adhered to, as additional files should be opened when necessary. All offices must maintain a Register of letters received and a Register of letter issued in the prescribed forms.

SAMPLE LIST OF FILES OF CORRESPONDENCE**General Department**

1. Annual reports.
2. Appeals.
3. Complaints.
4. Appointments.
5. Arrears.
6. Civil Court . Memoranda.
7. Civil Court Sale Certificates.

8. Construction of new offices.
9. Copies and memoranda.
10. Destruction of records.
11. Fees.
12. Holidays.
13. Improvements made in registration office.
14. Indexes.
15. Indents.
16. Inspections.
17. Leave.
18. Nomination rolls.
19. Power-of-attorney.
20. Prosecutions.
21. Registration of deeds.
22. Registration of births and deaths.
23. Registration of Civil Marriages (Act III of 1872).
24. Registration of Muhammadan Marriages (Assam Act IX of 1935).
25. Sub-Registry Offices.
26. Searches.
27. Security bonds.
28. Stamps.
29. Summonses.
30. Transfer of charges.
31. Transfer of records.
32. Visits and commissions.
33. Wills and iron-safe.
34. Miscellaneous.

Account Department

1. Comptroller.
2. Budget.
3. Commission (Salary).
4. Salary of Special Sub-Registrar.
5. Salaries of Sub-Registrars.
6. Salary of establishment (permanent).
7. Salary of temporary establishment.
8. Travelling allowance.
9. Contingencies.
10. Permanent advance.
11. Furniture.
12. Refunds of fees.
13. Rent of offices.
14. Service labels.
15. Stationery account.
16. Miscellaneous.

Statistics

1. Annual returns.
2. Monthly returns.
3. Miscellaneous returns.

It will probably be convenient in Sadar offices to open a separate file for each subordinate office.

Postage labels.

88.A. A defect register in the prescribed form shall be maintained in all registration offices wherein shall be noted all defects noticed in course of inspection and the steps taken to remove them. The entries in column 4 of the register shall be made by the registering officer himself.

Mode of submission of returns.

89. The postage on all official letters and covers sent by post from any registration office must be prepaid by service labels. These labels will be supplied to Sub-Registrars (on application) by Registrars who will disallow unreasonable and excessive demands. An account book of service labels will be kept in every registration office, in Form No.51, Schedule II.

90. Bills, monthly returns, applications for sanction to temporary establishment, and regular indents, should not be accompanied by covering letters. The envelopes containing them should be marked "returns." Letters and urgent should be separately sent.

Appeals under section 72, applications under section 73, and inquiries under section 74

Presentation of appeal of application

91. "An appeal" under section 72 of the Act or an application under section 73 shall be presented in writing to Registrar of the District, or to the officer in charge of the Registrar's office, accompanied by a copy of the order of refusal appealed against and the original document in respect of which the order was passed.

Admission of appeal or application pending production of document.

92. When the document is stated to be in the possession of some person other than appellant or the applicant and the latter desires time to obtain and produce it or to take steps for the issue of a summons for its production, the request may be complied with and the appeal or application admitted pending receipt of the document.

Persons entitled to file appeals under section 72 and applications under section 73

93. (i) An application under section 73 shall be presented either by the applicant or by his agent holding a power-of-attorney authenticated as laid down under the section 33 of the Act.

(ii) An appeal under section 72 shall be presented either by the executant or by the claimant or by the agent of either of them.

(iii) An appeal or an application shall not be accepted or acted upon if sent by post.

Appearance of unauthorised persons in appeals applications and enquiries.

94. In an enquiry connected with a will or an authority to adopt under section 41 (2) of the Act or an appeal under section 72 or an application under section 73 or in an original enquiry under section 74, persons not qualified under the Legal Practitioners' Act shall not be allowed to appear. Such persons are not, however debarred from acting as agents if authorised by a duly authenticated power-of-attorney.

Application under sections 73 and 74 to be promptly disposed of

95. The Sub-Registrars at the headquarters of a district who have been empowered by the State Government to perform the functions of a Registrar under section 7 of the Act should bear in mind the desirability of promptly disposing of cases under sections 73 and 74 of the Indian Registration Act. The question at issue, in these cases, is whether the document has been executed by certain persons and to determine this, Witness should be examined and evidence, if any, produced by the claimant, should be taken without delay after giving notice of the case to the opposite party. The enquiring officer is bound by law (section 75 of the Registration Act) to come to a decision as to the question of execution and should, without unnecessary delay, either order registration of the document or refuse such registration. Numerous adjournments on inadequate grounds, without coming to a decision as to whether or not the document was executed by the party by whom it is alleged to have been executed, are objectionable and inspecting officers will examine the records under section 73 and 74 carefully in order to see whether unnecessary delays have been made in the disposal of these cases.

To ensure that the recording of the evidence of the parties and their witnesses is not put off by reason of the Sadar Sub-Registrar's absence from headquarters on tour, the date of hearing of a case should be entered as a forward entry in his diary which be consulted when the Sadar Sub-Registrar's tour programme is prepared

Application under Section 73 cannot be struck off for simple non-appearance.

96. (a) An application under section 73 of the Indian Registration Act, XVI of 1903, should not be "struck off" by the District Registrar for the non appearance of the parties, but he would be justified in passing a formal order refusing to direct registration on the ground that execution has not been proved. He can also adjourn the case to some future date if he thinks fit.

Review of order.

(b) Where orders have been passed refusing to direct registration for reasons such a default of appearance of a party or non-payment of process fee, such order may be reviewed and the appeal or application may be re-admitted if the Registrar is satisfied that there is sufficient reason for its re-admission.

Admission of evidence voluntarily produced or otherwise available in appeal cases.

97. In an appeal under section 72, the Registrar is precluded from enforcing the attendance of witnesses by coercive processes, but there is no objection to his admitting evidence when it is available or voluntarily produced by the parties.

Enquiry into fact of execution on disproof of minority, idiocy or lunacy

98. In an appeal under section 72 preferred against an order of refusal to register on the ground that the executant is a minor, an idiot, or a lunatic, the Registrar shall, when he finds the executant to be a major or of sound mind, as the case may be, also enquire, into the fact of execution of the document in question. If execution is admitted, he shall direct registration.

Scope of enquiry under section 74.

99. When a Registrar exercises his discretion in receiving for registration a document under sub-section (1) of section 30 of the Registration Act and the executant or his representative or assign denies its execution, the Registrar is not, like a Sub-Registrar, to refuse its registration forthwith, but he will proceed under section 74 to enquire into the points mentioned in clauses (a) and (b) of that section.

Mode of recording evidence in enquiries under section 74.

100. (a) In enquiries under section 74, Registrars shall, if they examine witnesses, record their evidence in the manner provided in the Code of Civil Procedure, 1908.

(b) When it is necessary to examine any witness on commission, the procedure laid down in Order XXVI of the Civil Procedure Code should be followed.

Costs under section 75.

101. Costs decreed under section 75 shall be recovered by the Collectorate establishment acting under the orders of the Registrar.

Care should be taken to use the title of Registrar in the processes issued in such cases. The costs shall be paid to the party or remitted to the treasury as revenue deposit when realised.

Appeals under section 72 how to be stamped

102. The original memorandum of appeal under section 72 shall be charged with a court-fee stamp under Article 11, Schedule II, of the Court-fee Act, 1870 as amended from time to time.

Applications under section 73 not to be stamped.

103. An application made to a Registrar under section 73 is not assessable to duty either under Article 1 (b), Schedule II, of the Court-fee Act, 1870, or under Article 11, Schedule II of the same Act as amended. Such applications should therefore be made on plain paper only.

Mode of issuing summons and its cost to be realised.

104. (a) Every application for summons must be accompanied by the sum payable the witnesses as expenses, as well as the amount of peon's fees usually chargeable by the Revenue Officer or Civil Court through which the summons is to be issued, and in forwarding for compliance an application for summons, the registering officer shall also forward the sums deposited to meet the witnesses expenses and the peon's fee, together with the summons in duplicate.

(b) In the event of a person summoned under section 37 neglecting to appear, or if a summons under that section cannot be served, the registering officer may call upon the Revenue Officer or Civil Court through whom his summonses are served to take any further action authorised by the law for the time being in force, for the purpose of securing the attendance of the person whose evidence is required, and as such a requisition must be accompanied by the proper fee. It rests with the registering officer to specify the nature of action to be taken.

(c) All processes issued under statutory order No.5 to any district, the vernacular of which differs from that in which the process is written, shall invariably be accompanied by a translation in English.

- (d) A summons under section 75 is issued direct by the Registrar in accordance with the provisions of order No. XVI, First Schedule of the Code of Civil Procedure.
- (e) If the summons be addressed to a person who is alleged to have executed the document, it shall require him to attend in person or by agent : if it be addressed to any person whose evidence is required to prove the fact, it shall require him to attend in person.
- (f) Processes cannot be issued against a person exempted from personal appearance at the registration office under the provision to section 33 and under section 38. In such cases the registering officer shall either himself go to the house of the person to be examined or to the jail in which he is confined, or issue a commission for his examination.
- (g) Section 36 of the Indian Registration Act empowers an officer to issue a summons requiring appearance personally or by agent. Section 38, read with section 132 of the Civil Procedure Code, lays down that *Pardanashin* women shall not be required so to appear. It follows therefore that a summons cannot be issued to secure the attendance of a *Pardanashin*. The procedure indicated in section 38 (2) should be followed in regard to a *Pardanashin* executant, and if she declines to appear before the Commissioner or officer paying the visit, or to answer his question, the registering officer is competent to refuse registration.

Syed I. Hussain, IAS.

Inspector general of Registration, Assam,

Rupnagar : Guwahati - 32

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