

Bihar:

In section 30, omit sub-section (2).
[Vide Bihar Act 6 of 1991, sec. 4 (w.e.f. 8-8-1991).]

Gujarat:

In section 30—

- (1) in sub-section (1), omit the brackets and figure "(1)";
- (2) omit sub-section (2).

[Vide Gujarat Act 18 of 1990, sec. 2.]

Haryana:

In section 30, omit sub-section (2).
[Vide Haryana Act 4 of 1997, sec. 2 (w.e.f. 12-3-1997).]

Madhya Pradesh:

In section 30, omit sub-section (2).
[Vide Madhya Pradesh Act 1 of 1993, sec. 2 (w.e.f. 15-7-1993).]

Orissa:

In section 30, omit sub-section (2).
[Vide Orissa Act 19 of 1991, sec. 2.]

Rajasthan:

In section 30,—
(i) in sub-section (1), omit brackets and figure "(1)"; and
(ii) omit sub-section (2).
[Vide Rajasthan Act 18 of 1989, sec. 4 (w.e.f. 18-9-1989).]

Uttar Pradesh:

In section 30, omit sub-section (2).
[Vide Uttar Pradesh Act 27 of 1994, sec. 4.]

West Bengal:

(1) In section 30, omit sub-section (2).
[Vide West Bengal Act 17 of 1996, sec. 3.]

Section 30A and 30B

(2) After section 30, insert the following section, namely:—

"30A. Registration by Registrar of Assurances, Calcutta.—Notwithstanding anything contained elsewhere in the Act, the Registrar of Assurances, Calcutta, may receive and register any document referred to in section 28 without regard to the situation in any part of West Bengal of the property to which the document relates."

[Vide West Bengal Act 22 of 1997, sec. 3.]

(3) After section 30A, insert the following section, namely:—

"30B. Special power of registration in certain cases by Registrar of Assurances, Calcutta.—Notwithstanding anything contained elsewhere in this Act, the Registrar of Assurances, Calcutta, may without regard to the situation in any part of India outside the State of West Bengal of the property to which a document relates, receive and register the document where such document is in the nature of—

- (a) a mortgage bond executed by an employee of a Government, a statutory body or a local authority in favour of such Government, statutory body or local authority as security for advances taken by such employee for house-building purposes; or
- (b) a reconveyance executed by a Government, a statutory body or a local authority in favour of employee of such Government, statutory body or local authority on repayment of the advances taken by such employee for house-building purposes."

[Vide West Bengal Act 15 of 1998, sec. 3 (w.e.f. 1-4-1998).]

31. Registration or acceptance for deposit at private residence.—In ordinary cases the registration or deposit of documents under this Act shall be made only at the office of the officer authorised to accept the same for registration or deposit:

Provided that such officer may on special cause being shown attend at the residence of any person desiring to present a document for registration or to deposit a will, and accept for registration or deposit such document or will.

PART VI**OF PRESENTING DOCUMENTS FOR REGISTRATION**

32. Persons to present documents for registration.—Except in the cases mentioned in ¹[sections 31, 88 and 89], every document to be registered under this Act, whether such registration be compulsory or optional, shall be presented at the proper registration-office,—

- (a) by some person executing or claiming under the same, or, in the case of a copy of a decree or order, claiming under the decree or order, or
- (b) by the representative or assign of such a person, or
- (c) by the agent of such a person, representative or assign, duly authorised by power-of-attorney executed and authenticated in manner hereinafter mentioned.

STATE AMENDMENT**Section 32A****Bihar:**

After section 32, insert the following section, namely:—

"32A. Giving of duplicate copies of documents presented for registration.—

(1) Notwithstanding anything contained in this Act, in such areas as may be notified by the State Government, every document or any transaction of documents referred to in section 19 presented for registration shall be accompanied by such number of duplicate copies thereof as may be prescribed by rules under section 69.

(2) The duplicate copy shall—

- (a) be neat and legibly typed or handwritten, as the case may be, on paper of such specification as may be notified by the State Government from time to time;
- (b) contain a declaration that the same is a true copy of the document to be registered in such manner as may be prescribed by rules under section 69;
- (c) be compared and verified by such official as may be directed by the Registering Officer;
- (d) be separately bound and permanently kept in such manner as may be prescribed by rules under section 69."

[Vide Bihar Ordinance 7 of 1997, sec. 2 (w.e.f. 11-8-1997).]

Uttar Pradesh:

After section 32, insert the following section, namely:—

*"32A. Giving of true *[*] copies of documents prescribed for registration.—Notwithstanding anything contained in this Act *[*] every document or any translation of documents referred to in section 19 presented for registration shall be accompanied by such number of true *[*] copies thereof, as may be prescribed by rules under section 69.*

(2) The *[*] copy shall,—

- (a) be neat and legible, prepared on paper of such specification as may be notified by the State Government from time to time;
- (b) contain a declaration that the same is a true copy of the document to be registered in such manner as may be prescribed by rules under section 69;

**[(c) be compared and verified by such official as may be directed by the registering officer;]

1. Subs. by Act 39 of 1948, sec. 3, for "section 31 and section 89" (w.e.f. 3-9-1948).

@[***]

@@[***]

[Vide Uttar Pradesh Act 29 of 1989, sec. 2 (w.e.f. 11-5-1989).]

* The word "photostat" omitted by Uttar Pradesh Act 36 of 2001, sec. 7 (w.e.f. 20-5-2002).

† The words, "in such areas as may be notified by the State Government," omitted by Uttar Pradesh Act 36 of 2001, sec. 7 (w.e.f. 20-5-2002).

†† Subs. by Uttar Pradesh Act 36 of 2001, sec. 7(b), for clauses (c) and (d) (w.e.f. 20-5-2001).

@ Sub-section (3) omitted by Uttar Pradesh Act 36 of 2001, sec. 7(c) (w.e.f. 20-5-2001).

@@ Section 32B, as inserted by Uttar Pradesh Act 27 of 1994, sec. 5, omitted by Uttar Pradesh Act 36 of 2001, sec. 8 (w.e.f. 20-5-2001).

1[32A. Compulsory affixing of photograph, etc.—Every person presenting any document at the proper registration office under section 32 shall affix his passport size photograph and fingerprints to the document:

Provided that where such document relates to the transfer of ownership of immovable property, the passport size photograph and fingerprints of each buyer and seller of such property mentioned in the document shall also be affixed to the document.]

33. Power-of-attorney recognizable for purposes of section 32.—(1) For the purposes of section 32, the following powers-of-attorney shall alone be recognized, namely:—

- (a) if the principal at the time of executing the power-of-attorney resides in any part of ²[India] in which this Act is for the time being in force, a power-of-attorney executed before and authenticated by the Registrar or Sub-Registrar within whose district or sub-district the principal resides;
- (b) if the principal at the time aforesaid ³[resides in any part of India in which this Act is not in force], a power-of-attorney executed before and authenticated by any Magistrate;
- (c) if the principal at the time aforesaid does not reside in ²[India], a power-of-attorney executed before and authenticated by a Notary Public, or any Court, Judge, Magistrate, ⁴[Indian] Consul or Vice-Consul, or representative ⁵[***] of the Central Government:

Provided that the following persons shall not be required to attend at any registration-office or Court for the purpose of executing any such power-of-attorney as is mentioned in clauses (a) and (b) of this section, namely:—

- (i) persons who by reason of bodily infirmity are unable without risk or serious inconvenience so to attend;
- (ii) persons who are in jail under civil or criminal process; and
- (iii) persons exempt by law from personal appearance in Court.

1. Ins. by Act 48 of 2001, sec. 5 (w.e.f. 24-9-2001).

2. Subs. by Act 3 of 1951, sec. 3 and Sch., for "the States" (w.e.f. 1-4-1951).

3. Subs. by Act 3 of 1951, sec. 3 and Sch., for "resides in any other part of the States" (w.e.f. 1-4-1951).

4. Subs. by the A.O. 1950, for "British".

5. The words "of His Majesty or" omitted by the A.O. 1950.

¹[Explanation.—In this sub-section "India" means India, as defined in clause (28) of section 3 of the General Clauses Act, 1897 (10 of 1897).]

(2) In the case of every such person the Registrar or Sub-Registrar or Magistrate, as the case may be, if satisfied that the power-of-attorney has been voluntarily executed by the person purporting to be the principal, may attest the same without requiring his personal attendance at the office or Court aforesaid.

(3) To obtain evidence as to the voluntary nature of the execution, the Registrar or Sub-Registrar or Magistrate may either himself go to the house of the person purporting to be the principal, or to the jail in which he is confined, and examine him, or issue a commission for his examination.

(4) Any power-of-attorney mentioned in this section may be proved by the production of it without further proof when it purports on the face of it to have been executed before and authenticated by the person or Court hereinbefore mentioned in that behalf.

34. Enquiry before registration by registering officer.—(1) Subject to the provisions contained in this Part and in sections 41, 43, 45, 69, 75, 77, 88 and 89, no document shall be registered under this Act, unless the persons executing such document, or their representatives, assigns or agents authorized as aforesaid, appear before the registering officer within the time allowed for presentation under sections 23, 24, 25 and 26:

Provided that, if owing to urgent necessity or unavoidable accident all such persons do not so appear, the Registrar, in cases where the delay in appearing does not exceed four months, may direct that on payment of a fine not exceeding ten times the amount of the proper registration fee, in addition to the fine, if any, payable under section 25, the document may be registered.

(2) Appearances under sub-section (1) may be simultaneous or at different times.

(3) The registering officer shall thereupon—

- (a) enquire whether or not such document was executed by the persons by whom it purports to have been executed;
- (b) satisfy himself as to the identity of the persons appearing before him and alleging that they have executed the document; and
- (c) in the case of any person appearing as a representative, assign or agent, satisfy himself of the right of such person so to appear.

(4) Any application for a direction under the proviso to sub-section (1) may be lodged with a Sub-Registrar, who shall forthwith forward it to the Registrar to whom he is subordinate.

(5) Nothing in this section applies to copies of decrees or orders.

STATE AMENDMENTS

Tamil Nadu:

In section 34,—

- (1) in sub-section (1), after the expression "persons executing such document", insert the expression "and in the case of document for sale of property, the persons claiming under that document";

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

(2) in sub-section (3), in clause (b), after the expression "executed the document", insert the expression "or they are claiming under the document".

[Vide Tamil Nadu Act 28 of 2000, sec. 3.]

Section 34A

After section 34, insert the following section, namely:—

"34A. Person claiming under document for sale of property also to sign document.—Subject to the provisions of this Act, no document for sale of property shall be registered under this Act, unless the person claiming under the document has also signed such document."

[Vide Tamil Nadu Act 28 of 2000, sec. 4.]

35. Procedure on admission and denial of execution respectively.—

(1) (a) If all the persons executing the document appear personally before the registering officer and are personally known to him, or if he be otherwise satisfied that they are the person they represent themselves to be, and if they all admit the execution of the document, or

(b) if in the case of any person appearing by a representative, assign or agent, such representative, assign or agent admits the execution, or

(c) if the person executing the document is dead, and his representative or assign appears before the registering officer and admits the execution,

the registering officer shall register the document as directed in sections 58 to 61 inclusive.

(2) The registering officer may, in order to satisfy himself that the persons appearing before him are the persons they represent themselves to be, or for any other purpose contemplated by this Act, examine any one present in his office.

(3) (a) If any person by whom the document purports to be executed denies its execution, or

(b) if any such person appears to the registering officer to be a minor, an idiot or a lunatic, or

(c) if any person by whom the document purports to be executed is dead, and his representative or assign denies its execution,

the registering officer shall refuse to register the document as to the person so denying, appearing or dead:

Provided that, where such officer is a Registrar, he shall follow the procedure prescribed in Part XII:

[Provided further that the ²[State Government] may, by notification in the ³[Official Gazette], declare that any Sub-Registrar named in the notification shall, in respect of documents the execution of which is denied, be deemed to be a Registrar for the purposes of this sub-section and of Part XII.]

PART VII OF ENFORCING THE APPEARANCE OF EXECUTANTS AND WITNESSES

36. Procedure where appearance of executant or witness is desired.—If any person presenting any document for registration or claiming under any

1. Added by Act 13 of 1926, sec. 2.

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

3. Subs. by the A.O. 1937, for "Local Official Gazette".

document, which is capable of being so presented, desires the appearance of any person whose presence or testimony is necessary for the registration of such document, the registering officer may, in his discretion, call upon such officer or Court as the ¹[State Government] directs in this behalf to issue a summons requiring him to appear at the registration office, either in person or by duly authorized agent, as in the summons may be mentioned, and at a time named therein.

STATE AMENDMENTS

Gujarat:

Same as in Maharashtra.

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

Maharashtra:

In section 36, for the words "may, in his discretion", substitute the words "in his discretion, may, upon receipt of the prescribed fee, issue or may"; and after the word "issue", insert a comma.

[Vide Bombay Act 5 of 1929, sec. 6 (w.e.f. 22-5-1929) read with Bombay Act 35 of 1958, sec. 2 (w.e.f. 24-4-1958).]

37. Officer or Court to issue and cause service of summons.—The officer or Court, upon receipt of the peon's fee payable in such cases, shall issue the summons accordingly, and cause it to be served upon the person whose appearance is so required.

38. Persons exempt from appearance at registration-office.—(1) (a) A person who by reason of bodily infirmity is unable without risk or serious inconvenience to appear at the registration-office, or

(b) a person in jail under civil or criminal process, or

(c) person exempt by law from personal appearance in Court, and who would but for the provisions next hereinafter contained be required to appear in person at the registration-office,

shall not be required so to appear.

(2) In the case of every such person the registering officer shall either himself go to the house of such person, or to the jail in which he is confined, and examine him or issue a commission for his examination.

39. Law as to summonses, commissions and witnesses.—The law in force for the time being as to summonses, commissions and compelling the attendance of witnesses, and for their remuneration in suits before Civil Courts, shall, save as aforesaid and *mutatis mutandis*, apply to any summons or commission issued and any person summoned to appear under the provisions of this Act.

PART VIII OF PRESENTING WILLS AND AUTHORITIES TO ADOPT

40. Persons entitled to present wills and authorities to adopt.—(1) The testator, or after his death any person claiming as executor or otherwise under a will, may present it to any Registrar or Sub-Registrar for registration.

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

(2) The donor, or after his death the donee, of any authority to adopt, or the adoptive son, may present it to any Registrar or Sub-Registrar for registration.

41. Registration of wills and authorities to adopt.—(1) A will or an authority to adopt, presented for registration by the testator or donor, may be registered in the same manner as any other document.

(2) A will or authority to adopt presented for registration by any other person entitled to present it shall be registered if the registering officer is satisfied—

- (a) that the will or authority was executed by the testator or donor, as the case may be;
- (b) that the testator or donor is dead; and
- (c) that the person presenting the will or authority is, under section 40, entitled to present the same.

PART IX OF THE DEPOSIT OF WILLS

42. Deposit of wills.—Any testator may, either personally or by duly authorized agent, deposit with any Registrar his will in a sealed cover superscribed with the name of the testator and that of his agent (if any) and with a statement of the nature of the document.

43. Procedure on deposit of wills.—(1) On receiving such cover, the Registrar, if satisfied that the person presenting the same for deposit is the testator or his agent, shall transcribe in his Register-book No. 5 the superscription aforesaid, and shall note in the same book and on the said cover the year, month, day and hour of such presentation and receipt, and the names of any persons who may testify to the identity of the testator or his agent, and any legible inscription which may be on the seal of the cover.

(2) The Registrar shall then place and retain the sealed cover in his fire-proof box.

44. Withdrawal of sealed cover deposited under section 42.—If the testator who has deposited such cover wishes to withdraw it, he may apply, either personally or by duly authorized agent, to the Registrar who holds it in deposit, and such Registrar, if satisfied that the applicant is actually the testator or his agent, shall deliver the cover accordingly.

45. Proceedings on death of depositor.—(1) If, on the death of a testator who has deposited a sealed cover under section 42, application be made to the Registrar who holds it in deposit to open the same, and if the Registrar is satisfied that the testator is dead, he shall, in the applicant's presence, open the cover, and, at the applicant's expense, cause the contents thereof to be copied into his Book No. 3.

(2) When such copy has been made, the Registrar shall re-deposit the original will.

STATE AMENDMENTS

Goa:

In section 45,—

- (a) in sub-section (1), for the words, letters and figure "cause the contents thereof to be copied into his Book No. 3", substitute the words, letters and figure "cause a true copy of the contents thereof to be made and filed in his Book No. 3";
- (b) in sub-section (2), for the words "copy has been made", substitute the words "true copy has been filed".

[Vide Goa Act 24 of 1985, sec. 3 (w.e.f. 5-12-1985).]

Karnataka:

Same as in Kerala.

[Vide Karnataka Act 55 of 1976, sec. 4 (w.e.f. 24-10-1976).]

Kerala:

In section 45,—

- (i) in sub-section (1), for the words "cause the contents thereof to be copied into his Book No. 3", substitute the words "cause a true copy of the contents thereof to be made and filed in his Book No. 3";
- (ii) in sub-section (2), for the words "copy has been made", substitute the words "true copy has been filed".

[Vide Kerala Act 7 of 1963, sec. 5 (w.e.f. 22-2-1968).]

Orissa:

Same as in Kerala.

[Vide Orissa Act 14 of 1989, sec. 4 (w.e.f. 19-9-1989).]

Pondicherry:

Same as in Kerala.

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

Tripura:

Same as in Kerala.

[Vide Tripura Act 7 of 1982, sec. 4 (w.e.f. 1-1-1983).]

Tamil Nadu:

Same as in Kerala.

[Vide Tamil Nadu Act 21 of 1966.]

West Bengal:

Same as in Kerala.

[Vide West Bengal Act 17 of 1978, sec. 6 and Sch.]

46. Saving of certain enactments and powers of Courts.—(1) Nothing hereinbefore contained shall affect the provisions of section 259 of the Indian Succession Act, 1865, or of section 81 of the Probate and Administration Act, 1881, or the power of any Court by order to compel the production of any will.

(2) When any such order is made, the Registrar shall, unless the will has been already copied under section 45, open the cover and cause the will to be copied into his Book No. 3 and make a note on such copy that the original has been removed into Court in pursuance of the order aforesaid.

STATE AMENDMENTS

Goa:

In section 46,—

- (a) for the words "unless the will has been already copied", substitute the words "unless a true copy of the will has already been filed";
- (b) for the words, letters and figure "cause the will to be copied into his Book No. 3", substitute the words, letters and figure "cause a true copy of the will to be made and filed in his Book No. 3".

[Vide Goa Act 24 of 1985, sec. 4 (w.e.f. 5-12-1985).]