

Visit and Commissions

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

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

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

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

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

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

Full signature of executant.

Ditto of Witnesses

Ditto of Commissioner.

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

Sd./- Sub-Registrar".

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

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

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

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

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

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

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

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

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

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

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

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

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

Calculation of distances for purpose of travelling allowance.

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

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

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