

Mode of copying stamp vendors certificate.

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

Register Books.

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

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

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

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

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

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

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

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

(V) Copying Office Assistants shall before commencing their work for the day, ensure that all entries relating to the previous day have been signed by the registering officer and that interlineations, erasures, etc., have been duly noted and attested: any omission being immediately brought to the notice of the registering officer.

Before putting his signature in the copy of a document in a register book, the registering officer shall make sure that the copy has been signed by the copyist, the compiler and the reader as required by rule 82.

(vi) When a copy of a document extends over more than one leaf of the register book, the serial number of the document and the year to which it relates should be noted on every page on the right hand margin of the register book so that the number of the document may be traced in the event of any leaf being torn or misplaced.

(vii) Tabular statement wherever found in a document should be copied in that form instead of in extended order which may destroy the sense of the document.

(viii) Signature of executants, witnesses and the writer of a document shall be copied in the register books as many times as they appear on the document in extended order within brackets.

(ix) When an instrument is executed in the form of an endorsement written across or at the foot or back of any previously registered document, e. g., an assignment of a lease, a transfer of an interest, a receipt or discharge acknowledgment, consideration money or any payment secured by a registered instrument, such endorsement shall when presented for registration be numbered and registered as a separate instrument and a note in the following form shall be entered in the register.

“Written across (or at foot or back of) document No.....
of 19.....book No.....
 volume.....page.....of.....office”.

Certificates
 in Register
 Books.

88. When a book or register is opened, the pages therein shall be counted and a certificate showing the number shall be entered at the top of the first page by the Sub-Registrar in the form ‘This book contains.....pages consecutively numbered’. When a register book is closed, a certificate to that effect shall be appended at the end of the written portion and a certificate showing the number of pages written upon, the number of copies of documents, maps or plans to

contained in each, together with the page in which such maps or plans have been pasted shall be entered in the first page.

Notes.-(a) The certificate of closure should be endorsed directly a book has been closed. Three certificates are required in each book, namely, (1) a certificate showing the number of pages contained in the book, to be entered at the top of the first page before the book is brought into use, (2) a certificate showing the number of pages written upon, the number of copies of documents, maps or plans to be entered at the top of the first page above the portion written upon and (3) a certificate to the effect that the book has been closed, to be added at the last page at the bottom of the portion written upon. These certificates shall not be written on the fly leaves of the register.

(b) The above three certificates should be entered in all registers of thumb impressions also and certificates 1 and 3 should be appended to the fee book and the cash book.

Supplementary documents remedying errors.

89. When, owing to an omission or error in any document which has been registered, a supplementary document rectifying such mistake or omission is presented for registration, a note of such rectification shall be made in the margin of the register into which the original document has been copied.

Document to be sealed and signed by registering officers on every page.

90. When a document occupies more than one sheet of paper, the seal and signature of the registering officer and the date shall be attached to every sheet at the time of presentation.

Registration of considerable number of documents in same form presented by same person.

91. Any person having occasion to procure the registration of any considerable number of instruments of in the same form, such as leases, agreements or bonds, shall be allowed to deposit in any registration office any number, not less than 50, of printed or lithographed forms of such documents: provided that these forms must be printed or lithographed lengthways on machine made paper of medium size. Blank spaces must be left in the body and at the foot of the instrument to fill in names, sums of money, areas, boundaries and any other particulars. A margin of one inch in width must be reserved for binding purposes. The forms must contain a blank space of not less than one side of half a sheet of the paper, and the endorsements shall be copied on the said space.

Forms to be bound into volumes.

92. Before use, the forms mentioned in the foregoing rule must be bound into volumes and paged in the Registration office, and a certificate of the number of pages contained in the volume shall be entered on the first page thereof. There shall be one volume for each depositor, and his name shall be noted on the cover thereof. The volume shall be numbered and, treated in all other respects as a volume of Book I or Book IV as the case may be.

Procedure to be followed in copying documents into such forms.

93. On the presentation of a document being an exact duplicate of any form deposited under the foregoing rules and being executed by, or in favour of, any of the depositors, it shall be copied into the volume appropriated to that depositor's form; that is to say, the blank spaces in one of the forms deposited shall be filled in so as to render the said form an exact copy of the deed presented.

93-A. The leases of Post Office buildings and all documents executed by or in favour of Co-operative Societies may be accepted for registration when presented in duplicate. The registering officer shall cause the manuscript entries in the original document to be reproduced in their proper places in the duplicate copy and return the original document duly registered retaining the duplicate copy for record in his office. With the previous sanction of the Inspector General of Registration a special volume of Register Book I or Book IV in the form of a file book with numbered butts may be opened in any office for the registration of such documents. After it has been so filed, the registering officer shall snail authenticate the copy by his signature with date, and shall also affix to it the seal of his office. He shall write his signature and affix the seal in such a manner that the signature and impression of his seal shall appear partly upon the butt and partly on the sheet pasted thereto. When a copy consists of more than one sheet, each sheet shall be pasted to a separate butt and the registering officer shall endorse on it the number of the sheet and the number of the document of which it forms part and shall affix his signature with date and the seal of his office to such endorsement in the manner laid down above. When a document is registered under this rule a note of its registration in the file book shall be entered in the register book in which it otherwise would have been registered thus :-

No..... filed in file book, volume.....

Priority of registration to be given to such documents.

94. As an exception to the general rules priority may be given to the registration of documents presented under the preceding four rules. Endeavour should be made to return such documents to the presentants before they leave the office.

Note. — Where in a printed special volume used under the above rules, the description of the property cannot be compressed within the space intended for the purpose, it shall be continued on the succeeding pages of the printed volume, the unutilised printed matter being scored out over the initial of the registering officer.

Copies, Memoranda and Sale Certificates

Files of copies, memoranda and sale certificates.

95. In addition to the bound volumes of Register Book 1, every Sub-Registrar shall maintain two files, in one of which he shall file the memoranda of registered documents which have been received under sections 64, 65 and 66, and in the other the copies of the sale certificates received by him from Civil Courts, and of instruments and orders under the Agriculturists Loans Act, 1884, or sales under the law for the time being in force relating to land revenue received from Collectors. Registrars shall keep three separate files one for memoranda and one for copies under sections 65, 66 and 67 and one for sales certificates and copies of instruments, orders and certificates received from Civil Courts and Collectors as above. These papers shall be bound into volumes of convenient size at the end of the year. They shall be numbered consecutively but in a series distinct from that of original registrations in Register Book 1.

Notes.-(i) On receipt of a copy or memorandum from another registration office, the registering officer will note on it the date of receipt over his initials and cause it to be numbered and paged; it shall then be indexed and finally filed, the word "Filed" being written by the registering officer himself.

(ii) Civil Courts have been directed by the High Court to insert in all sale certificates as accurate a description of the Property sold, as the nature of each case will admit of, together with sufficient particulars for their identification. "The addition" (as defined in section 2 of the Registration Act) of the auction purchaser and the name of each registry office within the jurisdiction of which any part of the property is situated should also be entered by such Courts in every case. Copies of sale certificates should be written on machine made medium paper. Sub-Registrar should bring to the notice of inspecting officers omissions on the part of Civil Courts to send copies of certificates regularly or to comply with the above instructions.

(iii) Where there is a joint office, copies of sale certificates should be forwarded to the parent office only.

(iv) Copies shall be made on paper of the same size and description as that of the bound Register Books. Memoranda shall be drawn up in Form No.52.

Despatch of memoranda.

96. When a copy of a document is sent to the Registrar of another district under sub-section (1) of section 65, sub-section (2) of section 66 or section 67 of the Indian Registration Act, no memorandum required for any Sub-Registry office of that district need be sent along with the copy. The Registrar receiving the copy shall cause the required number of memoranda to be prepared in his own office and forward them to the Sub-Registrars subordinate to him; but no memorandum need make mention of any property other than that which is situated in the sub-district to which the memorandum is to be sent.

Note.-Postage on transmission of copies and memoranda is not to be levied from the parties. The charge is covered by the consolidated fee under the Table- of Fees and is defrayed by State Government as a contingent charge.

Exception as regards despatch of memoranda.

97. Sections 64 to 67 of the Indian Registration Act deal only with documents of a non-testamentary character. When, therefore, a will affects immovable property situate in districts or sub-districts, other than that where the will is registered, no copy or memorandum of such will is to be sent to the registering officers of those districts or sub-districts.

Date of despatch of copies and memoranda to be entered in Register Books.

98. The date on which copies and memoranda are despatched, shall be entered in the right hand margin of the Register Book into which the document has been copied and the entry shall be intialled by the Sub-Registrar.

Notes.- (i) If the registering officer is unable to despatch copies of documents on the day of admission to registration, a short note in Form No.20 shall be sent on that day.

(ii) In preparing memoranda the following instructions should be observed :-

Column 1 should contain only the general designation of the document as, for instance "conveyance," "patta", etc; the date of presentation and a copy of the endorsement of registration.

Column 2 explains itself.

Column 3 should contain a general description of the property referred to in the document, e. g., a zamindari, a patni, darpatni, or sepatni, taluk; an indigo factory, howla, osat-hawla, nim-osat-hawla, etc., together with its situation, the extent of the interest affected, and any short name by which the property is generally known. The tauzi number and survey number should also be entered where possible. In the case of property situated in the towns the name of the street, and the number of the house should be noted.

Column 4 explains itself.

(iii) When a document is registered in duplicate or triplicate memorandum or copy shall be forwarded under sections 64 to 67 in respect of the duplicate or triplicate, but the number of copies registered with the original shall be noted in red ink in the last column of the memorandum prepared from the original.

Receipt to accompany copies and memoranda.

99. When a memorandum or copy under sections 64-67 is transmitted from one office to another, it shall be accompanied by a receipt in the prescribed printed form which shall at once be signed and returned by the receiving officer. If delay occurs in the return of the receipt, the despatching officer should send a reminder to the office to which it has been despatched, making a note of the fact in the column of remarks of the register of copies and memoranda. All such receipts, when returned, shall be kept in a separate file.

copies and translation under sections 19 and 63.

100. The copies and translations of documents required to be filed under sections 19 and 62 shall be made upon machine-made medium paper, which may be sold to the public for this purpose at half an anna per sheet. These papers shall be kept in a separate file, a reference to which should be entered in righthand margin of the page of the Register Book into which the translation has been copied. The file shall be bound from time to time when it contains a sufficient number of copies and translations to form a volume. The usual endorsement and the certificate under section 60, recorded on the original documents returned to the presentant shall be entered on the left margin of the Register Book into which the translation is copied.

Notes.-(i) The contents of a register book shall be indexed as soon as a document has been copied therein and the preparation of original indexes shall on no account, be allowed to fall into arrears. Copies, memoranda, sale certificates, etc. shall be indexed, if possible, on the date of their receipt and shall not be filed before they are indexed.

(ii) If a document be completed in the year following that in which it was admitted to registration, it shall be indexed the index register of the year of admission.

Indexes

Index 101. The personal Index No.1 shall contain the following headings :-

- (1) Name of person.
- (2) Addition.
- (3) Interest in the transaction, *e. g.*, "purchaser", "mortgagee", "decree-holder", etc.
- (4) Where registered.
- (5) Serial, Number.
- (6) Volume.
- (7) Page.

Note.-The following are the terms to be used in column 3 of Index I :-

For leases-"lessor" and "lessee"; for pattas "executant", "lessor", "claimant", "lessee".

For kabuliyats-"executant", "lessee", "claimant", "lessor", the nature of the document being distinguished, if necessary, by the affixes P and K. The prefixes P (perpetual), I (indefinite) and T (terms) should also be used.

For sales-"Vendor" and "Vendee".

For mortgages- "mortgagor" and "mortgagee", and if usufructuary, prefix-
L

For Awards-"Arbitrator" and "party to the Award".

For gifts-"Donor" and "Donee".

For Settlements-"Donor" or "Donee of settlement".

For deeds of partition-"partitioner" only.

For assignments-"Assignor" and "Assignee".

For decree and sale certificates-"decree-holder", "Judgment-debtor" and "auction-purchaser".

In the case of representatives or guardians-"Repreaentatives of" or "guardian of", "lessor" or "donor", etc: shall be used.

Index 102. The Local Index No. II shall contain the following headings :-

- (1) Name of property,- mauza or village or in town of street, number of tal uk or patta and other particulars required by section 21, Act XVI of 1908, also the extent of the property affected.
- (2) Name of pargana -or thana, or, in the Assam Valley, of mauza.
- (3) Sub-District in which the property is situated.
- (4) Nature of the transaction, *e. g.*, "sale of land", "decrees for possession of house", etc.
- (5) Where registered.
- (6) Serial Number.
- (7) Volume.
- (8) Page.

Notes.-If each parcel of immovable property does not bear a distinctive name. the name of the mauza shall be entered in column 1 of Index No. II and such further description added as may be necessary.

Examples :-

- (a) Rampur, Tauzi No.521, 2 annas. Revenue paying or Revenue Free.
Govindpore, 30 bighas in 2 plots within specified boun. daries. Occupancy right, or intermediate tenure.
- (b) When the plot numbers of a cadastral survey have been entered in a document, they should be entered in Column (1) of Index No.II.
- (c) In posting entries relating to copies and memoranda of documents, the name of office in which the copy or memorandum is filed will be entered in the column "where registered". The name of the office where the original deeds have been registered should also be entered within brackets.

- (d) In the case of copies of sale certificates, instruments or orders received under Section 89, the name of the office in which they are filed should be entered in the column headed "where registered", together with the name of the Court forwarding them, within brackets.
- (e) In Column I of Index No. II, it should be specified whenever possible, whether the land concerned is an estate, a tenure or a holding and whether it is revenue or rent paying or rent revenue free. The exact right affected by the document registered, should as far as practicable also be mentioned in the same column.

Index III. 103. Index, No. III shall contain the following headings:-

- (1) Name of person.
- (2) Addition.
- (3) Interest in will or authority to adopt.
- (4) Where registered.
- (5) Serial Number.
- (6) Volume.
- (7) Page.

Note.:- The following terms are to be used in column 3 of Index No. III:

For wills-"testator", "testatrix"; "depositor", "executor", "executrix" in black ink; "claimant" and "legatee" in red ink (after the death of the testator).

Authorities to adopt-"Donor" and "Donee".

Index IV. 104. Index No. IV shall contain the same headings as Index No. I.

Note. - The following terms shall be used in column 3 of Index No. IV:-

For bonds - "obligor" and "obligee" (applies also to instalment bonds).
or sales-"Vendor" and "Vendee".

For receipts-"debtor" and "creditor".

For policies of insurance-"insurer", "insured" and "policy holder".

For bills of exchange and promissory notes-"drawer", "drawee" and "endorser".

For decree-"decree-holder", "Judgment-debtor".

For agreements for personal service-"master" and "servant",

For release-"releasor", "releasee".

In the case of representatives or guardians as in Index No. 1.

For deeds of surrender-"surrenderer", "surrenderee".

For deeds of dower (kabin)-"donor" and "donee".

For deeds of diverse-"divorcer" and "divorcee".

As regards all other deeds, the person executing the document should be indexed as "executant of" and the person claiming under them as "claimant under....." the description of the document being entered after the word "of" and "under".

Mode of making entries in Indexes

105. All indexes shall be in English and the entries; therein made alphabetically, those under each letter being arranged in order of the first vowel of the name when it begins with a consonant, and of the second vowel when it begins with a vowel.

Spelling to be adopted in indexes.

106. In indexing documents which have been drawn up or executed in English, the spelling adopted in the original shall be followed. But in the case of documents written or executed in the Vernacular the spelling shall be regulated according to the instructions issued from time to time by the State Government, for the transliteration of names from the Vernacular. As regards the names of places, the spelling adopted in the Postal Village Directory (a copy of which is supplied to each office) should be followed.

Note.-In indexing all names beginning with the same letter should be entered in succession, a sufficient number of pages being as signed to each letter in the indexes of each year.

Index Words

107. In the case of Europeans, the surname shall be taken as the Index: word. All Indian names shall be indexed in order of the first letters as they stand in the deed except that appellations, such as Shaikh, Saiyid, etc., if appearing at the beginning of the name, shall be shown in the index at the end of the name. Indian names will be transliterated in the same form in which they are written in the document. Thus in Bengali either Benarji or Bandopadhyay may appear in the document and whichever of these forms is used will be indexed and transliterated.

108. When a document is executed on behalf of or in favour of Government the index entry shall be made under G "Government", the name of the officer executing the document being entered in the column headed, "Additions", if on behalf or in favour of the Court of Wards, under W. "Wards, Court of" and in the case of any other Court under C. If by or in favour of a District Board, Local Board, or Municipality, under B. or M. the name of the Chairman being entered in the column headed "Additions". The names of companies shall be entered as they stand, the article only being omitted, thus- The Land Mortgage Bank of India, Limited, should be indexed under L. The Ganges Steam Navigation Company, Limited, under G.

When a document is executed on behalf of the Administrator General, the Receiver, or the Official Trustee, the Index shall be under Administrator General, etc.

Indexing of documents executed by representative or guardian.

109. When a document is executed by the representative or guardian of a private individual, the name of the individual, as well as that of his representative or guardian, shall be indexed.

Entries in Index III.

110. The name of the depositor of a sealed cover shall be entered in Index III in black ink. The names and additions of persons claiming under a will or authority to adopt, which are not indexed until after the death of the testator or donor, should be entered in red ink.

Indexing of two or more executants or claimants or of property.

111. When there are two or more executants or claimants, their names shall be separately entered in Indexes I, III or IV. Similarly, when two or more properties are conveyed by a single document, they shall be separately entered in Index II. But no Sub-Registrar need enter in his Index II any property which does not lie within his own Sub-district: Provided that in the case of documents relating to property situated in a Sub-district other than the Sadar, which are registered by the Registrar under Section 30(1), the names of the persons and of the property should also be indexed in the Sadar office.

Notes.-(i) When there are three executants-A, B and C, there will be three entries, viz., A and two others, B and two others, and C and two others.

(ii) When a minor without a name is a party to a document, the name of its guardian shall be indexed and the fact that the minor has no name shall also be noted.

(iii) When a document is registered in duplicate, triplicate, etc., the indexing of the original document shall be made in extenso, but in the case of duplicate, triplicate and other copies, columns of index No. I, columns 1-5 of Index No. II and columns 3-4 of, Index No. IV need not be filled up, the word duplicate, triplicate &c. as the case may be, being written across them. The serial number I of each of the letter documents with the number of volume and of page in which each is copied should, however, be entered in every case below the entries for the original document.

(iv) When there are more than one executant and registration is refused in respect of anyone of them, the name of the person in respect of whom registration has been refused shall not be indexed.

Indexing of copies, memoranda and sale certificates.

112. Copies and memoranda of documents, sale ; certificates and copies of instruments, orders and certificates received from Collectors shall be indexed in the same way as original documents, but the entries relating to them shall be made in red ink. In Index I the names of the decree-holder, auction purchaser and judgment debtor shall be indexed in the case of sale certificate, and the names of the parties in the case of memoranda. In the case of copies the name of the property shall be indexed in Index II of the Sadar office, irrespective of the sub-district in which the property is situated.

Notes.-(i) When a document is re-registered the names only of the parties to which the re-registration relates shall be indexed

(ii) When a person executes a document both for himself and as representative of some other person, his name shall be entered twice in the Index, once as executant and again as the representative of the other person.

(iii) In the case of awards under the Land Acquisition Act, the name of the person or the body or the Department of Government (not simply Government) for whose benefit the land may be acquired shall be indexed as daimant.

(iv) In the case of receipt endorsed on a document as mortgage or bond, the name of the payer and of the payee mentioned in the receipt shall alone be indexed, the former as claimant and the latter as executant.

(v) All corrections in the indexes shall be initialled by the indexing office assistant at the time they are made.

(vi) After all the original and duplicate indexes have been prepared and checked: the pages should be numbered consecutively and the year to which the indexes relate should invariably be entered on the top of each page in the space provided for the purpose.

Binding and disposal of Indexes.

113. In all offices other than Sadar offices one copy of Indexes I, II, III and IV, shall be made into a bound volume for office use, and a duplicate copy of the Indexes I and II shall be submitted to the Registrar of the district at the close of the year, unless, owing to want of safe accommodation or any other cause, he directs its transmission at shorter intervals.

Binding of indexes by Registrar.

114. The Registrar on receiving Indexes I and II from Sub-Registrar shall bind those of each office separately.

Copies of Index III to be sent to Registrar.

115. A copy of the entries in his Index III shall be sent to the Registrar by each Sub-Registrar at the end of every calendar year.

RECORDS

Transfer of records to Sadar office

116. All Register Books (including the records specified in Rule 95), duplicate indexes and registers of powers-of-attorney shall be transferred from time to time from subordinate offices to that of the Registrar, which shall be the central office for the custody of the records of the district.

Preservation
of records
prior to Act
XVI of 1864.

117. The following records shall be permanently preserved in all Registrars' offices namely :-

- (1) Catalogues ;
- (2) Kagis' records under Regulation XXXIX of 1798 ;
- (3) Register books (except the register of refusals) and their indexes prescribed by, and translations and true copies, filed under the various Registration Acts (Acts XVI of 1861, XX of 1866, VIII of 1871, III of 1877 and XVI of 1908) ;
- (4) Register books of documents and their indexes kept prior to Act XVI of 1864 ;
- (5) Lists of records destroyed and reports of destruction of records;
- (6) File books of copies, memoranda and sale certificates ; and
- (7) Registers of wills transferred to the Sadar office from Mofussil Sub-Registry offices.

117. S-A. The following records shall be permanently reserved in other Registration offices namely :-

- (1) Catalogues ;
- (2) List of records destroyed ; and
- (3) Original indexes Nos. I and II under Acts XX of 1866, VIII of 1871, III of 1877 and XVI of 1908.

Records to be
maintained at
all registra-
tion offices.

118. In addition to Register Books I, II, III and IV and Indexes I, II, III and IV, the following records shall be maintained in all registration offices :-

- Register of Powers-of-Attorney.
- Register of Visits and Commissions.
- Index Register of Powers-of-Attorney.
- Fee Book.
- Cash Book.
- Catalogue.

Chalan Book.

File of receipts given under section 52 and returned on delivery of registered documents.

File of receipts for Copies and Memoranda.

File of daily notices exhibited.

Register of Thumb Impressions.

Register of applications for Search and Copy.

Register of Documents pending Registration.

Register of Impounded Documents.

Register of documents delivered through the medium of the Post.

Register of Copies and Memoranda despatched to other offices.

Register of Records removed from the Record Room.

Register of Apprentices.

Attendance Register.

Note Book for Memoranda by the Sub-Registrar.

Register of Contingent Expenditure.

Account Book of Service Labels.

Diary of Sub-Registrar.

Register of Applications under sections 25 and 34.

Register of Miscellaneous Applications.

Stock Book of Stationery and Printed Forms.

Register of letter received.

Register of letter despatched.

Register of Casual Leave.

Register of Bills.

Additional records to be maintained in Sadar offices.

119. The following additional records shall be kept in the offices of all Registrars :-

Register Book No. V.

Register of Appeals under section 72.

Register of Applications under section 73.

Bill Book.

Stock Book of furniture in all the offices in the district.

Register of Casual Leave granted to Sub-Registrars.

Comparison of records with catalogue by officer receiving charge.

120. On the occasion of a change in incumbency, the officer receiving charge shall compare the books, etc., with the catalogue and certify therein that he has found them correct.

Records to be transferred from subordinate to Sadar offices.

121. In January of each year the following records for the previous year shall be transferred from Sub-Registry offices to the district office :

Completed volumes of Register Book I (including the files of memoranda and sale certificates).

Completed volumes of Register Book IV and Index IV and of the Register of Thumb Impressions.

Copies and translations filed under section 19.

Note.-The cost of transmitting registers and other records from subordinate offices to the Sadar office, will be defrayed from the grant of the Sadar office under the head "Office expenses and miscellaneous" and the mode of conveyance should be the cheapest available consistent with safety.

122. Register Books II and III, Index III and the Register of Powers-of-attorney shall be transferred to the district office as soon as they have been filed.

Modification in case of offices without fire-proof record rooms.

123. In the case of Sub-Registry offices which are not provided with fire-proof accommodation for the custody of records, the volumes of the Register Books specified in rule 121 shall be forwarded to the Sadar office at the close of each quarter. The Registrar may, by a written order, extend the operation of this rule to any other office within his jurisdiction.

124. Cancelled.

125. Cancelled.

Classification and destruction of records of appeals under section 72 and applications under section 73

126. The High Court Rules for the classification and the destruction of records of Civil Courts shall be deemed to apply to the case of the records of appeals under section 72 and applications under section 73.

Stock Book of furniture.

127. The Stock Book of furniture shall be rewritten whenever necessary.

REPORTS OF DESTRUCTION OF RECORDS AND LIST OF PAPERS DESTROYED

Note of destruction of registered document.

128. When a registered document is destroyed under section 85, a note to that effect shall be made in the margin opposite the copy in the book in which it has been registered.

Method of dealing with unclaimed document.

129. All registering officers shall, early in January of each year, prepare lists of unclaimed documents and of records which have become liable to destruction under section 85 of the Act. A copy of the list of unclaimed documents should be hung up in the office with a notice that, unless the presentants appear within one month to claim such documents and pay the fines due thereon, they will be destroyed. Sub-Registrars should forward their lists to the Sadar office on or before the 31st January, in Form No. 73. The lists from subordinate offices shall be checked in the Sadar office and incorporated with the sadar office lists and the consolidated list for the district shall be forwarded to the Inspector General's office, on or before the 28th February. If among the documents liable to destruction, there be any executed by or in favour of the Government, the Sub-Registrar, before including them in the aforesaid list, shall enquire from the officers concerned whether they have any objection to the destruction of the documents and shall note in the list the result of such inquiry. As soon as sanction to the destruction of the documents and records have been received they shall be destroyed, provided that, in the case of the unclaimed documents, one month has elapsed since the posting of the notice to presentants. Sub-Regis-

trars should report the date of the destruction to the Sadar office, where the requisite entries in the registers will be made under rule 128.

Note.-(i) In submitting lists of destruction, a portion of a book shall not be proposed for destruction. The period of preservation shall be calculated with reference to the date of the last entry in a book.

(ii) In the case of an unclaimed, refused document destroyed after the lapse of two years, under Section 85, a note should be made of such destruction in Book No. II at the place where the order of refusal has been recorded.

Inspector
General's
sanction
necessary to
destruction
of unclaimed
documents.

130. No documents shall be destroyed at a Registration office without the previous sanction of the Inspector General; and before documents are destroyed, endeavours must be made to induce the presentants to take them back.

Enquiry
regarding
injury
records.

131. All cases of injury to records, from whatever cause, shall be made the subject of a special enquiry, and the result of such enquiry, together with the opinion of Registrar as to the degree of responsibility attaching to the officer-in-charge, the steps to be taken to repair the injury so far as may be possible, and the measures to be adopted to safeguard the records in future, shall be reported to the Inspector General.

Note.-The keys of record chests and almirahs should not be made over to office Assistants except when the registering officer is present in office. Should he for any reason be unable to attend office, the keys should not be entrusted to the office Assistants, but should be retained in his incustody.

Application for search or for copies

Grant of
copies of
miscellaneous
proceedings.

132. In addition to the copies referred to in section 57, copies of the miscellaneous proceedings between parties before registering officer may also be granted on payment of the requisite fee. This does not apply to correspondence and proceedings between officials, but only to proceedings before a registering officer to which any of the public are parties. Cases in which, the registering officer considers that it would be inadvisable to grant copies shall be referred to the Registrar for orders.

Subject to the restrictions laid down in sub-sections (2) and (3) of Section 57 of the Registration Act, copy of a document pending or refused registration or impounded may be granted to any person applying for it.

Note.—A document which has once been presented for registration, i. e., for being publicly recorded should be treated as a public document for the purpose of granting copies.

Application
for search
or copy.

133. All applications for search or for copies must be in writing and must be made to the registering officer himself. On receipt of an application, the registering officer should initial and date it at once and endorse thereon "search allowed", "give copy" or some such brief order. All such applications should be preserved on a separate file, the date on which a search has been made or copy completed being noted therein. Applications made through Sub-Registrars for copies from registers deposited in the district office should be at once transmitted to the Registrar for compliance.

Note.—(i) No stamp is required on applications for searches or for copies.

(ii) Registering officers are responsible that their ministerial officers do not make their position a source of profit by supplying information to private persons indirectly and without the requisite search fees having been paid. Any ministerial officer found guilty of supplying information from the records of the office without the previous sanction of its head is liable to dismissal. Office Assistants should not have access to such Register Books as have been completed and closed, and these registers should invariably be kept under lock and key, except when especially given out by the registering officer for the purpose of searches, or for the preparation of copies.

(iii) When an application is made for search or for copy and when extra fees for urgent search are deposited the search should be completed within three days from the date of the application. If this cannot be done, reasons for the delay should be noted in the register of applications in the column of remarks. The fees for urgent search will be double the fees for ordinary search. Urgent search will receive priority over ordinary search.

(iv) All copies must be examined before delivery by an officer of the permanent establishment who will endorse or stamp them as follows :-

(i) Fee paid, 0 H

(i) Fee paid, 0 I

(ii) Copy prepared, signed, sealed and delivered to.....
as per order, dated..... 19.....

(iii) True copy.

for Sub-Registrar.

Search for and copies of entries in register maintained prior to Act XVI of 1908.

134. Registrars shall permit search for and grant copies of entries in the registers maintained previous to the enactment of Act XVI of 1908, at the same rate of fees and to the same extent as in the case of registers under that Act.

Production of register books in Court.

135. If the production of a Register Book in any Court is required, it shall be produced by an officer of the Registration Establishment deputed for that purpose, who will be entitled to claim payment of his expenses like any other witness. If the records produced are re-retained by the Court, a receipt for the same should be granted to the officer producing them.

Note.- When ministerial officers of the Department are deputed to give evidence or to produce records before any Court, application for the payment of their travelling expenses should be made to the Registrar of the district.

Miscellaneous provisions relating to copies.

136. On payment of the fees prescribed in the Table of Fees, copies of registered documents, subject to the provisions of section 57, of entries departmentally prescribed, and of Registrar's proceedings in cases of appeals and applications, may be granted. Registering officers shall grant receipts in Form No.57 for fees deposited for search and copy the receipt should be returned by the applicant when the copy is delivered to him. Before complying with a requisition from a Court which involves a search or the preparation of a copy of any document, the registering officer shall forward to the Court a memorandum of the fees payable with a view to the amount being remitted to him by the Court.

Note.-Copies should be given on stamped paper. The amount of stamp duty in each case will be regulated by Article 24, Schedule I of the Indian Stamp Act, 1899, as in force in Assam.

Striking off of applications for search or copy.

137. An application for search shall be struck off, if search is not made within 30 days of the application, and after that period no refund of the search fee shall be allowed. Similarly, when the stamped paper for the copy is not deposited within 30 days of the application for the copy, no refund of fees shall be granted.

Copy of extracts from the register of powers-of-attorney.

138. Extracts from the register of powers-of-attorney may be granted, the stamp duty being regulated by Schedule I, Article 24 of the Indian Stamp Act of 1899 as in force in Assam. If immovable property is affected by a power-of-attorney, it should be treated under section 57 as a document registered in Book I and a copy of the abstract in the register of powers-of-attorney granted to any person

applying for it. Otherwise the abstract should be treated as an entry in Book IV for the purpose of granting copies. The registering officer alone is authorised to make the necessary search.

Note.-In the case of loss of the receipt granted for the deposit of fees for search and copy the registering officer shall proceed under rule 60.

Miscellaneous

Office hours
and holidays.

139. Every Sub-Registrar shall sit daily during the office hours prescribed for the Civil or Criminal Courts of the district, and every *ex-officio* Sub-Registrar shall sit daily during the hours which shall be approved in this behalf by the Registrar and made known to the public by a notice exhibited in some conspicuous place outside the office. The holidays to be observed in Registration offices shall be those which are gazetted by the State Government under section 2.5 of the Negotiable Instruments Act XXVI of 1881 and those specified in the section itself:

Note.-Registration officers should accept for registration all documents presented at least an hour before the time fixed for closing the office.

140. Omitted.

Remission of
fines under
section 70.

141. Applications for the remissions of fines under section 70 may be filed with the registering officer, but no such application shall be received until the fine has been paid. The application shall be forwarded to the Inspector General through the Registrar with any remarks which the registering officer may wish to make.

Note.-Fines under sections 25 and 34 shall not be levied on documents which are exempt from payment of registration fee.

Duties of
Sub-Regis-
trar.

142. Registering officers shall not permit their office Assistants to have any dealings whatever with the public, except in their presence. They shall themselves receive documents which are tendered for registration, and when they have been registered, shall personally return them to the person entitled to receive them.

However, in busy season, if the registering officer is unable to return the documents personally an office Assistant or muharrir of the permanent staff may be deputed, under written orders of the registering officer, to return documents but in that case, the office Assistant or muharrir should deliver documents in the presence of the registering officer.

143. Omitted.

CHAPTER - IV

GOVERNMENT OF ASSAM
REGISTRATION DEPARTMENT : DISPUR
GUWAHATI-781006.

ORDERS BY THE GOVERNOR

NOTIFICATION

Dated Dispur, the 7th December, 1989 .

No. REGN. 43/86/68.- In exercise of the power conferred under Section 78 of the Indian Registration Act, 1908 (Act XVI of 1908) and in supercession of all previous notifications on the subject, the Governor of Assam is pleased to amend the following table of Registration fees payable under the said Act with effect from 1st January, 1990.

In this article "Section" means Section of the Indian Registration Act, 1908.

1. Ordinary fees-

(A) The fees of the registration of the documents described below shall be regulated on an addvalorem scale and calculated according to the value of right, title and interest affected in the manner following that is to say :-

Details :-

- | | | |
|----|---|-----------------------------|
| 1. | Where the value does not exceed Rs. 500.00 | Rs. 10.00 |
| 2. | Where the value exceeds Rs. 500.00 but does not exceed Rs. 1000.00 | Rs. 15.00 |
| 3. | Where the value exceeds Rs. 1000.00 but does not exceed Rs. 10,000.00 | Rs. 20.00
(per thousand) |
| 4. | Where the value exceeds Rs. 10,000.00 but does not exceed Rs. 20,000.00 | Rs. 25.00
(per thousand) |

5.	Where the value exceeds Rs. 20,000.00 but does not exceed Rs. 30,000.00	Rs. 30.00 (per thousand)
6.	Where the value exceeds Rs. 30,000.00 but does not exceed Rs. 50,000.00	Rs. 35.00 (per thousand)
7.	Where the value exceeds Rs. 50,000.00 but does not exceed Rs. 75,000.00	Rs. 40.00 (per thousand)
8.	Where the value exceeds Rs. 75,000.00 but does not exceed Rs. 90,000.00	Rs. 45.00 (per thousand)
9.	Where the value exceeds Rs. 90,000.00 but does not exceed Rs. 1,50,000.00	Rs. 55.00 (per thousand)
10.	Where the value exceeds Rs. 1,50,000.00 but does not exceed Rs. 3,00,000.00	Rs. 65.00 (per thousand)
11.	Where the value exceeds Rs. 3,00,000.00 but does not exceed Rs. 5,00,000.00	Rs. 75.00 (per thousand)
12.	Where the value exceeds Rs. 5,00,000.00	Rs. 85.00 (per thousand)

Description of Documents

Conveyances and reconveyances, bills of sale, deeds of gift or dowers settlements, deeds of partition, leases, deeds of mortgage or instruments of further charge, bonds of all kinds including indemnity and security bonds, assignments of any interest secured by a bond or mortgage deed, policies of insurance Bills of exchange and promissory notes and generally all other documents, viz. as acknowledgement or ordinary receipts for money received, certificates of sale, award directing a partition, declaration of trust of the nature of settlement, deeds of exchange of property, transfer of lease for a consideration, assignment by a partner of his share and interest of his co-partner on dissolution of partnership for a consideration, etc. of the nature of those here in mentioned, provided :

1. That the cases where any consideration is expressed the consideration, in the case of periodical payments other than leases and annuities, the amount payable of one year in addition to any fine or premium or money advanced, in the case of bonds and mortgages, the amount to be secured and in the case of a deed or partition, the value of the separated share or shares on which stamp duty has been paid, shall be taken to be the value of the right, title or interest affected :

2. That in the case of a lease : The registration fees will be assessed on :

- (a) Where by such lease of rent fixed and no fine or premium is paid or delivered and no money advanced, if the lease is granted :-
- (i) for a period less than one year : The total sum payable under the lease ;
 - (ii) for a specified period of one year or more : The average annual rental ;
 - (iii) for an indefinite period : The average annual rental which would be payable for the first ten years if the lease continued so long ;
 - (iv) in perpetuity : One fifth of the whole amount of rent which would be payable in respect of the first fifty years of the lease.
- (b) Where such lease is granted for a fine or premium or for money advanced where no rent is reserved :- : The amount of such fine premium or money advanced ;

- (c) When such lease is granted for a fine or premium or money advanced in addition to rent reserved. : The aggregate amount of such fine, premium or advance in addition to the fee which would have been payable in such lease under sub-clause (a) of this articles, if no fine premium or advance had been paid or delivered.
3. That in the case of annuity bonds - : The Registration fees will be assessed on
- (a) Where the sum is payable for a definite period, so that the total amount to be paid can be previously ascertained, : Such total amount.
- (b) Where the sum is payable in perpetuity or for an indefinite time not terminable with any like in being at the date of such annuity bond. : The total amount which according to the terms of such annuity bond will or may be payable during the period of twenty years calculated from the date on which the first payment becomes due.
- (c) Where the sum is payable for an indefinite time terminable with any like in being at the date of such a annuity bond. : The maximum amount which will or may be payable as aforesaid during the period of twelve years calculated from the date on which the first payment becomes due.
- That the registration fees leviable upon a document purporating to give collateral or auxiliary or additional or substituted security or security by way of further assurance where the principal or primary : Rs. 50.00

mortgage is proved to the satisfaction of the registering officer to have been duly registered shall be the same as for the Principal or primary mortgage if the same does not exceed Rs. 1000 otherwise it shall be.

5. That if no consideration rent or other value be expressed in the document the amount payable shall be in every case. : Rs. 100.00

6. That if a lease given to any raiyat and the Kabuliyat or counterpart of such lease executed by such raiyat be brought for registration at the same time the fees chargeable in respect of the two documents shall not be greter than the fee which would have been charged upon the lease along.

Note :-

- (i) In the case an Agricultural lease when the kabuliyat under article A (6) is registrered without the payment of fees no fee under Article G (a), G (b) or Rate should be charged in respect of such kabuliyat. But if a visit has to be paid or a commission issued in respect of such kabuliyat, the fees prescribed under Article M or N should be levied and if the kabuliyat is unclaimed for more than one month from the date of compiction, the fee chargeable under article 5 should be realised.
- (ii) It is immaterial who actually pays the single fee due on account of the registration of a patta and Kabuliyat under Article A (6) but it will be charged half to the lessor and half to the lessee. It is the desire of the State Government that the provision of Article A (6) should be widely known throughout the country. Sub-Registrars are responsible for specially drawing the attention of raiyats and others to paragraph one of the broad sheet of Stamps duty on Agricultural leases.

(iii) A raiyat for the purpose of Article A(6) is an actual cultivator of the ground entitled to receive his lease should be primacie a raiyat lease in orther to entitle to the benefit of Article A(6).

7. The fee on any instrument comprising or relating to several district matters be the aggregate of the fees with which separate instruments each comprising or relating to the one of such matters, would be chargeable.

8. An instrument so farmed as to come within two or more descriptions of the documents enumerated shall, when the fees chargeable thereunder are different be charged with the highest of such fees.

Note :- Sepatate fees under Article A are not leviable on the value of the individual interest of the parties to a deed but are calculated on the total value of the interest affected by the document.

(b) The fee for the registration of a separate instrument acknowledging the receipt or payment of any sum of money, whether as consideration on account of any deed of sale or mortgage or as rent on account of any lease or other value expressed in any document, shall be calculated according the amount received, on the scale prescribed in the foregoing atricle, provided that, if any instrument referring to the same transaction has already been registered the fee shall not exceed.

(C) The fee to be paid :-	Rs. 10.00
(a) for the deposit of a sealed cover containing a will shall be	Rs. 30.00
(b) for opening of such cover in addition to the cost of copying the contents which shall be charged according to the scale laid down in this table for the granting of certified copies.	Rs. 30.00

(c) for the registration of a will or authority to adopt when presented open or revocation or cancellation of a will Rs. 30.00

(d) for the withdrawal of a sealed cover containing a will Rs. 30.00

Explanation -

When a will is forwarded to any Court under Section 46 of the Act, it shall be accompanied by a memorandum of the fee for opening the cover and of the charges for copying and it shall be the duty of the court to levy such fee and charges and remit them to the registrar.

(D) The fee for the registration of a certified copy of a decree or order of a court shall be Rs. 20.00

(E) The fee for the registration of an agreement for personal service shall be Rs. 15.00

(F) The fee for the registration (a) of a document whereby rent remuneration or hire is paid partly in money value of the portion payable in kind is not expressed and Rs. 15.00

(b) of any document of a description not mentioned above shall be Rs. 10.00

The following documents are also chargeable with registration fee under this Article, Viz. release, surrender of lease revocation of trust and Settlement deed of partner ship divorce divorce and agreement dissolution of partnership and deed of cancellation (other than cancellation of will) as follows :-

- | | | |
|----|------------------------------------|-----------|
| 1. | Release | Rs. 20.00 |
| 2. | Surrender of lease | Rs. 20.00 |
| 3. | Revocation of Trust and Settlement | Rs. 20.00 |
| 4. | Partnership Deed | |

(a) Where the capital expressed in the deed, then	Rs. 5.00 Per thousand or part there of
(b) Where the capital is not expressed in the deed, then	Rs. 500.00
5. Divorce and agreement	Rs. 20.00
6. Dissolution of partnership	
(a) Where the capital was upto Rs. 5000.00	Rs. 10.00
(b) Where the capital was exceeding Rs. 5000.00 but did not exceed Rs. 10,000.00	Rs. 20.00
(c) Where the capital was exceeding Rs. 10,000.00 but did not exceed Rs. 25,000.00	Rs. 30.00
(d) Where the capital was exceeding Rs. 25,000.00 but did not exceed Rs. 50,000.00	Rs. 40.00
(e) Where the capital was exceeding Rs. 50,000.00 or capital was not expressed in the original deed.	Rs. 50.00
7. Deed of cancellation	Rs. 20.00
(H) Fee payable for inspecting or searching the indexes and the registers, etc. shall be as follows :-	
(a) For the 1st year, for each entry of the name of persons or property contained in and in respect of each document, for which inspection of search of the index of a specified office is made.	Rs. 5.00
(b) For every additional year as aforesaid	Rs. 3.00

(c) For inspection of copy of each document in register book I (including files of copy memorandum and sale certificate) or indexes relating to Book I or for search of copy of each document in Registrar Book III or IV or search or inspection of any other book or Register for any particular year. Rs. 5.00

(b) When an applicant requires the inspection or search to be made within three days, he shall have to pay or double the fees prescribed in/Sub-Classes (a, d or c) as the case may be.

1. No fee for search or inspection of the indexes of any one office in respect of any number of documents relating to one or the same property shall exceed provided that :-

2. If any application for a copy of an entry or for inspection or search of an entry the nature of the document, the date of registration, the register and volume in which it is copied and its number in such volume are shown in the application by a person who is interested in an entry or document, no fee for search or inspection of the indices shall be levied. But in case where the particulars furnished by the applicant are incorrect and a search or inspection becomes necessary, the necessary fees should be levied.

3. No fee for search or inspection need be levied in respect of application for copies of entries in Book II, by the party concerned.

Every application for grant of a certified copy except at the time of the registration of a document or as provided in Sub-causes (2) and (3) above, should be accompanied by the fee necessary to trace the entry in the indexes at the above rates.

A call for information from any court or Revenue authority shall if it necessitates search in the registers, be accompanied by the necessary fee for search, but officer of Government shall be permitted to search or inspect for bonafide public purposes, the Register Books and Indexes without fee. On the occasion of the annual enquiries prescribed by Government regarding the securities of mauzadars and ministerial Officers, the usual fee must be paid when

the search is made by a clerk of the registration office, but no fee will be charged if the search is made by a clerk deputed by the officer making the enquiries.

When a Register Book is called for by a court the fee for search should be levied by the court from the party at whose instance the register is called for-

(I) For making or granting copies of reasons, entries or documents before or after registration, a fee shall be charged at the rate of Rs. 5.00 for every three hundred words.

(a) When an applicant requires his copies to be furnished within three days from the date of application, he shall have to pay double the fee prescribed in clause 'I'

Government officers requiring to take copies of entries documents or maps for bona-fide public purposes are exempted from the payment of fees-

(b) When a trained hand for making copies of map or plan is temporarily engaged, the registering officer shall personally assess in each case and the amount so realised as cost from the parties shall be paid to such copyist as his remuneration :

(c) When an applicant requires the inspection or search to be made on the day of the application he shall have to pay double the fees prescribed in Sub-clauses (a) (b) as the case may be ;

(d) Co-operative societies shall have to pay the extra fees under Articles H (d), if they want the inspection or search to be made on the day of application :

(e) When an applicant presents a printed, photostate or typed copy of a document already registered half the amount leviable under this Article.

II. Extra-or Additional Fees :

(G) For every (a) copy and (b) memorandum of a document to be forwarded to another office under section 64-67, there shall be paid an extra-fee equivalent to that paid under Article, A, B, D or F provided that the fee or a copy shall not exceed Rs. 35.00 and that the fee for a memorandum shall not exceed Rs. 15.00

(K) For Registration by any Register of any document under section 30 (I) , an extra fee equal to the ordinary fee, or Rs. 30.00 whichever is less Rs. 30.00

Note :- The additional fee shall not be payable when an instrument is registered by a Registrar acting as Sub-Registrar or in consequence of the Sub-Registrar by whom it should be registered under section 29 being a party interest in the transaction to which such instrument relates.

(M) (a) The fee for the attendance under section 31 (of Indian Registration Act, 1908) of an officer at a private residence for acceptance for registration of any one document or for deposit of any will or authority, shall be, Rs. 50.00

(b) The fee for attendance at private residence when the presentant is so ill as to be unable without risk to attend at the Registration office, or at a Jail, for the acceptance for registration of any one document, or for deposit of any will or authority shall be, 50.00

Provided that where two or more persons who executed the same document reside together only one fee shall be charged sofar as those persons are concerned. The fees shall be credited to Government.

Travelling expenses for journey to perform such visits shall be relised from the party for whose benefit the visit is to be paid and appropriated by the registrering officer at the rate as admissible to Government servants as per T A Rules and where the place of visit is within the radius of 8 K M from the Registration office, then a fixed charge of Rs. 30.00 may be made.

CHAPTER - V
Instruction and Orders
Office and Establishments

Note :- (i) If a Sub-Registrar or one of his staffs pays visit in respect of a document executed in favour of Government the Deputy Commissioner or the other officer at whose instance the document is to be re-registered may pay the prescribed fee under Article M to the Registration Department and debit the amount to his contract grant. Any travelling allowance for such visit should be drawn and debited against the budget of the Registration Department if admissible, under the ordinary rules.

(ii) Pardanashim women coming to a Registration office in pulkees or similar conveyance should not be charged visit fees under Article-M if the pulkees etc is brought as near the office door as circumstance will allow. In such cases, the women will remain behind the pardah and be identified by some of her relatives or other respectable persons. This order will also apply in the case of Pardanashim women coming to the office ghat in boats

(iii) The fees fixed under Article-M (a) & M (b) cover

- (1) acceptance for registration of any documents
- (2) acceptance and recording admission of execution
- (3) acceptance for deposit of a will

(N) Before the issue of a commission or before the registering officer or Magistrate personally proceeds to any dwelling house or Jail to obtain evidence as to the voluntary nature of the execution of the power of attorney under section 33 and before the issue of Commission or before the registering officer personally proceeds to any dwelling house or Jail for the examination of any person under Sub-section (2) of section 38, the following fees shall be paid and credited to Government on account of persons exempted from appearance.

- | | |
|---|-----------|
| (a) If the person be exempted on account of bodily infirmity such as to make it impossible without risk of life to attend at the Registration office or because confined in Jail. | Rs. 50.00 |
| (b) If the person be exempted by law from personal appearance in Court | Rs. 50.00 |

Travelling allowances shall be relised and appropriated as provided under Article M

Notes :- Fees for commission executed by officers of the Registration Department in accordance with the procedure laid down in Schedule-I, Order-26 of the Code of Civil procedure (Section-75 (4) of the Registration Act.) also be credited to the Registration Department.

(ii) The provision regarding visit in the notes (1) & (2) under Article M will also apply to visit or Commission under Article-N

(O) For admission of a document to registration under Section-25 or Section-34 after the expiration of the time prescribed :

If presented within seven days of the time prescribed - Twice the fee payable on account of such document.

If presented within a month of the time prescribed - Four times the fee

If presented within two months of the time prescribed - Seven times the fee

If presented within three month of the time prescribed - Nine times the fee

If presented within four months of the time prescribed - Ten times

The fine is exclusive of the ordinary fee

Explanations :-

(i) When two or more copies of document executed by the same parties are presented for registration at the same time the ordinary fee shall be payable for each copy but any extra or additional fee which is payable under clauses (K), (M), (N) and (O) shall be calculated as for one document only) irrespective of how many copies of the documents may be registered.

- (ii) The time during which an impounded document remains with the collector for adjudication of stamp duty cannot be executed in calculating the period of four months under section 34 of the Act. So also the time during which a document, remains with the Collector for adjudication of stamp duty cannot be excluded in computing the period of four months under section 25 of the Indian Registration Act.-XVI of 1908

Note :- The fee charged for delay in presentation under section 25 should be shown in the fee Book and returns as (O) (a) and that charge for delay in admission of execution under section-34 as O(b).

(P) For authentication or attesting the execution of power of attorney as follows :-

If it is a special power	Rs. 20.00
If it is a General power	Rs. 30.00

Explanation :-

- (i) A single fee shall be levied for the attestation of a power of attorney whatever may be the number of signatories to it provided that all of them appear simultaneously for examination. When they do not so appear separate fee shall be levied for each set of persons appearing at the same time.
- (ii) The duplicate or triplicate of power of attorney presented for authentication shall be treated as a separate power and a separate attestation fee levied thereon.

(Q) The fee for servicing summons under the provisions of section 37 shall be regulated according to the scale in force in the Revenue Courts in the same District.

The travelling expences and remuneration of witnesses shall be paid at the rate fixed by the Registering Officer with reference to the rules for the time being in force under Rule 2(I), Order No XVI Schedule-I of the Code of Civil procedure and must be forwarded with the application for issue of summons

(-)

(R) Beside the fee payable under Article (A), (B), (C), (c), (D), (E) and (F) of this Schedule, there shall be paid for the registration of every document of such length as to occupy more than two pages of the register, an extra copying fee at the rate of Rs. 1.00 for every page or part there of in excess of first two pages

Note :- Assuming 300 words to the page, this fee may be calculated by counting the number of words in the document or if such a calculation has not been made by the parties the registering officer will estimate the number of pages like to be thus charged for, but the fee shall in every case be payable on presentation and if the number of extrapages have been miscalculated the document shall not be returned until the sum short realised has been paid.

Example :- A conveyance is presented for registration containing 1,350 words if the party certify to this fact, the Registrering officer would at once proceed to charge the fee for three pages (1350-600-750) if the words have not been counted and if the registering officer estimated the charge to be on two extra pages, the deficcet sum would be realised before the document is returned

(S) When a document remains unclaimed for more than one month after completion of registration, a fee of Rs. 3.00 shall be charged for every monthe or part of every month or part of a month beyond the first month after completion of registration.

Note :- A Registrar is empowered in his discretion for remit in whole or in part fees leviabie under this Article by himself in case in which it appears to him that their exaction would be productive or hard ship.

(T) When a document remains unclaimed for more than one month after refusall of registration, a fee of Rs. 3.00 shall be charged for every month or part of a month beyond the first month after refusal of registration. The amount of the fee shall not, however, exceed Rs. 30.00 in any case.

Note :- A registrar is empowered in hisdiscretion to remit, in whle or in part fees leviabie under this Article by himself in cases in which it appears to him that their exaction would be productive of injustice or hard ship.

Exemption

The following classes of documents are exempted from the payment of registration fees :-

(1) Documents executed by or in favour of Government on which as such no stamp duty is leviable under the law for the time being in force (vide section 3, , provison-I of the Stamp Act.

(2) Security bonds and penalty bonds executed in favour of Government or local authorities by public servants of all classes and their sureties.

(3) Documents executed by Dolais in favour of Government.

(4) Mortgage bonds executed by Government Officers in favour of Government as security for building advances.

(5) Instrument executed by persons taking advances under the Agricultural Loans act or by their sureties as security for the payment of such advances.

(6) Security bonds executed by students or their surties in favour or Government binding themselves to enter Government service on the completion of their studies.

(7) Any society registered or deemed to be registered under the Assam Co-operative societies Act, 1949 (1 of 1950) is exempted from paying the following fees payable under the law of registration for the time being in force namely

(a) All fees payable by or on behalf of any co-operative society for the time being registered or deemed to be registered under the Act.

(b) All fees payable in respect any instruments executed by an officer or member of such society and relating to the business thereof, with the exception of the following fees :-

(c) Fees for attendance at private residence.

- 1 Safe custody fee for unclaimed documents
- 2 Fee for issuing summons and Commission, and
- 3 Fee for delay in the presentation of documents or in appearance of the parties

(8) Bonds executed by Non-Gazetted or menial officers of Government for the due performance of their duties and bonds or mortgage deeds executed by private parties as security to Government for the due performance of their duties.

(9) Mortgage deeds executed by Government officers for securing the repayment of advances received by them from Government for the purchase of a motor car, a motor boat, a motor cycle, a horse, a cycle or type writer.

(10) Mortgage deeds executed by or on behalf of the A.S.E.B.

Sd/- D. K. GANGOPADHYAY,
Commissioner & Secretary to the
Government of Assam, REgistration
Department Dispur, Guwahati-6

Charge re-
ports of Sub-
Registrars.

2. Sub-Registrars, on making over and receiving charge of their offices, shall report the fact to the Inspector General in the form below. One copy of the report to the Inspector General shall be submitted through the Registrar of the district, and another copy shall be forwarded to him direct :-

"We the undersigned, have the honour to report that we have this day, ato'clock in the fore noon (or afternoon) respectively delivered over and received charge of the office of the Sub-Registrar of....., and that we have examined the registers and seen that all entries have been properly authenticated upto date, and have compared the returned and refused deeds in the office with the Fee Book and found them correct.

Relieved Officer,
Relieving Officer"

"And I, the Relieving Officer, acknowledge, to have received Rsof the permanent advance and that the full amount of such advance is due from and to be accounted for by me. I also hereby declare that I have compared the registers and, books with the catalogue and found them correct and that I have recorded a certificate to that effect in the catalogue.

Relieving Officer".

Dated the 19

Accommo-
dation for
offices and
custody
money.

3. Sub-Registrars paid by commission are required to provide secure accommodation for their offices, and all Sub-Registrars are responsible for the safe Custody of Government money, from the time they receive it until it has been deposited in the Treasury.

Offices must
be kept
clean.

4. Sub-Registrars are responsible that their office buildings, premises and furnitures are clean and in good order. If an inspecting officer finds an office in a dirty or untidy condition, special mention of this should be made in his inspection note. Charges for sweeping and cleaning offices' should be met from the permanent advance, and, charged to the Contract Contingent grant under the heading "Office expenses and Miscellaneous".

Services
Books of
Sub-
Registrars.

5. The Service Books of Sub-Registrars shall be kept at the Sadar office in the custody of the District Registrar, by whom all entries in Service Books must be signed.

Services
Books of
establish-
ment of Sub-
Registrars.

5A. The Service Books of the establishments of the Sub-Registrars shall be kept in the custody of the Sub-Registrars concerned, they must sign all entries in service books in their custody.

Charge of
records
during
tempo-
rary absence
of Sub-
Registrars.

5B. No Register book shall be handled nor shall the record room or any record receptacle be opened unless the Sub-Registrar is himself in the office, but on occasions when a Sub-Registrar in the mofusil is un-avoidably absent from his office the current volumes of Register Book Nos. I and IV and the current Index sheets may be placed by the Sub-Registrar, by a written order, in custody of an office assistant who has furnished security, so that the work of copying and

indexing may go on under the supervision of the office assistant during the temporary absence of the Sub-Registrar. The Sub-Registrar, on his return, should himself check all copying and indexing done during his temporary absence.

Security
bond

6. Head Assistants and Record Keepers in all Sadar registration offices are required to furnish security of Rs. 100 and Rs.. 500 respectively, for the due performance of their duties. A single surety will ordinarily be sufficient, provided that the officer concerned is a man of substance. The bonds should be in Registration Forms Nos. 76 and 76A respectively and should be registered, and then deposited for safe custody in the Registrars iron safe.

Assistants of all Mofusil Registration offices, who have not handling of Government money, should also furnish security bonds, of Rs. 100, in Form No.6 of Schedule LIII, Part II. This form of security bond may be obtained on a requisition from the District Registrar, Cachar, who keeps a stock.

When the memorandum is endorsed on the registered security bond of a non-gazetted or ministerial officer, giving particulars of any additional security furnished and the deed is presented afresh for registration, the registering officer will make

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 wholetime 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 particulars 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 chalan 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.